

Amend CSSB 891 (house committee printing) as follows:

(1) On page 31, strike lines 6 through 15 and substitute the following:

Sec. 54.2401. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Fort Bend County may authorize the judges of the district and statutory county courts in Fort Bend County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Fort Bend County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Fort Bend County.

(c) An order appointing a magistrate must be signed by the local administrative judge and must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(2) Strike page 46, line 13 through page 47, line 15.

(3) On page 49, line 14, between "judge" and "~~equal~~", insert "within the budget guidelines established by the Commissioners Court of Grayson County".

(4) On page 51, lines 23 and 24, strike "or a shorthand reporting firm registration".

(5) On page 52, line 6, strike "and shorthand reporting firms".

(6) Strike ", registration," in each of the following places it appears:

(A) page 51, lines 26 and 27;

(B) page 52, lines 5, 10, and 13; and

(C) page 53, lines 1 and 10.

(7) On page 60, line 5, strike "154.115(b)" and substitute "154.115".

(8) On page 60 between lines 6 and 7, insert the following:

Sec. 154.115. PROHIBITED CONTRACTS. (a) A court reporter or shorthand reporting firm may not enter into or provide services under any contractual agreement, written or oral, exclusive or nonexclusive, that:

(1) undermines the impartiality of the court reporter;

(2) requires a court reporter to relinquish control of

an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney;

(3) requires a court reporter to provide any service not made available to all parties to an action; ~~[or]~~

(4) gives or appears to give an exclusive advantage to any party; or

(5) restricts an attorney's choice in the selection of a court reporter or shorthand reporting firm.

(9) On page 65, line 22, strike "courts" and substitute "court programs".

(10) On page 65, line 25, strike "(d)" and substitute "(d)(1)".

(11) On page 66, line 1, strike "(d)" and substitute "(d)(1)".

(12) Add the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 2.\_\_\_\_. Section 25.1972, Government Code, is amended by amending Subsections (a), (e), (g), and (i) and adding Subsections (b), (c), (f), and (h) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (c), a county court at law in Reeves County has:

(1) the jurisdiction provided by the constitution and by general law for district courts, including concurrent jurisdiction with the district court:

(A) in family law cases and proceedings;

(B) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(C) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought; and

(D) in all actions by or against a personal

representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary trust, whether the matter is appertaining to or incident to an estate;

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under:

(A) Chapter 462, Health and Safety Code; and

(B) Subtitles C and D, Title 7, Health and Safety Code;

(3) jurisdiction over the collection and management of estates of minors, persons with a mental illness or intellectual disability, and deceased persons; and

(4) jurisdiction in all cases assigned, transferred, or heard under Sections 74.054, 74.059, and 74.094.

(b) A county court at law has original concurrent jurisdiction with the justice courts in all civil and criminal matters prescribed by law for justice courts. Appeals from justice courts and other courts of inferior jurisdiction in Reeves County must be made directly to a county court at law.

(c) A county court at law does not have jurisdiction of:

(1) felony cases, except as otherwise provided by law;

(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059; or

(3) contested elections.

(e) A ~~The~~ judge of a county court at law in Reeves County shall be paid an annual salary equal to the amount that is \$1,000 less than ~~[that does not exceed 90 percent of]~~ the ~~[total]~~ salary paid by the state to a district judge in the county. The salary shall be paid in the same manner and from the same fund as prescribed by law for the county judge ~~[out of the county treasury on order of the commissioners court. The judge is entitled to travel expenses and necessary office expenses, including administrative and clerical assistance].~~

(f) A county court at law may not issue writs of habeas corpus in felony cases.

(g) The district clerk serves as clerk of a county court at law in the ~~[family law]~~ cases described by Subsection (a). The district clerk shall establish a separate docket for each county court at law. In matters of concurrent jurisdiction with the district court, the district clerk shall charge the same fees as are allowed in district court cases, except that in cases described by Subsections (a)(1)(A) and (2) and in misdemeanor cases other than those involving official misconduct, the clerk may not charge higher fees than the fees charged by county clerks for similar cases ~~[and proceedings, and the county clerk serves as clerk of the court in all other matters]~~.

(h) If a jury trial is requested in a case that is in a county court at law's jurisdiction, the jury shall be composed of 6 members unless the constitution requires a 12-member jury. Failure to object before a 6-member jury is seated and sworn constitutes a waiver of a 12-member jury.

(i) If any cause or proceeding is lodged with the district clerk and the district clerk files, docket, or assigns the cause or proceeding in or to a county court at law that does not have subject matter jurisdiction over the cause or proceeding, the filing, docketing, or assignment of the cause or proceeding in or to a county court at law is considered a clerical error. That clerical error must be corrected by a judgment or order nunc pro tunc. The cause or proceeding is considered filed, docketed, or assigned to the district court of the local administrative judge in the first instance rather than to the county court at law. The judge of a county court at law who acts in the cause or proceeding is considered assigned to the district court of the local administrative judge for that purpose and has all the powers of the judge of that district court under the assignment ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law cases and proceedings are governed by this section and the laws and rules pertaining to district courts. If a family law case is tried before a jury, the jury shall be composed of 12 members]~~.

(13) Add the following appropriately numbered SECTION to ARTICLE 8 of the bill and renumber SECTIONS of that ARTICLE accordingly:

SECTION 8.\_\_\_\_. Section 152.0811, Human Resources Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (d) to read as follows:

(a) The juvenile board of Fayette County is composed of:

(1) the county judge;

(2) ~~and~~ the judge of each ~~a~~ district court in Fayette County;

(3) the judge of each statutory county court in Fayette County; and

(4) a public member only if the total number of board members described by Subdivisions (1)-(3) is fewer than three or is an even number ~~[as determined by the commissioners court]~~.

(a-1) A public member who serves on the board must be appointed by a majority of the other members of the board. The public member serves a two-year term.

(b) The commissioners court may pay the juvenile board members ~~[additional annual]~~ compensation of ~~[not more than]~~ \$1,200 annually for the ~~[added]~~ duties imposed on the members. The ~~[additional]~~ compensation shall be paid in equal monthly installments from the general fund or any other available fund of the county.

(d) The board member who has the greatest number of years of judicial service and is willing to serve is the chair of the board.

(14) Add the following appropriately numbered subdivision to SECTION 13.02 of the bill (page 79, between lines 26 and 27) and renumber subsequent subdivisions of that SECTION accordingly:

(\_\_\_\_) Section 25.1972(k);

(15) Add the following appropriately numbered SECTIONS to ARTICLE 13 of the bill and renumber SECTIONS of that ARTICLE accordingly:

SECTION 13.\_\_\_\_. The following provisions of the Code of Criminal Procedure are repealed:

(1) Article 103.003(b-1); and

(2) Article 103.0033.

SECTION 13.\_\_\_\_. The following provisions of the Local Government Code are repealed:

- (1) Section 133.058(e); and
- (2) Section 133.103(c-1).

(16) Insert the following appropriately numbered ARTICLES and SECTIONS to the bill and renumber subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_\_\_\_. CASES BROUGHT BY ATTORNEY GENERAL

SECTION \_\_\_\_\_.01. Section 402.006(c), Government Code, is amended to read as follows:

(c) In a case in which the state is entitled to recover a penalty or damages the attorney general is entitled, in addition to any other remedy available by law and on behalf of the state, to reasonable attorney's fees and court costs.

ARTICLE \_\_\_\_\_. VISITING JUDGES

SECTION \_\_\_\_\_.01. Section 25.0022, Government Code, is amended by adding Subsections (v) and (w) to read as follows:

(v) A judge who is assigned under this section to a court in a county other than the county in which the judge serves is not an employee of the other county.

(w) A former or retired judge who is assigned under this section is not an employee of the county in which the assigned court is located.

SECTION \_\_\_\_\_.02. Section 74.061, Government Code, is amended by adding Subsections (l) and (m) to read as follows:

(l) A judge of a district, statutory probate, constitutional county, or statutory county court who is assigned under this chapter to a court in a county other than the county in which the judge serves is not an employee of the other county.

(m) A former or retired judge or an active judge or justice of the supreme court, the court of criminal appeals, or a court of appeals who is assigned under this chapter is not an employee of the county in which the assigned court is located.

SECTION \_\_\_\_\_.03. Subchapter A, Chapter 75, Government Code, is amended by adding Section 75.004 to read as follows:

Sec. 75.004. EMPLOYEE STATUS. A former or retired judge or justice who is assigned under this subchapter is not an employee of

the county in which the assigned court is located.