

## **BILL ANALYSIS**

H.B. 79  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, the trial court system in Texas contains courts with overlapping jurisdiction that differs depending on the county. Interested parties note that various administrative provisions are inconsistently applied to certain courts to the exclusion of others. In addition, the parties report that courts do not enjoy the ability to garner a variety of additional resources for cases that require special attention and the parties assert that matters relating to vexatious litigants should be addressed. H.B. 79 seeks to simplify matters relating to the operation and administration of the judicial branch of state government.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Supreme Court in SECTIONS 5.02, 5.07, 7.05, and 7.06 and to certain district judges in SECTION 3.04 of this bill.

### **ANALYSIS**

H.B. 79 makes conforming and nonsubstantive changes, in addition to substantive changes, to the following provisions relating to the operation and administration of the Texas judicial system.

#### **Appellate Court Provisions**

H.B. 79 amends the Government Code, for purposes relating to certain statutory provisions authorizing the Texas Supreme Court or, in vacation, a justice of the supreme court, to issue a writ of mandamus compelling a statutory county court judge, a statutory probate court judge, or a district judge to proceed to trial and judgment, to remove a provision limiting that authority to a case that is agreeable to the principles and usages of law, returnable to the supreme court on or before the first day of the term, or during the session of the term, or before any justice of the supreme court as the nature of the case requires.

H.B. 79 amends the Property Code to authorize an appeal to be taken from a final judgment of a county court, statutory county court, statutory probate court, or district court in an eviction suit and to remove the prohibition against a final judgment of a county court in an eviction suit being appealed on the issue of possession unless the premises in question are being used for residential purposes only.

#### **General Provisions for District Courts**

H.B. 79 amends the Government Code to require a district court judge, if the judge 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, to 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. The bill removes certain statutory provisions requiring a disqualified district judge to immediately certify the disqualification to the governor, requiring the governor to

designate a district judge of another district to exchange benches with the disqualified judge to try the case and to notify such judges of the designation, requiring such judges to exchange benches, and establishing procedures for a case in which the judges are prevented from exchanging benches.

H.B. 79 sets out provisions establishing the authority of a district judge in a county with two or more district courts relating to the transfer of civil or criminal cases and exchange of benches, requires a judgment or order to be entered in the minutes of the court in which the case is pending, and specifies that such provisions do not limit the powers of a district judge when acting for another judge by exchange of benches or otherwise. The bill removes certain statutory provisions relating to substitute judges in a civil case in a county with five or more district courts. The bill grants a district court, in addition to jurisdiction provided by the Texas Constitution, original jurisdiction of a civil matter in which the amount in controversy is more than \$500, exclusive of interest.

H.B. 79 specifies that each district court holds in each county in the judicial district terms that commence on the first Mondays in January and July of each year, rather than specifying that each district and criminal district court holds at least two terms of court each year in each county in the district. The bill specifies that this provision controls to the extent of a conflict between this provision and a specific provision relating to a particular judicial district. The bill repeals a provision relating to the terms of a court applicable to district courts specified under the Judicial Districts Act of 1969.

H.B. 79 repeals certain statutory provisions applicable only to district courts specified under the Judicial Districts Act of 1969 relating to transfer of cases and exchange of benches; filing and docketing cases; process, writs, and bonds; supplemental compensation; court officers; jurisdiction of a court; appointment of the initial judge of a new judicial district; grand and petit jurors; transferred cases; and continuing validity of process and writs after a case is transferred. The bill sets out provisions applicable to district courts in general relating to processes, writs, bonds, recognizances, and other obligations issued by a transferring court; filing and docketing cases; supplemental compensation; appointment of the initial judge on the creation of a new judicial district; grand and petit jurors; transferred cases; the continuing validity of processes, writs, and other obligations; location of a court; and court officers. The bill repeals a provision of law relating to the vacation powers of a judge of a district court in general.

H.B. 79 repeals certain statutory provisions prohibiting a judge in the 380th, 381st, 382nd, 383rd, or 384th Judicial District from being assigned to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County and repeals certain statutory provisions relating to certain outdated preclearance requirements for the 383rd and 384th Judicial Districts.

H.B. 79, if H.B. 2330, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, amends the Government Code to authorize, in provisions relating to Wise County courts at law, a judge of a county court at law and a judge of a district court or another county court at law with concurrent jurisdiction to transfer cases between the courts in the same manner judges of district courts transfer cases under provisions of law relating to substitute judges hearing civil cases in counties with two or more district courts.

### **Statutory County Courts**

H.B. 79 amends the Government Code to raise from \$100,000 to \$200,000 the cap on the amount of a matter in controversy in a civil case in which a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has concurrent jurisdiction with the district court. The bill specifies that the judge of a statutory county court does not have general supervisory control or appellate review of the commissioners court and grants a judge of a statutory county court the judicial immunity of a district judge. The bill establishes that practice in a statutory county court is that prescribed by law for county

courts, with certain specified exceptions. The bill, in a statutory provision requiring the county attorney or criminal district attorney and sheriff to serve each statutory county court, removes the sheriff from that requirement and clarifies that the county attorney or criminal district attorney is required to serve as required by law. The bill requires a county sheriff, in person or by deputy, to attend a statutory county court as required by the court. The bill authorizes the judge of a statutory county court to appoint the personnel necessary for the operation of the court, including a court coordinator or administrative assistant, if the commissioners court of the county has approved the creation of the position. The bill authorizes the commissioners court to authorize the employment of as many additional assistant district attorneys, assistant county attorneys, deputy sheriffs, and clerks as are necessary for a statutory county court.

H.B. 79 requires a statutory county court judge, in addition to certain other qualifications, to be a United States citizen. The bill makes its provisions relating to the qualifications of a judge of a statutory county court inapplicable to a person serving as a statutory county court judge immediately before the bill's effective date. The bill requires the commissioners court of a county, by order, to set at least two terms a year for the statutory county court. The bill requires the regular judge of a statutory county court to diligently discharge the duties of the office on a full-time basis and prohibits such a judge from engaging in the private practice of law. The bill includes its provisions relating to statutory county courts among the general statutory provisions that are applicable to a statutory county court.

H.B. 79 decreases from 96 months to 72 months the minimum time a former or retired judge of a statutory probate court is required to have served as an active judge in a district, statutory probate, statutory county, or appellate court in order to be eligible for assignment by the presiding judge of a statutory probate court to hear a case as a visiting judge under certain conditions. The bill authorizes a county, as an alternative to obtaining insurance, to self-insure in a specified amount in lieu of the bond required to be executed by a judge of a statutory probate court before beginning the duties of office. The bill makes certain statutory provisions relating to the bond or insurance requirements for a statutory probate court judge inapplicable to an assigned or visiting judge sitting by assignment in a statutory probate court.

H.B. 79 requires a statutory probate court judge to be at least 25 years of age, be a United States citizen and have resided in the county for at least two years before election or appointment, and be a licensed attorney in Texas who has practiced law or served as a judge of a court in Texas, or both combined, for the five years preceding election or appointment, unless otherwise provided for by law. The bill makes such qualification requirements inapplicable to a person serving as a statutory probate court judge immediately before the bill's effective date. The bill requires the regular judge of a statutory probate court to diligently discharge the duties of the office on a full-time basis and prohibits such a judge from engaging in the private practice of law. The bill requires the commissioners court of a county, by order, to set at least two terms a year for the statutory probate court. The bill includes its provisions relating to statutory probate courts among the general statutory provisions that are applicable to a statutory probate court.

H.B. 79, in certain specified statutory provisions relating to particular statutory county courts at law, makes conforming changes to those specified statutory provisions and removes provisions relating to the following, as applicable: the authority of a commissioners court to employ as many bailiffs as are necessary to serve the court; the applicability of laws governing the drawing, selection, service, and pay of jurors for county courts to county courts at law; the requirement that impaneled jurors be made available by the district judge as necessary; and the requirement that a special judge of a county court at law is entitled to receive for services actually performed the same amount of compensation as the regular judge.

H.B. 79 removes a statutory provision requiring the district clerk who is serving as clerk of the Comal County court at law for family law cases and proceedings to establish a separate docket for a county court at law. The bill makes certain statutory provisions governing the drawing of jury panels, selection of jurors, and practice in the statutory courts applicable to certain El Paso

County courts at law. The bill, in certain statutory provisions applicable to statutory county courts in Galveston County, removes a statutory provision requiring the clerk of the statutory county courts and statutory probate court to keep a separate docket for each court and removes the specification that the district clerk serves as clerk of such county courts in certain cases involving family law or workers' compensation claims. The bill grants a county criminal court at law in Harris County, in addition to certain other jurisdiction, concurrent jurisdiction with civil statutory county courts for Harris County to hear appeals of the suspension of a driver's license and original proceedings regarding occupational driver's licenses. The bill removes a statutory provision entitling a special judge of a county court at law in Smith County to receive for services performed the same amount of compensation as the regular judge.

H.B. 79 reenacts and amends Section 25.2222(b), Government Code, as amended by Chapter 22 (S.B. 124), Acts of the 72nd Legislature, Regular Session, 1991, and Chapter 265 (H.B. 7), Acts of the 79th Legislature, Regular Session, 2005, to make a conforming change and repeals a statutory provision as duplicative of that reenacted and amended statutory provision.

H.B. 79 creates the County Court at Law No. 3 of Webb County effective January 1, 2031, or on an earlier date determined by the Commissioners Court of Webb County by an order entered in its minutes.

H.B. 79, if H.B. 2330, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, reenacts and amends Section 25.2512(a), Government Code, as amended by Chapters 518 (S.B. 1491) and 746 (H.B. 66), Acts of the 72nd Legislature, Regular Session, 1991, to make a conforming change. The bill, if H.B. 2330, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, amends Section 25.2512(e), Government Code, as effective September 1, 2011, to remove provisions authorizing a special judge of a county court at law with the same qualifications as the regular judge to be appointed in the manner provided by law for the appointment of a special county judge and entitling a special judge to the same rate of compensation as the regular judge.

H.B. 79, for purposes relating to statutory county courts, defines "criminal law cases and proceedings," "juvenile law cases and proceedings," and "mental health cases and proceedings" and redefines "family law cases and proceedings."

H.B. 79 repeals certain specified statutory provisions relating to statutory county courts in particular counties. The bill, if H.B. 2330, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, repeals certain specified statutory provisions relating to the Wise County Court at Law and provides that this provision has no effect if H.B. 2330 becomes law. The bill provides that the repeal of certain specified statutory provisions relating to the Harrison County Court at Law and relating to the Starr County Court at Law applies only to a regular judge serving a term for which the judge is elected on or after the bill's effective date.

#### **Provisions Relating to Justice and Small Claims Courts**

H.B. 79 amends the Government Code, in a statutory provision defining "incompetency" for purposes relating to the removal of a justice of the peace from office, to specify that the annual 20-hour course a justice of the peace is required to complete is a course in the performance of the justice's duties, including not less than 10 hours of instruction regarding substantive, procedural, and evidentiary law in civil matters. The bill makes the provision relating to those educational requirements, as amended by the bill, applicable to a justice of the peace serving on or after the provision's effective date, regardless of the date the justice was elected or appointed.

H.B. 79 requires a justice court, effective May 1, 2013, to conduct proceedings in a small claims case, as that term is defined by the supreme court, in accordance with rules of civil procedure promulgated by the supreme court to ensure the fair, expeditious, and inexpensive resolution of small claims cases. The bill sets out requirements for the rules and requires the rules to provide specific procedures for an action by an assignee of a claim or other person seeking to bring an

action on an assigned claim, a person primarily engaged in the business of lending money at interest, or a collection agency or collection agent. The bill requires the justices of the peace in each county, by majority vote, to adopt local rules of administration.

H.B. 79 amends the Civil Practice and Remedies Code, in statutory provisions relating to suits brought in justice court, to require the justices of the peace in each county, by majority vote, to adopt local rules of administration regarding the transfer of a pending case from one precinct to a different precinct.

H.B. 79, if S.B. 1200, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, amends the Code of Criminal Procedure, in a provision relating to a misdemeanor case to be tried in justice court, to require such a case to be tried in any precinct in the county that is adjacent to the precinct in which the offense was committed if the offense was committed in a county with a population of 3.3 million or more. The bill, if the referenced enactment does not become law, makes this provision applicable only to an offense committed on or after the bill's effective date and provides that an offense was committed before the bill's effective date if any element of the offense occurred before that date. The bill provides that this statutory provision, as amended by the bill, has no effect if S.B. 1200, Acts of the 82nd Legislature, Regular Session, 2011, becomes law.

H.B. 79 amends the Code of Criminal Procedure, in a provision relating to a misdemeanor case to be tried in a justice court, to require the justices of the peace in each county, by majority vote, to adopt local rules of administration regarding the transfer of a pending misdemeanor case from one precinct to a different precinct. The bill provides that this provision, as added by the bill, has no effect if S.B. 1200, Acts of the 82nd Legislature, Regular Session, 2011, becomes law.

H.B. 79, effective May 1, 2013, repeals Government Code provisions relating to small claims courts and abolishes each small claims court under those provisions.

H.B. 79 requires the supreme court, not later than May 1, 2013, to promulgate rules to define cases that constitute small claims cases, rules of civil procedure applicable to small claims cases as required by the bill's provisions, and rules for eviction proceedings. The bill requires the justice of the peace sitting as judge of a small claims court abolished under the bill's provisions to transfer all cases pending in the court to a justice court in the county immediately before the date the court is abolished. The bill specifies that when such a case is transferred, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The bill establishes that the obligees on all bonds and recognizances taken in and for the transferring court and all witnesses summoned to appear in the transferring court are required to appear before the court to which the case is transferred as if originally required to appear before that court.

### **Associate Judges**

#### *Criminal Associate Judges*

H.B. 79 amends the Government Code to authorize a judge of a district court or a statutory county court that hears criminal cases to appoint a full-time or part-time associate judge to perform the duties of a criminal associate judge if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position. The bill sets out provisions relating to the appointment, qualifications, compensation, and termination of a criminal associate judge. The bill establishes the matters arising out of a criminal case that may be referred to a criminal associate judge. The bill authorizes a criminal associate judge to accept an agreed plea of guilty or no contest from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses and to assess punishment if a plea agreement is announced on the record between the defendant and the state. The bill grants a criminal associate judge all of the powers of a magistrate under state law and authorizes such a judge to administer an oath for any purpose. The bill authorizes a criminal associate judge to select a jury and

prohibits the judge, except as otherwise provided by the bill's provisions, from presiding over a trial on the merits, whether or not the trial is before a jury.

H.B. 79 requires a judge referring one or more cases to a criminal associate judge to issue a written order of referral that specifies the associate judge's duties and authorizes certain specified contents of the order. The bill establishes the powers of a criminal associate judge to whom a case is referred, subject to the limitations specified in the order of referral. The bill prohibits a criminal associate judge from entering a ruling on any issue of law or fact if that ruling could result in dismissal or require dismissal of a pending criminal prosecution. The bill authorizes the associate judge to make findings, conclusions, and recommendations on those issues. The bill authorizes a criminal associate judge appointed by a district or statutory county court judge to whom a case is referred, subject to the limitations specified in the order of referral, to accept a plea of guilty or nolo contendere in a misdemeanor case for a county criminal court and requires the judge to forward any fee or fine collected for the misdemeanor offense to the county clerk. The bill authorizes a criminal associate judge, in the interest of justice, to refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

H.B. 79 sets out provisions relating to the attendance of a bailiff at a hearing by a criminal associate judge; the provision of a court reporter to record proceedings before the associate judge; a witness appearing before the associate judge; the transmission of papers from an associate judge to the referring court at the conclusion of a proceeding; and the authority of the referring court to modify, correct, reject, reverse, or recommit for further information an action taken by an associate judge and makes the action the decree of the court if the court does not modify, correct, reject, reverse, or recommit the action to the associate judge. The bill grants a criminal associate judge the same judicial immunity as a district judge.

#### ***Civil Associate Judges***

H.B. 79 authorizes a judge of a district court or statutory court that is assigned civil cases to appoint a full-time or part-time associate judge to perform the duties of a civil associate judge if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position. The bill sets out provisions relating to the appointment, qualifications, compensation, and termination of a civil associate judge. The bill authorizes a judge of a court to refer any civil case or portion of a civil case to a civil associate judge for resolution unless a party to the proceeding files a written objection to a civil associate judge hearing a trial on the merits or presiding at a jury trial. The bill specifies that a trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals. The bill establishes a deadline for filing an objection and requires the referring court to hear the trial on the merits or preside at a jury trial if an objection is filed.

H.B. 79 authorizes a case to be referred to a civil associate judge by an order of referral in a specific case or by an omnibus order and establishes the powers of a civil associate judge, subject to the limitations in the order of referral, and authorizes a civil associate judge, in the interest of justice, to refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party. The bill sets out provisions relating to a witness, a court reporter, and preservation of the record and authorizes the referring court, on appeal of the associate judge's report or proposed order, to consider testimony or other evidence in the record if the record is taken by a court reporter.

H.B. 79 requires a civil associate judge, after hearing a matter, to notify each attorney participating in the hearing of the associate judge's decision and specifies that a civil associate judge's decision has the same force and effect as an order of the referring court unless a party appeals the decision. The bill establishes procedures for filing and hearing an appeal of a civil associate judge's decision, other than the issuance of a temporary restraining order or temporary injunction, and procedures relating to a temporary restraining order, a temporary injunction, and

a matter appealed to the referring court.

H.B. 79 sets out procedures relating to the right to a de novo hearing, a waiver of that right by a party to the proceeding, court orders pending a de novo hearing before the referring court, and a referring court's action on a civil associate judge's proposed order or judgment if a party to the proceeding does not file a request for a de novo hearing before the referring court. The bill authorizes a party to request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's decision and sets out procedures relating to the request for a de novo hearing and relating to a de novo hearing. The bill provides that a party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request such a hearing does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court and sets out provisions relating to the appeal. The bill authorizes a referring court not later than the 30th day after the date an action is taken by an associate judge to modify, correct, reject, reverse, or recommit for further information the action taken by the associate judge and makes the action the decree of the court if the court does not modify, correct, reject, reverse, or recommit the action to the associate judge. The bill grants a civil associate judge the same judicial immunity as a district judge.

#### *Statutory Probate Court Associate Judges*

H.B. 79, if H.B. 1830, Acts of the 82nd Legislature, Regular Session, 2011, becomes law or does not become law, transfers Subchapter G, Chapter 54, Government Code, to Chapter 54A, Government Code, redesignates that subchapter as Subchapter C, Chapter 54A, Government Code, to include certain statutory provisions relating to statutory probate court associate judges in the chapter relating to associate judges created by the bill's provisions, and makes the subchapter applicable to a statutory probate court. The bill, in a statutory provision authorizing a judge of a statutory probate court by order to appoint an associate judge with approval of the commissioners court, authorizes the statutory probate court judge to appoint one or more full-time or part-time associate judges to perform the duties authorized by certain statutory provisions and by the bill's provisions relating to statutory probate court associate judges. The bill authorizes a statutory probate court associate judge appointed by a statutory probate court that has jurisdiction in more than one county to serve only in a county in which the commissioners court has authorized the appointment. The bill sets out the qualifications of a statutory probate court associate judge and removes a statutory provision requiring a statutory probate court associate judge to meet the qualifications to serve as a judge of the court to which the associate judge is appointed.

H.B. 79, in the statutory provision entitling a statutory probate court associate judge to the compensation set by the appointing judge and approved by the commissioners court, adds the specification that the compensation is approved by the commissioners courts of the counties in which the associate judge serves. The bill removes the prohibition against an associate judge's salary exceeding the salary of the appointing judge. The bill requires a statutory probate court associate judge serving in more than one county to be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

H.B. 79 includes the power to rule on pretrial motions among the powers granted to a statutory probate court associate judge, except as limited by an order of referral. The bill authorizes such a judge to recommend the rulings or judgment, in addition to orders, to be made in a case. The bill, in the statutory provision authorizing such an associate judge to take action as necessary and proper for the efficient performance of the judge's duties, clarifies that those duties are those required by the order of referral. The bill authorizes such an associate judge, without prejudice to the right to a de novo hearing, to render and sign an order authorizing psychoactive medications.

H.B. 79 authorizes a referring court, in addition to fining or imprisoning the witness, to issue attachment against a witness who fails to appear before a statutory probate court associate judge after being summoned or who refuses to answer questions. The bill makes the court's authority

relating to such a witness contingent on certification of the failure to appear or refusal to answer questions to the referring court.

H.B. 79 authorizes a statutory probate court associate judge's report to be in the form of a proposed order and removes the requirement that the report be written. The bill adds the option, in the statutory provision requiring the associate judge to prepare the report in the form directed by the referring court, for the referring court to direct the report to be in the form of a notation in the court's jacket, as an alternative to a notation on the referring court's docket sheet. The bill, in a statutory provision authorizing notice of the judge's report to be given to involved parties by providing a copy of the report, specifies that the copy of the report includes any proposed order. The bill authorizes a party, before the start of a hearing by a statutory probate court associate judge, to waive the right to a de novo hearing before the referring court in writing or on the record. The bill specifies that, pending a de novo hearing, the decisions and recommendations of the statutory probate court associate judge, in addition to a proposed order or judgment, have the full force and effect, and are enforceable as, an order or judgment of the referring court.

H.B. 79 specifies that the decisions and recommendations of the associate judge, in addition to a proposed order or judgment, become the order or judgment of the referring court at the time the judge of the referring court signs the proposed order or judgment if a request for a de novo hearing is not timely filed or the right to such a hearing is waived. The bill requires an order by a statutory probate court associate judge for the temporary detention or incarceration of a witness or party to be presented to the referring court on the day the witness or party is detained or incarcerated. The bill authorizes the referring court, without prejudice to the right to a de novo hearing, to approve the temporary detention or incarceration or order the release of the party or witness, with or without bond, pending a de novo hearing. The bill authorizes the associate judge, if the referring court is not immediately available, to order the release of the party or witness, with or without bond, pending a de novo hearing or to continue the person's detention or incarceration for not more than 72 hours.

H.B. 79 clarifies that a de novo hearing held before the referring court is limited to the issues specified in the request for the hearing. The bill authorizes any party to file a request for a de novo hearing before the referring court, if a request for such a hearing is filed by another party, not later than the seventh working day, rather than the seventh day, after the date of filing of the initial request. The bill removes the exception to the statutory provision requiring the referring court to hold a de novo hearing not later than the 30th day after the date on which the initial request was filed for a case in which all of the parties agree to a later date.

#### *Associate Judge for Juvenile Matters*

H.B. 79 amends the Family Code to authorize a judge of a court that is designated as a juvenile court to appoint a full-time or part-time associate judge to perform the duties of an associate judge for juvenile matters, as provided by the bill's provisions, if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position. The bill makes its provisions relating to an associate judge for juvenile matters inapplicable to a juvenile court master in Harris County. The bill sets out provisions relating to the appointment, qualifications, compensation, and termination of an associate judge for juvenile matters. The bill authorizes a judge of a juvenile court to refer to an associate judge for juvenile matters any aspect of a juvenile matter brought under certain statutory provisions relating to the parent-child relationship, the juvenile justice code, or a rule of the Texas Rules of Civil Procedure relating to suits affecting the parent-child relationship, unless a party files a written objection to the associate judge hearing a trial on the merits or presiding at a jury trial. The bill specifies that a trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals. The bill establishes a deadline for filing an objection and requires the referring court to hear the trial on the merits or preside at a jury trial if an objection is filed. The bill specifies that requirements relating to such objections apply when a judge has authority to refer the trial of a suit under certain statutory provisions relating to the parent-child relationship, the marriage relationship, or protective orders and family violence to an associate judge, master,



or other assistant judge, regardless of whether the assistant judge is appointed under the bill's provisions relating to associate judges for juvenile matters.

H.B. 79 authorizes a case to be referred to an associate judge for juvenile matters by an order of referral in a specific case or by an omnibus order and authorizes the order of referral to limit the powers or duties of the associate judge. The bill establishes the powers of an associate judge for juvenile matters, subject to limitations in the order of referral, and authorizes such an associate judge, in the interest of justice, to refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

H.B. 79 authorizes an associate judge for juvenile matters to serve as a referee, as provided by certain specified provisions of the juvenile justice code, and authorizes a referee appointed by the juvenile board of a county to be appointed to serve as an associate judge for juvenile matters. The bill sets out provisions relating the attendance of a bailiff at a hearing by an associate judge for juvenile matters, a witness appearing before an associate judge, the provision of a court reporter during a hearing held by an associate judge, the preservation of the record in a hearing held by an associate judge, and an associate judge's report relating to juvenile matters.

H.B. 79 sets out procedures relating to the right to a de novo hearing, a waiver of that right by a party, court orders pending a de novo hearing before the referring court, and a referring court's action on an associate judge's proposed order or judgment if a party does not file a request for a de novo hearing before the referring court. The bill authorizes a party to request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's report and sets out provisions relating to the de novo hearing.

H.B. 79 provides that a party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request such a hearing does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court and sets out provisions relating to the appeal. The bill grants an associate judge for juvenile matters the same judicial immunity as a district judge.

H.B. 79 authorizes a judge of a court having jurisdiction of a suit under certain statutory provisions relating to the parent-child relationship, the marriage relationship, or protective orders and family violence to appoint a visiting associate judge to perform the duties of an associate judge for juvenile matters during a period for which the associate judge is temporarily unable to perform the judge's official duties because of absence or illness, injury, or other disability, if the commissioners court of a county in which the court has jurisdiction authorizes the employment of a visiting associate judge. The bill requires such a visiting associate judge to have served as an associate judge for at least two years and specifies that certain specified statutory provisions applicable to an associate judge appointed by a judge of a court having jurisdiction of a suit under certain statutory provisions relating to the parent-child relationship, the marriage relationship, or protective orders and family violence are also applicable to such a visiting associate judge.

H.B. 79 amends the Government Code to include an associate judge, magistrate, master, referee, or criminal law hearing officer among the persons who are authorized to administer an oath made in Texas and to give a certificate of the fact.

H.B. 79, if H.B. 2132 and H.B. 3844, Acts of the 82nd Legislature, Regular Session, 2011, do not become law, amends Article 2.09, Code of Criminal Procedure, relating to who are magistrates, to make conforming and nonsubstantive changes. The bill amends that same statutory provision, as effective June 2011, to make the same changes under each of the following conditions: if H.B. 2132, Acts of the 82nd Legislature, Regular Session, 2011, becomes law and H.B. 3844, Acts of the 82nd Legislature, Regular Session, does not become

law; and if H.B. 3844, Acts of the 82nd Legislature, Regular Session, 2011, becomes law and H.B. 2132, Acts of the 82nd Legislature, Regular Session, 2011, does not become law. The bill makes the same conforming and nonsubstantive changes to that same statutory provision, as effective June 2011, if both H.B. 2132 and H.B. 3844, Acts of the 82nd Legislature, Regular Session, 2011, become law and, under this condition, makes an additional conforming change relating to magistrates appointed under Subchapter JJ, Chapter 54, Government Code, as added by H.B. 2132.

H.B. 79 amends the Code of Criminal Procedure, in a certain statutory provision clarifying what constitutes operations of a district, county, or justice court for purposes relating to fees associated with certain judicial building security funds, includes in that clarification activities of a criminal associate judge, civil associate judge, or statutory probate court associate judge appointed under the bill's provisions, rather than activities of certain magistrates, referees, masters, and associate judges of specified counties.

H.B. 79 amends the Family Code to authorize certain hearings that may be heard by a referee under the juvenile justice code to alternatively be held by a criminal associate judge, civil associate judge, or statutory probate court associate judge appointed under the bill's provisions, rather than certain masters, provided that certain conditions are met.

H.B. 79 repeals Government Code provisions relating to magistrates, masters, referees, associate judges, and hearing officers in certain specified counties. The bill specifies that a magistrate, master, referee, associate judge, or hearing officer who is appointed before the bill's effective date under provisions of law subject to that repeal continues to serve as a criminal associate judge, civil associate judge, or statutory probate court associate judge, as appropriate, with the powers and duties provided by the bill's provisions, provided the court for which the magistrate, master, referee, associate judge, or hearing officer serves has authority to appoint an associate judge under applicable provisions of the bill.

#### **Court Administration**

H.B. 79 amends the Government Code to clarify, for purposes relating to the requirement for the governor to appoint one judge in each administrative region as presiding judge of the region, that such a region is an administrative judicial region and to require the governor to immediately appoint or reappoint a presiding judge on the removal of a presiding judge, in addition to other circumstances.

H.B. 79 removes the requirement for an administrative assistant employed by the presiding judge to have the qualifications established by rule of the supreme court. The bill authorizes the local rules of administration adopted by the district and statutory county court judges in each county to provide for other strategies for managing cases that require special judicial attention, in addition to certain other matters.

H.B. 79, if S.B. 1198, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, amends the Government Code to require the attorney general to defend the presiding judge of the statutory probate courts in any action or suit in any court in which the judge is a defendant because of his office as judge if the judge requests such assistance. The bill makes this provision applicable to a cause of action filed on or after the bill's effective date. The bill specifies that this provision has no effect if the referenced act becomes law.

H.B. 79 amends the Government Code to set out provisions relating to additional judicial resources that are inapplicable to a criminal matter, a case in which judicial review is sought under certain specified provisions of the Administrative Procedure Act relating to judicial review of contested cases, or a case that has been transferred by the judicial panel on multidistrict litigation to a district court for consolidated or coordinated pretrial proceedings. The bill requires the supreme court to adopt rules under which courts, presiding judges of the administrative judicial regions, and the judicial committee for additional resources may determine whether a

case requires additional resources to ensure efficient judicial management of the case. The bill requires the supreme court to include certain specified considerations in developing those rules.

H.B. 79 requires the judge of a court in which a case is pending, on the motion of a party in the case or on the court's own motion, to review the case and determine whether, under rules adopted by the supreme court, the case will require additional resources to ensure efficient judicial management. The bill specifies that the judge is not required to conduct an evidentiary hearing for purposes of making such a determination and specifies that the judge may, in the judge's discretion, direct the attorneys for the parties to the case and the parties to appear before the judge for a conference to provide information to assist the judge in making the determination.

H.B. 79 requires a judge who determines that a case will require additional resources to notify the presiding judge of the administrative judicial region in which the court is located about the case and to request any specific additional resources that are needed, including the assignment of a judge under the Court Administration Act. The bill requires the presiding judge of the administrative judicial region to use resources previously allotted to the presiding judge or submit a request for specific additional resources to the judicial committee for additional resources if the presiding judge agrees that, in accordance with the supreme court's rules, the case will require additional resources to ensure efficient judicial management.

H.B. 79 establishes the judicial committee for additional resources and sets out the composition of the committee. The bill makes the chief justice of the supreme court the presiding officer and requires the office of court administration to provide staff support to the committee. The bill requires the committee, on receipt of a request for additional resources from a presiding judge of an administrative judicial region, to determine whether the case that is the subject of the request requires additional resources in accordance with the rules adopted by the supreme court. The bill requires the committee, if the committee determines that the case requires additional resources, to make available the requested resources to the extent funds are available for those resources under the General Appropriations Act and to the extent the committee determines the requested resources are appropriate to the circumstances of the case. The bill sets out specified additional resources that the committee is authorized to make available. The bill prohibits certain specified judges from being assigned as an additional resource and prohibits the committee from providing additional resources in an amount that is more than the amount appropriated for such a purpose.

H.B. 79 requires the cost of additional resources provided for a case under the bill's provisions to be paid by the state and prohibits such costs from being taxed against any party in the case for which the resources are provided or against the county in which the case is pending. The bill specifies that the filing of a motion for a court to determine whether additional resources are necessary does not constitute grounds for a stay or continuance of the proceedings in the case in the court in which the case is pending during the period the motion or request is being considered by the judge of that court, the presiding judge of the administrative judicial region, or the judicial committee for additional resources. The bill specifies that a determination relating to the need for additional resources is not appealable or subject to review by mandamus.

H.B. 79 requires the supreme court to request the president of the State Bar of Texas to appoint a task force to consider and make recommendations regarding the rules for determining whether civil cases pending in trial courts require additional resources for efficient judicial management. The bill requires the president of the State Bar of Texas to ensure that the task force has diverse representation and includes judges of trial courts and attorneys licensed to practice law in Texas who regularly appear in civil cases before Texas courts. The bill requires the task force to provide recommendations on the rules to the supreme court not later than March 1, 2012. The bill requires the supreme court to consider the task force's recommendations and to adopt the required rules not later than May 1, 2012. The bill makes its provisions relating to court administration applicable to cases pending on or after May 1, 2012.

## **Grant Programs**

H.B. 79 amends the Government Code to require the Office of Court Administration of the Texas Judicial System to develop and administer a program to provide grants from available funds to counties for initiatives that will enhance their court systems or otherwise carry out the purposes set out in certain statutory provisions relating to the office of court administration. The bill sets out the eligibility requirements for a county to receive such a grant and requires the judicial committee for additional resources to determine whether to award a grant to a county that meets the prescribed eligibility requirements. The bill requires the office of court administration to direct the comptroller of public accounts to distribute the grant money awarded to a county and to monitor the county's use of the grant money. The bill authorizes the office to accept gifts, grants, and donations for purposes of these provisions and prohibits the office from using state funds to provide a grant or to administer the grant program.

H.B. 79 requires the Permanent Judicial Commission for Children, Youth and Families to develop and administer a program to provide grants from available funds for initiatives that will improve safety and permanency outcomes, enhance due process, or increase the timeliness of resolution in child protection cases. The bill sets out eligibility requirements for a prospective recipient to receive such a grant and requires the commission to direct the comptroller to distribute the grant money awarded and monitor the use of the grant money. The bill authorizes the commission to accept gifts, grants, and donations for purposes of these provisions and prohibits the commission from using state funds to provide a grant or to administer the grant program. The bill defines "commission."

### **Vexatious Litigants**

H.B. 79 amends the Civil Practice and Remedies Code to authorize a litigant to appeal from a prefiling order prohibiting a person from filing, in propria persona, new litigation and designating the person a vexatious litigant. The bill specifies that a decision of a local administrative judge denying a vexatious litigant permission to file a litigation, or conditioning permission to file a litigation on the furnishing of security, does not constitute grounds for appeal. The bill creates an exception to that specification for a litigant who files a writ of mandamus with the court of appeals not later than the 30th day after the date of the decision and specifies that the denial of such a writ of mandamus by the court of appeals does not constitute grounds for appeal to the Texas Supreme Court or the Texas Court of Criminal Appeals.

H.B. 79 adds an original proceeding, appeal, or other claim to the claims a court clerk is prohibited from filing if presented by a vexatious litigant who is subject to a prefiling order prohibiting the litigant from filing a new litigation in a court in Texas unless the litigant obtains an order that permits the filing from the local administrative judge and creates an exception to that prohibition for a clerk of a court of appeals who files an appeal from a prefiling order designating a person a vexatious litigant or a timely filed writ of mandamus. The bill, in a statutory provision requiring a court clerk to provide the Office of Court Administration of the Texas Judicial System a copy of any prefiling order prohibiting a vexatious litigant from filing a new litigation in a court in Texas, sets the deadline by which the clerk is required to provide the copy at not later than the 30th day after the date the prefiling order is signed. The bill requires the office to post on the agency's Internet website a list of vexatious litigants subject to prefiling orders prohibiting the litigant from filing a new litigation in a court in Texas, rather than requiring the office to maintain such a list, and requires the list, on request of a person designated a vexatious litigant, to indicate whether the person designated a vexatious litigant has filed an appeal of the litigant's designation as a vexatious litigant. The bill removes a statutory provision requiring the office to annually send the list of vexatious litigants to the court clerks of the state.

H.B. 79 provides that the posting, before the effective date of its provisions relating to vexatious litigants, of the name of a person designated a vexatious litigant on a list of vexatious litigants on the Internet website of the office is not grounds for a cause of action; a defense against a finding that a plaintiff is a vexatious litigant; or grounds for relief or appeal from a stay, order, or dismissal or any other action taken by a court or a court clerk under provisions of law relating to

a vexatious litigant. The bill expands the definition of "local administrative judge" to include a local administrative statutory probate court judge, for purposes relating to a vexatious litigant.

#### **Study by Office of Court Administration of Texas Judicial System**

H.B. 79 requires the Office of Court Administration of the Texas Judicial System to study the district courts and statutory county courts of the state to determine overlapping jurisdiction in civil cases in which the amount in controversy is more than \$200,000 and requires the study to determine the feasibility, efficiency, and potential cost of converting to district courts those statutory county courts with jurisdiction in civil cases in which the amount in controversy is more than \$200,000. The bill requires the office of court administration, not later than January 1, 2013, to submit a report regarding those determinations to specified persons and specified commissioners courts. The bill requires the office to conduct the study only to the extent gifts, grants, and donations are available for that purpose and authorizes the office to accept such gifts, grants, and donations. The bill prohibits the office from using state funds to conduct the study. The bill defines "office of court administration."

#### **Suits Affecting the Parent-Child Relationship**

H.B. 79 amends the Family Code to provide that a court that had continuing, exclusive jurisdiction over a young adult on the day before the young adult's 18th birthday continues to have extended jurisdiction over the young adult and requires the court to retain the case on the court's docket while the young adult remains in extended foster care and during a trial independence period described by the bill. The bill removes a provision authorizing a court to render an order that extends the court's jurisdiction over the young adult at the young adult's request.

H.B. 79 requires a court with extended jurisdiction over a young adult who remains in extended foster care to conduct extended foster care review hearings every six months for the purpose of reviewing and making specified findings regarding issues set out in the bill and requires the Department of Family and Protective Services to file with the court, not later than the 10th day before the date set for an extended jurisdiction hearing, a copy of the young adult's plan of service and a report that addresses the issues. The bill removes a certain statutory provision establishing that the extended jurisdiction of the court terminates on a certain date. The bill requires notice of an extended foster care review hearing to be given as provided by Rule 21a, Texas Rules of Civil Procedure, to certain persons specified in the bill, each of whom has a right to present evidence and be heard at the hearing.

H.B. 79 authorizes a court with extended jurisdiction over a young adult to order the department to take appropriate action to ensure that the young adult receives those services, if, after reviewing the young adult's plan of service and the report filed with the court by the Department of Family and Protective Services, and after reviewing any additional testimony and evidence presented at the review hearing, the court determines that the young adult is entitled to additional services. The bill requires the court to continue to have jurisdiction over the young adult and retain the case on the court's docket until the earlier of the last day of the sixth month after the date the young adult leaves foster care or the 12th month after the date the young adult leaves foster care if specified in a court order, for the purpose of allowing the young adult to pursue a trial independence period; or the young adult's 21st birthday. The bill provides that the court is not required to conduct periodic hearings for a young adult during a trial independence period and is prohibited from compelling a young adult who has exited foster care to attend a court hearing.

H.B. 79 authorizes a court that had continuing, exclusive jurisdiction over a young adult on the day before the young adult's 18th birthday, at the young adult's request, to render an order that extends the court's jurisdiction beyond the end of a trial independence period if the young adult receives transitional living services from the department, terminating on the earlier of the young adult's 21st birthday or the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court. The bill authorizes the court to hold a hearing to review the

services the young adult is receiving if the young adult who is receiving transitional living services from the department and who consents to voluntary extension of the court's jurisdiction requests the review. The bill requires the department to file with the court, before such a review hearing, a report summarizing the young adult's transitional living services plan, services being provided to the young adult under that plan, and the young adult's progress in achieving independence and authorizes the court to order the department to take appropriate action to ensure that the young adult receives those services if, after reviewing the report and any additional testimony and evidence presented at the hearing, the court determines that the young adult is entitled to additional services.

H.B. 79 repeals a provision relating to service review hearings and defines "trial independence period" and redefines "foster care." The bill makes these provisions relating to suits affecting the parent-child relationship effective immediately if the bill receives a vote of two-thirds of all members elected to each house, as provided by the Texas Constitution, or, if the bill does not receive the necessary vote for immediate effect, the bill makes these provisions effective on the 91st day after the last day of the legislative session.

### **Inmate Litigation**

H.B. 79 amends the Civil Practice and Remedies Code to make certain statutory provisions relating to inmate litigation applicable only to an action, including an appeal or original proceeding, rather than a suit, brought by an inmate in an appellate court, including the supreme court or the court of criminal appeals, in addition to certain other courts, in which an affidavit or unsworn declaration of inability to pay costs is filed by the inmate. The bill makes conforming changes to certain statutory provisions governing the affidavit and governing court fees and certain other costs.

### **Provisions Related to Exempting Certain Judicial Officers from Certain Concealed Handgun Licensing Requirements**

H.B. 79 amends the Government Code to redefine "active judicial officer." The bill makes this provision effective on the 91st day after the last day of the legislative session.

H.B. 79, if H.B. 242, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, amends Section 46.15(a), Penal Code, to exempt an active judicial officer as defined by the Government Code, rather than a judge or justice of certain specified courts, who is licensed to carry a concealed weapon, from provisions of the Penal Code relating to the unlawful carrying of weapons and the prohibition on carrying weapons in certain places. The bill, if H.B. 242, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, amends Section 46.15(a), Penal Code, as effective September 1, 2011, to exempt an active judicial office as defined by the Government Code, rather than a judge or justice of certain specified courts, who is licensed to carry a concealed weapon, from provisions of the Penal Code relating to the unlawful carrying of weapons and the prohibition on carrying weapons in certain places. The bill makes these provisions effective on the 91st day after the last day of the legislative session.

### **Court Costs**

H.B. 79 amends the Government Code to clarify that the clerk of the supreme court is required to collect fees and costs on a certified question from a federal court of appeals to the supreme court and to make nonsubstantive changes updating certain language in those lists of fees and costs.

### **Alternative Dispute Resolution for Criminal Matters**

H.B. 79 amends the Civil Practice and Remedies Code to expand a provision authorizing the establishment of an alternative dispute resolution system to the resolution of disputes, rather than only citizen disputes, and specifies that this provision has no effect if S.B. 1271, Acts of the 82nd Legislature, Regular Session, 2011, becomes law. The bill authorizes certain specified judges and justices to refer a civil or, on the request of an attorney representing the state, a criminal case to the system regardless of whether the defendant in the criminal case has been formally charged and requires the attorney to obtain the victim's consent to the referral before it

is requested.

H.B. 79, if H.B. 2702, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, removes a certain statutory provision limiting the collection of an authorized fee for rendered services by an alternative dispute resolution center to a county with a population of 250,000 or more but less than 290,000. The bill removes a statutory provision prohibiting certain statutory provisions relating to the collection of this fee from affecting the collection of a fee by any of the following entities with which the commissioners court contracts for the purposes of administering the system: private nonprofit corporation, a political subdivision, a public corporation, or a combination of these entities. The bill, if H.B. 2702, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, amends provisions relating to this fee, as effective September 1, 2011, to remove the same provisions removed by the bill in the event H.B. 2702 does not become law. The bill redefines "alternative dispute resolution system" for the purposes of its provisions relating to alternative dispute resolution for criminal matters and specifies that this provision has no effect if S.B. 1271, Acts of the 82nd Legislature, Regular Session, 2011, becomes law.

H.B. 79 prohibits a court from referring a criminal case for alternative dispute resolution, except as provided under certain statutory provisions and provisions of the bill relating to the referral of cases or under certain provisions of the Code of Criminal Procedure.

#### **No Appropriation**

H.B. 79 specifies that its provisions do not make an appropriation and that a provision of the bill creating a new governmental program or new entitlement or imposing a new duty on a governmental entity is not mandatory during a fiscal period for which a specific legislative appropriation is not made for the provision's implementation.

#### **Other Provisions**

H.B. 79 sets out legislative findings relating to the fiscal necessity of its provisions.

H.B. 79 repeals Section 263.609, Family Code.

H.B. 79 repeals the following provisions of the Government Code:

- Section 24.013
- Section 24.302
- Section 24.303
- Section 24.304
- Section 24.305
- Section 24.307
- Section 24.308
- Section 24.309
- Section 24.311
- Section 24.312
- Section 24.313
- Section 24.314
- Section 24.525(b)
- Section 24.526(b)
- Section 24.527(b)
- Sections 24.528(b) and (c)

- Sections 24.529(b) and (c)
- Sections 25.0042(b), (d), (f), and (j)
- Sections 25.0052(b), (f), (g), and (h)
- Sections 25.0102(b), (d), (f), and (i)
- Sections 25.0132(d), (g), and (h)
- Sections 25.0152(c) and (e)
- Sections 25.0162(b), (f), (g), (h), and (i)
- Sections 25.0172(d), (k), (l), (m), (n), (o), (q), (s), and (t)
- Sections 25.0173(c), (d), (h), (i), and (k)
- Sections 25.0202(c), (d), and (g)
- Sections 25.0212(c), (e), and (g)
- Sections 25.0222(d), (e), (i), (j), and (n)
- Sections 25.0232(b), (d), (f), (h), and (i)
- Sections 25.0272(b), (c), and (e)
- Sections 25.0292(b), (c), (g), (h), and (i)
- Sections 25.0302(b), (d), and (g)
- Sections 25.0312(c), (e), and (j)
- Sections 25.0332(e), (g), (i), (k), (l), and (m)
- Section 25.0362(c)
- Sections 25.0392(b), (d), (f), (i), (j), and (k)
- Sections 25.0452(b), (c), and (d)
- Sections 25.0453(a), (c), (d), and (e)
- Sections 25.0482(b), (d), (e), (g), and (h)
- Sections 25.0512(a), (b), (d), (g), and (h)
- Sections 25.0522(b), (d), (f), and (g)
- Sections 25.0592(b), (h), (i), (j), and (k)
- Sections 25.0593(d), (f), (g), (h), (i), and (j)
- Sections 25.0594(d), (e), (g), (h), (i), (j), and (k)
- Sections 25.0595(c), (d), (f), and (g)
- Section 25.0596
- Sections 25.0632(a), (b), and (d)
- Sections 25.0702(b), (g), (h), (j), (k), and (l)
- Sections 25.0722(b), (d), (f), (j), and (k)
- Sections 25.0732(d), (g), (h), (i), (j), (m), (n), (o), (p), (s), and (v)
- Sections 25.0733(c), (d), and (f)
- Section 25.0742(b)
- Sections 25.0812(d), (f), (h), (j), and (l)
- Sections 25.0862(f) and (j)



- Sections 25.0932(e), (f), and (i)
- Sections 25.0942(c), (f), (g), (j), and (k)
- Sections 25.0962(d), (e), and (g)
- Sections 25.1032(d), (e), (g), (h), and (k)
- Sections 25.1033(d), (e), (f), (m), and (o)
- Sections 25.1034(c), (h), (k), and (l)
- Sections 25.1042(b), (d), (f), (h), and (i)
- Sections 25.1072(b), (d), (g), and (h)
- Sections 25.1092(e), (f), (l), and (o)
- Sections 25.1102(d), (e), (h), (i), (j), and (l)
- Section 25.1103
- Sections 25.1112(b), (c), (f), and (k)
- Sections 25.1132(f), (g), (h), (j), (l), (m), and (p)
- Sections 25.1142(c), (e), and (g)
- Sections 25.1152(b), (e), (f), (h), and (i)
- Sections 25.1182(c), (e), and (h)
- Sections 25.1252(c), (g), and (i)
- Sections 25.1282(b), (d), (f), (h), and (i)
- Sections 25.1312(d), (e), (i), (k), (l), and (n)
- Sections 25.1322(d), (e), (f), (i), and (j)
- Sections 25.1352(d) and (h)
- Sections 25.1392(e), (g), and (i)
- Sections 25.1412(b), (c), (e), (h), (i), and (k)
- Sections 25.1482(d), (g), (h), (l), and (m)
- Sections 25.1542(f), (i), (k), and (n)
- Sections 25.1572(e), (f), and (g)
- Sections 25.1652(d), (f), and (h)
- Sections 25.1672(b) and (f)
- Sections 25.1722(b), (c), and (g)
- Sections 25.1732(d), (e), (f), (h), and (i)
- Sections 25.1762(b), (e), (f), and (h)
- Sections 25.1772(c), (e), and (h)
- Sections 25.1792(e), (f), (h), (i), and (j)
- Sections 25.1802(c), (h), (i), (j), (k), (l), and (q)
- Sections 25.1832(b), (d), and (j)
- Sections 25.1852(e), (f), and (i)
- Sections 25.1862(c), (f), (h), (i), (j), (m), (n), (p), (q), and (u)
- Section 25.1892(d)

- Sections 25.1902(e), (g), (i), (j), and (k)
- Sections 25.1932(b), (c), (f), (h), and (j)
- Sections 25.1972(b), (d), (f), (h), and (j)
- Sections 25.2012(d), (e), (i), (k), (l), and (n)
- Sections 25.2032(c), (e), and (h)
- Sections 25.2072(c), (e), (f), (h), and (i)
- Sections 25.2142(c), (e), (i), (r), (t), and (u)
- Sections 25.2162 (d), (f), (h), (j), and (k)
- Section 25.2222(b), as amended by Chapter 746 (H.B. 66), Acts of the 72nd Legislature, Regular Session, 1991
- Sections 25.2222(c), (g), (h), (i), (k), and (n)
- Sections 25.2223(c), (e), (g), and (h)
- Sections 25.2224(b), (c), (f), (g), (i), and (j)
- Sections 25.2232(b), (e), (f), and (g)
- Sections 25.2282(b), (d), (f), (g), (i), and (j)
- Sections 25.2292(b), (e), (i), (k), and (l)
- Sections 25.2293(e), (f), (g), (k), and (l)
- Sections 25.2352(b), (d), (f), (g), and (j)
- Sections 25.2362(c), (e), and (h)
- Sections 25.2372(c), (f), (g), (h), and (i)
- Sections 25.2382(b), (d), (f), and (j)
- Sections 25.2392(b), (d), (f), and (j)
- Sections 25.2412(b), (d), (f), (i), and (k)
- Sections 25.2422(b), (d), (f), (i), and (j)
- Sections 25.2452(f), (h), and (j)
- Sections 25.2462(c), (d), (e), (g), (i), and (j)
- Sections 25.2482(d), (e), (f), (h), (j), and (k)
- Sections 25.2512(b) and (i)
- Sections 25.2512(e) and (h), if H.B. 2330, Acts of the 82nd Legislature, Regular Session, 2011, does not become law
- Subchapters A, B, C, E, F, I, O, P, S, T, U, V, X, CC, FF, and II, Chapter 54

H.B. 79 repeals Chapter 28, Government Code, effective May 1, 2013.

**EFFECTIVE DATE**

Except as otherwise provided, January 1, 2012.