

## CHAPTER 674

S.B. No. 687

## AN ACT

relating to the administration and management of certain courts; the compensation; education requirements; powers, including the power to appoint masters; and assignment of certain judges; and certain duties of the attorney general.

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

## ARTICLE I. COURT ADMINISTRATION ACT

SECTION 1.01. Section 2.004, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.004. RULES. (a) The supreme court *may* ~~[shall]~~ adopt rules of administration setting policies and guidelines necessary or desirable for the operation and management of the court system and for the efficient administration of justice.

(b) The supreme court shall request the advice of the court of criminal appeals before adopting rules affecting the administration of criminal justice.

(c) The supreme court *may* ~~[shall]~~ consider the adoption of rules relating to:

- (1) *nonbinding* time standards for pleading, discovery, motions, and dispositions;
- (2) *nonbinding* dismissal of inactive cases from dockets, if the dismissal is warranted;
- (3) *attorney's* ~~[judicial]~~ accountability for and incentives to avoid delay and to meet time standards;
- (4) penalties for filing frivolous motions;
- (5) firm trial dates ~~[with a strict continuance policy];~~
- (6) restrictive devices on discovery;
- (7) a uniform dockets policy;
- (8) formalization of ~~[mandatory]~~ settlement conferences or settlement programs; *and*
- (9) standards for selection and management of nonjudicial personnel[;]
- ~~[(10) establishment of a monthly statewide information reporting system from individual courts including the number of:~~
  - ~~[(A) new cases filed;~~
  - ~~[(B) types and numbers of cases filed, terminated, and pending at the beginning and at the end of each month;~~
  - ~~[(C) cases pending past established time limits; and~~
  - ~~[(D) continuances requested and granted;~~
  - ~~[(11) emphasis on getting older cases to trial; and~~
  - ~~[(12) regulation of attorneys with heavy case loads that inhibit the case flow system].~~

(d) *Any rules adopted under this section remain in effect unless and until disapproved by the legislature. The clerk of the supreme court shall file with the secretary of state the rules or any amendments to the rules adopted by the supreme court under this section and shall mail a copy of the rules and any amendments to each registered member of the State Bar not later than the 120th day before the date on which they become effective. The supreme court shall allow a period of 60 days for review and comment on the rules and any amendments. The clerk of the supreme court shall report the rules or amendments to the rules to the next regular session of the legislature by mailing a copy of the rules or amendments to the rules to each elected member of the legislature on or before December 1 immediately preceding the session.*

SECTION 1.02. Section 2.005, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.005. EDUCATION PROGRAMS. The supreme court shall, if adequate funding is available for education programs for judges and court personnel, ensure that adequate education programs are available *on an equitable basis for judges and court personnel of all courts created under the constitution and laws of this state.*

SECTION 1.03. Subsection (c), Section 4.003, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) Except as provided by Section 4.011 of this chapter, the salaries, compensation, and expenses shall be paid through the county budget process *of each county in the region* in proportion to the population of the *counties comprising the region* ~~[county]~~ according to the latest official federal census and on certificates of approval of the presiding judge.

SECTION 1.04. Subsections (c) and (d), Section 4.010, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), are amended to read as follows:

(c) An administrative assistant shall aid the presiding judge in carrying out the judge's duties under this chapter. The administrative assistant shall:

(1) perform the duties that are required by the presiding judge and by the rules of administration;

(2) conduct correspondence for the presiding judge;

(3) ~~[keep a record of the proceedings of the administrative region and a complete record of the cases pending in the courts of the administrative region, including the time of their filing, the style and purposes of the causes, and their final disposition;~~

~~[(4)]~~ under the direction of the presiding judge, make an annual report of the activities of the administrative region and special reports as provided by the rules of administration to the supreme court, which shall be made in the manner directed by the supreme court; and

~~(4)~~ ~~[(5)]~~ attend to other matters that are prescribed by the council of judges.

(d) An administrative assistant, with the approval of the presiding judge, may purchase the necessary office equipment, stamps, stationery, and supplies and employ additional personnel as authorized by the ~~[council of judges. The cost shall be divided pro rata among the counties and paid by the counties on the certificate of the]~~ presiding judge.

SECTION 1.05. Subsections (b) and (d), Section 4.011, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) Except as provided by Subsection (c) of this section, a presiding judge shall receive a salary not to exceed \$10,000 ~~[\$5,000]~~ a year. The Texas Judicial Council shall set the salary biennially and, in arriving at the amount of the salary, shall consider whether the presiding judge is active in administrative duties, performs part-time, or is a retired judge. The salary set by the Texas Judicial Council shall be apportioned ~~[according to the number of district courts and statutory county courts in each judicial district comprising the administrative region, and the amount apportioned]~~ to each *county in the region* ~~[judicial district shall be apportioned]~~ according to the population of the counties comprising the region as determined by the *most recent* ~~[latest]~~ federal *decennial* census and shall be paid through the county budget process.

(d) The council of judges shall set the salaries under Subsection (c) of this section *at least* biennially by majority vote. The salary shall be apportioned *to each county in the region* according to the *population of the counties comprising the region as determined by the most recent federal decennial census* ~~[number of district courts and statutory county courts in each judicial district comprising the administrative region, and that amount shall be apportioned to the counties comprising the judicial district according to the number of such courts in each county].~~

SECTION 1.06. Section 4.014, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.014. JUDGES SUBJECT TO ASSIGNMENT. (a) *Except as provided by Subsection (b) of this section, the* ~~[The]~~ following judges may be assigned as provided by

this chapter by the presiding judge of the administrative region in which the assigned judge resides:

- (1) a regular district or *statutory* county court ~~[at-law]~~ judge in this state;
- (2) a district judge who is a retiree under Subtitle E, Title 110B, Revised Statutes, who has consented to be subject to assignment and who is on the list maintained by the presiding judge *under* ~~[as required by]~~ this *chapter* ~~[section]~~; and
- (3) a former district judge or retired or former statutory county court judge who certifies to the presiding judge a willingness to serve and to comply with the prohibitions relating to the practice of law imposed on a retired judge by Section 44.005, Title 110B, Revised Statutes, and who is on the list maintained by the presiding judge as required by this *chapter* ~~[section]~~.

*(b) A statutory county court judge or a retired or former statutory county court judge may not be assigned to hear a matter pending in a district court outside the county of the judge's residence.*

SECTION 1.07. Section 4.015, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.015. LIST OF RETIRED AND FORMER ~~[DISTRICT]~~ JUDGES SUBJECT TO ASSIGNMENT. (a) Each presiding judge shall maintain a list of retired and former district *and statutory county court* judges who meet the requirements of this section.

(b) The presiding judge shall divide the list into area specialties of criminal, civil, or domestic relations cases. A retired or former judge may only be assigned to a case in the judge's area of specialty. A judge may qualify for assignment in more than one area of specialty.

(c) To be eligible to be named on the list, a retired or former ~~[district]~~ judge must:

- (1) have served as a judge for at least four years in a district, statutory, or appellate court;
- (2) have developed substantial experience in his area of specialty;
- (3) not have been removed from office or resigned while under investigation for discipline or removal; ~~[and]~~
- (4) annually demonstrate that he has completed in the past calendar year *the educational requirements for active district and statutory county court judges; and* ~~[at least five days of continuing legal education in courses approved by the state bar or the supreme court]~~

*(5) certify to the presiding judge a willingness not to appear and plead as an attorney in any court in this state for a period of two years following the date of the election to serve.*

SECTION 1.08. Section 4.016, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and by adding Subsection (c) to read as follows:

(a) ~~A [Under rules prescribed by the council of judges, a] presiding judge from time to time shall assign the judges of the administrative region to hold special or regular terms of court in any county of the administrative region to try cases and dispose of accumulated business. [The assignment may be made during or after the consultation concerning the state of the business of the courts at a meeting of the judges of the administrative region and with or without an additional meeting of the judges.]~~

*(c) The presiding judge of an administrative region may appoint a judge in the region to serve as acting presiding judge in the absence of the presiding judge. An acting presiding judge has all the rights, duties, and powers of the presiding judge.*

SECTION 1.09. Subsections (a) and (c), Section 4.019, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) A judge assigned under the provisions of this chapter has all the powers of *the* ~~[a district]~~ judge *of the court to which he is assigned.*

(c) A district or statutory county court judge shall:

- (1) diligently discharge the administrative responsibilities of the office;
- (2) rule on a case within 90 days after the case is taken under advisement;
- (3) request the presiding judge to assign another judge ~~[of the administrative region]~~ to hear a motion relating to the recusal of the judge from a case pending in his court; and
- (4) if an election contest or suit for the removal of a local official is filed in his court, request the presiding judge to assign another judge ~~[of the administrative region]~~ who is not a resident of the county to hold a regular or special term of court in that county to dispose of the suit.

SECTION 1.10. Subsection (b), Section 4.021, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) While serving in a county outside his judicial district or county, a ~~[an active]~~ judge is entitled to receive, in addition to his necessary expenses, additional compensation from the county to which he is assigned in an amount not to exceed the difference between the compensation of the assigned judge from all sources, exclusive of the per diem provided by Subsection (f) of this section, and the compensation received from all sources by the judge of the court to which he is assigned. The county shall pay the compensation provided by this subsection on approval of the presiding judge of the administrative region in which the court to which the judge is assigned is located.

SECTION 1.11. Section 4.022, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.022. EXPENSES AT MEETINGS. A judge who is required to attend an annual or special meeting prescribed by this chapter, *or an educational course required by law*, in addition to all other compensation allowed by law, is entitled to receive his actual travel expenses going to and returning from the place of the meeting *or course* and his actual expenses while attending the meeting *or course*.

SECTION 1.12. Subsections (a) and (c), Section 5.004, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) A district or statutory county court judge may hear and determine a matter pending in any district or statutory county court in the county regardless of whether the matter is preliminary or final or whether there is a judgment in the matter. The judge may sign a judgment or order in any of the courts regardless of whether the case is transferred. The judgment, order, or action is valid and binding as if the case were pending in the court of the judge who acts in the matter. The authority of this subsection applies to an active, *former*, or retired judge assigned to a court having ~~[any district court]~~ jurisdiction as provided by Chapter 4 of this Act or Subtitle E, Title 110B, Revised Statutes.

(c) The ~~[district]~~ clerk shall file, docket, transfer, and assign the cases as directed by the local administrative judge in accordance with the local rules.

SECTION 1.13. The Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes) is amended by adding Section 8.001 to read as follows:

Sec. 8.001. DEFENSE OF JUDGES. *The attorney general shall defend a state district judge, a presiding judge of an administrative region, or an active, retired, or former judge assigned under this Act in any action or suit in any court in which the judge is a defendant because of his office as judge if the judge requests the attorney general's assistance in the defense of the suit.*

SECTION 1.14. Section 1, Chapter 275, Acts of the 64th Legislature, Regular Session, 1975 (Article 4412b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. ~~[(a) The Attorney General of Texas is responsible for defending a state district judge or a presiding judge of an administrative region in any action or suit in the federal courts in which the judge is a defendant because of his office as judge if the judge requests the attorney general's assistance in the defense of the suit.~~

[(b)] The attorney general is responsible for defending a state grand jury commissioner or a state grand juror in an action or suit in *any court* ~~[the federal courts]~~ in which the commissioner or the juror is a defendant if:

- (1) the suit involves an act of the defendant while in the performance of his duties as a grand jury commissioner or a grand juror; and
- (2) the commissioner or the juror requests the attorney general's assistance in the defense of the suit.

SECTION 1.15. Subsection (d) of Section 4.008, Subsection (b) of Section 4.012, and Section 5.005, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), are repealed.

ARTICLE II. CONFORMING AMENDMENTS  
TO JUDICIAL TITLE, GOVERNMENT CODE

SECTION 2.01. Effective September 1, 1987, Chapter 74, Government Code, is amended by adding Section 74.024 to read as follows:

*Sec. 74.024. RULES. (a) The supreme court may adopt rules of administration setting policies and guidelines necessary or desirable for the operation and management of the court system and for the efficient administration of justice.*

*(b) The supreme court shall request the advice of the court of criminal appeals before adopting rules affecting the administration of criminal justice.*

*(c) The supreme court may consider the adoption of rules relating to:*

- (1) nonbinding time standards for pleading, discovery, motions, and dispositions;*
- (2) nonbinding dismissal of inactive cases from dockets, if the dismissal is warranted;*
- (3) attorney's accountability for and incentives to avoid delay and to meet time standards;*
- (4) penalties for filing frivolous motions;*
- (5) firm trial dates;*
- (6) restrictive devices on discovery;*
- (7) a uniform dockets policy;*
- (8) formalization of settlement conferences or settlement programs; and*
- (9) standards for selection and management of nonjudicial personnel.*

*(d) Any rules adopted under this section remain in effect unless and until disapproved by the legislature. The clerk of the supreme court shall file with the secretary of state the rules or any amendments to the rules adopted by the supreme court under this section and shall mail a copy of the rules and any amendments to each registered member of the State Bar not later than the 120th day before the date on which they become effective. The supreme court shall allow a period of 60 days for review and comment on the rules and any amendments. The clerk of the supreme court shall report the rules or amendments to the rules to the next regular session of the legislature by mailing a copy of the rules or amendments to the rules to each elected member of the legislature on or before December 1 immediately preceding the session.*

SECTION 2.02. Effective September 1, 1987, Section 74.003, Government Code, is renumbered and amended to read as follows:

*Sec. 74.043 [74.003]. FACILITIES; FUNDING. (a) Adequate quarters for the operation of each administrative region [district] and the preservation of its records shall be provided in the courthouse of the county in which the presiding judge resides.*

*(b) Except for the salaries, compensation, and expenses provided by state appropriations, the counties composing the administrative region [district] shall pay, out of the general funds of the counties, the salaries, compensation, and expenses authorized and incurred to administer this chapter, including expenses for the purchase of professional liability insurance policies for regional presiding judges.*

(c) Except as provided by Section 74.051 [74.018], the salaries, compensation, and expenses shall be paid *through the county budget process of each county in the region in proportion to the population of the counties comprising the region* ~~[number of weeks provided by law for holding district court in the respective counties]~~ and on certificates of approval of the presiding judge ~~[judges]~~.

SECTION 2.03. Effective September 1, 1987, Section 74.017, Government Code, is renumbered and amended to read as follows:

Sec. 74.050 [74.017]. ADMINISTRATIVE ASSISTANT. (a) The presiding judge may employ, directly or through a contract with another governmental entity, a full-time or part-time administrative assistant.

(b) An administrative assistant must have the qualifications established by rule of the supreme court.

(c) An administrative assistant shall aid the presiding judge in carrying out the judge's duties under this chapter. The administrative assistant shall:

(1) perform the duties that are required by the presiding judge and by the rules of administration;

(2) conduct correspondence for the presiding judge;

(3) ~~[keep a record of the proceedings of the administrative district and a complete record of the cases pending in the courts of the administrative district, including the time of their filing, the style and purposes of the causes, and their final disposition;~~

~~[(4)]~~ under the direction of the presiding judge, make an annual report of the activities of the administrative *region* ~~[district]~~ and special reports as provided by the rules of administration to the supreme court, which shall be made in the manner directed by the supreme court; and

~~(4)~~ ~~[(5)]~~ attend to other matters that are prescribed by the council of judges.

(d) An administrative assistant, with the approval of the presiding judge, may purchase the necessary office equipment, stamps, stationery, and supplies and employ additional personnel as authorized by the ~~[council of judges. The cost shall be divided pro rata among the counties and paid by the counties on the certificate of the]~~ presiding judge.

(e) An administrative assistant is entitled to receive the compensation from the state provided by the General Appropriations Act, *from county funds, or from any public or private grant.*

SECTION 2.04. Effective September 1, 1987, Section 74.018, Government Code, is renumbered and amended to read as follows:

Sec. 74.051 [74.018]. COMPENSATION. (a) In addition to all other compensation, expenses, and perquisites authorized by law, including this chapter, a presiding judge shall receive compensation as provided by this section for performing the duties of a presiding judge.

(b) Except as provided by Subsection (c), a presiding judge shall receive a salary not to exceed \$10,000 ~~[\$5,000]~~ a year. The Texas Judicial Council shall set the salary biennially and, in arriving at the amount of the salary, shall consider whether the presiding judge is active in administrative duties, performs part time, or is a retired judge. The salary set by the Texas Judicial Council shall be apportioned ~~[according to the population of each judicial district comprising the administrative district, and the amount apportioned]~~ to each *county in the region* ~~[judicial district shall be apportioned to each county comprising the judicial district]~~ according to the population of the *counties comprising the region and shall be paid through the county budget process* ~~[county]~~.

(c) A presiding judge who is a retired district or appellate judge and presides over an administrative *region* ~~[district]~~ with 40 or more district courts *or statutory county courts* is entitled to an annual salary of not less than \$5,000 a year *nor* ~~[or]~~ more than the following amount, according to the number of *those* ~~[district]~~ courts in the administrative *region* ~~[district]~~:

Number of Courts	Salary Limit
40 to 59	\$15,000
60 to 79	\$25,000
80 or more	\$30,000

(d) The council of judges shall set the salaries under Subsection (c) *at least* biennially by majority vote. The salary shall be apportioned to *each county in the region* according to the *population of the counties comprising the region* [~~assessed property valuation of each judicial district comprising the administrative district, and that amount shall be apportioned to the counties comprising the judicial district according to the assessed property valuation of each county~~].

(e) Each county comprising the administrative *region* [~~district~~] shall pay annually to the presiding judge, out of the officers' salary fund or the general fund of the county, the amount of the salary apportioned to it as provided by this section and the other expenses authorized by this chapter that are not paid by state appropriations. The presiding judge shall place each county's payment of salary and other expenses in an administrative fund, from which the salary and other expenses shall be paid. The salary shall be paid from the administrative fund in 12 equal monthly payments.

SECTION 2.05. Effective September 1, 1987, Section 74.032, Government Code, is renumbered and amended to read as follows:

Sec. 74.054 [74.032]. JUDGES SUBJECT TO ASSIGNMENT. (a) *Except as provided by Subsection (b), the* [~~The~~] following judges may be assigned as provided by this chapter by the presiding judge of the administrative *region* [~~district~~] in which the assigned judge resides:

- (1) a regular *district or statutory county court* judge in this state;
- (2) a district judge who is a retiree under Subtitle E, Title 110B, Revised Statutes, [~~and~~] who has consented to be subject to assignment, *and who is on the list maintained by the presiding judge under this chapter*; and
- (3) a former district judge or *retired or former statutory county court judge* who[  
  - [(A) is not more than 70 years of age;
  - [(B) was elected at a general election or appointed by the governor, and has not been defeated for reelection or removed from office by impeachment, the supreme court, the governor on address of the legislature, the State Commission on Judicial Conduct, or the abolishment of the judge's court by the legislature; and
  - [(C) certifies to the presiding judge a willingness to serve and to comply with the prohibitions relating to the practice of law imposed on a retired judge by Section 44.005, Title 110B, Revised Statutes, and who is on the list maintained by the presiding judge as required by this chapter.

(b) *A statutory county court judge or a retired or former statutory county court judge may not be assigned to hear a matter pending in a district court outside the county of the judge's residence.*

SECTION 2.06. Effective September 1, 1987, Section 74.033, Government Code, is renumbered and amended to read as follows:

Sec. 74.056 [74.033]. ASSIGNMENT BY PRESIDING JUDGE. (a) *A* [~~Under rules prescribed by the council of judges, a~~] presiding judge from time to time shall assign the judges of the administrative *region* [~~district~~] to hold special or regular terms of court in any county of the administrative *region* [~~district~~] to try cases and dispose of accumulated business. [~~The assignment may be made during or after the consultation concerning the state of the business of the courts at a meeting of the district judges of the administrative district and with or without an additional meeting of the judges.~~]

(b) The presiding judge of one administrative *region* [~~district~~] may request the presiding judge of another administrative *region* [~~district~~] to furnish judges to aid in the disposition of litigation pending in a *county* [~~judicial district~~] in the administrative *region* [~~district~~] of the presiding judge who makes the request.

(c) *The presiding judge of an administrative region may appoint a judge in the region to serve as acting presiding judge in the absence of the presiding judge. An acting presiding judge has all the rights, duties, and powers of the presiding judge.*

SECTION 2.07. Effective September 1, 1987, Section 74.036, Government Code, is renumbered and amended to read as follows:

Sec. 74.059 [74.036]. POWERS AND DUTIES. (a) A judge assigned under the provisions of this chapter has all the powers of ~~the [a district] judge of the court to which he is assigned.~~

(b) A ~~[district]~~ judge shall extend the regular terms of the court, or call the special terms, that are necessary to carry out the purposes of this chapter and to dispose of pending litigation. If a term is extended, the other terms of the court may be opened and held as usual, and a term of court in that district does not fail because of the extension. By entering an order on the minutes of the court, the judge of a district court *or statutory county court* or a judge assigned ~~[to a district]~~ by the presiding judge may convene a special term of the court for the trial of cases, the entry of orders, and the disposition of the business before the court.

(c) A *district or statutory county court* judge shall:

- (1) diligently discharge the administrative responsibilities of the office;
- (2) rule on a case within *90 days* ~~[three months]~~ after the case is taken under advisement;
- (3) request the presiding judge to assign another judge ~~[of the administrative district]~~ to hear a motion relating to the recusal of the ~~[district]~~ judge from a case pending in his court; and
- (4) if *an election contest* or a suit for the removal of a local official is filed in his court, request the presiding judge to assign another judge ~~[of the administrative district]~~ who is not a resident of the county to hold a regular or special term of court in that county to dispose of the suit.

SECTION 2.08. Effective September 1, 1987, Section 74.037, Government Code, is renumbered and amended to read as follows:

Sec. 74.061 [74.037]. COMPENSATION WHILE ASSIGNED. (a) The salary, compensation, and expenses of a judge while assigned under this chapter shall be paid in accordance with this chapter and other law of this state.

(b) While serving in a county outside his judicial *district or county*, a ~~[an active district]~~ judge is entitled to receive, in addition to his necessary expenses, additional compensation from the county to which he is assigned in an amount not to exceed the difference between the compensation of the assigned judge from all sources, exclusive of the per diem provided by Subsection (f), and the compensation received from all sources by the judge of the court to which he is assigned. The county shall pay the compensation provided by this subsection on approval of the presiding judge of the *administrative region* ~~[district]~~ in which the court to which the judge is assigned is located.

(c) The salary of a retired judge while assigned under this chapter shall be paid out of money appropriated from the general revenue fund for that purpose in an amount equal to the difference between all the retirement benefits received by the judge as a retired district judge and the compensation from all sources of the judge of the court to which he is assigned. The salary of a retired judge while assigned shall be determined pro rata for the period of time that the judge actually sits as the assigned judge.

(d) For services actually performed while assigned under this chapter, a former ~~[district]~~ judge shall receive from county funds and money appropriated by the legislature the same amount of salary, compensation, and expenses that the regular judge is entitled to receive from the county and from the state for those services. The presiding judge of the *administrative region* ~~[district]~~ shall certify to the county and the state the services rendered under this chapter by a former ~~[district]~~ judge and the share to be paid by the state. The amount certified by the presiding judge as the state's share shall be paid from an item in the Judicial Section—Comptroller's Department of the General Appropriations Act for the payment of salaries of district and criminal district judges.



(e) When a district *or statutory county court* judge is assigned under this chapter to a court outside his own district *or county* [~~and out of his own counties~~], the judge, in addition to all other compensation authorized by law, is entitled to receive his actual expenses in going to and returning from his assignment and his actual living expenses while in the performance of his duties under the assignment. The county in which the duties are performed shall pay the expenses out of the general fund of the county on accounts certified and approved by the presiding judge of the administrative *region* [~~district~~] for that county.

(f) When a district *or statutory county court* judge is assigned under this chapter to a court outside his own district *or county* [~~and out of his own counties~~], the judge, in addition to all other compensation and expenses authorized by law, is entitled to receive a per diem of \$25 for each day or fraction of a day that the judge spends outside his district *or county* [~~and his counties~~] in the performance of his duties under the assignment. The state shall pay the per diem in the same manner that it pays the judge's salary on certificates of approval by the chief justice or the presiding judge of the administrative *region* [~~district~~] in which the judge resides.

SECTION 2.09. Effective September 1, 1987, Section 74.038, Government Code, is renumbered and amended to read as follows:

Sec. 74.062 [~~74.038~~]. EXPENSES AT MEETINGS. A judge who is required to attend an annual or special meeting prescribed by this chapter, *or an educational course required by law*, in addition to all other compensation allowed by law, is entitled to receive his actual travel expenses going to and returning from the place of the meeting *or course* and his actual expenses while attending the meeting *or course*.

SECTION 2.10. Effective September 1, 1987, Chapter 74, Government Code, is amended by adding Sections 74.025, 74.055, and 74.094 to read as follows:

Sec. 74.025. EDUCATION PROGRAMS. *The supreme court shall, if adequate funding is available for education programs for judges and court personnel, ensure that adequate education programs are available on an equitable basis for judges and court personnel of all courts created under the constitution and laws of this state.*

Sec. 74.055. LIST OF RETIRED AND FORMER JUDGES SUBJECT TO ASSIGNMENT. (a) *Each presiding judge shall maintain a list of retired and former district and statutory county court judges who meet the requirements of this section.*

(b) *The presiding judge shall divide the list into area specialties of criminal, civil, or domestic relations cases. A retired or former judge may only be assigned to a case in the judge's area of specialty. A judge may qualify for assignment in more than one area of specialty.*

(c) *To be eligible to be named on the list, a retired or former judge must:*

(1) *have served as a judge for at least four years in a district, statutory, or appellate court;*

(2) *have developed substantial experience in his area of specialty;*

(3) *not have been removed from office or resigned while under investigation for discipline or removal;*

(4) *annually demonstrate that he has completed in the past calendar year the educational requirements for active district and statutory county court judges; and*

(5) *certify to the presiding judge a willingness not to appear and plead as an attorney in any court in this state for a period of two years following the date of the election to serve.*

Sec. 74.094. HEARING CASES. (a) *A district or statutory county court judge may hear and determine a matter pending in any district or statutory county court in the county regardless of whether the matter is preliminary or final or whether there is a judgment in the matter. The judge may sign a judgment or order in any of the courts regardless of whether the case is transferred. The judgment, order, or action is valid and binding as if the case were pending in the court of the judge who acts in the matter. The authority of this subsection applies to an active, former, or retired judge*

assigned to a court having jurisdiction as provided by Subchapter C of this chapter or by Subtitle E, Title 110B, Revised Statutes.

(b) The judges shall try any case and hear any proceeding as assigned by the local administrative judge.

(c) The clerk shall file, docket, transfer, and assign the cases as directed by the local administrative judge in accordance with the local rules.

(d) Judges of district courts and statutory county courts may serve as masters and magistrates of courts, other than their own, subject to other provisions of law and court rules.

SECTION 2.11. Effective September 1, 1987, Chapter 74, Government Code, is amended by adding Subchapter G to read as follows:

#### SUBCHAPTER G. DEFENSE OF JUDGES

*Sec. 74.141. DEFENSE OF JUDGES. The attorney general shall defend a state district judge, a presiding judge of an administrative region, or an active, retired, or former judge assigned under this chapter in any action or suit in any court in which the judge is a defendant because of his office as judge if the judge requests the attorney general's assistance in the defense of the suit.*

SECTION 2.12. Effective September 1, 1987, Subsection (d), Section 74.015, Government Code, is repealed.

SECTION 2.13. Effective September 1, 1987, Subsection (b) of Section 74.052 and Section 74.095, Government Code, as added by Senate Bill No. 895, Acts of the 70th Legislature, Regular Session, 1987, are repealed.

SECTION 2.14. Effective September 1, 1987, Sections 2.005, 4.003, 4.010, 4.011, 4.013, 4.014, 4.015, 4.016, 4.019, 4.021, 4.022, 5.004, and 8.001, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), are repealed.

#### ARTICLE III. MISCELLANEOUS COURT PROVISIONS

SECTION 3.01. Chapter 21, Government Code, is amended by adding Section 21.008 to read as follows:

*Sec. 21.008. DISTRICT COURT SUPPORT ACCOUNT. (a) The district court support account of the judicial fund is created to be administered by the office of court administration as directed by the supreme court.*

*(b) The comptroller shall allocate to the district court support account such amounts from the judicial fund as may be designated in the General Appropriations Act.*

*(c) The district court support account may be used only for court-related purposes for the support of the district courts of this state to defray the salaries of support personnel and other expenses incurred in the operations of the courts, the necessary expenses of the administrative judicial districts, and for the administration of this section.*

*(d) The State Board of Regional Judges is created to administer the funds appropriated to this account and to the child support and court management account of the judicial fund created by Section 21.007. The board shall be composed of the nine regional administrative judges of the state, who shall have the authority to organize, elect officers, and make such rules as may be necessary for the proper administration of these accounts.*

*(e) The office of court administration shall file a report with the Legislative Budget Board at the end of each fiscal year showing disbursements from the account and the purpose for each disbursement. All funds expended are subject to audit by the comptroller and the State Auditor.*

*(f) Funds allocated for personnel may be used to pay in full or in part the salary of an employee, to supplement the salary of an existing employee, or to hire additional personnel.*

(g) *It is the purpose of this section to increase the funds available for the administration of justice in each county in this state and to provide funding to be used for court-related purposes for the support of the judicial branch of this state. Funds available from the judicial fund and its special account may be supplemented by local or federal funds and private or public grants. A county commissioners court may not reduce the amount of funds provided for these purposes because of the availability of funds from the judicial fund or the special account.*

SECTION 3.02. Subchapter A, Chapter 54, Government Code, is amended to read as follows:

#### SUBCHAPTER A. FAMILY LAW MASTERS

Sec. 54.001. APPOINTMENT. (a) A judge of a district court or other court having jurisdiction of suits ~~[affecting the parent-child relationship]~~ under Title 1, 2, or 4, Family Code, may appoint *either a full-time or a part-time* master to perform the duties authorized by this subchapter if the commissioners court of a county in which the court has jurisdiction authorizes the employment of a master.

(b) If a court has jurisdiction in more than one county, a master appointed by that court may serve only in a county in which the commissioners court has authorized the master's appointment.

(c) If more than one district ~~[court]~~ or other court having jurisdiction of suits *under Title 1, 2, or 4, Family Code*, ~~[affecting the parent-child relationship]~~ has jurisdiction in a county, the commissioners court may authorize the appointment of a master for each court or may authorize one or more masters to share service with two or more courts.

(d) If a master serves more than one court, the master's appointment must be made with the unanimous approval of all the judges under whom the master serves.

(e) *This section shall not apply to masters appointed under Section 14.82, Family Code.*

Sec. 54.002. QUALIFICATIONS. To be eligible for appointment as a master, a person must *meet the requirements and qualifications to serve as a judge of the court or courts to which the master is appointed* ~~[be:~~

~~[(1) a resident of this state; and~~

~~[(2) licensed to practice law in this state].~~

Sec. 54.003. COMPENSATION. (a) A master *shall be paid a* ~~[is entitled to the]~~ salary determined by the commissioners court of the county in which the master serves.

(b) If a master serves in more than one county, the master *shall be paid* ~~[is entitled to]~~ a salary as determined by agreement of the commissioners courts of the counties in which the master serves.

(c) The master's salary is paid from the county fund available for payment of officers' salaries.

(d) *This section does not apply to a master appointed under Section 14.82, Family Code.*

Sec. 54.004. TERMINATION OF SERVICES. (a) A master who serves a single court serves at the will of the judge of that court.

(b) The services of a master who serves more than *two courts* ~~[one court]~~ may be terminated by a majority vote of all the judges of the courts which ~~[whom]~~ the master serves.

(c) *The services of a master who serves two courts may be terminated by either of the judges of the courts which the master serves.*

(d) *This section shall not apply to masters appointed under Section 14.82, Family Code.*

Sec. 54.005. CASES ~~[CASE]~~ THAT MAY BE REFERRED. (a) *The judge of a court having a master appointed may refer to the master any aspect of a civil case involving a matter over which the referring court has jurisdiction under Title 1, 2, or*

4, Family Code, or under Chapter 46 or 76, Human Resources Code, and, after notice to all parties of the time and place of hearing, the master may preside over any hearing including the following:

- (1) a hearing for a temporary order in all actions or suits for support by one spouse against another;
- (2) a motion or suit to modify a temporary or final order;
- (3) a suit affecting the parent-child relationship involving temporary orders;
- (4) an application for a temporary injunction involving temporary possession or use of property;
- (5) a habeas corpus proceeding, including any necessary hearing authorized by the Family Code;
- (6) a motion to transfer;
- (7) a motion for contempt for failure or refusal to obey a temporary or final order;
- (8) an action brought under Chapter 21, Family Code;
- (9) an action for the protection of the family;
- (10) a matter on which the parties agree;
- (11) a matter in which a party is entitled to a default judgment;
- (12) an action brought under Chapter 46 or 76, Human Resources Code;
- (13) a divorce action in which a waiver of citation is on file; and
- (14) any other matter referred by the judge that is in the jurisdiction of the court, including pretrial motions, discovery, summary judgments, and other matters governed by the Texas Rules of Civil Procedure.

(b) The judge of a court having a master appointed may also refer to the master a trial on the merits over which the master may preside unless one or more parties files a written objection to the master hearing the trial. If an objection is filed, the trial on the merits shall be heard by the referring court. A trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.

(c) The referring court may not allow a master to conduct a contested trial on the merits to terminate parental rights unless the affected parties give written consent to the contested trial being conducted by the master. Except in cases in which written consent is given by the affected parties to a contested trial on the merits, any order terminating parental rights issued pursuant to a master's report resulting from the contested trial is void.

(d) On appointment of a master, any pending or future cases under Title 1, 2, or 4, Family Code, or under Chapter 46 or 76, Human Resources Code, may be referred to the master, except as the referring court may limit. ~~[A judge may refer to a master any civil case involving a motion:~~

~~[(1) of contempt for failure or refusal:~~

~~[(A) to pay child support, temporary support, or separate maintenance; or~~

~~[(B) to comply with a court order concerning possession of or access to a child who has been the subject of a suit affecting the parent-child relationship; or~~

~~[(2) to modify a decree in a suit affecting the parent-child relationship that provides for access to or support, conservatorship, or possession of a child.]~~

Sec. 54.006. ORDER OF REFERRAL. (a) To refer cases [a case] to a master, the referring court [a judge] must issue an order of referral [specifying the master's duties].

(b) The order of referral may limit the power or duties of a master[:

~~[(1) limit the powers of a 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].~~

Sec. 54.007. **POWERS AND DUTIES.** Except as limited by an order of referral, a master ~~[to whom a case is referred]~~ may:

- (1) conduct hearings;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on admissibility of evidence;
- (5) issue summons for the appearance of witnesses;
- (6) examine witnesses;
- (7) swear witnesses for hearings;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend the judgment to be made in a case;
- (11) regulate *all* proceedings in a hearing *before the master*; and
- (12) do any act and take any measure necessary and proper for the efficient performance of the *master's* duties ~~[required by the order of referral].~~

Sec. 54.008. **ATTENDANCE OF BAILIFF** ~~[NOTICE OF HEARING]~~. *A bailiff may attend a hearing held by a master if directed by the referring court* ~~[Before a master holds a hearing, each party shall be given notice of the time and place of the hearing as provided by law].~~

Sec. 54.009. **WITNESS.** (a) A witness *appearing* ~~[who appears]~~ before a 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 *before a master* after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54.010. **REPORT** ~~[PAPERS]~~ **TRANSMITTED TO COURT; NOTICE** ~~[JUDGE]~~. (a) *At the conclusion of any hearing conducted by a master and on the preparation of a master's report, the master shall transmit to the referring court all papers relating to the case, with the master's signed and dated report.*

(b) *After the master's report has been signed, the master shall give to the parties participating in the hearing notice of the substance of the report. The master's report may contain the master's findings, conclusions, or recommendations. The master's report must be in writing in a form as the referring court may direct. The form may be a notation on the referring court's docket sheet.*

(c) *Notice of the right of appeal to the judge of the referring court shall be given to all parties. This notice may be given at the hearing or by posting the notice inside or outside of the courtroom of the referring court or otherwise as the referring court directs.* ~~[At the conclusion of a hearing, a 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 any principal, minor, and the parent, guardian, or custodian of any principal who is a minor.]~~

Sec. 54.011. **JUDICIAL ACTION ON MASTER'S REPORT.** *After the master's report is filed, and unless the parties have filed a written notice of appeal to the referring court, the referring court may adopt, approve, or reject the master's report, hear further evidence, or recommit the matter for further proceedings as the referring court considers proper and necessary in the particular circumstances of the case.* ~~[(a) A referring court may adopt, modify, correct, reject, reverse, or recommit for further information a master's report.~~

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

Sec. 54.012. **APPEAL TO REFERRING COURT** ~~[HEARING BEFORE JUDGE]~~. (a) *Any party is entitled to a hearing by the judge of the referring court, if within three*

days, computed in the manner provided by Rule 4 of the Texas Rules of Civil Procedure, after the master gives the notice required in Subsection (b) of Section 54.010, an appeal of the master's report is filed with the referring court.

(b) The first day of the appeal time to the referring court begins on the day after the day on which the master gives the notice required in Subsection (b) of Section 54.010.

(c) The notice required under Subsection (b) of Section 54.010 may be given in open court or may be given by certified mail, return receipt requested. If the notice is given by certified mail, return receipt requested, the master shall certify the date of mailing and the notice is considered to have been given on the third day after the date of the mailing.

(d) All appeals to the referring court shall be in writing specifying the findings and conclusions of the master that are objected to and the appeal shall be limited to those findings and conclusions.

(e) On appeal to the referring court, the parties may present witnesses as in a hearing de novo on the issues raised in the appeal.

(f) Notice of any appeal to the referring court shall be given to opposing counsel pursuant to Rule 72 of the Texas Rules of Civil Procedure.

(g) If an appeal to the referring court is filed by a party, any other party may file an appeal to the referring court not later than the seventh day after the date the initial appeal was filed.

(h) The referring court, after notice to the parties, shall hold a hearing on all appeals not later than the 30th day after the date on which the initial appeal was filed with the referring court.

(i) Prior to any hearing before a master, the parties may waive the right of appeal to the referring court in writing or on the record.

(j) Failure to appeal to the referring court, by waiver or otherwise, a master's report that is approved by the referring court does not deprive any party of the right to appeal to or request other relief from a court of appeals or the supreme court. The date of the signing of an order or judgment by the referring court is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the supreme court. ~~[(a) After receiving notice of the master's findings, any principal or a minor or the minor's parent, guardian, or custodian 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.~~

~~[(c) A request for a hearing must be filed with the referring court not later than the third day after the date notice of the master's findings is received by the principal, minor, parent, guardian, or custodian.~~

~~[(d) The court may allow the hearing at any time.]~~

Sec. 54.013. DECREE OR ORDER OF COURT. If an appeal to the referring court ~~[a hearing before the judge]~~ is not filed ~~[requested]~~ or the right to an appeal to the referring court ~~[a hearing]~~ is waived, the findings and recommendations of the master become the decree or order of the referring court only on the referring court's signing an order or decree conforming to the master's report ~~[on adoption by an order of the judge].~~

Sec. 54.014. JURY TRIAL DEMANDED. If a jury trial is demanded and a jury fee paid in a trial on the merits ~~[proceeding]~~, the master shall refer any matters requiring a jury ~~[the case]~~ back to the referring court for a full trial ~~[hearing]~~ before the referring court and jury. ~~[The hearing is subject to the usual rules of the court.]~~

Sec. 54.015. EFFECT OF MASTER'S REPORT PENDING APPEAL. Pending appeal of the master's report to the referring court, the decisions and recommendations of the master are in full force and effect and are enforceable as an order of the

referring court, except for orders providing for incarceration or for the appointment of a receiver.

**Sec. 54.016. INAPPLICABILITY OF THIS SUBCHAPTER TO MASTERS APPOINTED PURSUANT TO RULE 171, TEXAS RULES OF CIVIL PROCEDURE.** Masters appointed by the referring court pursuant to Rule 171 of the Texas Rules of Civil Procedure have all the duties and powers set forth in the order of appointment and are not governed by this subchapter.

**Sec. 54.017. IMMUNITY.** A master appointed under this subchapter has the judicial immunity of a district judge. All existing immunity granted masters by law, express or implied, continues in full force and effect.

**Sec. 54.018. COURT REPORTER.** A court reporter is not required during a hearing held by a master appointed under this subchapter. A party, the master, or the referring court may provide for a reporter during the hearing. The record may be preserved by any other means approved by the master. The referring court or master may tax the expense of preserving the record as costs.

SECTION 3.03. Chapter 54, Government Code, is amended by adding a new Subchapter F to read as follows:

#### SUBCHAPTER F. JUVENILE LAW MASTERS IN HARRIS COUNTY

**Sec. 54.501. APPOINTMENT.** (a) A majority of the judges of the courts that are designated as juvenile courts in Harris County may determine that one or more full-time or part-time masters are needed to serve those courts.

(b) The judges shall issue an order reflecting that determination and specifying the number of masters needed.

(c) Subject to the determination of need and the approval of the commissioners court of Harris County, each judge may appoint one or more masters to serve the judge's court.

(d) Judges may act together to appoint a master to serve their courts.

**Sec. 54.502. QUALIFICATIONS.** A master must:

- (1) be a citizen and resident of this state; and
- (2) have been licensed to practice law in this state for at least four years.

**Sec. 54.503. ORDER OF APPOINTMENT.** The order appointing a master must be entered in the minutes of each court making the order and state:

- (1) the master's name and state bar identification number;
- (2) the name of each court the master will serve; and
- (3) the date the master's service is to begin.

**Sec. 54.504. COMPENSATION.** The commissioners court shall set the compensation for masters and determine the total amount the county will pay as compensation for masters.

**Sec. 54.505. JUDICIAL IMMUNITY.** A master appointed under this Act has the same judicial immunity as a district judge.

**Sec. 54.506. TERMINATION OF EMPLOYMENT.** (a) A master who serves a single court serves at the will of the judge of that court.

(b) The employment of a master who serves two courts may be terminated by either of the judges of those courts.

(c) The employment of a master who serves more than two courts may be terminated by a majority of the judges of those courts.

(d) To terminate a master's employment, the appropriate judges must sign a written order of termination. The order must state:

- (1) the master's name and state bar identification number;
- (2) each court ordering termination; and

(3) *the date the master's employment ends.*

**Sec. 54.507. WITHDRAWAL OF APPOINTMENT FOR A PARTICULAR COURT.** *The judge of a court for which a master has been appointed may withdraw the master's appointment to that court by written order. The order must state:*

- (1) *the master's name and state bar identification number;*
- (2) *the name of the court ordering the withdrawal; and*
- (3) *the date the master's services end as to that court.*

**Sec. 54.508. CASES THAT MAY BE REFERRED.** *A judge may refer to a master any civil case or portion of a civil case brought:*

- (1) *under Title 1, 2, 3, or 4, Family Code;*
- (2) *in connection with Rule 308-A, Texas Rules of Civil Procedure; or*
- (3) *in connection with Chapter 46 or 76, Human Resources Code.*

**Sec. 54.509. METHOD OF REFERRAL.** *A case may be referred as prescribed by published local rules or by written orders.*

**Sec. 54.510. POWERS.** (a) *An order of referral may limit the use or power of a master.*

(b) *Unless limited by published local rule, by written order, or by an order of referral, a master may perform all acts and take all measures necessary and proper to perform the tasks assigned in a referral.*

(c) *A master may administer oaths.*

**Sec. 54.511. EFFECT ON TEMPORARY RESTRAINING ORDER.** (a) *The referral of a case or a portion of a case to a master does not affect a party's right to have a court grant or extend a temporary restraining order and does not prevent the expiration of a temporary restraining order.*

(b) *Until a judge signs an order concerning the findings and recommendations of a master, the findings and recommendations do not affect an existing temporary restraining order or the expiration or extension of that order.*

**Sec. 54.512. JURY.** (a) *Except as provided by Subsection (b), if a jury trial is demanded in a case referred to a master, the master shall refer the case back to the referring court for a full hearing according to the usual rules applicable to the case.*

(b) *A jury demand does not affect the authority of a master to handle pretrial matters referred to the master.*

**Sec. 54.513. COURT REPORTER.** (a) *A court reporter need not be provided during a hearing conducted by a master.*

(b) *Notwithstanding Subsection (a), a referring judge may require a reporter at any hearing.*

**Sec. 54.514. FAILURE TO COMPLY WITH SUMMONS OR ORDER.** *If an attorney, party, witness, or any other person fails to comply with a summons or order, the master may certify in writing that failure to the referring court for appropriate action.*

**Sec. 54.515. WITNESSES.** (a) *A witness appearing before a master is subject to the penalties of perjury as provided by Chapter 37, Penal Code.*

(b) *A witness referred to the court under Section 54.514 is subject to the same penalties and orders that may be imposed on a witness appearing in a hearing before the court.*

**Sec. 54.516. RETURN TO REFERRING COURT; FINDINGS.** *After a hearing is concluded, the master shall send to the referring judge all papers relating to the case and the written findings of the master.*

**Sec. 54.517. COURT ACTION ON REPORT.** (a) *After the court receives the master's report, the court may adopt, modify, correct, reject, or reverse the master's report or may recommit it for further information, as the court determines to be proper and necessary in each case.*



(b) *If a judgment has been recommended, the court may approve the recommendation and hear more evidence before making its judgment.*

*Sec. 54.518. DECREE OR JUDGMENT. The finding and recommendations become the decree or judgment of the court when adopted and approved by an order of the judge.*

*Sec. 54.519. MASTERS IN CHANCERY. This subchapter does not prohibit a court from appointing a master in chancery as provided by Rule 171, Texas Rules of Civil Procedure.*

*Sec. 54.520. REFEREES. (a) A master appointed under this subchapter may serve as a referee as provided by Sections 51.04(g) and 54.10, Family Code.*

*(b) A referee appointed under Section 51.04(g), Family Code, may be appointed to serve as a master under this Act.*

SECTION 3.04. Chapter 25, Alcoholic Beverage Code, as amended, is amended by adding Section 25.051 to read as follows:

*Sec. 25.051. MASTERS IN CERTAIN COUNTIES. (a) The county judge of a county with a population of 750,000 or more may appoint a master to hear a permit application under this chapter in the manner provided by Section 61.311 of this code for the appointment of a master to hear a license application.*

*(b) A master shall give notice of a hearing before the master to each person entitled to notice of a hearing before a judge under Section 25.05 of this code.*

SECTION 3.05. Chapter 26, Alcoholic Beverage Code, as amended, is amended by adding Section 26.06 to read as follows:

*Sec. 26.06. MASTERS IN CERTAIN COUNTIES. The county judge of a county with a population of 750,000 or more may appoint a master to hear a permit application under this chapter in the manner provided by Section 61.311 of this code for the appointment of a master to hear a license application.*

SECTION 3.06. Subchapter B, Chapter 61, Alcoholic Beverage Code, as amended, is amended by adding Section 61.311 to read as follows:

*Sec. 61.311. MASTERS IN CERTAIN COUNTIES. (a) The county judge of a county with a population of 750,000 or more may appoint a master to hear an application under this chapter.*

*(b) A master must be a citizen of this state and must be well informed in the law of this state.*

*(c) A master is entitled to a salary set by the county judge and approved by the commissioners court of the county in which the master serves.*

*(d) An order referring a case to a master may:*

- (1) specify or limit the powers of the master and direct the master to report only on particular issues, do particular acts, or receive and report only on evidence;*
- (2) set the time and place for beginning and closing a hearing; and*
- (3) set a date for filing a report.*

*(e) Except as limited or specified by an order referring a case, a master may:*

- (1) swear witnesses for hearings;*
- (2) examine witnesses;*
- (3) hear evidence;*
- (4) rule on admissibility of evidence;*
- (5) make findings of fact on evidence;*
- (6) recommend an order to be entered by the referring judge; and*
- (7) do any other act necessary and proper for the efficient performance of the master's duties under the order.*

*(f) At the conclusion of a hearing, a master shall transmit to the referring judge any papers relating to the case, including the master's findings.*

(g) *A referring judge may adopt, modify, correct, reject, reverse, or recommit for further information a master's report.*

(h) *An applicant is entitled to a hearing before the judge, and the master shall give each applicant written notice of that right and a copy of the master's findings. A request for a hearing before the judge must be filed with the judge not later than the third day after the date notice of the master's findings is received by the applicant. The right to a hearing before the judge may be waived.*

(i) *A master may be an employee of the alcoholic beverage commission designated by the administrator. The commission is entitled to receive reimbursement for its expenses in connection with furnishing a master under this subsection. If the commission and the commissioners court of the county in which the master serves do not have a contract providing for reimbursement of expenses, the county judge may not appoint a master to hear an application under this subsection.*

SECTION 3.07. Subsection (a), Section 61.32, Alcoholic Beverage Code, is amended to read as follows:

(a) *If ~~[On hearing an application, if]~~ the county judge finds that all facts stated in the application are true and no legal ground to refuse a license exists, he shall enter an order certifying those findings and give the applicant a copy of the order. If the county judge finds otherwise, he shall enter an order accordingly.*

SECTION 3.08. The following are repealed:

- (1) Subchapter B, Chapter 54, Government Code;
- (2) Section 1, Chapter 851, Acts of the 69th Legislature, Regular Session, 1985 (former Article 1918b, Vernon's Texas Civil Statutes); and
- (3) Chapter 667, Acts of the 69th Legislature, Regular Session, 1985 (Article 1918f-1, Vernon's Texas Civil Statutes).

SECTION 3.09. A person who was, before the effective date of this Act, appointed a master under a law repealed by Section 3.08 of this Act is reappointed as a master in his position for the court or courts he serves.

SECTION 3.10. Sections 3.04, 3.05, 3.06, and 3.07 of this Act take effect September 1, 1987, and apply only to an application for an alcoholic beverage license or permit that is filed with a county judge on or after that date.

#### ARTICLE IV. MISCELLANEOUS PROVISIONS

SECTION 4.01. Except as otherwise provided by this Act, this Act takes effect immediately.

SECTION 4.02. 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, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed the Senate on April 29, 1987, by the following vote: Yeas 29, Nays 0; May 28, 1987, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 29, 1987, House granted request of the Senate; June 1, 1987, Senate adopted Conference Committee Report by a viva-voce vote. Passed the House, with amendments, on May 26, 1987, by a non-record vote; May 29, 1987, House granted request of the Senate for appointment of Conference Committee; June 1, 1987, House adopted Conference Committee Report by a non-record vote.

Approved June 18, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment, except §§ 3.04 to 3.07 effective Sept. 1, 1987.