

CHAPTER 278

H.B. No. 979

AN ACT

relating to the appointment of a master in certain child support cases.

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

SECTION 1. Sections 14.82 and 14.83, Family Code, are amended to read as follows:

Sec. 14.82. APPOINTMENT OF MASTER. (a) The presiding judge of each administrative judicial region, after conferring with the judges of courts in the region having jurisdiction of Title IV-D cases, shall determine which courts require the appointment of a full-time or part-time master to complete each Title IV-D case within the time specified in Section 14.81 of this code. The presiding judge may limit the appointment to a specified time period and may terminate an appointment at any time. A master appointed under this subchapter may be appointed to serve more than one court. Two or more judges of administrative judicial regions may jointly appoint one or more masters to serve the regions.

(b) If the presiding judge determines that a court requires a master, the presiding judge shall appoint a master. If a master is appointed for a court, ~~[the judge of the court shall refer]~~ all Title IV-D cases shall be referred to the master by a general order for each county issued by the judge of the court for which the master is appointed, or in the absence of that order by a general order issued by the presiding judge who appointed the master. Referral of Title IV-D cases may not be made for individual cases or case by case. A master may be appointed to serve more than one court and in more than one administrative judicial region.

(c) The provisions of Subchapter A, Chapter 54, Government Code, relating to the qualifications, powers, and immunity of a master apply to a master appointed under this section, except that a master appointed under this section:

(1) may reside anywhere within the administrative judicial region in which the court to which the master is appointed is located or, ~~if~~ ~~—If~~ a master is appointed to serve in two or more administrative judicial regions, ~~[the master]~~ may reside anywhere within the regions; and

(2) may not be designated as an associate judge.

(d) The presiding judges of the administrative judicial regions by majority vote shall determine the host county of a master appointed under this section. The host county shall provide an adequate courtroom and quarters, including furniture, necessary utilities and telephone equipment and service, for the master and other personnel assisting the master. A master is not required to reside in the host county.

(e) Except as provided in this section, the provisions of Subchapter A, Chapter 54, Government Code, that apply to a party or witness before a master, papers transmitted to the judge by a master, judicial action on the master's report, hearings before the judge, appeal, the effect of the master's report pending appeal, jury trial, the attendance of a bailiff, and the presence of a court reporter apply to a master appointed under this section.

(f) ~~[(e)]~~ On motion of a party, the master may refer a complex case back to the judge for final disposition after the master has recommended temporary support.

(g) ~~[(f)]~~ The master shall take testimony and establish a record in all Title IV-D cases. The record shall be made in accordance with Subchapter A, Chapter 54, Government Code.

(h) Not later than the 30th day after the date the master's report is filed, unless a party has filed a written notice of appeal to the referring court, the referring court shall adopt, approve, or reject the master's report, hear further evidence, or recommit the matter for further proceedings.

~~[(g)] If the court determines that the nonprevailing party is able to pay a portion or all of the costs of a master, the court shall tax that amount as costs against the nonprevailing party. No costs may be taxed against the attorney general.]~~

Sec. 14.83. COMPENSATION. (a) A master appointed under this subchapter is entitled to a salary to be determined by a majority vote of the presiding judges of the administrative judicial regions ~~[the presiding judge in a judicial district comprised of more than one county or by the commissioners court in a judicial district comprised of only one county]~~. Such salary may not exceed 90 percent of the salary paid to a district judge as set by the state appropriations act.

(b) The master's salary shall be paid from the county fund available for payment of officers' salaries or from funds available from the state and federal government as provided in Subsection (e) of this section.

(c) The presiding judge of an administrative judicial region or the presiding judges of the administrative judicial regions, by majority vote, ~~[in a judicial district comprised of more than one county or the commissioners court in a judicial district comprised of only one county]~~ may also appoint such other personnel as may be needed to implement and administer the provisions under this subchapter. The salary of such personnel ~~[shall be consistent with the salary schedules of the county in which the person serves. The salary]~~ shall be paid from the county fund available for payment of officers' salaries or from funds available from the state and federal government as provided in Subsection (e) of this section.

(d) The office of court administration may contract with the attorney general for available state and federal funds under Title IV-D and may employ such personnel as may be needed

*to implement and administer this subchapter. A master and other personnel appointed under this subsection are state employees for all purposes including accrual of leave time, insurance benefits, retirement benefits, and travel regulations. [Costs and salaries associated with masters and personnel appointed under this section shall be considered administrative expenses of the judicial region and paid in accordance with other administrative costs.]*

(e) The presiding judges of the administrative judicial regions, state agencies, [judge] and counties may contract with the attorney general for available federal funds under Title IV-D to reimburse [such] costs and salaries associated with masters and personnel appointed under this section and may also use available state funds and public or private grants. The presiding judges [judge] and the office of the attorney general shall act and are authorized to take any action necessary to maximize the amount of federal funds available under the Title IV-D program.

SECTION 2. (a) This Act takes effect September 1, 1993.

(b) A Title IV-D master and a Title IV-D master's administrative assistant appointed under Section 14.82 or 14.83, Family Code, before the effective date of this Act become state employees under Section 14.83, Family Code, as amended by this Act, on the effective date of this Act and are entitled to the computation of annual and sick leave benefits as though the master or assistant had become a state employee on the date of the master's or assistant's original appointment.

SECTION 3. 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 by the House on May 7, 1993, by a non-record vote; passed by the Senate on May 14, 1993: Yeas 29, Nays 0.

Approved May 24, 1993.

Effective Sept. 1, 1993.