

1-1 By: Chavez (Senate Sponsor - Uresti) H.B. No. 930
1-2 (In the Senate - Received from the House March 19, 2007;
1-3 April 3, 2007, read first time and referred to Committee on
1-4 Jurisprudence; May 7, 2007, reported favorably, as amended, by the
1-5 following vote: Yeas 4, Nays 0; May 7, 2007, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Harris

1-7 Amend H.B. 930 by adding new appropriately numbered SECTIONS to
1-8 read as follows:

1-9 SECTION _____. Section 201.007(a), Family Code, is amended to
1-10 read as follows:

1-11 (a) Except as limited by an order of referral, an associate
1-12 judge may:

- 1-13 (1) conduct a hearing;
- 1-14 (2) hear evidence;
- 1-15 (3) compel production of relevant evidence;
- 1-16 (4) rule on the admissibility of evidence;
- 1-17 (5) issue a summons for the appearance of witnesses;
- 1-18 (6) examine a witness;
- 1-19 (7) swear a witness for a hearing;
- 1-20 (8) make findings of fact on evidence;
- 1-21 (9) formulate conclusions of law;
- 1-22 (10) recommend an order to be rendered in a case;
- 1-23 (11) regulate all proceedings in a hearing before the

1-24 associate judge;

1-25 (12) order the attachment of a witness or party who
1-26 fails to obey a subpoena;

1-27 (13) order the detention of a witness or party found
1-28 guilty of contempt, pending approval by the referring court as
1-29 provided by Section 201.013;

1-30 (14) without prejudice to the right of appeal under
1-31 Section 201.015, render and sign:

1-32 (A) a final order agreed to in writing as to both
1-33 form and substance by all parties;

1-34 (B) a final default order; or

1-35 (C) a temporary order; and

1-36 (15) take action as necessary and proper for the
1-37 efficient performance of the associate judge's duties.

1-38 SECTION _____. The heading to Section 201.009, Family Code,
1-39 is amended to read as follows:

1-40 Sec. 201.009. COURT REPORTER; RECORD.

1-41 SECTION _____. Sections 201.009(a) and (c), Family Code, are
1-42 amended to read as follows:

1-43 (a) A court reporter may be provided during a hearing held
1-44 by an associate judge appointed under this chapter. A court
1-45 reporter is required to be provided when the associate judge
1-46 presides over a jury trial or a contested final termination
1-47 hearing.

1-48 (c) Except as provided by Subsection (a), in the absence of
1-49 a court reporter or on agreement of the parties, the [The] record
1-50 may be preserved [in the absence of a court reporter] by any [other]
1-51 means approved by the associate judge.

1-52 COMMITTEE AMENDMENT NO. 2 By: Harris

1-53 Amend the Harris Amendment to H.B. 930 as follows:

1-54 1. On page 2, line 1 strike the word "and"

1-55 2. On page 2, line 3 strike the period and insert a ; and

1-56 3. On page 2 after line 3 insert a new subsection (16) to
1-57 read as follows:

1-58 (16) sign a final order that includes a waiver of the
1-59 right of appeal pursuant to Section 201.015.

A BILL TO BE ENTITLED
AN ACT

2-1
2-2
2-3 relating to certain orders rendered by an associate judge under the
2-4 Family Code.

2-5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

2-6 SECTION 1. Section 201.007, Family Code, is amended by
2-7 amending Subsections (a) and (c) and adding Subsection (d) to read
2-8 as follows:

2-9 (a) Except as limited by an order of referral, an associate
2-10 judge may:

- 2-11 (1) conduct a hearing;
2-12 (2) hear evidence;
2-13 (3) compel production of relevant evidence;
2-14 (4) rule on the admissibility of evidence;
2-15 (5) issue a summons for the appearance of witnesses;
2-16 (6) examine a witness;
2-17 (7) swear a witness for a hearing;
2-18 (8) make findings of fact on evidence;
2-19 (9) formulate conclusions of law;
2-20 (10) recommend an order to be rendered in a case;
2-21 (11) regulate all proceedings in a hearing before the
2-22 associate judge;

2-23 (12) order the attachment of a witness or party who
2-24 fails to obey a subpoena;
2-25 (13) order the detention of a witness or party found
2-26 guilty of contempt, pending approval by the referring court as
2-27 provided by Section 201.013;

2-28 (14) render and sign:
2-29 (A) a final order agreed to in writing as to both
2-30 form and substance by all parties;
2-31 (B) a final default order; ~~or~~
2-32 (C) a temporary order; or
2-33 (D) a final order in a case in which a party files
2-34 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
2-35 Civil Procedure, that waives notice to the party of the final
2-36 hearing or waives the party's appearance at the final hearing; and
2-37 (15) take action as necessary and proper for the
2-38 efficient performance of the associate judge's duties.

2-39 (c) An ~~agreed~~ order described by Subsection (a)(14) that
2-40 is ~~[, a default order, or a temporary order]~~ rendered and signed by
2-41 an associate judge ~~[under Subsection (a)]~~ constitutes an order of
2-42 the referring court.

2-43 (d) An answer filed by or on behalf of a party who previously
2-44 filed a waiver described in Subsection (a)(14)(D) shall revoke that
2-45 waiver.

2-46 SECTION 2. This Act takes effect immediately if it receives
2-47 a vote of two-thirds of all the members elected to each house, as
2-48 provided by Section 39, Article III, Texas Constitution. If this
2-49 Act does not receive the vote necessary for immediate effect, this
2-50 Act takes effect September 1, 2007.

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