

By: Hartnett

H.B. No. 3384

Substitute the following for H.B. No. 3384:

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C.S.H.B. No. 3384

A BILL TO BE ENTITLED

AN ACT

relating to associate judges appointed by certain district courts
in Dallas County.

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

SECTION 1. The heading to Subchapter F, Chapter 54,
Government Code, is amended to read as follows:

SUBCHAPTER F. ASSOCIATE JUDGES [~~MASTERS~~] IN DALLAS COUNTY

SECTION 2. Section 54.502, Government Code, is amended to
read as follows:

Sec. 54.502. APPOINTMENT OF ASSOCIATE JUDGES [~~MASTER~~]. (a)
The judges may by majority vote appoint one or more [~~a~~] full-time
associate judges [~~master~~] for [~~tax suits and~~] any civil [~~other~~]
matters.

(b) Each [~~The~~] appointment is subject to the approval of the
commissioners court.

(c) An associate judge's [~~The master's~~] services may be
terminated by a majority vote of the judges.

SECTION 3. Section 54.503, Government Code, is amended to
read as follows:

Sec. 54.503. QUALIFICATIONS. An associate judge [~~The
master~~] must:

(1) be a citizen of this state;

(2) be at least 25 years of age; and

(3) have practiced law in this state for at least four

1 years preceding the date of appointment and maintain a license to
2 practice law in this state during the term of appointment [~~who is~~
3 ~~licensed to practice law in this state~~].

4 SECTION 4. Section 54.504, Government Code, is amended to
5 read as follows:

6 Sec. 54.504. COMPENSATION. An associate judge [~~The master~~]
7 is entitled to the compensation set by the commissioners court. The
8 compensation shall be paid from the general fund of the county.

9 SECTION 5. Section 54.505, Government Code, is amended to
10 read as follows:

11 Sec. 54.505. JUDICIAL IMMUNITY [~~FEES~~]. An associate judge
12 has the same judicial immunity as a district judge. [~~(a) On each~~
13 ~~tax case referred to a master, the judge shall set the master's fee,~~
14 ~~and that fee shall be added as court costs.~~

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

18 SECTION 6. Section 54.506, Government Code, is amended to
19 read as follows:

20 Sec. 54.506. MATTERS THAT MAY BE REFERRED; NO RIGHT OF
21 OBJECTION. (a) A judge may refer any civil case or portion of a
22 civil case to an associate judge for resolution.

23 (b) A party may not object to the referral of a matter
24 described by Subsection (a) to an associate judge [~~any matter to the~~
25 ~~master for a finding~~].

26 SECTION 7. Subchapter F, Chapter 54, Government Code, is
27 amended by adding Section 54.5061 to read as follows:

1 Sec. 54.5061. TRIAL ON THE MERITS. An associate judge may
2 conduct a trial on the merits on the agreement of all parties and
3 the consent of the referring court.

4 SECTION 8. Section 54.507, Government Code, is amended to
5 read as follows:

6 Sec. 54.507. METHODS [ORDER] OF REFERRAL. A case may be
7 referred to an associate judge by an order of referral in a specific
8 case or by an omnibus order. [~~(a) To refer a matter to the master, a~~
9 judge must issue an order of referral specifying the master's
10 duties.

11 [~~(b) The order of referral may:~~

12 [~~(1) limit the powers of the master and direct the~~
13 ~~master to report only on specific issues, do particular acts, or~~
14 ~~receive and report on evidence only;~~

15 [~~(2) set the time and place for the hearing;~~

16 [~~(3) prescribe a closing date for the hearing; and~~

17 [~~(4) provide a date for the filing of the master's~~
18 ~~report.]~~

19 SECTION 9. Section 54.508, Government Code, is amended to
20 read as follows:

21 Sec. 54.508. POWERS. Unless limited by published local
22 rule, by written order, or by order of referral, an associate judge
23 has the same authority as the referring judge to perform any act
24 necessary for the proper resolution of the matter referred.

25 [~~Except as limited by an order of referral, the master may:~~

26 [~~(1) conduct hearings;~~

27 [~~(2) hear evidence;~~

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

11 SECTION 10. Section 54.509, Government Code, is amended to
12 read as follows:

13 Sec. 54.509. RECORD OF EVIDENCE. (a) A party, the associate
14 judge, or the referring court may but is not required to provide a
15 court reporter for a hearing conducted by an associate judge.

16 (b) A record of a hearing conducted by an associate judge
17 may be preserved by a tape recorder provided by the associate judge
18 or by another method approved by the associate judge or the
19 referring court.

20 (c) An associate judge or the referring court may impose as
21 costs the expenses incurred in preserving a record. ~~[At the request~~
22 ~~of a party, the master shall make a record of the evidence offered~~
23 ~~and excluded. The record must be in the same form as a record of~~
24 ~~evidence for a trial court.]~~

25 SECTION 11. Section 54.510, Government Code, is amended to
26 read as follows:

27 Sec. 54.510. NOTICE OF DECISION; APPEAL ~~[HEARING]~~. (a)

1 After hearing a matter, an associate judge shall notify each
2 attorney participating in the hearing of the associate judge's
3 decision. An associate judge's decision has the same force and
4 effect as an order of the referring court unless a party appeals the
5 decision as provided by Subsection (b).

6 (b) To appeal an associate judge's decision, other than the
7 issuance of a temporary restraining order or temporary injunction,
8 a party must file an appeal in the referring court not later than
9 the third day after the date the party receives notice of the
10 decision under Subsection (a).

11 (c) A temporary restraining order issued by an associate
12 judge is effective immediately and expires on the 15th day after the
13 date of issuance unless, after a hearing, the order is modified or
14 extended by the associate judge or a district judge.

15 (d) A temporary injunction issued by an associate judge is
16 effective immediately and continues during the pendency of a trial
17 unless, after a hearing, the order is modified by a district judge.

18 (e) A matter appealed to the referring court shall be tried
19 de novo and shall be limited to only those matters specified in the
20 appeal. Except on leave of court, a party may not submit on appeal
21 any additional evidence or pleadings. [~~Before the master holds a~~
22 hearing, each party shall be given notice of the time and place of
23 the hearing as provided by Rule 21a, Texas Rules of Civil
24 Procedure.]

25 SECTION 12. Section 54.511, Government Code, is amended to
26 read as follows:

27 Sec. 54.511. CONTINUING EDUCATION [WITNESS]. (a) An

1 associate judge is subject to the same continuing judicial
2 education requirements as a district judge.

3 (b) Continuing judicial education credit earned by an
4 associate judge during a fiscal year that exceeds the minimum
5 number of credit hours required for that year may be carried forward
6 and applied to the following fiscal year.

7 (c) An associate judge may be reimbursed for expenses
8 incurred in complying with the requirements of this section if
9 sufficient funds are available in the budget for continuing
10 judicial education. [~~A witness who appears before the master and is~~
11 ~~sworn is subject to the penalties for perjury provided by law.~~

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

16 SECTION 13. Sections 54.512-54.516, Government Code, are
17 repealed.

18 SECTION 14. The change in law made by this Act applies only
19 to a matter referred to an associate judge on or after the effective
20 date of this Act.

21 SECTION 15. This Act takes effect September 1, 2003.