

By: Murr

H.B. No. 1744

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring parties to a probate proceeding who request
3 the assignment of a statutory probate court judge to pay certain
4 costs associated with the assignment.

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

6 SECTION 1. Section 25.0022, Government Code, is amended by
7 amending Subsections (m), (o), and (p) and adding Subsection (o-1)
8 to read as follows:

9 (m) The presiding judge shall certify to the county judge in
10 the county in which the assigned judge served:

11 (1) the expenses approved under Subsection (1); ~~and~~

12 (2) a determination of the assigned judge's salary;

13 and

14 (3) if applicable, a determination of the amounts to
15 be apportioned to a party or between two or more parties to a
16 probate proceeding as prescribed under Subsection (o-1), together
17 with the contact information of the party or parties.

18 (o) The county in which the assigned judge served:

19 (1) shall pay out of the general fund of the county:

20 (A) ~~(1)~~ expenses certified under Subsection (m)
21 to the assigned judge; and

22 (B) ~~(2)~~ the salary certified under Subsection
23 (m) to the county in which the assigned judge serves, or, if the
24 assigned judge is a former or retired judge, to the assigned judge;

1 and

2 (2) may seek reimbursement from one or more parties to
3 a probate proceeding of the amounts apportioned to a party or
4 between the parties as prescribed under Subsection (o-1).

5 (o-1) If a party to a probate proceeding files a motion for
6 the assignment of a statutory probate court judge to hear a
7 contested matter in the proceeding under Section 32.003, Estates
8 Code, and the motion is granted, the party shall reimburse the
9 county for the compensation and expenses paid by the county under
10 Subsections (o) and (p). If more than one party to a proceeding
11 files a motion for the assignment of a statutory probate court judge
12 under Section 32.003, Estates Code, the statutory probate court
13 judge shall:

14 (1) prescribe the amounts or manner by which the
15 judge's compensation and expenses are to be equitably apportioned
16 between those parties for purposes of reimbursement under this
17 section; and

18 (2) provide the amounts or manner of apportionment to
19 the presiding judge.

20 (p) In addition to all compensation and expenses authorized
21 by this section and other law, a judge who is assigned to a court
22 outside the county of the judge's residence is entitled to receive
23 \$25 for each day or fraction of a day served. Subject to Subsection
24 (o-1), the [The] county in which the judge served shall pay the
25 additional compensation from the county's general fund on
26 certification by the presiding judge.

27 SECTION 2. Section 25.0022, Government Code, as amended by

1 this Act, applies only to a motion for the assignment of a statutory
2 probate court judge under Section 32.003, Estates Code, that is
3 filed on or after the effective date of this Act. A motion filed
4 before the effective date of this Act is governed by the law in
5 effect on the date the motion was filed, and the former law is
6 continued in effect for that purpose.

7 SECTION 3. This Act takes effect September 1, 2017.