

AN ACT

relating to the creation of the Fifteenth Court of Appeals with jurisdiction over certain civil cases, the compensation of the justices of that court, and the jurisdiction of the courts of appeals in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. FIFTEENTH COURT OF APPEALS

SECTION 1.01. Section 22.201, Government Code, is amended by amending Subsection (a) and adding Subsection (p) to read as follows:

(a) The state is organized [~~divided~~] into 15 [~~14~~] courts of appeals districts with a court of appeals in each district.

(p) The Fifteenth Court of Appeals District is composed of all counties in this state.

SECTION 1.02. Subchapter C, Chapter 22, Government Code, is amended by adding Section 22.2151 to read as follows:

Sec. 22.2151. FIFTEENTH COURT OF APPEALS. (a) The Court of Appeals for the Fifteenth Court of Appeals District shall be held in the City of Austin.

(b) The Fifteenth Court of Appeals may transact its business in any county in the district as the court determines is necessary and convenient.

SECTION 1.03. Subchapter C, Chapter 22, Government Code, is amended by adding Section 22.2152 to read as follows:

1 Sec. 22.2152. REPORT ON FIFTEENTH COURT OF APPEALS. Not
2 later than December 1 of each year, the Office of Court
3 Administration of the Texas Judicial System shall submit to the
4 legislature a report on the number and types of cases heard by the
5 Court of Appeals for the Fifteenth Court of Appeals District in the
6 preceding state fiscal year.

7 SECTION 1.04. Section 22.216, Government Code, is amended
8 by adding Subsections (n-1) and (n-2) to read as follows:

9 (n-1) The Court of Appeals for the Fifteenth Court of
10 Appeals District consists of a chief justice and of four justices
11 holding places numbered consecutively beginning with Place 2.

12 (n-2) Notwithstanding Subsection (n-1), the Court of
13 Appeals for the Fifteenth Court of Appeals District consists of a
14 chief justice and of two justices holding places numbered
15 consecutively beginning with Place 2 for the first three years
16 following the court's creation. This subsection expires September
17 1, 2027.

18 SECTION 1.05. Section 22.220, Government Code, is amended
19 by amending Subsection (a) and adding Subsection (d) to read as
20 follows:

21 (a) Except as provided by Subsection (d), each ~~Each~~ court
22 of appeals has appellate jurisdiction of all civil cases within its
23 district of which the district courts or county courts have
24 jurisdiction when the amount in controversy or the judgment
25 rendered exceeds \$250, exclusive of interest and costs.

26 (d) The Court of Appeals for the Fifteenth Court of Appeals
27 District has exclusive intermediate appellate jurisdiction over

1 the following matters arising out of or related to a civil case:

2 (1) matters brought by or against the state or a board,
3 commission, department, office, or other agency in the executive
4 branch of the state government, including a university system or
5 institution of higher education as defined by Section 61.003,
6 Education Code, or by or against an officer or employee of the state
7 or a board, commission, department, office, or other agency in the
8 executive branch of the state government arising out of that
9 officer's or employee's official conduct, other than:

10 (A) a proceeding brought under the Family Code
11 and any related motion or proceeding;

12 (B) a proceeding brought under Chapter 7B or
13 Article 17.292, Code of Criminal Procedure;

14 (C) a proceeding brought against a district
15 attorney, a criminal district attorney, or a county attorney with
16 criminal jurisdiction;

17 (D) a proceeding relating to a mental health
18 commitment;

19 (E) a proceeding relating to civil asset
20 forfeiture;

21 (F) a condemnation proceeding for the
22 acquisition of land or a proceeding related to eminent domain;

23 (G) a proceeding brought under Chapter 101, Civil
24 Practice and Remedies Code;

25 (H) a claim of personal injury or wrongful death;

26 (I) a proceeding brought under Chapter 125, Civil
27 Practice and Remedies Code, to enjoin a common nuisance;

1 (J) a proceeding brought under Chapter 55, Code
2 of Criminal Procedure;

3 (K) a proceeding under Chapter 22A, Government
4 Code;

5 (L) a proceeding brought under Subchapter E-1,
6 Chapter 411, Government Code;

7 (M) a proceeding brought under Chapter 21, Labor
8 Code;

9 (N) a removal action under Chapter 87, Local
10 Government Code; or

11 (O) a proceeding brought under Chapter 841,
12 Health and Safety Code;

13 (2) matters in which a party to the proceeding files a
14 petition, motion, or other pleading challenging the
15 constitutionality or validity of a state statute or rule and the
16 attorney general is a party to the case; and

17 (3) any other matter as provided by law.

18 SECTION 1.06. Section 22.221, Government Code, is amended
19 by amending Subsection (b) and adding Subsections (c) and (c-1) to
20 read as follows:

21 (b) Subject to Subsection (c-1), each [~~Each~~] court of
22 appeals for a court of appeals district may issue all writs of
23 mandamus, agreeable to the principles of law regulating those
24 writs, against [+]

25 [~~(1)~~] a judge of a district, statutory county,
26 statutory probate county, or county court in the court of appeals
27 district[+]

1 ~~[(2) a judge of a district court who is acting as a~~
2 ~~magistrate at a court of inquiry under Chapter 52, Code of Criminal~~
3 ~~Procedure, in the court of appeals district; or~~

4 ~~[(3) an associate judge of a district or county court~~
5 ~~appointed by a judge under Chapter 201, Family Code, in the court of~~
6 ~~appeals district for the judge who appointed the associate judge].~~

7 (c) Each court of appeals for a court of appeals district,
8 other than the Court of Appeals for the Fifteenth Court of Appeals
9 District, may issue all writs of mandamus, agreeable to the
10 principles of law regulating those writs, against:

11 (1) a judge of a district court who is acting as a
12 magistrate at a court of inquiry under Chapter 52, Code of Criminal
13 Procedure, in the court of appeals district; or

14 (2) an associate judge of a district or county court
15 appointed by a judge under Chapter 201, Family Code, in the court of
16 appeals district for the judge who appointed the associate judge.

17 (c-1) The original jurisdiction of the Court of Appeals for
18 the Fifteenth Court of Appeals District to issue writs is limited to
19 writs arising out of matters over which the court has exclusive
20 intermediate appellate jurisdiction under Section 22.220(d).

21 SECTION 1.07. Section 22.229(a), Government Code, is
22 amended to read as follows:

23 (a) An appellate judicial system fund is established for
24 each court of appeals, other than the Court of Appeals of the
25 Fifteenth Court of Appeals District, to:

26 (1) assist the court of appeals in the processing of
27 appeals filed with the court of appeals from the county courts,

1 statutory county courts, statutory probate courts, and district
2 courts in the counties the court of appeals serves; and

3 (2) defray costs and expenses incurred in the
4 operation of the court of appeals.

5 SECTION 1.08. Section 73.001, Government Code, is amended
6 to read as follows:

7 Sec. 73.001. AUTHORITY TO TRANSFER. (a) Except as provided
8 by Subsection (b), the ~~[The]~~ supreme court may order cases
9 transferred from one court of appeals to another at any time that,
10 in the opinion of the supreme court, there is good cause for the
11 transfer.

12 (b) The supreme court may not transfer any case or
13 proceeding properly filed in the Court of Appeals for the Fifteenth
14 Court of Appeals District to another court of appeals for the
15 purpose of equalizing the dockets of the courts of appeals.

16 (c) The supreme court shall adopt rules for:

17 (1) transferring an appeal inappropriately filed in
18 the Fifteenth Court of Appeals to a court of appeals with
19 jurisdiction over the appeal; and

20 (2) transferring to the Fifteenth Court of Appeals
21 from another court of appeals the appeals over which the Fifteenth
22 Court of Appeals has exclusive intermediate appellate jurisdiction
23 under Section 22.220(d).

24 SECTION 1.09. Section 659.012(a), Government Code, is
25 amended to read as follows:

26 (a) Notwithstanding Section 659.011 and subject to
27 Subsections (b) and (b-1):

1 (1) a judge of a district court is entitled to an
2 annual base salary from the state as set by the General
3 Appropriations Act in an amount equal to at least \$140,000, except
4 that the combined base salary of a district judge from all state and
5 county sources, including compensation for any extrajudicial
6 services performed on behalf of the county, may not exceed the
7 amount that is \$5,000 less than the maximum combined base salary
8 from all state and county sources for a justice of a court of
9 appeals other than a chief justice as determined under this
10 subsection;

11 (2) except as provided by Subdivision (3), a justice
12 of a court of appeals other than the chief justice is entitled to an
13 annual base salary from the state in the amount equal to 110 percent
14 of the state base salary of a district judge as set by the General
15 Appropriations Act, except that the combined base salary of a
16 justice of the court of appeals other than the chief justice from
17 all state and county sources, including compensation for any
18 extrajudicial services performed on behalf of the county, may not
19 exceed the amount that is \$5,000 less than the base salary for a
20 justice of the supreme court as determined under this subsection;

21 (3) a justice of the Court of Appeals for the Fifteenth
22 Court of Appeals District other than the chief justice is entitled
23 to an annual base salary from the state in the amount equal to
24 \$5,000 less than 120 percent of the state base salary of a district
25 judge as set by the General Appropriations Act;

26 (4) a justice of the supreme court other than the chief
27 justice or a judge of the court of criminal appeals other than the

1 presiding judge is entitled to an annual base salary from the state
2 in the amount equal to 120 percent of the state base salary of a
3 district judge as set by the General Appropriations Act; and

4 (5) [~~(4)~~] the chief justice or presiding judge of an
5 appellate court is entitled to an annual base salary from the state
6 in the amount equal to \$2,500 more than the state base salary
7 provided for the other justices or judges of the court, except that
8 the combined base salary of the chief justice of a court of appeals
9 from all state and county sources may not exceed the amount equal to
10 \$2,500 less than the base salary for a justice of the supreme court
11 as determined under this subsection.

12 SECTION 1.10. Section [2001.038\(f\)](#), Government Code, is
13 amended to read as follows:

14 (f) A Travis County district court in which an action is
15 brought under this section, on its own motion or the motion of any
16 party, may request transfer of the action to the Court of Appeals
17 for the Fifteenth [~~Third~~] Court of Appeals District if the district
18 court finds that the public interest requires a prompt,
19 authoritative determination of the validity or applicability of the
20 rule in question and the case would ordinarily be appealed. After
21 filing of the district court's request with the court of appeals,
22 transfer of the action may be granted by the court of appeals if it
23 agrees with the findings of the district court concerning the
24 application of the statutory standards to the action. On entry of
25 an order by the court of appeals granting transfer, the action is
26 transferred to the court of appeals for decision, and the validity
27 or applicability of the rule in question is subject to judicial

1 review by the court of appeals. The administrative record and the
2 district court record shall be filed by the district clerk with the
3 clerk of the court of appeals. The court of appeals may direct the
4 district court to conduct any necessary evidentiary hearings in
5 connection with the action.

6 SECTION 1.11. Section 2001.176(c), Government Code, is
7 amended to read as follows:

8 (c) A Travis County district court in which an action is
9 brought under this section, on its own motion or on motion of any
10 party, may request transfer of the action to the Court of Appeals
11 for the Fifteenth [~~Third~~] Court of Appeals District if the district
12 court finds that the public interest requires a prompt,
13 authoritative determination of the legal issues in the case and the
14 case would ordinarily be appealed. After filing of the district
15 court's request with the court of appeals, transfer of the action
16 may be granted by the court of appeals if it agrees with the
17 findings of the district court concerning the application of the
18 statutory standards to the action. On entry of an order by the
19 court of appeals granting transfer, the action is transferred to
20 the court of appeals for decision, and the agency decision in the
21 contested case is subject to judicial review by the court of
22 appeals. The administrative record and the district court record
23 shall be filed by the district clerk with the clerk of the court of
24 appeals. The court of appeals may direct the district court to
25 conduct any necessary evidentiary hearings in connection with the
26 action.

27 SECTION 1.12. Section 2301.751(a), Occupations Code, is

1 amended to read as follows:

2 (a) A party to a proceeding affected by a final order, rule,
3 or decision or other final action of the board with respect to a
4 matter arising under this chapter or Chapter 503, Transportation
5 Code, may seek judicial review of the action under the substantial
6 evidence rule in:

7 (1) a district court in Travis County; or

8 (2) the court of appeals for the Fifteenth [~~Third~~]
9 Court of Appeals District.

10 SECTION 1.13. Section 39.001(e), Utilities Code, is amended
11 to read as follows:

12 (e) Judicial review of competition rules adopted by the
13 commission shall be conducted under Chapter 2001, Government Code,
14 except as otherwise provided by this chapter. Judicial review of
15 the validity of competition rules shall be commenced in the Court of
16 Appeals for the Fifteenth [~~Third~~] Court of Appeals District and
17 shall be limited to the commission's rulemaking record. The
18 rulemaking record consists of:

19 (1) the notice of the proposed rule;

20 (2) the comments of all interested persons;

21 (3) all studies, reports, memoranda, or other
22 materials on which the commission relied in adopting the rule; and

23 (4) the order adopting the rule.

24 SECTION 1.14. (a) Except as otherwise provided by this Act,
25 the Court of Appeals for the Fifteenth Court of Appeals District is
26 created September 1, 2024.

27 (b) If the Court of Appeals for the Fifteenth Court of

1 Appeals District is created, the initial vacancies in the offices
2 of chief justice and justices of the court shall be filled by
3 appointment.

4 SECTION 1.15. (a) The changes in law made by this Act apply
5 to appeals perfected on or after September 1, 2024.

6 (b) On September 1, 2024, all cases pending in other courts
7 of appeal that were filed on or after September 1, 2023, and of
8 which the Court of Appeals for the Fifteenth Court of Appeals
9 District has exclusive intermediate appellate jurisdiction are
10 transferred to the Court of Appeals for the Fifteenth Court of
11 Appeals District.

12 (c) When a case is transferred as provided by Subsection (b)
13 of this section:

14 (1) all processes, writs, bonds, recognizances, or
15 other obligations issued from the other courts of appeal are
16 returnable to the Court of Appeals for the Fifteenth Court of
17 Appeals District as if originally issued by that court; and

18 (2) the obligees on all bonds and recognizances taken
19 in and for the other courts of appeal and all witnesses summoned to
20 appear in another court of appeals are required to appear before the
21 Court of Appeals for the Fifteenth Court of Appeals District as if
22 originally required to appear before the Court of Appeals for the
23 Fifteenth Court of Appeals District.

24 ARTICLE 2. CONFORMING AMENDMENTS

25 SECTION 2.01. Article 4.01, Code of Criminal Procedure, is
26 amended to read as follows:

27 Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The

1 following courts have jurisdiction in criminal actions:

- 2 1. The Court of Criminal Appeals;
- 3 2. Courts of appeals, other than the Court of Appeals
- 4 for the Fifteenth Court of Appeals District;
- 5 3. The district courts;
- 6 4. The criminal district courts;
- 7 5. The magistrates appointed by the judges of the
- 8 district courts of Bexar County, Dallas County, Tarrant County, or
- 9 Travis County that give preference to criminal cases and the
- 10 magistrates appointed by the judges of the criminal district courts
- 11 of Dallas County or Tarrant County;
- 12 6. The county courts;
- 13 7. All county courts at law with criminal
- 14 jurisdiction;
- 15 8. County criminal courts;
- 16 9. Justice courts;
- 17 10. Municipal courts;
- 18 11. The magistrates appointed by the judges of the
- 19 district courts of Lubbock County;
- 20 12. The magistrates appointed by the El Paso Council
- 21 of Judges;
- 22 13. The magistrates appointed by the Collin County
- 23 Commissioners Court;
- 24 14. The magistrates appointed by the Brazoria County
- 25 Commissioners Court or the local administrative judge for Brazoria
- 26 County; and
- 27 15. The magistrates appointed by the judges of the

1 district courts of Tom Green County.

2 SECTION 2.02. Article 4.03, Code of Criminal Procedure, is
3 amended to read as follows:

4 Art. 4.03. COURTS OF APPEALS. The Courts of Appeals, other
5 than the Court of Appeals for the Fifteenth Court of Appeals
6 District, shall have appellate jurisdiction coextensive with the
7 limits of their respective districts in all criminal cases except
8 those in which the death penalty has been assessed. This article
9 [~~Article~~] shall not be so construed as to embrace any case which has
10 been appealed from any inferior court to the county court, the
11 county criminal court, or county court at law, in which the fine
12 imposed or affirmed by the county court, the county criminal court
13 or county court at law does not exceed one hundred dollars, unless
14 the sole issue is the constitutionality of the statute or ordinance
15 on which the conviction is based.

16 SECTION 2.03. Article 44.25, Code of Criminal Procedure, is
17 amended to read as follows:

18 Art. 44.25. CASES REMANDED. The courts of appeals, other
19 than the Court of Appeals of the Fifteenth Court of Appeals
20 District, or the Court of Criminal Appeals may reverse the judgment
21 in a criminal action, as well upon the law as upon the facts.

22 SECTION 2.04. Section 31.001, Government Code, is amended
23 to read as follows:

24 Sec. 31.001. AUTHORITY FOR COUNTY PAYMENT OF COMPENSATION.
25 The commissioners courts in the counties of each of the 15 [~~14~~]
26 courts of appeals districts may pay additional compensation in an
27 amount that does not exceed the limitations of Section 659.012 to

1 each of the justices of the courts of appeals, other than a justice
2 of the Court of Appeals of the Fifteenth Court of Appeals District,
3 residing within the court of appeals district that includes those
4 counties. The compensation is for all extrajudicial services
5 performed by the justices.

6 ARTICLE 3. SPECIFIC APPROPRIATION REQUIRED; CONSTITUTIONAL
7 CHALLENGE; EFFECTIVE DATE

8 SECTION 3.01. (a) Notwithstanding Section 22.201(a),
9 Government Code, as amended by this Act, and Sections 22.201(p) and
10 22.2151, Government Code, as added by this Act, the Court of Appeals
11 for the Fifteenth Court of Appeals District is not created unless
12 the legislature makes a specific appropriation of money for that
13 purpose. For purposes of this subsection, a specific appropriation
14 is an appropriation identifying the Court of Appeals for the
15 Fifteenth Court of Appeals District or an Act of the 88th
16 Legislature, Regular Session, 2023, relating to the creation of the
17 Court of Appeals for the Fifteenth Court of Appeals District.

18 (b) Notwithstanding Section 22.220(a), Government Code, as
19 amended by this Act, a court of appeals has the same jurisdiction
20 the court had on August 31, 2023, if the Court of Appeals for the
21 Fifteenth Court of Appeals District is not created as a result of
22 Subsection (a) of this section.

23 SECTION 3.02. The Texas Supreme Court has exclusive and
24 original jurisdiction over a challenge to the constitutionality of
25 this Act or any part of this Act and may issue injunctive or
26 declaratory relief in connection with the challenge.

27 SECTION 3.03. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1045 passed the Senate on March 30, 2023, by the following vote: Yeas 19, Nays 12; and that the Senate concurred in House amendments on May 21, 2023, by the following vote: Yeas 19, Nays 12.

Secretary of the Senate

I hereby certify that S.B. No. 1045 passed the House, with amendments, on May 19, 2023, by the following vote: Yeas 91, Nays 47, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor