

1-1 By: Duncan S.B. No. 1204
1-2 (In the Senate - Filed March 6, 2007; March 14, 2007, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 25, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 1; April 25, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1204 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the reorganization and administration of, and
1-11 procedures relating to, courts in this state, including procedures
1-12 for appeals.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 ARTICLE 1. APPELLATE COURT PROVISIONS

1-15 SECTION 1.01. Subsection (b), Section 22.002, Government
1-16 Code, is amended to read as follows:

1-17 (b) The supreme court or, in vacation, a justice of the
1-18 supreme court may issue a writ of mandamus to compel a statutory
1-19 county court judge, a statutory probate court judge, or a district
1-20 judge to proceed to trial and judgment in a case [~~agreeable to the~~
1-21 ~~principles and usages of law, returnable to the supreme court on or~~
1-22 ~~before the first day of the term, or during the session of the term,~~
1-23 ~~or before any justice of the supreme court as the nature of the case~~
1-24 ~~requires~~].

1-25 SECTION 1.02. (a) Section 24.007, Property Code, is
1-26 amended to read as follows:

1-27 Sec. 24.007. APPEAL. (a) [~~A final judgment of a county~~
1-28 ~~court in an eviction suit may not be appealed on the issue of~~
1-29 ~~possession unless the premises in question are being used for~~
1-30 ~~residential purposes only.~~] A judgment of a county court in an
1-31 eviction suit may not under any circumstances be stayed pending
1-32 appeal unless, within 10 days of the signing of the judgment, the
1-33 appellant files a supersedeas bond in an amount set by the county
1-34 court. In setting the supersedeas bond the county court shall
1-35 provide protection for the appellee to the same extent as in any
1-36 other appeal, taking into consideration the value of rents likely
1-37 to accrue during appeal, damages which may occur as a result of the
1-38 stay during appeal, and other damages or amounts as the court may
1-39 deem appropriate.

1-40 (b) Notwithstanding any other law, an appeal may be taken
1-41 from a final judgment of a county court, statutory county court, or
1-42 district court in an eviction suit.

1-43 (b) The change in law made by this section applies to an
1-44 appeal of a final judgment rendered on or after the effective date
1-45 of this section. An appeal of a final judgment rendered before the
1-46 effective date of this section is governed by the law in effect on
1-47 the date the judgment was rendered, and the former law is continued
1-48 in effect for that purpose.

1-49 SECTION 1.03. Section 22.007, Government Code, is repealed.

1-50 ARTICLE 2. GENERAL PROVISIONS FOR TRIAL COURTS

1-51 SECTION 2.01. The heading to Subchapter A, Chapter 23,
1-52 Government Code, is amended to read as follows:

1-53 SUBCHAPTER A. GENERAL PROVISIONS [~~JURISDICTION~~]

1-54 SECTION 2.02. Subchapter A, Chapter 23, Government Code, is
1-55 amended by adding Section 23.002 to read as follows:

1-56 Sec. 23.002. TRANSFER OF CASES. Notwithstanding Section
1-57 74.121 or any other law, on the agreement of all parties in a
1-58 pending case, a district court, statutory county court, county
1-59 court, or justice court may transfer the case to any other of those
1-60 courts in the county, regardless of whether the court to which the
1-61 case will be transferred has jurisdiction of the matter and
1-62 provided that the court to which the case will be transferred agrees
1-63 to the transfer.

ARTICLE 3. GENERAL PROVISIONS FOR DISTRICT COURTS

SECTION 3.01. Section 24.002, Government Code, is amended to read as follows:

Sec. 24.002. ASSIGNMENT OF JUDGE OR TRANSFER OF CASE ON RECUSAL [SUBSTITUTE JUDGES]. (a) If the district judge in a county with only one district court determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself, the judge shall enter a recusal order, request the presiding judge of that administrative judicial region to assign another judge to sit, and take no further action in the case except for good cause stated in the order in which the action is taken. A change of venue is not necessary because of the disqualification of a district judge in a case or proceeding pending in the judge's court.

(b) If a district judge in a county with more than one district court determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself, the judge shall enter a recusal order, request the local administrative district judge to transfer the case to another court, and take no further action in the case except for good cause stated in the order in which the action is taken. A change of venue is not necessary because of the disqualification of a district judge in a case or proceeding pending in the judge's [his] court[~~but the judge shall immediately certify his disqualification to the governor. The governor shall designate a district judge of another district to exchange benches with the disqualified judge to try the case. The governor shall notify both judges of his designation, and the judges shall exchange benches. If the judges are prevented from exchanging benches, the parties or their counsels may agree on an attorney of the court for the trial of the case. The district judge or special judge shall certify to the governor the fact of a failure of the parties or their counsels to agree on an attorney, and the governor shall appoint a person legally qualified to act as judge in the trial of the case~~].

SECTION 3.02. Section 24.003, Government Code, is amended to read as follows:

Sec. 24.003. TRANSFER OF CASES; EXCHANGE OF BENCHES [SUBSTITUTE JUDGES IN CERTAIN COUNTIES]. (a) This section applies only to [~~civil cases in~~] counties with two [~~five~~] or more district courts.

- (b) A district judge in the county may:
- (1) transfer any civil or criminal case or proceeding on the court's docket to the docket of another district court in the county;
 - (2) hear and determine any case or proceeding pending in another district court in the county without having the case transferred;
 - (3) sit for another district court in the county and hear and determine any case or proceeding pending in that court;
 - (4) temporarily exchange benches with the judge of another district court in the county;
 - (5) try different cases in the same court at the same time; and
 - (6) occupy the judge's own courtroom or the courtroom of another district court in the county.

(c) If a district judge in the county is sick or otherwise absent, another district judge in the county may hold court for the judge.

(d) A district judge in the county may hear and determine any part or question of any case or proceeding pending in any of the district courts, and any other district judge may complete the hearing and render judgment in the case or proceeding. A district judge may hear and determine motions, including motions for new trial, petitions for injunction, applications for the appointment of a receiver, interventions, pleas in abatement, dilatory pleas, and all preliminary matters, questions, and proceedings, and may enter judgment or order on them in the court in which the case or

3-1 proceeding is pending without transferring the case or proceeding.
 3-2 The district judge in whose court the matter is pending may proceed
 3-3 to hear, complete, and determine the matter, or all or any part of
 3-4 another matter, and render a final judgment. A district judge may
 3-5 issue a restraining order or injunction that is returnable to any
 3-6 other district court.

3-7 (e) A judgment or order shall be entered in the minutes of
 3-8 the court in which the case is pending.

3-9 (f) This section does not limit the powers of a district
 3-10 judge when acting for another judge by exchange of benches or
 3-11 otherwise [If a district judge is disqualified in a case pending in
 3-12 his court and his disqualification is certified to the governor,
 3-13 the governor may require any other district judge in the county to
 3-14 exchange benches with the disqualified judge.

3-15 [(c) If a district judge is absent, sick, or disqualified,
 3-16 any of the district judges in the county may hold court for him or
 3-17 may transfer a pending case to the court of any other district judge
 3-18 in the county].

3-19 SECTION 3.03. Subsection (a), Section 24.012, Government
 3-20 Code, is amended to read as follows:

3-21 (a) Notwithstanding any other law, each [Each] district and
 3-22 criminal district court holds in each county in the judicial
 3-23 district [at least two] terms that commence on the first Mondays in
 3-24 January and July of [court] each year [in each county in the
 3-25 district]. To the extent of a conflict between this subsection and
 3-26 a specific provision relating to a particular judicial district,
 3-27 this section controls.

3-28 SECTION 3.04. Subchapter A, Chapter 24, Government Code, is
 3-29 amended by adding Sections 24.023 through 24.033 to read as
 3-30 follows:

3-31 Sec. 24.023. OBLIGATIONS; BONDS. (a) When a case is
 3-32 transferred from one court to another, all processes, writs, bonds,
 3-33 recognizances, and other obligations issued by the transferring
 3-34 court are returnable to the court to which the case is transferred
 3-35 as if originally issued by that court.

3-36 (b) The obligees in all bonds and recognizances taken in and
 3-37 for a court from which a case is transferred, and all witnesses
 3-38 summoned to appear in a district court from which a case is
 3-39 transferred, are required to appear before the court to which the
 3-40 case is transferred as if the bond, recognizance, or summons was
 3-41 taken in or for that court.

3-42 Sec. 24.024. FILING AND DOCKETING CASES. In a county with
 3-43 two or more district courts, the district judges may adopt rules
 3-44 governing the filing and numbering of cases, the assignment of
 3-45 cases for trial, and the distribution of the work of the courts as
 3-46 in their discretion they consider necessary or desirable for the
 3-47 orderly dispatch of the business of the courts.

3-48 Sec. 24.025. SUPPLEMENTAL COMPENSATION. (a) Unless
 3-49 otherwise provided by this subchapter, all district judges in a
 3-50 county are entitled to equal amounts of supplemental compensation
 3-51 from the county.

3-52 (b) A district judge is entitled to an amount of
 3-53 supplemental compensation for serving on the juvenile board of a
 3-54 county that is equal to the amount other judges serving on the
 3-55 juvenile board receive.

3-56 Sec. 24.026. ASSIGNING PREFERENCES TO DISTRICT COURTS.
 3-57 (a) In a county with two or more district courts, the local board
 3-58 of district judges may designate a court as giving preference to
 3-59 certain kinds of cases.

3-60 (b) Courts designated as giving preference to family law
 3-61 matters have primary responsibility for matters arising under
 3-62 Titles 1, 2, 4, and 5, Family Code.

3-63 (c) The designation of a court as giving preference to
 3-64 certain kinds of cases does not limit the jurisdiction of that court
 3-65 or of any other district court in the county.

3-66 Sec. 24.027. APPOINTMENT OF INITIAL JUDGE. On the creation
 3-67 of a new judicial district, the initial vacancy in the office of
 3-68 district judge is filled in accordance with Section 28, Article V,
 3-69 Texas Constitution.

4-1 Sec. 24.028. GRAND AND PETIT JURORS. All grand and petit
 4-2 jurors selected in a county before a new district court is created
 4-3 or the composition of an existing district court is modified by an
 4-4 amendment to this chapter are considered to be selected for the new
 4-5 or modified district court, as applicable.

4-6 Sec. 24.029. CASES TRANSFERRED. If by an amendment to this
 4-7 chapter a county is removed from the composition of an existing
 4-8 judicial district and added to another existing or new judicial
 4-9 district, all cases and proceedings from that county that are
 4-10 pending in the district court of the judicial district from which
 4-11 the county was removed are transferred to the district court of the
 4-12 judicial district to which the county is added. The judge of each
 4-13 affected district court shall sign the proper orders in connection
 4-14 with the transfer.

4-15 Sec. 24.030. PROCESSES, WRITS, AND OTHER OBLIGATIONS REMAIN
 4-16 VALID. (a) If by an amendment to this chapter a county is removed
 4-17 from the composition of an existing judicial district and added to
 4-18 another existing or new judicial district, or if an amendment to
 4-19 this chapter changes the time or place at which the terms of court
 4-20 are held, all processes, writs, bonds, recognizances, and other
 4-21 obligations issued from and made returnable to that court before
 4-22 the effective date of the transfer or other change are returnable as
 4-23 provided by this subsection. An obligation issued from the
 4-24 affected court is returnable to another district court in the
 4-25 county on the date that court directs, but may not be made
 4-26 returnable on a date that is earlier than the date on which the
 4-27 obligation was originally returnable. The obligations are legal
 4-28 and valid as if the obligations had been made returnable to the
 4-29 issuing court.

4-30 (b) The obligees in all appearance bonds and recognizances
 4-31 taken in and for a district court of a county before the effective
 4-32 date of an amendment to this chapter, and all witnesses summoned to
 4-33 appear before that district court under laws existing before the
 4-34 effective date of an amendment to this chapter, are required to
 4-35 appear at another district court in the county on the date that
 4-36 court directs, but may not be required to appear on a date that is
 4-37 earlier than the date on which the obligees or witnesses were
 4-38 originally required to appear.

4-39 Sec. 24.031. LOCATION OF COURT. (a) A district court
 4-40 shall sit in the county seat for a jury trial in a civil case. The
 4-41 commissioners court of the county may authorize a district court to
 4-42 sit in any municipality within the county to hear and determine
 4-43 nonjury trials in civil cases and to hear and determine motions,
 4-44 arguments, and other matters not heard before a jury in a civil case
 4-45 that is within the court's jurisdiction.

4-46 (b) The district clerk or the clerk's deputy serves as clerk
 4-47 of the court when a court sits in a municipality other than the
 4-48 municipality that is the county seat and may transfer:

4-49 (1) all necessary books, minutes, records, and papers
 4-50 to that municipality while the court is in session there; and

4-51 (2) the books, minutes, records, and papers back to
 4-52 the clerk's office in the county seat at the end of each session.

4-53 (c) If the commissioners court authorizes a district court
 4-54 to sit in a municipality other than the municipality that is the
 4-55 county seat, the commissioners court shall provide suitable
 4-56 facilities for the court in that municipality.

4-57 Sec. 24.032. SPECIAL DISTRICT COURTS. Each court listed in
 4-58 Subchapter C that is directed to give preference to specific
 4-59 matters or types of cases shall participate in all matters relating
 4-60 to juries, grand juries, indictments, and docketing of cases in the
 4-61 same manner as the other district courts that are similarly
 4-62 directed within that county.

4-63 Sec. 24.033. COURT OFFICERS. The prosecuting attorney, the
 4-64 sheriff, the district clerk, the bailiffs, and the other officers
 4-65 serving a district court of the county listed in this chapter other
 4-66 than in Subchapter C shall serve in their respective capacities for
 4-67 the district courts listed in Subchapter C.

4-68 SECTION 3.05. Subsection (g), Section 25.0362, Government
 4-69 Code, is amended to read as follows:

5-1 (g) In matters of concurrent jurisdiction, a judge of a
5-2 county court at law and a judge of a district court in Cass County
5-3 may transfer cases between the courts in the same manner that judges
5-4 of district courts may transfer cases under Section 24.003
5-5 [~~24.303~~].

5-6 SECTION 3.06. Subsection (w), Section 25.0732, Government
5-7 Code, is amended to read as follows:

5-8 (w) In matters of concurrent jurisdiction, a judge of a
5-9 statutory county court in El Paso County and a judge of a district
5-10 court or another statutory county court in El Paso County may
5-11 transfer cases between the courts in the same manner judges of
5-12 district courts transfer cases under Section 24.003 [~~24.303~~].

5-13 SECTION 3.07. Subsection (c), Section 25.1672, Government
5-14 Code, is amended to read as follows:

5-15 (c) In matters of concurrent jurisdiction, judges of the
5-16 county courts at law and district courts in the county may exchange
5-17 benches and courtrooms and may transfer cases between their dockets
5-18 in the same manner that district court judges exchange benches and
5-19 transfer cases under Section 24.003 [~~24.303~~].

5-20 SECTION 3.08. Subsection (v), Section 25.1862, Government
5-21 Code, is amended to read as follows:

5-22 (v) In matters of concurrent jurisdiction, a judge of a
5-23 county court at law and a judge of a district court or another
5-24 county court at law may transfer cases between the courts in the
5-25 same manner judges of district courts transfer cases under Section
5-26 24.003 [~~24.303~~].

5-27 SECTION 3.09. Subsection (k), Section 25.1932, Government
5-28 Code, is amended to read as follows:

5-29 (k) Notwithstanding Section 74.121(b)(1), in matters of
5-30 concurrent jurisdiction, the judge of a county court at law and the
5-31 judges of the district courts in the county may exchange benches and
5-32 courtrooms and may transfer cases between their dockets in the same
5-33 manner that judges of district courts exchange benches and transfer
5-34 cases under Section 24.003 [~~24.303~~].

5-35 SECTION 3.10. Section 62.201, Government Code, is amended
5-36 to read as follows:

5-37 Sec. 62.201. NUMBER OF JURORS. The jury in a district court
5-38 is composed of 12 persons, except that the parties may agree to try
5-39 a particular case with fewer than 12 jurors unless a jury of six or
5-40 12 is required by Section 13, Article V, Texas Constitution.

5-41 SECTION 3.11. Subdivision (2), Subsection (b), Section
5-42 74.121, Government Code, is amended to read as follows:

5-43 (2) Notwithstanding Subdivision (1), in matters of
5-44 concurrent jurisdiction, a judge of a statutory county court in
5-45 Midland County and a judge of a district court in Midland County may
5-46 exchange benches and courtrooms with each other and may transfer
5-47 cases between their dockets in the same manner that judges of
5-48 district courts exchange benches and transfer cases under Section
5-49 24.003 [~~24.303~~].

5-50 SECTION 3.12. Sections 24.013, 24.302, 24.303, 24.304,
5-51 24.305, 24.307, 24.308, 24.309, 24.310, 24.311, 24.312, 24.313, and
5-52 24.314, Government Code, are repealed.

5-53 ARTICLE 4. JURISDICTION OF STATUTORY COUNTY COURTS

5-54 SECTION 4.01. Section 25.0002, Government Code, is amended
5-55 to read as follows:

5-56 Sec. 25.0002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

5-57 (1) "Criminal law cases and proceedings" includes
5-58 cases and proceedings for allegations of conduct punishable in part
5-59 by confinement in the county jail not to exceed one year.

5-60 (2) "Family [~~"family~~] law cases and proceedings"
5-61 includes cases and proceedings under Titles 1, 2, 4, and 5, Family
5-62 Code [~~involving adoptions, birth records, or removal of disability~~
5-63 ~~of minority or coverture, change of names of persons, child~~
5-64 ~~welfare, custody, support and reciprocal support, dependency,~~
5-65 ~~neglect, or delinquency, paternity, termination of parental~~
5-66 ~~rights, divorce and marriage annulment, including the adjustment of~~
5-67 ~~property rights, custody and support of minor children involved~~
5-68 ~~therein, temporary support pending final hearing, and every other~~
5-69 ~~matter incident to divorce or annulment proceedings, independent~~

~~actions involving child support, custody of minors, and wife or child desertion; and independent actions involving controversies between parent and child, between parents, and between spouses].~~

(3) "Juvenile law cases and proceedings" includes all cases and proceedings brought under Title 3, Family Code.

(4) "Mental health causes and proceedings" includes all cases and proceedings brought under Subtitle C, Title 7, Health and Safety Code.

SECTION 4.02. Subsection (a), Section 25.2292, Government Code, is repealed.

SECTION 4.03. This article takes effect September 1, 2007.

ARTICLE 5. ABOLITION OF CERTAIN STATUTORY COUNTY COURTS AND CREATION OF ADDITIONAL JUDICIAL DISTRICTS

SECTION 5.01. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.594 to read as follows:

Sec. 24.594. 450TH JUDICIAL DISTRICT (CALHOUN COUNTY). The 450th Judicial District is composed of Calhoun County.

(b) Sections 25.0311 and 25.0312, Government Code, are repealed.

(c) On January 1, 2011:

(1) the County Court at Law No. 1 of Calhoun County is abolished; and

(2) the 450th Judicial District is created.

(d) This section takes effect January 1, 2011.

SECTION 5.02. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.595 to read as follows:

Sec. 24.595. 451ST JUDICIAL DISTRICT (CAMERON COUNTY). The 451st Judicial District is composed of Cameron County.

(b) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.596 to read as follows:

Sec. 24.596. 452ND JUDICIAL DISTRICT (CAMERON COUNTY). The 452nd Judicial District is composed of Cameron County.

(c) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.597 to read as follows:

Sec. 24.597. 453RD JUDICIAL DISTRICT (CAMERON COUNTY). The 453rd Judicial District is composed of Cameron County.

(d) Sections 25.0331 and 25.0332, Government Code, are repealed.

(e) On January 1, 2011:

(1) the County Court at Law No. 1 of Cameron County is abolished; and

(2) the 451st Judicial District is created.

(f) On January 1, 2011:

(1) the County Court at Law No. 2 of Cameron County is abolished; and

(2) the 452nd Judicial District is created.

(g) On January 1, 2011:

(1) the County Court at Law No. 3 of Cameron County is abolished; and

(2) the 453rd Judicial District is created.

(h) This section takes effect January 1, 2011.

SECTION 5.03. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.598 to read as follows:

Sec. 24.598. 454TH JUDICIAL DISTRICT (CASS COUNTY). The 454th Judicial District is composed of Cass County.

(b) Sections 25.0361 and 25.0362, Government Code, are repealed.

(c) On January 1, 2011:

(1) the County Court at Law of Cass County is abolished; and

(2) the 454th Judicial District is created.

(d) This section takes effect January 1, 2011.

SECTION 5.04. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.599 to read as follows:

Sec. 24.599. 455TH JUDICIAL DISTRICT (DALLAS COUNTY). The 455th Judicial District is composed of Dallas County.

(b) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.600 to read as follows:

Sec. 24.600. 456TH JUDICIAL DISTRICT (DALLAS COUNTY). The

7-1 456th Judicial District is composed of Dallas County.
7-2 (c) Subchapter C, Chapter 24, Government Code, is amended by
7-3 adding Section 24.6001 to read as follows:
7-4 Sec. 24.6001. 457TH JUDICIAL DISTRICT (DALLAS COUNTY). The
7-5 457th Judicial District is composed of Dallas County.
7-6 (d) Subchapter C, Chapter 24, Government Code, is amended by
7-7 adding Section 24.6002 to read as follows:
7-8 Sec. 24.6002. 458TH JUDICIAL DISTRICT (DALLAS COUNTY). The
7-9 458th Judicial District is composed of Dallas County.
7-10 (e) Subchapter C, Chapter 24, Government Code, is amended by
7-11 adding Section 24.6003 to read as follows:
7-12 Sec. 24.6003. 459TH JUDICIAL DISTRICT (DALLAS COUNTY). The
7-13 459th Judicial District is composed of Dallas County.
7-14 (f) Subsection (a), Section 25.0591, and Section 25.0592,
7-15 Government Code, are repealed.
7-16 (g) Subsection (a), Section 25.0593, Government Code, is
7-17 amended to read as follows:
7-18 (a) A county criminal court in Dallas County has the
7-19 criminal jurisdiction, original and appellate, provided by the
7-20 constitution and law for county courts and ~~[concurrent]~~
7-21 jurisdiction ~~[with county courts at law for Dallas County]~~ to hear
7-22 appeals of the suspension of driver's licenses and original
7-23 proceedings regarding occupational driver's licenses.
7-24 (h) On January 1, 2011:
7-25 (1) the County Court of Dallas County at Law No. 1 is
7-26 abolished; and
7-27 (2) the 455th Judicial District is created.
7-28 (i) On January 1, 2011:
7-29 (1) the County Court of Dallas County at Law No. 2 is
7-30 abolished; and
7-31 (2) the 456th Judicial District is created.
7-32 (j) On January 1, 2011:
7-33 (1) the County Court of Dallas County at Law Number 3
7-34 is abolished; and
7-35 (2) the 457th Judicial District is created.
7-36 (k) On January 1, 2011:
7-37 (1) the County Court of Dallas County at Law Number 4
7-38 is abolished; and
7-39 (2) the 458th Judicial District is created.
7-40 (l) On January 1, 2011:
7-41 (1) the County Court of Dallas County at Law No. 5 is
7-42 abolished; and
7-43 (2) the 459th Judicial District is created.
7-44 (m) This section takes effect January 1, 2011.
7-45 SECTION 5.05. (a) Subchapter C, Chapter 24, Government
7-46 Code, is amended by adding Section 24.6004 to read as follows:
7-47 Sec. 24.6004. 460TH JUDICIAL DISTRICT (ELLIS COUNTY). The
7-48 460th Judicial District is composed of Ellis County.
7-49 (b) Subchapter C, Chapter 24, Government Code, is amended by
7-50 adding Section 24.6005 to read as follows:
7-51 Sec. 24.6005. 461ST JUDICIAL DISTRICT (ELLIS COUNTY). The
7-52 461st Judicial District is composed of Ellis County.
7-53 (c) Sections 25.0721 and 25.0722, Government Code, are
7-54 repealed.
7-55 (d) On January 1, 2011:
7-56 (1) the County Court at Law of Ellis County is
7-57 abolished; and
7-58 (2) the 460th Judicial District is created.
7-59 (e) On January 1, 2011:
7-60 (1) the County Court at Law No. 2 of Ellis County is
7-61 abolished; and
7-62 (2) the 461st Judicial District is created.
7-63 (f) This section takes effect January 1, 2011.
7-64 SECTION 5.06. (a) Subchapter C, Chapter 24, Government
7-65 Code, is amended by adding Section 24.6006 to read as follows:
7-66 Sec. 24.6006. 462ND JUDICIAL DISTRICT (EL PASO COUNTY).
7-67 The 462nd Judicial District is composed of El Paso County.
7-68 (b) Subchapter C, Chapter 24, Government Code, is amended by
7-69 adding Section 24.6008 to read as follows:

8-1 Sec. 24.6008. 464TH JUDICIAL DISTRICT (EL PASO COUNTY).
8-2 The 464th Judicial District is composed of El Paso County.
8-3 (c) Subchapter C, Chapter 24, Government Code, is amended by
8-4 adding Section 24.60010 to read as follows:
8-5 Sec. 24.60010. 466TH JUDICIAL DISTRICT (EL PASO COUNTY).
8-6 The 466th Judicial District is composed of El Paso County.
8-7 (d) Subchapter C, Chapter 24, Government Code, is amended by
8-8 adding Section 24.60011 to read as follows:
8-9 Sec. 24.60011. 467TH JUDICIAL DISTRICT (EL PASO COUNTY).
8-10 The 467th Judicial District is composed of El Paso County.
8-11 (e) Subchapter C, Chapter 24, Government Code, is amended by
8-12 adding Section 24.60012 to read as follows:
8-13 Sec. 24.60012. 468TH JUDICIAL DISTRICT (EL PASO COUNTY).
8-14 The 468th Judicial District is composed of El Paso County.
8-15 (f) Subsection (a), Section 25.0731, Government Code, is
8-16 amended to read as follows:
8-17 (a) El Paso County has the following statutory county
8-18 courts:
8-19 (1) [~~County Court at Law No. 1 of El Paso County,~~
8-20 ~~Texas,~~
8-21 [~~2~~] County Court at Law No. 2 of El Paso County,
8-22 Texas;
8-23 (2) [~~3~~] ~~County Court at Law No. 3 of El Paso County,~~
8-24 ~~Texas,~~
8-25 [~~4~~] County Court at Law No. 4 of El Paso County,
8-26 Texas;
8-27 (3) [~~5~~] ~~County Court at Law No. 5 of El Paso County,~~
8-28 ~~Texas,~~
8-29 [~~6~~] ~~County Court at Law No. 6 of El Paso County,~~
8-30 ~~Texas,~~
8-31 [~~7~~] ~~County Court at Law No. 7 of El Paso County,~~
8-32 ~~Texas,~~
8-33 [~~8~~] County Criminal Court at Law No. 1 of El Paso
8-34 County, Texas; and
8-35 (4) [~~9~~] County Criminal Court at Law No. 2 of El Paso
8-36 County, Texas.
8-37 (g) Subsection (r), Section 25.0732, Government Code, is
8-38 amended to read as follows:
8-39 (r) Sections 25.0006(b) and 25.0007 do not apply to County
8-40 Court at Law No. 2 or [~~3~~] 4 [~~, 5, 6, or 7~~] of El Paso County,
8-41 Texas.
8-42 (h) Section 25.0733, Government Code, is amended by
8-43 amending Subsection (a) and adding Subsection (a-1) to read as
8-44 follows:
8-45 (a) Sections 25.0732(d), (h), [~~(i)~~] (j), (m), (n), (o),
8-46 (p), (q), (r), and (v), relating to county courts at law in El Paso
8-47 County, apply to a statutory probate court in El Paso County.
8-48 (a-1) Practice in a statutory probate court in El Paso
8-49 County must conform to that prescribed by law for county courts.
8-50 (i) Subsections (a), (b), and (i), Section 25.0732,
8-51 Government Code, are repealed.
8-52 (j) On January 1, 2011:
8-53 (1) the County Court at Law No. 1 of El Paso County,
8-54 Texas, is abolished; and
8-55 (2) the 462nd Judicial District is created.
8-56 (k) On January 1, 2011:
8-57 (1) the County Court at Law No. 3 of El Paso County,
8-58 Texas, is abolished; and
8-59 (2) the 464th Judicial District is created.
8-60 (l) On January 1, 2011:
8-61 (1) the County Court at Law No. 5 of El Paso County,
8-62 Texas, is abolished; and
8-63 (2) the 466th Judicial District is created.
8-64 (m) On January 1, 2011:
8-65 (1) the County Court at Law No. 6 of El Paso County,
8-66 Texas, is abolished; and
8-67 (2) the 467th Judicial District is created.
8-68 (n) On January 1, 2011:
8-69 (1) the County Court at Law No. 7 of El Paso County,

9-1 Texas, is abolished; and
 9-2 (2) the 468th Judicial District is created.
 9-3 (o) This section takes effect January 1, 2011.
 9-4 SECTION 5.07. (a) Subchapter C, Chapter 24, Government
 9-5 Code, is amended by adding Section 24.60013 to read as follows:
 9-6 Sec. 24.60013. 469TH JUDICIAL DISTRICT (GALVESTON COUNTY).
 9-7 The 469th Judicial District is composed of Galveston County.
 9-8 (b) Subchapter C, Chapter 24, Government Code, is amended by
 9-9 adding Section 24.60014 to read as follows:
 9-10 Sec. 24.60014. 470th JUDICIAL DISTRICT (GALVESTON COUNTY).
 9-11 The 470th Judicial District is composed of Galveston County.
 9-12 (c) Subchapter C, Chapter 24, Government Code, is amended by
 9-13 adding Section 24.60015 to read as follows:
 9-14 Sec. 24.60015. 471ST JUDICIAL DISTRICT (GALVESTON COUNTY).
 9-15 The 471st Judicial District is composed of Galveston County.
 9-16 (d) Subsections (i) through (l), Section 25.0862,
 9-17 Government Code, are amended to read as follows:
 9-18 (i) The clerk of the [~~statutory county courts and~~] statutory
 9-19 probate court shall [~~keep a separate docket for each court. The~~
 9-20 ~~clerk shall~~] tax the official court reporter's fees as costs in
 9-21 civil actions in the same manner as the fee is taxed in civil cases
 9-22 in the district courts. The [~~district clerk serves as clerk of the~~
 9-23 ~~county courts in a cause of action arising under the Family Code and~~
 9-24 ~~an appeal of a final ruling or decision of the division of workers'~~
 9-25 ~~compensation of the Texas Department of Insurance regarding~~
 9-26 ~~workers' compensation claims, and the~~] county clerk serves as clerk
 9-27 of the court in all [~~other~~] cases.
 9-28 (j) The sheriff shall appoint a deputy to attend [~~County~~
 9-29 ~~Court No. 1, 2, or 3 of Galveston County or~~] the Probate Court of
 9-30 Galveston County when required by the judge.
 9-31 (k) The official court reporter of the [~~each statutory~~
 9-32 ~~county court and each~~] statutory probate court is entitled to the
 9-33 same compensation, paid in the same manner, as the official court
 9-34 reporters of the district courts in Galveston County. The [~~Each~~]
 9-35 reporter is primarily responsible for cases in the reporter's
 9-36 court.
 9-37 (l) The official court [Each] reporter may be made available
 9-38 when not engaged in proceedings in the reporter's [their] court to
 9-39 report proceedings in all other courts. [Practice, appeals, and
 9-40 writs of error in a statutory county court are as prescribed by law
 9-41 for county courts and county courts at law. Appeals and writs of
 9-42 error may be taken from judgments and orders of the County Courts
 9-43 Nos. 1, 2, and 3 of Galveston County and the judges, in civil and
 9-44 criminal cases, in the manner prescribed by law for appeals and
 9-45 writs of error. Appeals from interlocutory orders of the County
 9-46 Courts Nos. 1, 2, and 3 appointing a receiver or overruling a motion
 9-47 to vacate or appoint a receiver may be taken and are governed by the
 9-48 laws relating to appeals from similar orders of district courts.]
 9-49 (e) Subsection (a), Section 25.0861 and Subsections (a),
 9-50 (b), (g), (h), (m), and (n), Section 25.0862, Government Code, are
 9-51 repealed.
 9-52 (f) On January 1, 2011:
 9-53 (1) the County Court No. 1 of Galveston County is
 9-54 abolished; and
 9-55 (2) the 469th Judicial District is created.
 9-56 (g) On January 1, 2011:
 9-57 (1) the County Court No. 2 of Galveston County is
 9-58 abolished; and
 9-59 (2) the 470th Judicial District is created.
 9-60 (h) On January 1, 2011:
 9-61 (1) the County Court No. 3 of Galveston County is
 9-62 abolished; and
 9-63 (2) the 471st Judicial District is created.
 9-64 (i) This section takes effect January 1, 2011.
 9-65 SECTION 5.08. (a) Subchapter C, Chapter 24, Government
 9-66 Code, is amended by adding Section 24.60016 to read as follows:
 9-67 Sec. 24.60016. 472ND JUDICIAL DISTRICT (GREGG COUNTY). The
 9-68 472nd Judicial District is composed of Gregg County.
 9-69 (b) Subchapter C, Chapter 24, Government Code, is amended by

10-1 adding Section 24.60017 to read as follows:

10-2 Sec. 24.60017. 473RD JUDICIAL DISTRICT (GREGG COUNTY). The
 10-3 473rd Judicial District is composed of Gregg County.

10-4 (c) Sections 25.0941 and 25.0942, Government Code, are
 10-5 repealed.

10-6 (d) On January 1, 2011:
 10-7 (1) the County Court at Law No. 1 of Gregg County is
 10-8 abolished; and

10-9 (2) the 472nd Judicial District is created.

10-10 (e) On January 1, 2011:

10-11 (1) the County Court at Law No. 2 of Gregg County is
 10-12 abolished; and

10-13 (2) the 473rd Judicial District is created.

10-14 (f) This section takes effect January 1, 2011.

10-15 SECTION 5.09. (a) Subchapter C, Chapter 24, Government
 10-16 Code, is amended by adding Section 24.60018 to read as follows:

10-17 Sec. 24.60018. 474TH JUDICIAL DISTRICT (HIDALGO COUNTY).
 10-18 The 474th Judicial District is composed of Hidalgo County.

10-19 (b) Subchapter C, Chapter 24, Government Code, is amended by
 10-20 adding Section 24.60019 to read as follows:

10-21 Sec. 24.60019. 475TH JUDICIAL DISTRICT (HIDALGO COUNTY).
 10-22 The 475th Judicial District is composed of Hidalgo County.

10-23 (c) Subchapter C, Chapter 24, Government Code, is amended by
 10-24 adding Section 24.60020 to read as follows:

10-25 Sec. 24.60020. 476TH JUDICIAL DISTRICT (HIDALGO COUNTY).
 10-26 The 476th Judicial District is composed of Hidalgo County.

10-27 (d) Subchapter C, Chapter 24, Government Code, is amended by
 10-28 adding Section 24.60021 to read as follows:

10-29 Sec. 24.60021. 477TH JUDICIAL DISTRICT (HIDALGO COUNTY).
 10-30 The 477th Judicial District is composed of Hidalgo County.

10-31 (e) Subchapter C, Chapter 24, Government Code, is amended by
 10-32 adding Section 24.60022 to read as follows:

10-33 Sec. 24.60022. 478TH JUDICIAL DISTRICT (HIDALGO COUNTY).
 10-34 The 478th Judicial District is composed of Hidalgo County.

10-35 (f) Subsections (a) and (c), Section 25.1101, and Section
 10-36 25.1102, Government Code, are repealed.

10-37 (g) On January 1, 2011:

10-38 (1) the County Court at Law No. 1 of Hidalgo County is
 10-39 abolished; and

10-40 (2) the 474th Judicial District is created.

10-41 (h) On January 1, 2011:

10-42 (1) the County Court at Law No. 2 of Hidalgo County is
 10-43 abolished; and

10-44 (2) the 475th Judicial District is created.

10-45 (i) On January 1, 2011:

10-46 (1) the County Court at Law No. 4 of Hidalgo County is
 10-47 abolished; and

10-48 (2) the 476th Judicial District is created.

10-49 (j) On January 1, 2011:

10-50 (1) the County Court at Law No. 5 of Hidalgo County is
 10-51 abolished; and

10-52 (2) the 477th Judicial District is created.

10-53 (k) On January 1, 2011:

10-54 (1) the County Court at Law No. 6 of Hidalgo County is
 10-55 abolished; and

10-56 (2) the 478th Judicial District is created.

10-57 (l) This section takes effect January 1, 2011.

10-58 SECTION 5.10. (a) Subchapter C, Chapter 24, Government
 10-59 Code, is amended by adding Section 24.60023 to read as follows:

10-60 Sec. 24.60023. 479TH JUDICIAL DISTRICT (HOOD COUNTY). The
 10-61 479th Judicial District is composed of Hood County.

10-62 (b) Section 43.179, Government Code, is amended to read as
 10-63 follows:

10-64 Sec. 43.179. 355TH JUDICIAL DISTRICT. The voters of the
 10-65 355th Judicial District elect a district attorney who represents
 10-66 the state in all cases before the 355th and 479th District Courts,
 10-67 except as provided by Section 45.211 [that district court].

10-68 (c) Subchapter B, Chapter 45, Government Code, is amended by
 10-69 adding Section 45.211 to read as follows:

11-1 Sec. 45.211. HOOD COUNTY. The county attorney shall
11-2 represent the state in all misdemeanor cases before the 479th
11-3 District Court.

11-4 (d) Sections 25.1131 and 25.1132, Government Code, are
11-5 repealed.

11-6 (e) On January 1, 2011:

11-7 (1) the County Court at Law No. 1 of Hood County is
11-8 abolished; and

11-9 (2) the 479th Judicial District is created.

11-10 (f) This section takes effect January 1, 2011.

11-11 SECTION 5.11. (a) Subchapter C, Chapter 24, Government
11-12 Code, is amended by adding Section 24.60024 to read as follows:

11-13 Sec. 24.60024. 480TH JUDICIAL DISTRICT (KAUFMAN COUNTY).
11-14 The 480th Judicial District is composed of Kaufman County.

11-15 (b) Section 25.1311, Government Code, is amended to read as
11-16 follows:

11-17 Sec. 25.1311. KAUFMAN COUNTY. Kaufman County has one [~~the~~
11-18 ~~following~~] statutory county court, [~~courts:~~

11-19 [~~(1) the County Court at Law of Kaufman County; and~~

11-20 [~~(2)~~] the County Court at Law No. 2 of Kaufman County.

11-21 (c) Subsection (b-1), Section 25.1312, Government Code, is
11-22 amended to read as follows:

11-23 (b-1) A statutory county court in [~~The County Court at Law~~
11-24 ~~No. 2 of~~] Kaufman County does not have jurisdiction of civil cases
11-25 in which the amount in controversy exceeds the limit prescribed by
11-26 Section 25.0003(c)(1).

11-27 (d) On January 1, 2011:

11-28 (1) the County Court at Law of Kaufman County is
11-29 abolished; and

11-30 (2) the 480th Judicial District is created.

11-31 (e) This section takes effect January 1, 2011.

11-32 SECTION 5.12. (a) Subchapter C, Chapter 24, Government
11-33 Code, is amended by adding Section 24.60025 to read as follows:

11-34 Sec. 24.60025. 481ST JUDICIAL DISTRICT (KENDALL COUNTY).
11-35 The 481st Judicial District is composed of Kendall County.

11-36 (b) Section 43.166, Government Code, is amended to read as
11-37 follows:

11-38 Sec. 43.166. 216TH JUDICIAL DISTRICT. (a) The voters of
11-39 the 216th Judicial District elect a district attorney.

11-40 (b) The district attorney for the 216th Judicial District
11-41 also represents the state in all cases before the 481st District
11-42 Court, except as provided by Section 45.230.

11-43 (c) Subchapter B, Chapter 45, Government Code, is amended by
11-44 adding Section 45.230 to read as follows:

11-45 Sec. 45.230. KENDALL COUNTY. The county attorney shall
11-46 represent the state in all misdemeanor cases before the 481st
11-47 District Court.

11-48 (d) Sections 25.1321 and 25.1322, Government Code, are
11-49 repealed.

11-50 (e) On January 1, 2011:

11-51 (1) the County Court at Law of Kendall County is
11-52 abolished; and

11-53 (2) the 481st Judicial District is created.

11-54 (f) This section takes effect January 1, 2011.

11-55 SECTION 5.13. (a) Subchapter C, Chapter 24, Government
11-56 Code, is amended by adding Section 24.60026 to read as follows:

11-57 Sec. 24.60026. 482ND JUDICIAL DISTRICT (MIDLAND COUNTY).
11-58 The 482nd Judicial District is composed of Midland County.

11-59 (b) Subchapter C, Chapter 24, Government Code, is amended by
11-60 adding Section 24.60027 to read as follows:

11-61 Sec. 24.60027. 483RD JUDICIAL DISTRICT (MIDLAND COUNTY).
11-62 The 483rd Judicial District is composed of Midland County.

11-63 (c) Sections 25.1671 and 25.1672, Government Code, are
11-64 repealed.

11-65 (d) On January 1, 2011:

11-66 (1) the County Court at Law of Midland County is
11-67 abolished; and

11-68 (2) the 482nd Judicial District is created.

11-69 (e) On January 1, 2011:

12-1 (1) the County Court at Law No. 2 of Midland County is
12-2 abolished; and
12-3 (2) the 483rd Judicial District is created.
12-4 (f) This section takes effect January 1, 2011.
12-5 SECTION 5.14. (a) Subchapter C, Chapter 24, Government
12-6 Code, is amended by adding Section 24.60028 to read as follows:
12-7 Sec. 24.60028. 484TH JUDICIAL DISTRICT (NUECES COUNTY).
12-8 The 484th Judicial District is composed of Nueces County.
12-9 (b) Subchapter C, Chapter 24, Government Code, is amended by
12-10 adding Section 24.60029 to read as follows:
12-11 Sec. 24.60029. 485TH JUDICIAL DISTRICT (NUECES COUNTY).
12-12 The 485th Judicial District is composed of Nueces County.
12-13 (c) Subchapter C, Chapter 24, Government Code, is amended by
12-14 adding Section 24.60030 to read as follows:
12-15 Sec. 24.60030. 486TH JUDICIAL DISTRICT (NUECES COUNTY).
12-16 The 486th Judicial District is composed of Nueces County.
12-17 (d) Subchapter C, Chapter 24, Government Code, is amended by
12-18 adding Section 24.60031 to read as follows:
12-19 Sec. 24.60031. 487TH JUDICIAL DISTRICT (NUECES COUNTY).
12-20 The 487th Judicial District is composed of Nueces County.
12-21 (e) Subchapter C, Chapter 24, Government Code, is amended by
12-22 adding Section 24.60032 to read as follows:
12-23 Sec. 24.60032. 488TH JUDICIAL DISTRICT (NUECES COUNTY).
12-24 The 488th Judicial District is composed of Nueces County.
12-25 (f) The following provisions of the Government Code are
12-26 repealed:
12-27 (1) Subsection (d), Section 24.130;
12-28 (2) Subsection (d), Section 24.196;
12-29 (3) Subsection (d), Section 24.207;
12-30 (4) Subsection (d), Section 24.219;
12-31 (5) Subsection (c), Section 24.353;
12-32 (6) Subsection (c), Section 24.393;
12-33 (7) Subsection (b), Section 24.493;
12-34 (8) Subsection (c), Section 24.627; and
12-35 (9) Sections 25.1801 and 25.1802.
12-36 (g) On January 1, 2011:
12-37 (1) the County Court at Law No. 1 of Nueces County is
12-38 abolished; and
12-39 (2) the 484th Judicial District is created.
12-40 (h) On January 1, 2011:
12-41 (1) the County Court at Law No. 2 of Nueces County is
12-42 abolished; and
12-43 (2) the 485th Judicial District is created.
12-44 (i) On January 1, 2011:
12-45 (1) the County Court at Law No. 3 of Nueces County is
12-46 abolished; and
12-47 (2) the 486th Judicial District is created.
12-48 (j) On January 1, 2011:
12-49 (1) the County Court at Law No. 4 of Nueces County is
12-50 abolished; and
12-51 (2) the 487th Judicial District is created.
12-52 (k) On January 1, 2011:
12-53 (1) the County Court at Law No. 5 of Nueces County is
12-54 abolished; and
12-55 (2) the 488th Judicial District is created.
12-56 (l) This section takes effect January 1, 2011.
12-57 SECTION 5.15. (a) Subchapter C, Chapter 24, Government
12-58 Code, is amended by adding Section 24.60033 to read as follows:
12-59 Sec. 24.60033. 489TH JUDICIAL DISTRICT (PANOLA COUNTY).
12-60 The 489th Judicial District is composed of Panola County.
12-61 (b) Sections 25.1851 and 25.1852, Government Code, are
12-62 repealed.
12-63 (c) On January 1, 2011:
12-64 (1) the County Court at Law of Panola County is
12-65 abolished; and
12-66 (2) the 489th Judicial District is created.
12-67 (d) This section takes effect January 1, 2011.
12-68 SECTION 5.16. (a) Subchapter C, Chapter 24, Government
12-69 Code, is amended by adding Section 24.60034 to read as follows:

13-1 Sec. 24.60034. 490TH JUDICIAL DISTRICT (PARKER COUNTY).
13-2 The 490th Judicial District is composed of Parker County.

13-3 (b) Effective January 1, 2011, Subchapter C, Chapter 24,
13-4 Government Code, is amended by adding Section 24.60035 to read as
13-5 follows:

13-6 Sec. 24.60035. 491ST JUDICIAL DISTRICT (PARKER COUNTY).
13-7 The 491st Judicial District is composed of Parker County.

13-8 (c) Subsection (a), Section 25.1861, Government Code, is
13-9 amended to read as follows:

13-10 (a) Parker County has one [~~the following~~] statutory county
13-11 court, [~~courts:~~

13-12 [~~(1) the County Court at Law of Parker County~~], and
13-13 [~~(2) the County Court at Law No. 2 of Parker County~~].

13-14 (d) Section 43.125, Government Code, is amended to read as
13-15 follows:

13-16 Sec. 43.125. 43RD JUDICIAL DISTRICT. The voters of the 43rd
13-17 Judicial District elect a district attorney who represents the
13-18 state in all cases before the 43rd, [~~and~~] 415th, 490th, and 491st
13-19 district courts, except as provided by Section 45.284.

13-20 (e) Subchapter B, Chapter 45, Government Code, is amended by
13-21 adding Section 45.284 to read as follows:

13-22 Sec. 45.284. PARKER COUNTY. The county attorney shall
13-23 represent the state in all misdemeanor cases before the 490th and
13-24 491st District Courts.

13-25 (f) Effective January 1, 2011, Sections 25.1861, 25.1862,
13-26 and 25.1863, Government Code, are repealed.

13-27 (g) On January 1, 2009:

13-28 (1) the County Court at Law No. 2 of Parker County is
13-29 abolished; and

13-30 (2) the 490th Judicial District is created.

13-31 (h) On January 1, 2011:

13-32 (1) the County Court at Law of Parker County is
13-33 abolished; and

13-34 (2) the 491st Judicial District is created.

13-35 (i) Notwithstanding Subsection (j) of this section, for
13-36 purposes of Section 201.027, Election Code, the effective date of
13-37 Subsection (b) of this section is January 1, 2011.

13-38 (j) This section takes effect January 1, 2009.

13-39 SECTION 5.17. (a) Subchapter C, Chapter 24, Government
13-40 Code, is amended by adding Section 24.60038 to read as follows:

13-41 Sec. 24.60038. 494TH JUDICIAL DISTRICT (ROCKWALL COUNTY).
13-42 The 494th Judicial District is composed of Rockwall County.

13-43 (b) Sections 25.2011 and 25.2012, Government Code, are
13-44 repealed.

13-45 (c) On January 1, 2009:

13-46 (1) the County Court at Law of Rockwall County is
13-47 abolished; and

13-48 (2) the 494th Judicial District is created.

13-49 (d) This section takes effect January 1, 2009.

13-50 SECTION 5.18. (a) Subchapter C, Chapter 24, Government
13-51 Code, is amended by adding Section 24.60039 to read as follows:

13-52 Sec. 24.60039. 495TH JUDICIAL DISTRICT (RUSK COUNTY). The
13-53 495th Judicial District is composed of Rusk County.

13-54 (b) Sections 25.2031 and 25.2032, Government Code, are
13-55 repealed.

13-56 (c) On January 1, 2011:

13-57 (1) the County Court at Law of Rusk County is
13-58 abolished; and

13-59 (2) the 495th Judicial District is created.

13-60 (d) This section takes effect January 1, 2011.

13-61 SECTION 5.19. (a) Subchapter C, Chapter 24, Government
13-62 Code, is amended by adding Section 24.60040 to read as follows:

13-63 Sec. 24.60040. 496TH JUDICIAL DISTRICT (SMITH COUNTY). The
13-64 496th Judicial District is composed of Smith County.

13-65 (b) Subchapter C, Chapter 24, Government Code, is amended by
13-66 adding Section 24.60041 to read as follows:

13-67 Sec. 24.60041. 497TH JUDICIAL DISTRICT (SMITH COUNTY). The
13-68 497th Judicial District is composed of Smith County.

13-69 (c) Subchapter C, Chapter 24, Government Code, is amended by

adding Section 24.60042 to read as follows:

Sec. 24.60042. 498TH JUDICIAL DISTRICT (SMITH COUNTY). The 498th Judicial District is composed of Smith County.

(d) Sections 25.2141 and 25.2142, Government Code, are repealed.

(e) On January 1, 2011:

(1) the County Court at Law of Smith County is abolished; and

(2) the 496th Judicial District is created.

(f) On January 1, 2011:

(1) the County Court at Law No. 2 of Smith County is abolished; and

(2) the 497th Judicial District is created.

(g) On January 1, 2011:

(1) the County Court at Law No. 3 of Smith County is abolished; and

(2) the 498th Judicial District is created.

(h) This section takes effect January 1, 2011.

SECTION 5.20. Subchapter A, Chapter 24, Government Code, is amended by adding Section 24.0081 to read as follows:

Sec. 24.0081. OTHER JURISDICTION OF CERTAIN COURTS; DUTIES OF COUNTY CLERK. (a) In addition to other jurisdiction provided by law, the 450th, 451st, 452nd, 453rd, 454th, 460th, 461st, 462nd, 464th, 466th, 467th, 468th, 469th, 470th, 471st, 472nd, 473rd, 474th, 475th, 476th, 477th, 478th, 479th, 480th, 481st, 482nd, 483rd, 484th, 485th, 486th, 487th, 488th, 489th, 490th, 491st, 494th, 495th, 496th, 497th, and 498th District Courts have:

(1) the criminal jurisdiction of a county court; and

(2) the appellate jurisdiction of a county court.

(b) In addition to other jurisdiction provided by law, the 450th, 451st, 452nd, 453rd, 454th, 460th, 461st, 469th, 470th, 471st, 472nd, 473rd, 474th, 475th, 476th, 477th, 478th, 479th, 480th, 481st, 482nd, 483rd, 484th, 485th, 486th, 487th, 488th, 489th, 490th, 491st, 494th, 495th, 496th, 497th, and 498th District Courts have the jurisdiction of a county court in probate matters and proceedings under Subtitle C, Title 7, Health and Safety Code.

(c) Notwithstanding Section 26.045(a), the jurisdiction of a county court described by that section is concurrent with the jurisdiction of the district court provided by Subsection (a)(1).

(d) The jurisdiction of a county court described by Section 26.046 is concurrent with the jurisdiction of the district court provided by Subsection (a)(2).

(e) The jurisdiction of a county court described by Section 26.052 is concurrent with the jurisdiction of the district court provided by Subsection (b).

(f) Notwithstanding any other law, all matters within the jurisdiction described by Subsection (a)(1) or (2) or (b) of a district court listed in Subsection (a) or (b), as applicable, must be filed with the county clerk of the county served by the court. The county clerk serves as clerk of the district court with respect to those matters.

SECTION 5.21. Notwithstanding Section 24.027, Government Code, as added by this Act and except as provided by Section 5.22 of this article, the initial vacancy in the office of judge of a judicial district created by this article shall be filled by election. Except as provided by Section 5.22 of this article, the office of judge of a judicial district created by this article exists for purposes of the primary and general elections in 2010. A vacancy after the initial vacancy is filled as provided by Section 28, Article V, Texas Constitution.

SECTION 5.22. Notwithstanding Section 24.027, Government Code, as added by this Act, the initial vacancy in the offices of judge of the 490th and 494th judicial districts shall be filled by election. The offices of judge of those judicial districts exist for purposes of the primary and general elections in 2008. A vacancy after the initial vacancy is filled as provided by Section 28, Article V, Texas Constitution.

SECTION 5.23. On and after the date on which a statutory county court is abolished in accordance with this article:

15-1 (1) a reference in law to that court with respect to a
15-2 case or proceeding means another court in the same county with
15-3 jurisdiction over the case or proceeding; and

15-4 (2) a reference in law to the judge of that court,
15-5 including a reference in Chapter 152, Human Resources Code, means
15-6 the judge of the district court created by the same subsection of
15-7 the section of this article that provides for the date of abolition
15-8 of the statutory county court.

15-9 SECTION 5.24. (a) The local administrative statutory
15-10 county court judge shall, on the date a statutory county court in
15-11 the county the local administrative judge serves is abolished in
15-12 accordance with this article, transfer all cases pending in that
15-13 court immediately before the abolition to the district court
15-14 created by the same subsection of the section of this article that
15-15 provides for the date of abolition of the statutory county court.

15-16 (b) When a case is transferred as provided by Subsection (a)
15-17 of this section, all processes, writs, bonds, recognizances, or
15-18 other obligations issued from the transferring court are returnable
15-19 to the court to which the case is transferred as if originally
15-20 issued by that court. The obligees on all bonds and recognizances
15-21 taken in and for the transferring court and all witnesses summoned
15-22 to appear in the transferring court are required to appear before
15-23 the court to which the case is transferred as if taken in or for or
15-24 required to appear before that court.

15-25 SECTION 5.25. It is an exception to the application of
15-26 Section 255.006, Election Code, that a person making a
15-27 representation described by that section represents that a judge
15-28 who, immediately before the date a statutory county court was
15-29 abolished in accordance with this article, was serving as the judge
15-30 of that court and who is a candidate to fill the initial vacancy in
15-31 the office of judge of the district court created by the same
15-32 subsection of the section of this article that provides for the date
15-33 of abolition of the statutory county court for which the person
15-34 formerly served as judge, holds the office of judge of that district
15-35 court.

15-36 SECTION 5.26. (a) This section applies only to a person
15-37 who:

15-38 (1) immediately before the date a statutory county
15-39 court was abolished in accordance with this article, was serving as
15-40 the judge of that court; and

15-41 (2) is elected to serve and takes office as the initial
15-42 judge of the district court created by the same subsection of the
15-43 section of this article that provides for the date of abolition of
15-44 the statutory county court for which the person formerly served as
15-45 judge.

15-46 (b) Not later than the 30th day after the date a person to
15-47 whom this section applies takes office as the initial judge of a
15-48 district court described by Subdivision (2), Subsection (a) of this
15-49 section, the person may make an irrevocable election to remain a
15-50 member of the retirement system provided by the county formerly
15-51 served by the statutory county court described by Subdivision (1),
15-52 Subsection (a) of this section. A person who elects to remain a
15-53 member of the retirement system provided by that county is not
15-54 eligible for membership in the Judicial Retirement System of Texas
15-55 Plan Two.

15-56 (c) An election under this section is governed by procedures
15-57 adopted by the Judicial Retirement System of Texas Plan Two. As
15-58 soon as practicable after an election is made, the Judicial
15-59 Retirement System of Texas Plan Two shall notify the applicable
15-60 county and retirement system of the person's election.

15-61 (d) A person who elects to remain a member of the retirement
15-62 system provided by the county under this section is required to
15-63 contribute to that retirement system at the rate required of other
15-64 members of that system for current service. The person's
15-65 contribution under this section shall be made as follows:

15-66 (1) each payroll period the payroll officer
15-67 responsible for paying the state compensation of a judicial officer
15-68 shall:

15-69 (A) deduct the required picked-up contribution

16-1 from the district court judge's state compensation; and
 16-2 (B) pay the deducted amounts to the county that
 16-3 participates in the retirement system of which the person is a
 16-4 member; and

16-5 (2) the county shall pay or cause to be paid to the
 16-6 retirement system at the system's office the amounts the county
 16-7 receives under Paragraph (B), Subdivision (1) of this subsection.

16-8 (e) On behalf of a person who elects to remain a member of
 16-9 the retirement system provided by the county, the county shall
 16-10 contribute to the retirement system an amount that matches the rate
 16-11 of the person's contribution under Subsection (d) of this section,
 16-12 including any amount required to fund optional benefits provided by
 16-13 the county under its retirement system, and is calculated in
 16-14 accordance with the formula adopted by the retirement system in the
 16-15 same manner and to the same extent as the county calculates the
 16-16 amount it contributes on behalf of a person who is a judicial
 16-17 officer of the county compensated entirely from the county's
 16-18 general salary fund.

16-19 (f) On behalf of a person who elects to remain a member of
 16-20 the retirement system provided by the county, the state shall pay to
 16-21 the county, at the same time the state pays the person's
 16-22 contribution to the county under Paragraph (B), Subdivision (1),
 16-23 Subsection (d) of this section, an amount equal to the amount the
 16-24 county is required to contribute under Subsection (e) of this
 16-25 section.

16-26 (g) A person who does not elect to remain a member of a
 16-27 county-provided retirement system under Subsection (b) of this
 16-28 section is considered to have chosen membership in the Judicial
 16-29 Retirement System of Texas Plan Two.

16-30 ARTICLE 6. PROVISIONS RELATING TO JUSTICE AND SMALL CLAIMS COURTS

16-31 SECTION 6.01. Subsection (b), Section 27.004, Government
 16-32 Code, is amended to read as follows:

16-33 (b) A person who has possession of dockets, books, or papers
 16-34 belonging to the office of any justice of the peace shall deliver
 16-35 them to the justice on demand. If the person refuses to deliver
 16-36 them, on a motion supported by an affidavit, the person may be
 16-37 attached and imprisoned by the order of the district court [~~county~~
 16-38 ~~judge~~] until the person makes delivery. [~~The county judge may issue~~
 16-39 ~~the order in termtime or vacation.~~] The person against whom the
 16-40 motion is made must be given three days' notice of the motion before
 16-41 the person may be attached.

16-42 SECTION 6.02. Subsection (a), Section 27.031, Government
 16-43 Code, is amended to read as follows:

16-44 (a) In addition to the jurisdiction and powers provided by
 16-45 the constitution and other law, the justice court has original
 16-46 jurisdiction of:

16-47 (1) civil matters in which exclusive jurisdiction is
 16-48 not in the district or county court and in which the amount in
 16-49 controversy is not more than \$10,000 [~~\$5,000~~], exclusive of
 16-50 interest;

16-51 (2) cases of forcible entry and detainer; and

16-52 (3) foreclosure of mortgages and enforcement of liens
 16-53 on personal property in cases in which the amount in controversy is
 16-54 otherwise within the justice court's jurisdiction.

16-55 SECTION 6.03. Subchapter B, Chapter 27, Government Code, is
 16-56 amended by adding Section 27.035 to read as follows:

16-57 Sec. 27.035. LIMITATION ON AWARDS. A justice court may not
 16-58 award a judgment that exceeds \$10,000, exclusive of interest and
 16-59 costs of court.

16-60 SECTION 6.04. Subchapter C, Chapter 27, Government Code, is
 16-61 amended by adding Section 27.060 to read as follows:

16-62 Sec. 27.060. SMALL CLAIMS. A justice court shall conduct
 16-63 proceedings in a small claims case, as that term is defined by the
 16-64 supreme court, in accordance with rules of civil procedure
 16-65 promulgated by the supreme court to ensure the fair, expeditious,
 16-66 and inexpensive resolution of small claims cases.

16-67 SECTION 6.05. (a) Chapter 28, Government Code, is
 16-68 repealed.

16-69 (b) On the effective date of this section, each small claims

17-1 court under Chapter 28, Government Code, is abolished.

17-2 SECTION 6.06. Not later than July 1, 2008, the Texas Supreme
 17-3 Court shall promulgate rules to define cases that constitute small
 17-4 claims cases and rules of civil procedure applicable to those cases
 17-5 as required by Section 27.060, Government Code, as added by this
 17-6 article. Before adopting the rules, the justices of the supreme
 17-7 court shall appoint an ad hoc committee composed of justices of the
 17-8 peace and public members to advise the court in developing the
 17-9 rules.

17-10 SECTION 6.07. (a) Immediately before the date the small
 17-11 claims court in a county is abolished in accordance with this
 17-12 article, the justice of the peace sitting as judge of that court
 17-13 shall transfer all cases pending in the court to a justice court in
 17-14 the county.

17-15 (b) When a case is transferred as provided by Subsection (a)
 17-16 of this section, all processes, writs, bonds, recognizances, or
 17-17 other obligations issued from the transferring court are returnable
 17-18 to the court to which the case is transferred as if originally
 17-19 issued by that court. The obligees on all bonds and recognizances
 17-20 taken in and for the transferring court and all witnesses summoned
 17-21 to appear in the transferring court are required to appear before
 17-22 the court to which the case is transferred as if originally required
 17-23 to appear before that court.

17-24 SECTION 6.08. Sections 6.04 and 6.05 of this article take
 17-25 effect July 1, 2008.

17-26 ARTICLE 7. COURT ADMINISTRATION

17-27 SECTION 7.01. Section 74.005, Government Code, is amended
 17-28 to read as follows:

17-29 Sec. 74.005. APPOINTMENT OF ~~[REGIONAL]~~ PRESIDING JUDGES OF
 17-30 ADMINISTRATIVE JUDICIAL REGIONS. (a) The chief justice of the
 17-31 supreme court ~~[governor]~~, with the advice and consent of the
 17-32 senate, shall appoint one judge in each administrative judicial
 17-33 region as presiding judge of the region.

17-34 (b) On the death, resignation, removal, or expiration of the
 17-35 term of office of a presiding judge, the chief justice of the
 17-36 supreme court ~~[governor]~~ immediately shall appoint or reappoint a
 17-37 presiding judge.

17-38 SECTION 7.02. Section 74.044, Government Code, is amended
 17-39 to read as follows:

17-40 Sec. 74.044. TERM OF PRESIDING JUDGE. A presiding judge
 17-41 serves for a term of office of four years from the date of
 17-42 qualification as the presiding judge, subject to removal for good
 17-43 cause on a majority vote of the justices of the supreme court after
 17-44 notice and a hearing. The good cause must be stated in writing.

17-45 ARTICLE 8. ADDITIONAL RESOURCES FOR CERTAIN LITIGATION

17-46 SECTION 8.01. Chapter 74, Government Code, is amended by
 17-47 adding Subchapter I to read as follows:

17-48 SUBCHAPTER I. ADDITIONAL RESOURCES FOR CERTAIN CIVIL CASES

17-49 Sec. 74.181. APPLICABILITY OF SUBCHAPTER. (a) Except as
 17-50 provided by Subsection (b), this subchapter applies only to a civil
 17-51 case pending in a trial court in this state.

17-52 (b) This subchapter does not apply to:

17-53 (1) a case in which judicial review is sought under
 17-54 Subchapter G, Chapter 2001; or

17-55 (2) a case that has been transferred by the judicial
 17-56 panel on multidistrict litigation to a district court for
 17-57 consolidated or coordinated pretrial proceedings under Subchapter
 17-58 H.

17-59 Sec. 74.182. RULES TO GUIDE DETERMINATION OF WHETHER CASE
 17-60 REQUIRES ADDITIONAL RESOURCES. (a) The supreme court shall adopt
 17-61 rules under which courts, presiding judges of the administrative
 17-62 judicial regions, and the judicial committee for additional
 17-63 resources may determine whether a case requires additional
 17-64 resources to ensure efficient judicial management of the case.

17-65 (b) In developing the rules, the supreme court shall include
 17-66 considerations regarding whether a case involves or is likely to
 17-67 involve:

17-68 (1) a large number of parties who are separately
 17-69 represented by counsel;

- 18-1 (2) coordination with related actions pending in one
- 18-2 or more courts in other counties of this state or in one or more
- 18-3 United States district courts;
- 18-4 (3) numerous pretrial motions that present difficult
- 18-5 or novel legal issues that will be time-consuming to resolve;
- 18-6 (4) a large number of witnesses or substantial
- 18-7 documentary evidence;
- 18-8 (5) substantial postjudgment supervision;
- 18-9 (6) a trial that will last more than four weeks; and
- 18-10 (7) a substantial additional burden on the trial
- 18-11 court's docket and the resources available to the trial court to
- 18-12 hear the case.

18-13 Sec. 74.183. JUDICIAL DETERMINATION. (a) On the motion of
 18-14 a party in a case, or on the court's own motion, the judge of the
 18-15 court in which the case is pending shall review the case and
 18-16 determine whether, under rules adopted by the supreme court under
 18-17 Section 74.182, the case will require additional resources to
 18-18 ensure efficient judicial management. The judge is not required to
 18-19 conduct an evidentiary hearing for purposes of making the
 18-20 determination but may, in the judge's discretion, direct the
 18-21 attorneys for the parties to the case and the parties to appear
 18-22 before the judge for a conference to provide information to assist
 18-23 the judge in making the determination.

18-24 (b) On determining that a case will require additional
 18-25 resources as provided by Subsection (a), the judge shall:

- 18-26 (1) refer the case to the presiding judge of the
- 18-27 administrative judicial region in which the court is located; and
- 18-28 (2) request any specific additional resources that are
- 18-29 needed, including the assignment of a judge under this chapter.

18-30 (c) If the presiding judge of the administrative judicial
 18-31 region agrees that, in accordance with the rules adopted by the
 18-32 supreme court under Section 74.182, the case will require
 18-33 additional resources to ensure efficient judicial management, the
 18-34 presiding judge shall submit a request for specific additional
 18-35 resources to the judicial committee for additional resources.

18-36 Sec. 74.184. JUDICIAL COMMITTEE FOR ADDITIONAL RESOURCES.
 18-37 (a) The judicial committee for additional resources is composed
 18-38 of:

- 18-39 (1) the chief justice of the supreme court; and
- 18-40 (2) the nine presiding judges of the administrative
- 18-41 judicial regions.

18-42 (b) The chief justice of the supreme court serves as
 18-43 presiding officer.

18-44 (c) On receipt of a request for additional resources from a
 18-45 presiding judge of an administrative judicial region under Section
 18-46 74.183, the committee shall determine whether the case that is the
 18-47 subject of the request requires additional resources in accordance
 18-48 with the rules adopted under Section 74.182. If the committee
 18-49 determines that the case does require additional resources, the
 18-50 committee shall make the requested resources available to the
 18-51 extent funds are available for those resources under the General
 18-52 Appropriations Act and to the extent the committee determines the
 18-53 requested resources are appropriate to the circumstances of the
 18-54 case.

18-55 (d) Subject to Subsections (c) and (g), additional
 18-56 resources the committee may make available under this section
 18-57 include:

- 18-58 (1) the assignment of an active or retired judge under
- 18-59 this chapter, subject to the consent of the judge of the court in
- 18-60 which the case for which the resources are provided is pending;
- 18-61 (2) additional legal, administrative, or clerical
- 18-62 personnel;
- 18-63 (3) computer hardware or software, including
- 18-64 specially designed courtroom presentation hardware or software to
- 18-65 facilitate presentation of the evidence to the trier of fact;
- 18-66 (4) specialized continuing legal education;
- 18-67 (5) a special master;
- 18-68 (6) special accommodations or furnishings for the
- 18-69 parties;

19-1 (7) other items determined necessary to try the case;
19-2 and
19-3 (8) any other resources the committee considers
19-4 appropriate.

19-5 (e) A judge who is assigned under this chapter as provided
19-6 by Subsection (d)(1):

19-7 (1) may only be appointed to hear the case designated
19-8 as needing additional resources; and

19-9 (2) may not preside over the regular docket of the
19-10 court in which that case is pending.

19-11 (f) Notwithstanding any provision of Subchapter C, a
19-12 justice or judge to whom Section 74.053(d) applies may not be
19-13 assigned under Subsection (d).

19-14 (g) The judicial committee for additional resources may not
19-15 provide additional resources under this subchapter for more than 10
19-16 cases each year.

19-17 Sec. 74.185. COST OF ADDITIONAL RESOURCES. The cost of
19-18 additional resources provided for a case under this subchapter
19-19 shall be paid by the state and may not be taxed against any party in
19-20 the case for which the resources are provided or against the county
19-21 in which the case is pending.

19-22 Sec. 74.186. NO STAY OR CONTINUANCE PENDING DETERMINATION.
19-23 The filing of a motion under Section 74.183 in a case is not grounds
19-24 for a stay or continuance of the proceedings in the case in the
19-25 court in which the case is pending during the period the motion or
19-26 request is being considered by:

19-27 (1) the judge of that court;

19-28 (2) the presiding judge of the administrative judicial

19-29 region; or

19-30 (3) the judicial committee for additional resources.

19-31 Sec. 74.187. APPELLATE REVIEW. A determination made by a
19-32 trial court judge, the presiding judge of an administrative
19-33 judicial region, or the judicial committee for additional resources
19-34 under this subchapter is not appealable or subject to review by
19-35 mandamus.

19-36 SECTION 8.02. (a) The Texas Supreme Court shall request
19-37 the president of the State Bar of Texas to appoint a task force to
19-38 consider and make recommendations regarding the rules for
19-39 determining whether civil cases pending in trial courts require
19-40 additional resources for efficient judicial management required by
19-41 Section 74.182, Government Code, as added by this Act. The
19-42 president of the State Bar of Texas shall ensure that the task force
19-43 has diverse representation and includes judges of trial courts and
19-44 attorneys licensed to practice law in this state who regularly
19-45 appear in civil cases before courts in this state. The task force
19-46 shall provide recommendations on the rules to the Texas Supreme
19-47 Court not later than November 1, 2007.

19-48 (b) The Texas Supreme Court shall:

19-49 (1) consider the recommendations of the task force
19-50 provided as required by Subsection (a) of this section; and

19-51 (2) adopt the rules required by Section 74.182,
19-52 Government Code, as added by this Act, not later than January 1,
19-53 2008.

19-54 SECTION 8.03. The changes in law made by this article apply
19-55 to cases pending on or after January 1, 2008.

19-56 ARTICLE 9. GRANT PROGRAM FOR COURT SYSTEM ENHANCEMENTS

19-57 SECTION 9.01. Subchapter D, Chapter 71, Government Code, is
19-58 amended by adding Section 71.064 to read as follows:

19-59 Sec. 71.064. GRANTS FOR COURT SYSTEM ENHANCEMENTS.

19-60 (a) The Task Force on Indigent Defense shall develop and
19-61 administer, except as provided by Subsection (c), a program to
19-62 provide grants from available funds to counties for initiatives
19-63 that will enhance their court systems.

19-64 (b) To be eligible for a grant under this section, a county
19-65 must:

19-66 (1) use the grant money to implement initiatives that
19-67 will enhance the county's court system;

19-68 (2) match the amount of the grant with an equal amount
19-69 of local money; and

(3) apply for the grant in accordance with procedures developed by the Task Force on Indigent Defense and comply with any other requirements of the task force.

(c) The supreme court shall determine whether to award a grant to a county that meets the eligibility requirements prescribed by Subsection (b).

(d) If the supreme court awards a grant to a county, the Task Force on Indigent Defense shall:

(1) direct the comptroller to distribute the grant money to the county; and

(2) monitor the county's use of the grant money.

ARTICLE 10. GENERAL EFFECTIVE DATE

SECTION 10.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2007.

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