

## **BILL ANALYSIS**

C.S.H.B. 3474  
By: Leach  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been the tradition and practice for the chairs of the committees with jurisdiction over the judiciary to file a single omnibus bill that encompasses new courts, changes to judicial administration, and changes to jurisdiction. Ensuring that there are adequate judicial resources available to address the workload is critical to securing the proper administration of the judiciary. Instead of going about this process based upon subjective desires, each new court in this bill is justified based on need and supported by workload data provided by the Office of Court Administration of the Texas Judicial System. Some of the factors that were considered include caseloads, case backlogs, substantial population growth, objective workload measures, and county support.

C.S.H.B. 3474 provides revisions relating to appellate and district courts, statutory county courts, justice courts, criminal law magistrates, associate judges and visiting judges, prosecuting attorneys, the state of the judiciary message, grand juries, jurors and jury service, court reporters and interpreters, deposition, transcription and interpretations services, the transfer of cases and proceedings, criminal procedure, and probate proceedings.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Office of Court Administration of the Texas Judicial System in SECTION 12.012 of this bill.

### **ANALYSIS**

C.S.H.B. 3474 relates to the operation and administration of and practices and procedures related to proceedings in the judicial branch of state government and the state of the judiciary.

#### **Appellate and District Courts**

C.S.H.B. 3474 amends the Government Code to remove Culberson County from the counties that constitute the 205th Judicial District and to remove Hudspeth County from the counties that constitute the 394th Judicial District. The bill requires the local administrative judge to do the following:

- transfer all cases from Culberson County that are pending in the 205th District Court on September 1, 2023, to the 394th District Court; and
- transfer all cases from Hudspeth County that are pending in the 394th District Court on September 1, 2023, to the 205th District Court.

The bill provides for the return of all processes, writs, bonds, recognizances, or other obligations issued from a court in a case that must be transferred under these provisions and for the required appearance of obligees in all such bonds and recognizances, and of all applicable summoned witnesses, to the court to which the case is transferred.

C.S.H.B. 3474 creates the following judicial districts, effective September 1, 2023, unless otherwise specified:

- the 465th Judicial District composed of Bastrop County;
- the 472nd Judicial District composed of Brazos County;
- the 477th Judicial District, composed of Denton County, effective January 1, 2025;
- the 486th Judicial District composed of Harris County;
- the 487th Judicial District composed of Harris County;
- the 488th Judicial District composed of Harris County;
- the 489th Judicial District composed of Kaufman County, effective January 1, 2024;
- the 493rd Judicial District composed of Collin County;
- the 494th Judicial District composed of Collin County, effective September 1, 2024;
- the 495th Judicial District composed of Harris County, effective September 1, 2024;
- the 496th Judicial District composed of Harris County, effective September 1, 2024; and
- the 497th Judicial District composed of Harris County, effective September 1, 2024.

The bill establishes that the 472nd District Court has primary responsibility for cases involving civil matters, family law matters, and juvenile matters. The bill requires the 486th, 487th, 488th, 495th, 496th, and 497th District Courts to give preference to criminal cases.

C.S.H.B. 3474 entitles a justice of the supreme court, a judge of the court of criminal appeals, or a justice of a court of appeals to the following:

- to traveling and other necessary expenses, as provided by the Travel Regulations Act, if the justice or judge is engaged in the discharge of official duties in a county other than the justice's or judge's county of residence; and
- to receive from the state the actual and necessary postage, telegraph, and telephone expenses incurred in the discharge of official duties.

The bill requires the expenses to be paid by the state on a sworn itemized account showing the expenses.

C.S.H.B. 3474 includes in the calculation of service credit for purposes of the pay raise schedule of district court judges and appellate court justices or judges any years of service as a district attorney, criminal district attorney, or county attorney.

## **Statutory County Courts**

### Judicial Service Credit

C.S.H.B. 3474 includes in the calculation of service credit for purposes of the total annual salary of a statutory county court judge, other than a statutory county court judge who engages in the private practice of law, and of a statutory probate court judge any years of service as a district attorney, criminal district attorney, or county attorney. The bill specifies that the salary of a multicounty statutory county court judge is equal to the state salary paid to a district court judge with comparable years of service and establishes that such service credit includes any years of service as an appellate court, district court, statutory county court, or statutory probate court justice or judge or as a district attorney, criminal district attorney, or county attorney.

### County Court at Law in Aransas County

C.S.H.B. 3474 includes among the cases over which the Aransas County Court at Law has concurrent jurisdiction with a district court civil cases in which the matter in controversy exceeds \$250,000, excluding interest, statutory or punitive damages and penalties, and attorney's

fees and costs, as alleged on the face of the petition. The bill includes such cases among the cases for which a district clerk serves as a clerk of the county court at law. These changes apply only to a case filed or proceeding commenced on or after September 1, 2023.

#### County Court at Law in Dallas County

C.S.H.B. 3474 subjects a county court at law in Dallas County to the statutory requirement that the jury in a civil case in which the matter in controversy exceeds \$250,000 must be composed of 12 members unless all of the parties agree to a jury composed of a lesser number of jurors. This change applies only to a jury impaneled on or after September 1, 2023.

#### County Court at Law in Grayson County

C.S.H.B. 3474 grants a county court at law in Grayson County concurrent jurisdiction with the district court in family law cases and proceedings and establishes that the district clerk serves as clerk of a county court at law in family law cases and proceedings, and the county clerk serves as clerk of the court in all other cases.

#### Probate Court No. 3 of Bexar County

C.S.H.B. 3474 creates the Probate Court No. 3 of Bexar County. The bill removes the requirement for the Bexar county clerk to docket all even-numbered probate cases in Probate Court No. 2 and all odd-numbered probate cases in Probate Court No. 1 and requires the clerk, instead, to assign equally among the statutory probate courts and docket at random all matters and proceedings unrelated to mental health that are filed in the statutory probate courts in the county. The bill authorizes the statutory probate judges in Bexar County, in the absence, disqualification, or incapacity of a statutory probate judge in Bexar County or on the judge's request, to sit and act for each other in any probate matter or proceeding. The bill authorizes such a judge to hear and determine any matter or proceeding pending in another statutory probate court in the county or to enter any order in the matter or proceeding that the judge of the other statutory probate court in the county may enter. The bill requires the county clerk for Bexar County to assign to Probate Court No. 3 one-third of all cases pending on September 1, 2023, in Probate Court No. 1 and Probate Court No. 2 that were filed before January 1, 2020.

C.S.H.B. 3474 repeals Government Code provisions establishing that appeals may be taken from interlocutory orders appointing a receiver and overruling a motion to vacate an order appointing a receiver in Probate Court No. 2 and establishing the procedure and manner in which appeals from interlocutory orders are taken.

#### Probate Court No. 1 of Cameron County

C.S.H.B. 3474 repeals the requirement for the County Court at Law No. 4 of Cameron County to give preference to probate, guardianship, and mental health matters and removes the provision that grants a county court at law in Cameron County concurrent jurisdiction with the county court probate jurisdiction as provided by general law.

C.S.H.B. 3474 redesignates County Court at Law No. 4 as the Probate County Court No. 1 of Cameron County. The bill grants the probate court jurisdiction of a statutory probate court as provided by state law and jurisdiction over mental health cases diverted from the criminal justice system in the county. The bill requires the judge of the County Court at Law No. 4 to transfer all active cases over which the court loses jurisdiction under these provisions and that are pending in the court on September 1, 2023, to a district court, county court at law, or county court with jurisdiction over the case. The bill requires the local administrative statutory county court judge to transfer any active probate matter that is pending in a statutory county court in Cameron County on that date to the probate court. The bill provides for the return of all processes, writs, bonds, recognizances, or other obligations issued from a court in a case that

must be transferred under these provisions and for the required appearance of obligees on all such bonds and recognizances, and of all applicable summoned witnesses, to the court to which the case is transferred.

#### Probate Court No. 1 of Montgomery County

Effective October 1, 2023, C.S.H.B. 3474 redesignates the County Court at Law No. 2 of Montgomery County as the Probate Court No. 1 of Montgomery County and makes the judge of that county court at law the judge of the probate court. The bill establishes that the judge serves until December 31, 2026, unless otherwise removed, and until the judge's successor is elected and has qualified. The bill establishes a judicial term of four years and sets the first election of a judge of the probate court for the 2026 general election and every following four years.

Effective October 1, 2023, C.S.H.B. 3474 grants the statutory probate court of Montgomery County concurrent jurisdiction with the district court, regardless of the amount in controversy or the relief sought, in the following:

- disputes relating to the creation of a constructive trust;
- declaratory judgment actions;
- actions in which the only relief sought is a writ of injunction; and
- actions to appoint a receiver under any state law, including under the Business Organizations Code provision relating to specific property of a domestic or foreign entity that is located in Texas and is involved in litigation.

The bill grants the statutory probate court eminent domain jurisdiction, including the jurisdiction provided to a district court under Property Code provisions relating to the transfer of an applicable eminent domain case from a county court at law and a district court's authority over eminent domain issues, regardless of the amount in controversy or the remedy sought. The bill requires all eminent domain actions, cases, matters, or proceedings arising under Property Code provisions relating to eminent domain or under the Transportation Code provision relating to a county's exercise of eminent domain for purposes of a county road system or state highway, to be filed and docketed in the statutory probate court.

Effective October 1, 2023, C.S.H.B. 3474 authorizes the statutory probate court of Montgomery County to do the following:

- conduct docket matters at any location in the county as the statutory probate court judge considers necessary for the protection of wards or mental health respondents or as otherwise provided by state law;
- conduct a hearing or other proceeding as a remote proceeding, as defined in the bill, without the consent of the parties unless the U.S. Constitution or Texas Constitution requires consent;
- allow or require a party, attorney, witness, court reporter, or any other individual to participate in a remote proceeding, including a deposition, hearing, or other judicial proceeding; and
- appoint as a court investigator an employee of the court or another department in the county for purposes of complying with statutory requirements.

Effective October 1, 2023, C.S.H.B. 3474 authorizes Montgomery County to use the filing fees that are collected from the probate, guardianship, and mental health cases in statutory county courts, the statutory probate court, or the county courts and deposited into the judicial education and support fund for purposes of providing staff for the statutory probate court and for court-related purposes for the support of the statutory probate court. The bill provides for the county clerk of Montgomery County to serve as clerk of the statutory probate court and authorizes a judge of the statutory probate court in Montgomery County and a judge of a district court or statutory county court in Montgomery County to exchange benches and sit and act for each other in any matter pending before the applicable court.

C.S.H.B. 3474 requires the judge of the County Court at Law No. 2 of Montgomery County to transfer all active cases over which the court loses jurisdiction under the bill's provisions and that are pending in the court on October 1, 2023, to a district court, county court at law, or county court in Montgomery County with jurisdiction over the case. The bill requires the local administrative statutory county court judge to transfer any active probate matter that is pending in a statutory county court in Montgomery County on October 1, 2023, to Probate Court No. 1 of Montgomery County, as redesignated by the bill. The bill provides for the return of all processes, writs, bonds, recognizances, or other obligations issued from a court in a case that must be transferred under these provisions and for the required appearance of obligees on all such bonds and recognizances, and of all applicable summoned witnesses, to the court to which the case is transferred.

#### Probate Court No. 2 of Travis County

Effective October 1, 2023, C.S.H.B. 3474 creates the Probate Court No. 2 of Travis County and grants the court primary responsibility for mental health matters. The bill provides for the docket of all mental health matters in that statutory probate court and of probate, guardianship, and trust cases, and related cases to each statutory probate court in the county, based on the case number. The bill requires the county clerk to appoint a deputy clerk for each statutory probate court and provides for the deputy clerk's service and duties. The bill authorizes a deputy clerk to perform any other service required by the judge of a statutory probate court. The bill authorizes the judges of the statutory probate courts of Travis County to sit and act for each other in any matter or proceeding pending in either court in case of the absence, disqualification, or incapacity of a judge, or for any other reason.

Effective October 1, 2023, C.S.H.B. 3474 repeals a provision establishing that, for purposes of determining the annual salary of a judge of a statutory probate court in Travis County, the total annual state salary received by a district judge in the county does not include compensation paid to the presiding criminal judge of Travis County.

#### County Court at Law No. 2 of Waller County

C.S.H.B. 3474 creates the County Court at Law No. 2 of Waller County and establishes that the court has jurisdiction provided by the constitution and by general law for district courts, including jurisdiction in felony criminal cases.

#### County Court at Law of Wilson County

C.S.H.B. 3474 creates the County Court at Law of Wilson County.

#### 2nd Multicounty Court at Law

C.S.H.B. 3474 creates the 2nd Multicounty Court at Law for Bee, Live Oak, and McMullen Counties. The bill, in addition to the jurisdiction provided to statutory county courts, grants the court concurrent jurisdiction with the district courts, except in civil cases in which the matter in controversy exceeds \$250,000. The bill establishes that Bee County is the administrative county for the 2nd Multicounty Court at Law. The bill requires Bee, Live Oak, and McMullen Counties to enter into an interlocal agreement allocating the financial obligations of each county in relation to the county court at law and the budget, powers, and duties of the court and salaries of court personnel. The bill provides for each county to pay administrative and operational costs proportionate to the caseload originating in the county to the administrative county if the counties are unable to reach an agreement before a specified deadline and entitles a county to state compensation in the amount prescribed by state law in proportion to the amount paid by the county. The bill provides for the duties of a district clerk and county clerk for the multicounty court and the exchange of benches and courtrooms and transfer of cases between dockets in matters of concurrent jurisdiction.

C.S.H.B. 3474 exempts the multicounty court from the following statutory provisions:

- the requirement for a judge to execute a bond for purposes of serving in their office; and
- the requirement to assess the same fees as prescribed by law relating to county judges' fees.

The bill makes the prohibition against assigning an active statutory court judge to hear a matter pending in a district court outside the county of the judge's residence inapplicable to the multicounty court.

## **Justice Courts**

C.S.H.B. 3474 amends the Local Government Code to require a justice of the peace who receives any fee, commission, or payment for performing marriage ceremonies, for acting as registrar for the Bureau of Vital Statistics, and for acting as ex officio notary public during a calendar year to submit to the Texas Ethics Commission a report on the total amount of those fees, commissions, and payments received during the year. The bill requires the report to be filed not later than May 1 of the following year and makes the report subject to state public information law.

C.S.H.B. 3474 amends the Property Code to raise the cap on the amount that a justice court may award to a tenant in a judgment against a landlord for certain repairs or conditions affecting the tenant from \$10,000 to \$20,000, excluding interest and costs of court. This change applies only to a cause of action that accrues on or after September 1, 2023.

## **Criminal Law Magistrates**

### Grayson County Criminal Magistrates

C.S.H.B. 3474 amends the Government Code to authorize the Grayson County Commissioners Court to permit the judges of the district and statutory county courts in the county to appoint by unanimous vote one or more part-time or full-time criminal law magistrates, who have concurrent criminal jurisdiction with the justice of peace courts in Grayson County. The bill requires an order appointing a magistrate to be signed by the local presiding judge of the district courts serving the county and to state the magistrate's name and the date the magistrate's employment is to begin. The bill provides for the elimination of an authorized magistrate's position by majority vote of the commissioners court. The bill sets out the qualifications for the appointment, the requisite constitutional oath of office, and compensation of a magistrate.

C.S.H.B. 3474 requires the county commissioners court to establish the powers and duties of a criminal law magistrate. Except as otherwise provided by the commissioners court, a magistrate has the powers under the Code of Criminal Procedure and state law and may administer an oath for any purpose. The bill requires a magistrate to give preference to performing magistration during the initial appearance of a defendant after arrest. The bill authorizes the commissioners court to designate one or more magistrates to hold hearings for certain purposes and requires a magistrate to give preference to the case of an individual held in county jail. The bill authorizes the magistrate to inquire into a defendant's intended plea to the charge and set the case for an appropriate hearing or master. The bill establishes that a magistrate has the same judicial immunity as a district judge and makes a witness who is sworn and appears before a magistrate subject to penalties for perjury and aggravated perjury. The bill authorizes a referring court to imprison a witness or other court participant for failure to appear after being summoned, refusal to answer questions, or other acts of direct contempt before a magistrate.

### Denton County Criminal Law Magistrate Court

C.S.H.B. 3474 creates the Denton County Criminal Law Magistrate Court. The bill requires the district court judges with jurisdiction in Denton County and the judges of the criminal statutory

county courts of the county to appoint one or more judges to preside over the criminal law magistrate court. The bill requires the district court judges and statutory county court judges to do the following:

- designate one district court judge and one criminal statutory county court judge or a criminal law magistrate court associate judge to oversee the court; and
- supervise the court to ensure the magistrates appointed give preference to duties relating to an arrest without a warrant, arrest under a warrant, commitment or discharge of a defendant, bail, and search warrants.

The bill requires the magistrates of the court to comply with the standing orders and directives regarding criminal cases of the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County, including a presiding criminal judge of Denton County.

C.S.H.B. 3474 sets out provisions relating to the following with regard to the court:

- qualifications for appointment;
- jurisdiction of the court and the powers and duties of the court;
- appointment of associate judges and jail magistrates;
- judicial compensation and immunity;
- termination of services;
- the transfer and assignment of cases and the referral of proceedings to the court;
- forfeitures by the court of bail bonds and personal bonds;
- judicial action, the exchange of benches, and the provision of a court reporter; and
- the conduct of witnesses, the duties of the court clerk, and court costs.

C.S.H.B. 3474 amends the Code of Criminal Procedure to make conforming changes.

## **Associate Judges and Visiting Judges**

### General Provisions

C.S.H.B. 3474 amends the Family Code to expand the case matter that a judge of a court may refer to an associate judge to include any aspect of an action, including any matter ancillary to the action, over which the court has jurisdiction under statutory provisions relating to the following:

- temporary authorization for care of a minor child;
- temporary authorization for inpatient mental health services for a minor child;
- protective orders for victims of sexual assault or abuse, indecent assault, stalking, or trafficking; or
- access to a residence or former residence to retrieve personal property.

C.S.H.B. 3474 revises the circumstances under which a visiting associate judge for child support and child protection cases may be assigned to perform the duties of an absent associate judge as follows:

- by replacing the circumstance of an associate judge being temporarily unable to perform the judge's duties because of an absence resulting from a family circumstance with being temporarily unable to perform the judge's duties because of an absence resulting from a personal emergency;
- by including as a circumstance an associate judge being temporarily unable to perform the judge's duties because of an absence resulting from vacation or attendance at a continuing legal education program; and
- by including as a circumstance an associate judge requesting assistance due to a heavy workload or a pandemic-related emergency.

The bill replaces the authorization for the presiding judge of the administrative judicial region in which the associate judge serves or the vacancy occurs to appoint a visiting associate judge

with an authorization for any presiding judge of a judicial region to assign a visiting associate judge.

C.S.H.B. 3474 amends the Government Code to require the oath made and signed statement by a retired or former judge on the list of retired and former judges eligible for case assignment maintained by the presiding judge of an administrative judicial region to be filed with the secretary of state.

#### Associate Judges in Duval County

C.S.H.B. 3474 authorizes the judge of the 229th District Court, with the approval of the Commissioners Court of Duval County, to appoint a full-time or part-time associate judge to perform duties as an associate judge. The bill sets out provisions relating to the following:

- qualifications for appointment;
- powers of the associate judge;
- judicial compensation, immunity, and termination;
- authorization for the private practice of law by the associate judge;
- the referral of a case to the associate judge;
- the attendance of a bailiff and the conduct of witnesses;
- the transmittance of papers relating to a case and the associate judge's report at the conclusion of any hearing conducted by the judge to the referring court;
- appeals and related notices;
- the effect of the associate judge's report pending appeal;
- action by the referring court on the associate judge's report;
- decree or order of a referring court and the appeal to a referring court;
- appellate review from a court of appeals or the Texas Supreme Court; and
- jury trials and the provision of a court reporter.

The bill provides for the inapplicability of these provisions with respect to a master appointed by the referring court under the Texas Rules of Civil Procedure.

#### **Prosecuting Attorneys**

C.S.H.B. 3474 establishes that service credit for purposes of the compensation of a district attorney or criminal district attorney includes any years of service as a district attorney, criminal district attorney, or county attorney or as an appellate court justice, district court judge, statutory county court judge, multicounty statutory county court judge, or statutory probate court judge or justice. The bill establishes that service credit for purposes of the salary of a state prosecuting attorney or a state prosecutor includes any years of service as a county attorney or an appellate court justice, district court judge, statutory county court judge, multicounty statutory county court judge, or statutory probate court judge.

#### **State of the Judiciary**

C.S.H.B. 3474 revises the duty of the chief justice of the supreme court to deliver a state of the judiciary message as follows:

- by removing the option to deliver a written message; and
- by specifying that the message must be directed to a joint session of the house of representatives and the senate.

#### **Grand Juries**

C.S.H.B. 3474 amends the Code of Criminal Procedure to include a district clerk among the individuals who may be ordered by the district court to summon grand jurors, to not summon a person who is disqualified from serving as a grand juror, and to summon additional prospective grand jurors. The bill requires a district clerk, on the third business day of each month, to prepare



a list of persons who in the preceding month were disqualified from serving as a grand juror based on the person's citizenship or indictment or conviction for misdemeanor theft or a felony and send a copy of the list to the secretary of state and the applicable prosecuting attorney. These changes apply only to the summoning of grand jurors on or after September 1, 2023.

### **Jurors and Jury Service**

C.S.H.B. 3474 amends the Government Code to revise the requirements relating to the list furnished by the Department of Public Safety for purposes of reconstituting the jury wheel for petit jurors as follows:

- by removing the requirement that the list show citizens who are not disqualified due to having served as a petit juror for six days during the preceding three months in the county court or during the preceding six months in the district court; and
- by including the requirement that the list show citizens who are not disqualified due to having been convicted of a misdemeanor theft or a felony.

The bill prohibits a person who is excused or disqualified from jury service for the following reasons from being placed in the jury wheel:

- the person is not a U.S. citizen or a resident of the applicable county; or
- the person was convicted of misdemeanor theft or a felony.

C.S.H.B. 3474 requires a court clerk to maintain a list of the name and address of each person who is disqualified from jury service because the person was convicted of misdemeanor theft or a felony. A person who was convicted of misdemeanor theft or a felony must be permanently disqualified from serving as a juror. The bill exempts a person from permanent disqualification if the person meets any of the following conditions:

- the person was placed on deferred adjudication and received a dismissal and discharge;
- the person was placed on community supervision and the period of community supervision was terminated early after satisfactorily completing a prescribed period of community supervision; or
- the person was pardoned or has had the person's civil rights restored.

The bill authorizes the district clerk to remove from the jury wheel the jury wheel card for the person whose name appears on the list. The bill requires a court clerk, on the third business day of each month, to send to the secretary of state a copy of the list of persons disqualified because of a conviction of misdemeanor theft or a felony in the preceding month.

C.S.H.B. 3474 authorizes a court clerk to summon prospective jurors directly in the same manner as sheriff or constable on receipt of the jury list from the clerk under state law as an alternative to delivering the jury list to the sheriff or constable. The bill authorizes a court clerk to notify the persons whose names are drawn from the jury wheel to appear before the designated judge for jury service as an alternative to the sheriff providing that requisite notice. The bill includes a court clerk among the individuals to whom a justice court may do the following:

- issue a writ commanding the individual to immediately summon a venire from which six qualified persons may be selected for jury service; and
- command the individual to immediately summon additional prospective persons for jury service.

C.S.H.B. 3474 revises the model form of written jury summons developed and maintained by the Office of Court Administration of the Texas Judicial System (OCA) as follows:

- by authorizing the provision of the electronic address of the court's website on which the exemptions and restrictions governing jury service is posted as an alternative to including the exemptions and restrictions on the form;
- by including on the form notice of the contempt action to which the person summoned for jury service is subject for failure to comply with the jury summons;
- by including the option to provide the electronic address of the court's website for the prospective juror to access and complete the juror questionnaire in counties in which the

district and criminal district judges adopted a plan for an electronic jury selection method; and

- by specifying the size dimensions to which the summons must adhere.

The bill requires the juror questionnaire to require a person to include the person's electronic address, if any.

C.S.H.B. 3474 increases the minimum reimbursement amount for a person who reports for jury service as follows:

- from \$6 to \$20 for the first day or fraction of the first day the person is in attendance in court; and
- from \$40 to \$58 for each day or fraction of each day after the first day of attendance in court.

The bill increases from \$34 to \$52 the amount the state must reimburse a county for each reimbursement payment made for a day or fraction of a day of attendance in court after the first day.

C.S.H.B. 3474 raises the age over which a person is eligible to establish an exemption or claim a permanent exemption from jury service on the grounds of age from 70 years of age to 75 years of age. This change applies only to an exemption for a person who is summoned to appear for service on or after September 1, 2023.

C.S.H.B. 3474 revises the duty of a district clerk to promptly notify an applicable county voter registrar of the name and address of each person exempted from jury service by removing the duty to notify the registrar of each person who is only exempt for a specified period. The bill revises the duty of the voter registrar to maintain a current register showing the name and address of each person exempted from jury service by removing the duty to include each person only exempt for a specified period.

C.S.H.B. 3474 revises provisions relating to the donation of a juror's reimbursement as follows:

- by replacing the requirement for a form letter to be personally provided to a juror with a replacement for the opportunity to be provided to the juror either in written form or electronically;
- by specifying that the opportunity must provide for the entire amount of the reimbursement to be divided among the funds, programs, and county entities on the list specified by statute;
- by authorizing a designated county employee, as an alternative to the county treasurer, to donate the amount designated by the person; and
- by removing the condition that the form letter be provided after jury service is concluded.

C.S.H.B. 3474 repeals the requirement for the county officer responsible for summoning jurors to purge the electronic mail address of a prospective juror by a prescribed deadline.

### **Court Reporters and Interpreters**

C.S.H.B. 3474 removes provisions that do the following with respect to a court reporter's duties:

- condition a certified shorthand reporter's authority to administer oaths to witnesses who are not in the same location as the reporter on the witness's or reporter's location; and
- require a shorthand reporter to state on the record and certify in each deposition transcript the physical location of the witness and the reporter.

C.S.H.B. 3474 revises the manner in which a person who is not certified as a court reporter may engage in shorthand reporting to report an oral deposition as follows:

- replaces the condition that the uncertified person deliver an affidavit to the parties or to their counsel present at the deposition with a condition that the person deliver the affidavit to the parties or to their counsel before the deposition begins;

- requires the person to file the affidavit with the court as part of the certification required by the Texas Rules of Civil Procedure; and
- authorizes the Judicial Branch Certification Commission (JBCC), in addition to any other remedy authorized by law, to do the following:
  - collect a civil penalty in an amount not to exceed \$1,000 from an uncertified person who fails to deliver an affidavit in the prescribed manner; and
  - seek injunctive relief for a second or subsequent applicable violation to prohibit the person from engaging in shorthand reporting unless the person is certified as a court reporter.

The bill provides for the JBCC to collect the civil penalty and obtain the injunctive relief, including through the attorney general, an applicable county or district attorney, or legal counsel, and authorizes the JBCC to obtain reasonable attorney's fees, expenses, and costs incurred in such an action. The bill requires the Texas Supreme Court, as soon as practicable after September 1, 2023, to revise the Texas Rules of Civil Procedure as the court determines necessary to conform to the changes made by these provisions.

C.S.H.B. 3474 includes among the interpreters qualified as a certified court interpreter for court proceedings for a hearing-impaired individual an interpreter qualified in accordance with the communication access realtime translation services eligibility requirements established by the Office of Deaf and Hard of Hearing Services of the Health and Human Services Commission. The bill revises the individuals considered to be a certified CART provider to include the following individuals:

- an individual who holds a level I through level V certificate of competency issued by the Texas Court Reporters Association;
- an individual who is a certified realtime reporter, certified realtime captioner, or other equivalent certified CART provider who holds a certificate of competency issued by the National Court Reporters Association; and
- an individual who holds a certificate of competency issued by another applicable certification association.

C.S.H.B. 3474 revises provisions governing the appointment and payment of court reporters as follows:

- authorizes the judges of two or more courts of record that are not located in the same judicial district, on agreement, to jointly appoint an official court reporter to serve the courts;
- requires a county responsible for the payment of a jointly appointed official court reporter to pay a portion of the reporter's salary in an amount equal to the proportion that county's population bears to the combined population of all the counties responsible for payment of the salary;
- authorizes two or more judges of courts of record to appoint a certified shorthand reporter to serve each court as the court's official court reporter;
- authorizes a certified shorthand reporter to serve as an official court reporter and be an employee for more than one county; and
- authorizes an official or deputy court reporter to remotely serve any court to which the reporter is appointed.

C.S.H.B. 3474 authorizes an official or deputy court reporter of a district court in a district composed of more than one county to receive reimbursement for actual and necessary expenses incurred while engaged in official duties in any county other than the county of the reporter's residence up to the maximum amount set by the commissioners court of the county for which the expenses were incurred, as an alternative to the maximum reimbursement amount based on the size of the judicial district. The bill entitles a visiting official or deputy court reporter to a per diem allowance in an amount provided by the travel per diem policy of the visited county for time spent outside the reporter's county of residence, as an alternative to a per diem allowance of \$30 if the provided amount is greater. The bill changes the travel expense reimbursement to which an official or deputy court reporter is entitled for reasonable and necessary expenses

incurred while engaged in official duties during a trial being held under a change of venue order in any county other than the county of the reporter's residence from an amount capped at 25 cents per mile to an amount capped at the mileage reimbursement rate established by the county.

C.S.H.B. 3474 revises the composition of the Court Reporters Certification Advisory Board. The bill increases the minimum number of advisory board members from seven to nine and changes the qualifications for membership as follows:

- requires the two court reporters who have practiced shorthand reporting in Texas for more than five years immediately preceding their appointment to be certified shorthand reporters; and
- with respect to the representative of a shorthand reporting firm:
  - requires the representative to be a certified shorthand reporter;
  - requires the representative to be an owner of a shorthand reporting firm in Texas;
  - increases the requisite time the representative must have operated the firm from more than three years immediately preceding the appointment to more than five years immediately preceding the appointment; and
  - increases the number of such representatives on the advisory board from one to two.

The bill adds as a member to the advisory board one certified shorthand reporter actively engaged in practice as a captioner in Texas for more than five years immediately preceding the appointment. The bill requires the Texas Supreme Court to appoint two additional members to the advisory board as soon as practicable after September 1, 2023.

C.S.H.B. 3474 requires the JBCC, not later than the 90th day before the expiration of an advisory board member's term, to do the following:

- post a notice of the availability of the membership position on the JBCC website; and
- accept resumes from and conduct interviews of any qualified individuals interested in appointment to the position.

The bill authorizes the JBCC to recommend, within that same window, one of more qualified individuals to the Texas Supreme Court for appointment to the advisory board.

C.S.H.B. 3474 establishes that the bill's provisions modifying the qualifications of advisory board members apply only to a member who is appointed or reappointed on or after September 1, 2023.

### **Deposition, Transcription, and Interpretation Services**

C.S.H.B. 3474 amends the Civil Practice and Remedies Code to clarify that statutory provisions relating to persons who may take a deposition of certain witnesses located outside of Texas or the United States apply to depositions on written questions.

C.S.H.B. 3474 amends the Government Code to replace the requirement for all depositions conducted in Texas to be recorded by a certified shorthand reporter with a requirement for all such depositions to be reported by the reporter. The bill clarifies that a notary public has the same authority as a county clerk to take depositions on written questions of a witness who is alleged to reside or to be in Texas as provided by applicable Civil Practice and Remedies Code provisions. The bill authorizes a county commissioners court to use the court reporter service fund to assist in the payment of a court reporter's preparation of an appellate record under the Texas Rules of Appellate Procedure and Texas Rules of Civil Procedure.

C.S.H.B. 3474 establishes that a party to a proceeding in a court who files a statement of inability to afford payment of court costs under the Texas Rules of Civil Procedure is not required to provide an interpreter at the party's expense or pay the costs associated with the services of an appointed court interpreter that are incurred during the course of the applicable action, unless the statement has been contested and the court has ordered the party to pay certain costs. This provision expressly is not intended to apply to interpreter services or other auxiliary aids for

individuals who are deaf, hard of hearing, or have communication disabilities, which must be provided to those individuals free of charge under federal and state laws.

C.S.H.B. 3474 requires each county auditor, or other individual designated by the commissioners court of a county, in consultation with the district and county clerks, to submit to OCA, in the manner prescribed by OCA, information on the money the county spent during the preceding fiscal year to provide court-ordered interpretation services in civil and criminal proceedings. The information must include:

- the number of interpreters appointed;
- the number of interpreters appointed for parties or witnesses who are indigent;
- the amount of money the county spent to provide court-ordered interpretation services; and
- for civil proceedings, whether a party to the proceeding filed a statement of inability to afford payment of court costs under the Texas Rules of Civil Procedure applicable to the appointment of an interpreter.

The bill requires OCA, not later than December 1 of each year, to do the following:

- submit to the legislature a report that aggregates by county the information submitted for the preceding fiscal year; and
- publish the report on OCA's website.

The bill's provisions establishing that an applicable party who is unable to afford court costs is not required to provide a court interpreter apply to an action pending on September 1, 2023, or filed on or after that date.

C.S.H.B. 3474 establishes that the bill's provisions regarding deposition, transcription, and interpretation services are and must be construed to be consistent with the procedures set forth in the Texas Rules of Civil Procedure as of September 1, 2023.

### **Transfer of Cases and Proceedings**

C.S.H.B. 3474 amends the Estates Code to establish the following with respect to the transfer of probate and guardianship proceeding records:

- the clerk of the transferring court must send to the clerk of the court to which the proceeding is transferred using the statewide electronic filing system established by the Texas Supreme Court for the filing of documents in Texas courts the following documents:
  - a transfer certificate and index of transferred documents;
  - a copy of each final order;
  - a copy of the order of transfer signed by the transferring court;
  - a copy of the original papers filed in the transferring court, including a copy of any will;
  - a copy of the transfer certificate and index of transferred documents from each previous transfer; and
  - a bill of any costs accrued in the transferring court;
- the clerk of the transferring court must use the standardized transfer certificate and index of transferred documents form developed by OCA when transferring a proceeding;
- the clerk of the transferring court must keep a copy of the transferred documents;
- the clerk of the court to which the proceeding is transferred must accept the transferred documents, docket the proceeding, and notify, using the electronic filing system, all parties to the proceeding, the clerk of the transferring court, and, if appropriate, notify the transferring court's local registry that the proceeding has been docketed; and
- the clerk of the transferee court must physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of

acceptance but may not physically or electronically mark or stamp any other transferred document.

C.S.H.B. 3474 authorizes the clerks of both the transferee and transferring courts to each produce certified or uncertified copies of the transferred probate or guardianship documents, as applicable, but must include a copy of the transfer certificate and index of transferred documents with each document produced. The bill establishes that Government Code provisions relating to the delivery of a notice or document do not apply to the transfer of those proceeding documents.

C.S.H.B. 3474 revises provisions relating to the transfer of a guardianship proceeding as follows:

- sets the deadline by which the clerk must record any unrecorded papers of the guardianship required to be recorded at not later than the 10th working day after the date an order of transfer is signed;
- removes the following from the documents required to be transferred:
  - the case file of the guardianship proceedings; and
  - a certified copy of the index of the guardianship records;
- requires the clerk of the transferring court to send a certified copy of the order directing payments to:
  - the transferee court to any party affected by the order and, if appropriate, to the local registry of the transferee court using the statewide electronic filing system; and
  - an employer affected by the order electronically or by first class mail; and
- clarifies that the transfer of a guardianship does not take effect until the clerk of the court to which the proceeding is transferred accepts and docket the case according to the bill's provisions.

C.S.H.B. 3474 amends the Government Code to revise statutory provisions as follows relating to the transfer of cases from a district court or from a county court, as applicable:

- specifies that the electronic filing system requirements for a transfer from a district court to a county court are applicable to a transfer from a district court to a constitutional or statutory county court or another district court;
- specifies that electronic system filing requirements for a transfer from a county court to a district court are also applicable to a transfer from a county court to a statutory county court or a county court of another county;
- authorizes the clerks of both the transferee and transferring courts to produce certified or uncertified copies of transferred documents;
- requires the clerks of both the transferee and transferring courts to include a copy of the transfer certificate and index of transferred documents with each document produced; and
- makes provisions regarding these transfers applicable regardless of whether the transferee court and the transferring court are in the same or different counties.

C.S.H.B. 3474 requires OCA to develop and make available a standardized transfer certificate and an index of transferred documents form to be used for the transfer of probate and guardianship proceedings. Accordingly, the bill requires OCA to adopt rules and develop and make available all applicable forms and materials.

### **Criminal Procedure**

C.S.H.B. 3474 amends the Code of Criminal Procedure to remove the specification that a court clerk who forwards a copy of an application for a writ of habeas corpus filed after final conviction in a felony case, other than a case in which the death penalty is imposed, to the state's attorney using electronic mail must do so using secure electronic mail. This applies only to an application for a writ of habeas corpus filed on or after September 1, 2023.

C.S.H.B. 3474 expands the state's attorneys with whom a person entitled to expunction of arrest records may file an application for expunction to include the attorney representing the state in the prosecution of felonies in the county in which the offense was alleged to have occurred. This applies to an expunction of arrest records relating to any criminal offense occurring before, on, or after September 1, 2023.

### **Probate Proceedings**

C.S.H.B. 3474 amends the Estates Code to authorize a person qualified to serve as an administrator of an estate who needs to obtain funds for the reimbursement of a decedent's funeral and burial expenses to file an application requesting emergency intervention by a court exercising probate jurisdiction to provide for the reimbursement of such expenses. The bill requires the application to include the name and address of the funeral home paid by the applicant for the decedent's funeral and burial and the amount paid by the applicant for necessary funeral and burial procedures, in addition to satisfying the content and compliance requirements of an emergency intervention application.

C.S.H.B. 3474 provides for the issuance of an order for the reimbursement of funeral and burial expenses not to exceed \$5,000, subject to review and determination by the court. The bill extends the deadline to file an emergency intervention application for the payment or reimbursement of funeral and burial expenses or the protection and storage of personal property owned by the decedent from the 90th day after the date of the decedent's death to nine months after that date.

These provisions apply only to an application requesting emergency intervention that is filed on or after the bill's effective date.

### **Repealed Provisions**

C.S.H.B. 3474 repeals the following provisions on September 1, 2023, unless otherwise specified:

- Section 25.0173(j), Government Code;
- Section 25.0332(b), Government Code;
- Section 25.2293(m), Government Code, on October 1, 2023;
- Section 62.0111(c), Government Code;
- Section 62.0132(b), Government Code;
- Section 154.015(e), Government Code; and
- Section 33.103(c), Estates Code.

### **EFFECTIVE DATE**

Except as otherwise provided, September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 3474 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced that does the following:

- removes Culberson County from the counties that constitute the 205th Judicial District;
- removes Hudspeth County from the counties that constitute the 394th Judicial District; and
- sets out provisions relating to the transfer of cases from each county that is removed from those judicial districts.

Whereas the introduced required the 493rd District Court to give preference in civil cases and the 494th District Court to give preference to family law matters, the substitute does not include these requirements.

The substitute creates the following district courts on September 1, 2023, unless otherwise specified, which were not created in the introduced:

- the 486th, 487th, and 488th District Courts composed of Harris County;
- the 489th District Court composed of Kaufman County, effective January 1, 2024; and
- the 495th, 496th, and 497th District Courts composed of Harris County, effective September 1, 2024.

The substitute includes requirements absent from the introduced for the 495th, 496th, and 497th District Courts to give preference to criminal cases.

The substitute contains a provision absent from the introduced that includes among the cases over which the Aransas County Court at Law has concurrent jurisdiction with a district court civil cases in which the matter in controversy exceeds \$250,000.

The substitute includes a provision that makes a county court at law in Dallas County subject to the statutory requirement that the jury in a civil case in which the matter in controversy exceeds \$250,000 must be composed of 12 members unless all of the parties agree to a jury composed of a lesser number of jurors, whereas the introduced did not include this provision.

The substitute includes a provision absent from the introduced creating a county court at law in Wilson County.

The substitute includes provisions absent from the introduced that do the following:

- create Probate Court No. 3 of Bexar County; and
- set out related provisions.

The substitute includes provisions absent from the introduced that do the following:

- redesignates the County Court at Law No. 4 of Cameron County as the Probate Court No. 1; and
- set out related provisions.

The substitute changes the duties of a deputy clerk of a statutory probate court in Travis County as follows:

- by omitting the authorization in the introduced for the deputy clerk to perform any official act or other service required of the county clerk; and
- by replacing the requirement in the introduced for the deputy clerk to perform any other service required by the statutory probate court judge with an authorization to do so.

The substitute includes provisions absent from the introduced establishing the following:

- that the magistrates appointed by the judges of the district courts and statutory county courts in Denton County or in Grayson County are magistrates within the meaning of the Code of Criminal Procedure; and
- that such magistrates have jurisdiction in criminal actions.

The substitute includes provisions absent from the introduced that create the Denton County Criminal Law Magistrate Court and set out related provisions.

The substitute contains a provision absent from the introduced expanding the case matter that a judge of a court may refer to an associate judge to include any aspect of an action, including any matter ancillary to the action, over which the court has jurisdiction under statutory provisions relating to certain authorizations regarding a minor child, certain protective orders, and access to a residence to retrieve personal property.



The substitute includes provisions absent from the introduced authorizing the appointment of associate judges in Duval County.

The substitute includes a provision absent from the introduced revising the statutory duty of the chief justice of the supreme court to deliver a state of the judiciary message.

The substitute includes provisions relating to grand juries absent in the introduced that do the following:

- include a district court clerk among the individuals who may be ordered by the district court to summon grand jurors; and
- require a district clerk to prepare a monthly list of persons who were disqualified from serving as a grand juror in the preceding month and to send a copy of the list to the secretary of state and an applicable prosecuting attorney.

The substitute includes provisions relating to jurors absent in the introduced that do the following:

- revise the statutory requirements relating to the list furnished by DPS for purposes of reconstituting the jury wheel for petit juries;
- prohibits a person who is excused or disqualified from jury service because the person is not a U.S. citizen or a resident of the applicable county or the person was convicted of misdemeanor theft or a felony from being placed in the jury wheel;
- require a court clerk to maintain a list of identifying information for each person who is disqualified from jury service because the person was convicted of misdemeanor theft or a felony, permanently disqualify such a person from serving as a juror, and exempt a person from permanent disqualification under specified conditions;
- authorize the district clerk to remove a person whose name appears on that list from the jury wheel;
- require a court clerk to send a copy of that list monthly to the secretary of state;
- authorize a court clerk to summon prospective jurors in the same matter as a sheriff or constable;
- authorize a court clerk to notify the persons whose names are drawn from the jury wheel to appear for jury service;
- include a court clerk among the individuals to whom a justice court may issue a writ or command to immediately summon persons for jury service;
- raise the age over which a person may establish an exemption or claim a permanent exemption from jury service;
- revise the statutory duties of a district clerk and voter registrar by removing requirements relating to a person who is exempt from jury service for a specified period;
- increase the minimum reimbursement amount for a person who reports for jury service and the amount the state must reimburse a county for reimbursement payments;
- revise statutory provisions relating to the donation of a juror's reimbursement;
- revise the model form for jury summons developed and maintained by OCA; and
- require the juror questionnaire to require a person to include an electronic address.

The substitute makes the following changes relating to court reporters, which were not in the introduced:

- removes a provision conditioning a certified shorthand reporter's authority to administer oaths to witnesses who are not in the same location as the reporter on the witness's or reporter's location; and
- removes the statutory requirement for a shorthand reporter to state on the record and certify in each deposition transcript the physical location of the witness and the reporter.

The substitute includes revisions to the manner in which a person who is not a certified court reporter may engage in shorthand reporting to report an oral deposition, whereas the introduced

did not include these revisions. Accordingly, the substitute includes provisions providing for the JBCC to collect a civil penalty and seek injunctive relief for a person who is not certified and fails to comply with such revisions relating to the requisite filing of an applicable affidavit.

The substitute includes provisions expanding the individuals who may qualify as a certified court interpreter for a hearing-impaired individual and who may be considered a certified CART provider, which were not present in the introduced.

The substitute includes revisions to statutory provisions governing the appointment and payment of court reporters and the reimbursement, per diem allowance, and travel expense reimbursement for certain official or deputy court reporters. The introduced did not include these revisions.

The substitute includes the following, which did not appear in the introduced:

- revisions to the composition of the Court Reporters Certification Advisory Board;
- a requirement for the Texas Supreme Court to appoint additional members to the advisory board; and
- a requirement for the JBCC by a specified deadline to post notice of availability of membership positions on the advisory board and accept resumes from and conduct interviews of qualified individuals.

The substitute includes provisions absent from the introduced that do the following:

- clarify that statutory provisions relating to persons who may take a deposition of certain witnesses located outside of Texas or the United States apply to depositions on written questions; and
- authorizes a county commissioners court to use the court reporter service fund to assist in the payment of a court reporter's preparation of an appellate record under the Texas Rules of Appellate Procedure and Texas Rules of Civil Procedure.

The substitute includes provisions relating to deposition, transcription, and interpretation services absent in the introduced that do the following:

- require each county auditor or applicable individual, in consultation with district and county clerks, to submit to OCA information on the money the county spent during the preceding fiscal year to provide court-ordered interpretation services in civil and criminal proceedings; and
- require OCA to submit a yearly report that aggregates that information for the preceding year to the legislature and to publish the report on OCA's website.

While both the introduced and substitute include a provision establishing that a party who files an applicable statement of inability to afford payment of court costs is not required to provide an interpreter at the party's expense or pay the costs associated with the services of an interpreter, the substitute includes a provision that expressly states that nothing in that provision is intended to apply to interpreter services or other auxiliary aids for individuals who are deaf, hard of hearing, or have communication disabilities, which must be provided to those individuals free of charge under federal and state laws.

The substitute includes provisions absent from the introduced that do the following:

- replace the requirement for all depositions conducted in Texas to be recorded by a certified shorthand reporter with a requirement for all such depositions to be reported by the reporter; and
- clarify that a notary public has the same authority as a county clerk to take depositions on written questions of a witness who is alleged to reside or to be in Texas as provided by applicable Civil Practice and Remedies Code provisions.

The substitute includes provisions relating to the transfer of probate and guardianship proceedings from district courts and county courts absent in the introduced that do the following:

- require the clerk of the transferring court to send specified documents to the clerk of the court to which the proceeding is transferred using the statewide electronic filing system;
- require the clerk of the transferring court to use the standardized transfer certificate and index of transferred documents form when transferring a proceeding;
- require the clerk of the transferring court to keep a copy of the transferred documents;
- require the clerk of the court to which the proceeding is transferred to accept the transferred documents, docket the proceeding, and provide certain notice to applicable parties;
- require the clerk of the transferee court to mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance;
- authorize the clerks of both transferee and transferring courts to produce certified or uncertified copies of documents;
- establish that Government Code provisions relating to the delivery of a notice or document do not apply to the transfer of those proceeding documents;
- further revise provisions relating to the transfer of a guardianship proceeding;
- specify that the electronic filing system requirements for a transfer from a district court to a county court are applicable to a transfer from a district court to a constitutional or statutory county court or another district court;
- specify that electronic filing system requirements for a transfer from a county court to a district court are also applicable to a transfer from a county court to a statutory county court or a county court of another county;
- authorize the clerks of both the transferee and transferring courts to produce certified or uncertified copies of transferred documents;
- require the clerks of both the transferee and transferring courts to include a copy of the transfer certificate and index of transferred documents with each document produced; and
- make provisions regarding these transfers applicable regardless of whether the transferee court and the transferring court are in the same or different counties.

The substitute includes the following requirements for OCA, which were not present in the introduced:

- to develop and make available a standardized transfer certificate and an index of transferred documents form to be used for the transfer of probate and guardianship proceedings; and
- to adopt rules and develop and make available all applicable forms and materials required for those transferred proceedings.

The substitute includes provisions relating to criminal procedure absent in the introduced that do the following:

- remove the specification that a court clerk who forwards a copy of an application for a writ of habeas corpus filed after conviction in an applicable felony case to the state's attorney using electronic mail must do so by using secure electronic mail; and
- expand the state's attorneys with whom a person entitled to expunction of arrest records may file an application for expunction.

The substitute includes provisions relating to probate proceedings absent in the introduced that do the following:

- authorize a person qualified to serve as an administrator who needs to obtain funds for the reimbursement of a decedent's funeral and burial expenses to file an emergency intervention application and sets out related provisions;
- provide for the issuance for an order for the reimbursement of those expenses; and
- extend the deadline to file an emergency intervention application for the payment or reimbursement of funeral and burial expenses or the protection and storage of personal property owned by the decedent.

The substitute repeals the following Government Code provisions, which were not repealed in the introduced:

- provisions establishing that appeals may be taken from interlocutory orders appointing a receiver and overruling a motion to vacate an order appointing a receiver in Probate Court No. 2 of Bexar County and establishing the procedure and manner in which appeals from interlocutory orders are taken;
- the requirement for the County Court at Law No. 4 of Cameron County to give preference to probate, guardianship, and mental health matters;
- a provision establishing that, for purposes of determining the annual salary of a judge of a statutory probate court in Travis County, the total annual state salary received by a district judge in the county does not include compensation paid to the presiding criminal judge of Travis County;
- the requirement for the county officer responsible for summoning jurors to purge the electronic mail address of a prospective juror by a prescribed deadline; and
- the requirement for a shorthand reporter to state on the record and certify in each deposition transcript the physical location of the witness and the reporter.

The substitute includes the conforming repeal of the following provisions:

- Section 33.103(c), Estates Code; and
- Section 62.0132(b), Government Code.

The repeal of these provisions was not present in the introduced.

The substitute omits the following provisions that were in the introduced:

- a provision that includes the judge of each statutory probate court among the members of the juvenile board of Montgomery County; and
- the exemption of a county official or employee from paying any transcript fee for a case heard in a court for which the county provides and maintains court reporting equipment.