

CHAPTER 25

S.B. No. 131

An Act relating to the appointment, qualifications, compensation, fees, powers, and duties of a master in certain district courts in Dallas County and to procedures and use of the master's findings.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. APPLICATION OF ACT. This Act applies to the judges of the:

- (1) 14th, 44th, 68th, 95th, 101st, 116th, 134th, 160th, 162nd, 191st, 192nd, 193rd, and 298th district courts; and
- (2) any district courts in Dallas County that are required by law to give preference to civil cases.

SECTION 2. APPOINTMENT OF MASTER. (a) The judges may by majority vote appoint a full-time master for tax suits and any other matters.

- (b) The appointment is subject to the approval of the commissioners court.
- (c) The master's services may be terminated by a majority vote of the judges.

SECTION 3. QUALIFICATIONS. The master must be a citizen of this state who is licensed to practice law in this state.

SECTION 4. COMPENSATION. The master is entitled to the compensation set by the commissioners court. The compensation shall be paid from the general fund of the county.

SECTION 5. FEES. (a) On each tax case referred to a master, the judge shall set the master's fee, and that fee shall be added as court costs.

- (b) On each case referred to a master other than tax cases, the master shall recommend the fee to be charged, but the fee is subject to the approval of the referring judge.

SECTION 6. MATTERS THAT MAY BE REFERRED. A judge may refer any matter to the master for a finding.

SECTION 7. ORDER OF REFERRAL. (a) To refer a matter to the master, a judge must issue an order of referral specifying the master's duties.

- (b) The order of referral may:
 - (1) limit the powers of the master and direct the master to report only on specific issues, do particular acts, or receive and report on evidence only;
 - (2) set the time and place for the hearing;
 - (3) prescribe a closing date for the hearing; and
 - (4) provide a date for the filing of the master's report.

SECTION 8. POWERS. Except as limited by an order of referral, the master may:

- (1) conduct hearings;
- (2) hear evidence;
- (3) compel production of relevant evidence, including books, papers, vouchers, documents, and other writings;
- (4) rule on admissibility of evidence;
- (5) issue summons for the appearance of witnesses;
- (6) examine witnesses;
- (7) swear witnesses for hearings;
- (8) regulate proceedings in a hearing; and
- (9) do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

SECTION 9. RECORD OF EVIDENCE. At the request of a party, the master shall make a record of the evidence offered and excluded. The record must be in the same form as a record of evidence for a trial court.

SECTION 10. NOTICE OF HEARING. Before the master holds a hearing, each party shall be given notice of the time and place of the hearing as provided by Rule 21a, Texas Rules of Civil Procedure.

SECTION 11. WITNESS. (a) A witness who appears before the master and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

SECTION 12. PAPERS TRANSMITTED TO JUDGE. At the conclusion of a hearing, the master shall transmit to the referring judge any papers relating to the case, including the master's findings and a statement that notice of the findings and of the right to a hearing before the judge has been given to all parties.

SECTION 13. JUDICIAL ACTION ON MASTER'S REPORT. (a) A referring court may adopt, modify, correct, reject, reverse, or recommit for further information the master's report.

(b) If the master recommends a judgment, the court may approve the recommendation and hear further evidence before rendering a judgment.

SECTION 14. HEARING BEFORE JUDGE. (a) After receiving notice of the master's findings, any party is entitled to a hearing before the judge of the referring court.

(b) Notice of the right to a hearing before the judge may be given at the hearing before the magistrate or otherwise as the referring court directs.

SECTION 15. DECREE OF COURT. If a hearing before the judge is not requested or the right to a hearing is waived, the findings and recommendations of the master become the decree of the court on adoption by an order of the judge.

SECTION 16. JURY TRIAL DEMANDED. If a jury trial is demanded in a proceeding, the master shall refer the case back to the referring court for a full hearing before the court and jury. The hearing is subject to the usual rules of the court.

SECTION 17. EFFECTIVE DATE. This Act takes effect September 1, 1985.

SECTION 18. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on February 5, 1985, by a viva-voce vote; passed the House on March 28, 1985, by a non-record vote.

Approved: April 5, 1985

Effective: September 1, 1985