

1 AN ACT

2 relating to the creation of a specialty trial court to hear certain
3 cases; authorizing fees.

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

5 SECTION 1. Subtitle A, Title 2, Government Code, is amended
6 by adding Chapter 25A to read as follows:

7 CHAPTER 25A. BUSINESS COURT

8 Sec. 25A.001. DEFINITIONS. In this chapter:

9 (1) "Controlling person" means a person who directly
10 or indirectly controls a governing person, officer, or
11 organization.

12 (2) "Derivative proceeding" means a civil action
13 brought in the right of a domestic or foreign corporation, a
14 domestic or foreign limited liability company, or a domestic or
15 foreign limited partnership, to the extent provided by the Business
16 Organizations Code.

17 (3) "Governing documents" means the instruments,
18 documents, or agreements adopted under an organization's governing
19 law to govern the organization's formation and internal affairs.

20 The term includes:

21 (A) a certificate of formation, articles of
22 incorporation, and articles of organization;

23 (B) bylaws;

24 (C) a partnership agreement;

- (D) a company agreement or operating agreement;
- (E) a shareholder agreement;
- (F) a voting agreement or voting trust agreement;

and

(G) an agreement among owners restricting the transfer of ownership interests.

(4) "Governing law" means the law governing the formation and internal affairs of an organization.

(5) "Governing person" means a person who is entitled, alone or as part of a group, to manage and direct an organization's affairs under the organization's governing documents and governing law. The term includes:

(A) a member of the board of directors of a corporation or other organization;

(B) a general partner of a general or limited partnership;

(C) a manager of a limited liability company that is managed by its managers;

(D) a member of a limited liability company that is managed by its members;

(E) a trust manager of a real estate investment trust; and

(F) a trustee of a business trust.

(6) "Governmental entity" means:

(A) this state; or

(B) a political subdivision of this state, including a municipality, a county, or any kind of district.

1 (7) "Internal affairs" means:

2 (A) the rights, powers, and duties of an
3 organization's governing persons, officers, owners, and members;

4 and

5 (B) matters relating to the organization's
6 membership or ownership interests.

7 (8) "Managerial official" means a governing person or
8 officer.

9 (9) "Officer" means a person elected, appointed, or
10 designated as an officer of an organization by the organization's
11 governing persons or governing documents.

12 (10) "Organization" means a foreign or domestic entity
13 or association, regardless of whether the organization is for
14 profit or nonprofit. The term includes:

15 (A) a corporation;

16 (B) a limited partnership;

17 (C) a general partnership;

18 (D) a limited liability partnership;

19 (E) a limited liability company;

20 (F) a business trust;

21 (G) a real estate investment trust;

22 (H) a joint venture;

23 (I) a joint stock company;

24 (J) a cooperative;

25 (K) a bank;

26 (L) a credit union;

27 (M) a savings and loan association;

1 (N) an insurance company; and

2 (O) a series of a limited liability company or of
3 another entity.

4 (11) "Owner" means an owner of an organization. The
5 term includes:

6 (A) a shareholder or stockholder of a corporation
7 or other organization;

8 (B) a general or limited partner of a partnership
9 or an assignee of a partnership interest in a partnership;

10 (C) a member of, or an assignee of a membership
11 interest in, a limited liability company; and

12 (D) a member of a nonprofit organization.

13 (12) "Ownership interest" means an owner's interest in
14 an organization, including an owner's economic, voting, and
15 management rights.

16 (13) "Publicly traded company" means an entity whose
17 voting equity securities are listed on a national securities
18 exchange registered with the United States Securities and Exchange
19 Commission under Section 6, Securities Exchange Act of 1934 (15
20 U.S.C. Section 78f) and any entity that is majority owned or
21 controlled by such an entity.

22 (14) "Qualified transaction" means a transaction,
23 other than a transaction involving a loan or an advance of money or
24 credit by a bank, credit union, or savings and loan institution,
25 under which a party:

26 (A) pays or receives, or is obligated to pay or is
27 entitled to receive, consideration with an aggregate value of at

1 least \$10 million; or

2 (B) lends, advances, borrows, receives, is
3 obligated to lend or advance, or is entitled to borrow or receive
4 money or credit with an aggregate value of at least \$10 million.

5 Sec. 25A.002. CREATION. The business court is a statutory
6 court created under Section 1, Article V, Texas Constitution.

7 Sec. 25A.003. BUSINESS COURT JUDICIAL DISTRICT; DIVISIONS.

8 (a) The judicial district of the business court is composed of all
9 counties in this state.

10 (b) The business court is composed of divisions as provided
11 by this section.

12 (c) The First Business Court Division is composed of the
13 counties composing the First Administrative Judicial Region under
14 Section 74.042(b).

15 (d) The Second Business Court Division is composed of the
16 counties composing the Second Administrative Judicial Region under
17 Section 74.042(c), subject to funding through legislative
18 appropriations. The division is abolished September 1, 2026, unless
19 reauthorized by the legislature and funded through additional
20 legislative appropriations.

21 (e) The Third Business Court Division is composed of the
22 counties composing the Third Administrative Judicial Region under
23 Section 74.042(d).

24 (f) The Fourth Business Court Division is composed of the
25 counties composing the Fourth Administrative Judicial Region under
26 Section 74.042(e).

27 (g) The Fifth Business Court Division is composed of the

1 counties composing the Fifth Administrative Judicial Region under
2 Section 74.042(f), subject to funding through legislative
3 appropriations. The division is abolished on September 1, 2026,
4 unless reauthorized by the legislature and funded through
5 additional legislative appropriations.

6 (h) The Sixth Business Court Division is composed of the
7 counties composing the Sixth Administrative Judicial Region under
8 Section 74.042(g), subject to funding through legislative
9 appropriations. The division is abolished on September 1, 2026,
10 unless reauthorized by the legislature and funded through
11 additional legislative appropriations.

12 (i) The Seventh Business Court Division is composed of the
13 counties composing the Seventh Administrative Judicial Region
14 under Section 74.042(h), subject to funding through legislative
15 appropriations. The division is abolished on September 1, 2026,
16 unless reauthorized by the legislature and funded through
17 additional legislative appropriations.

18 (j) The Eighth Business Court Division is composed of the
19 counties composing the Eighth Administrative Judicial Region under
20 Section 74.042(i).

21 (k) The Ninth Business Court Division is composed of the
22 counties composing the Ninth Administrative Judicial Region under
23 Section 74.042(j), subject to funding through legislative
24 appropriations. The division is abolished on September 1, 2026,
25 unless reauthorized by the legislature and funded through
26 additional legislative appropriations.

27 (l) The Tenth Business Court Division is composed of the

1 counties composing the Tenth Administrative Judicial Region under
2 Section 74.042(k), subject to funding through legislative
3 appropriations. The division is abolished on September 1, 2026,
4 unless reauthorized by the legislature and funded through
5 additional legislative appropriations.

6 (m) The Eleventh Business Court Division is composed of the
7 counties composing the Eleventh Administrative Judicial Region
8 under Section 74.042(l).

9 (n) This subsection and Subsections (d), (g), (h), (i), (k),
10 and (l) expire September 1, 2026.

11 Sec. 25A.004. JURISDICTION AND POWERS. (a) Subject to
12 Subsections (b), (c), (d), (e), and (f), the business court has the
13 powers provided to district courts by Chapter 24, including the
14 power to:

15 (1) issue writs of injunction, mandamus,
16 sequestration, attachment, garnishment, and supersedeas; and

17 (2) grant any relief that may be granted by a district
18 court.

19 (b) Subject to Subsection (c), the business court has civil
20 jurisdiction concurrent with district courts in the following
21 actions in which the amount in controversy exceeds \$5 million,
22 excluding interest, statutory damages, exemplary damages,
23 penalties, attorney's fees, and court costs:

24 (1) a derivative proceeding;

25 (2) an action regarding the governance, governing
26 documents, or internal affairs of an organization;

27 (3) an action in which a claim under a state or federal

- 1 securities or trade regulation law is asserted against:
- 2 (A) an organization;
- 3 (B) a controlling person or managerial official
4 of an organization for an act or omission by the organization or by
5 the person in the person's capacity as a controlling person or
6 managerial official;
- 7 (C) an underwriter of securities issued by the
8 organization; or
- 9 (D) the auditor of an organization;
- 10 (4) an action by an organization, or an owner of an
11 organization, if the action:
- 12 (A) is brought against an owner, controlling
13 person, or managerial official of the organization; and
- 14 (B) alleges an act or omission by the person in
15 the person's capacity as an owner, controlling person, or
16 managerial official of the organization;
- 17 (5) an action alleging that an owner, controlling
18 person, or managerial official breached a duty owed to an
19 organization or an owner of an organization by reason of the
20 person's status as an owner, controlling person, or managerial
21 official, including the breach of a duty of loyalty or good faith;
- 22 (6) an action seeking to hold an owner or governing
23 person of an organization liable for an obligation of the
24 organization, other than on account of a written contract signed by
25 the person to be held liable in a capacity other than as an owner or
26 governing person; and
- 27 (7) an action arising out of the Business

1 Organizations Code.

2 (c) The business court has civil jurisdiction concurrent
3 with district courts in an action described by Subsection (b)
4 regardless of the amount in controversy if a party to the action is
5 a publicly traded company.

6 (d) The business court has civil jurisdiction concurrent
7 with district courts in the following actions in which the amount in
8 controversy exceeds \$10 million, excluding interest, statutory
9 damages, exemplary damages, penalties, attorney's fees, and court
10 costs:

11 (1) an action arising out of a qualified transaction;
12 (2) an action that arises out of a contract or
13 commercial transaction in which the parties to the contract or
14 transaction agreed in the contract or a subsequent agreement that
15 the business court has jurisdiction of the action, except an action
16 that arises out of an insurance contract; and

17 (3) subject to Subsection (g), an action that arises
18 out of a violation of the Finance Code or Business & Commerce Code
19 by an organization or an officer or governing person acting on
20 behalf of an organization other than a bank, credit union, or
21 savings and loan association.

22 (e) The business court has civil jurisdiction concurrent
23 with district courts in an action seeking injunctive relief or a
24 declaratory judgment under Chapter 37, Civil Practice and Remedies
25 Code, involving a dispute based on a claim within the court's
26 jurisdiction under Subsection (b), (c), or (d).

27 (f) Except as provided by Subsection (h), the business court

1 has supplemental jurisdiction over any other claim related to a
2 case or controversy within the court's jurisdiction that forms part
3 of the same case or controversy. A claim within the business
4 court's supplemental jurisdiction may proceed in the business court
5 only on the agreement of all parties to the claim and a judge of the
6 division of the court before which the action is pending. If the
7 parties involved in a claim within the business court's
8 supplemental jurisdiction do not agree on the claim proceeding in
9 the business court, the claim may proceed in a court of original
10 jurisdiction concurrently with any related claims proceeding in the
11 business court.

12 (g) Unless the claim falls within the business court's
13 supplemental jurisdiction, the business court does not have
14 jurisdiction of:

15 (1) a civil action:

16 (A) brought by or against a governmental entity;

17 or

18 (B) to foreclose on a lien on real or personal
19 property;

20 (2) a claim arising out of:

21 (A) Subchapter E, Chapter 15, and Chapter 17,
22 Business & Commerce Code;

23 (B) the Estates Code;

24 (C) the Family Code;

25 (D) the Insurance Code; or

26 (E) Chapter 53 and Title 9, Property Code;

27 (3) a claim arising out of the production or sale of a

1 farm product, as that term is defined by Section 9.102, Business &
2 Commerce Code;

3 (4) a claim related to a consumer transaction, as that
4 term is defined by Section 601.001, Business & Commerce Code, to
5 which a consumer in this state is a party, arising out of a
6 violation of federal or state law; or

7 (5) a claim related to the duties and obligations
8 under an insurance policy.

9 (h) The business court does not have jurisdiction of the
10 following claims regardless of whether the claim is otherwise
11 within the court's supplemental jurisdiction under Subsection (f):

12 (1) a claim arising under Chapter 74, Civil Practice
13 and Remedies Code;

14 (2) a claim in which a party seeks recovery of monetary
15 damages for bodily injury or death; or

16 (3) a claim of legal malpractice.

17 Sec. 25A.005. JUDICIAL AUTHORITY. A business court judge
18 has all powers, duties, immunities, and privileges of a district
19 judge.

20 Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND. (a) An
21 action within the jurisdiction of the business court may be filed in
22 the business court. The party filing the action must plead facts to
23 establish venue in a county in a division of the business court, and
24 the business court shall assign the action to that division. Venue
25 may be established as provided by law or, if a written contract
26 specifies a county as venue for the action, as provided by the
27 contract.

1 (b) If the business court does not have jurisdiction of the
2 action, the court shall, at the option of the party filing the
3 action:

4 (1) transfer the action to a district court or county
5 court at law in a county of proper venue; or

6 (2) dismiss the action without prejudice to the
7 party's rights.

8 (c) If, after an action is assigned to a division of the
9 business court, the court determines that the division's geographic
10 territory does not include a county of proper venue for the action,
11 the court shall:

12 (1) if an operating division of the court includes a
13 county of proper venue, transfer the action to that division; or

14 (2) if there is not an operating division of the court
15 that includes a county of proper venue, at the option of the party
16 filing the action, transfer the action to a district court or county
17 court at law in a county of proper venue.

18 (d) A party to an action filed in a district court or county
19 court at law that is within the jurisdiction of the business court
20 may remove the action to the business court. If the business court
21 does not have jurisdiction of the action, the business court shall
22 remand the action to the court in which the action was originally
23 filed.

24 (e) A party to an action filed in a district court or county
25 court at law in a county of proper venue that is not within an
26 operating division of the business court or the judge of the court
27 in which the action is filed may not remove or transfer the action

1 to the business court.

2 (f) A party may file an agreed notice of removal at any time
3 during the pendency of the action. If all parties to the action
4 have not agreed to remove the action, the notice of removal must be
5 filed:

6 (1) not later than the 30th day after the date the
7 party requesting removal of the action discovered, or reasonably
8 should have discovered, facts establishing the business court's
9 jurisdiction over the action; or

10 (2) if an application for temporary injunction is
11 pending on the date the party requesting removal of the action
12 discovered, or reasonably should have discovered, facts
13 establishing the business court's jurisdiction over the action, not
14 later than the 30th day after the date the application is granted,
15 denied, or denied as a matter of law.

16 (g) The notice of removal must be filed with the business
17 court and the court in which the action was originally filed. On
18 receipt of the notice, the clerk of the court in which the action
19 was originally filed shall immediately transfer the action to the
20 business court in accordance with rules adopted by the supreme
21 court, and the business court clerk shall assign the action to the
22 appropriate division of the business court.

23 (h) The filing of an action or a notice of removal in the
24 business court is subject to Section 10.001, Civil Practice and
25 Remedies Code.

26 (i) Removal of a case to the business court is not subject to
27 the statutes or rules governing the due order of pleading.

1 (j) Removal of a case does not waive a defect in venue or
2 constitute an appearance to determine personal jurisdiction.

3 (k) The judge of a court in which an action is filed may
4 request the presiding judge for the court's administrative region
5 to transfer the action to the business court if the action is within
6 the business court's jurisdiction. The judge shall notify all
7 parties of the transfer request and request a hearing on the
8 transfer request. After a hearing on the request, the presiding
9 judge may transfer the action to the business court if the presiding
10 judge finds the transfer will facilitate the fair and efficient
11 administration of justice. The business court clerk shall assign
12 an action transferred under this subsection to the appropriate
13 division of the business court.

14 (l) The business court judge on establishment of
15 jurisdiction and venue over an action shall by order declare the
16 county in which any jury trial for the action will be held as
17 determined under Section 25A.015.

18 Sec. 25A.007. APPEALS. (a) Notwithstanding any other law
19 and except as provided by Subsection (b) and in instances when the
20 supreme court has concurrent or exclusive jurisdiction, the
21 Fifteenth Court of Appeals has exclusive jurisdiction over an
22 appeal from an order or judgment of the business court or an
23 original proceeding related to an action or order of the business
24 court.

25 (b) If the Fifteenth Court of Appeals is not created, an
26 appeal from an order or judgment of the business court or an
27 original proceeding related to an action or order of the business

1 court shall be filed in the court of appeals with appellate
2 jurisdiction of civil cases for the county declared in an order
3 under Section 25A.006(1).

4 (c) The procedure governing an appeal or original
5 proceeding from the business court is the same as the procedure for
6 an appeal or original proceeding from a district court.

7 Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A business
8 court judge must:

9 (1) be at least 35 years of age;

10 (2) be a United States citizen;

11 (3) have been a resident of a county within the
12 division of the business court to which the judge is appointed for
13 at least five years before appointment; and

14 (4) be a licensed attorney in this state who has 10 or
15 more years of experience in:

16 (A) practicing complex civil business
17 litigation;

18 (B) practicing business transaction law;

19 (C) serving as a judge of a court in this state
20 with civil jurisdiction; or

21 (D) any combination of experience described by
22 Paragraphs (A)-(C).

23 (b) A business court judge may not have had the judge's
24 license to practice law revoked, suspended, or subject to a
25 probated suspension.

26 Sec. 25A.009. APPOINTMENT OF JUDGES; TERM; PRESIDING JUDGE;
27 EXCHANGE OF BENCHES. (a) The governor, with the advice and consent

1 of the senate, shall appoint:

2 (1) two judges to each of the First, Third, Fourth,
3 Eighth, and Eleventh Divisions of the business court; and

4 (2) one judge to each of the Second, Fifth, Sixth,
5 Seventh, Ninth, and Tenth Divisions of the business court.

6 (b) A business court judge shall serve for a term of two
7 years, beginning on September 1 of every even-numbered year.

8 (c) A business court judge may be reappointed.

9 (d) Not later than the seventh day after the first day of a
10 term, the business court judges by majority vote shall select a
11 judge of the court to serve as administrative presiding judge for
12 the duration of the term. If a vacancy occurs in the position of
13 administrative presiding judge, the remaining business court
14 judges shall select a judge of the court to serve as administrative
15 presiding judge for the remainder of the unexpired term as soon as
16 practicable.

17 (e) A business court judge shall take the constitutional
18 oath of office required of appointed officers of this state and file
19 the oath with the secretary of state.

20 (f) To promote the orderly and efficient administration of
21 justice, the business court judges may exchange benches and sit and
22 act for each other in any matter pending before the court.

23 Sec. 25A.010. VACANCY. If a vacancy occurs in an office of
24 a business court judge, the governor, with the advice and consent of
25 the senate, shall appoint, in the same manner as the original
26 appointment, another person to serve for the remainder of the
27 unexpired term.

1 Sec. 25A.011. JUDGE'S SALARY. The salary of a business
2 court judge is the amount provided by Section 659.012 and shall be
3 paid in equal monthly installments.

4 Sec. 25A.012. REMOVAL; DISQUALIFICATION AND RECUSAL. (a)
5 A business court judge may be removed from office in the same manner
6 and for the same reasons as a district judge.

7 (b) A business court judge is disqualified and subject to
8 mandatory recusal for the same reasons a district judge is subject
9 to disqualification or recusal in a pending case. Disqualification
10 or recusal of a business court judge shall be governed by the same
11 procedure as disqualification or recusal of a district judge.

12 Sec. 25A.013. PRIVATE PRACTICE OF LAW. A business court
13 judge shall diligently discharge the duties of the office on a
14 full-time basis and may not engage in the private practice of law.

15 Sec. 25A.014. VISITING JUDGE. (a) A retired or former
16 judge or justice who has the qualifications prescribed by Section
17 25A.008 may be assigned as a visiting judge of a division of the
18 business court by the chief justice of the supreme court. A
19 visiting judge of a division of the business court is subject to
20 objection, disqualification, or recusal in the same manner as a
21 retired or former judge or justice is subject to objection,
22 disqualification, or recusal if appointed as a visiting district
23 judge.

24 (b) Before accepting an assignment as a visiting judge of a
25 division of the business court, a retired or former judge or justice
26 shall take the constitutional oath of office required of appointed
27 officers of this state and file the oath with the secretary of

1 state.

2 Sec. 25A.015. JURY PRACTICE AND PROCEDURE; VENUE FOR JURY
3 TRIAL. (a) A party in an action pending in the business court has
4 the right to a trial by jury when required by the constitution.

5 (b) Subject to Subsection (d), a jury trial in a case filed
6 initially in the business court shall be held in any county in which
7 the case could have been filed under Section 15.002, Civil Practice
8 and Remedies Code, as chosen by the plaintiff.

9 (c) Subject to Subsections (b) and (d), a jury trial in a
10 case removed to the business court shall be held in the county in
11 which the action was originally filed.

12 (d) A jury trial for a case in which a written contract
13 specifies a county as venue for suits shall be held in that county.

14 (e) The parties and the business court judge may agree to
15 hold the jury trial in any other county. A party may not be required
16 to agree to hold the jury trial in a different county.

17 (f) The drawing of jury panels, selection of jurors, and
18 other jury-related practice and procedure in the business court
19 shall be the same as for the district court in the county in which
20 the trial is held.

21 (g) Practice, procedure, rules of evidence, issuance of
22 process and writs, and all other matters pertaining to the conduct
23 of trials, hearings, and other business in the business court are
24 governed by the laws and rules prescribed for district courts,
25 unless otherwise provided by this chapter.

26 Sec. 25A.016. WRITTEN OPINIONS. The supreme court shall
27 adopt rules for the issuance of written opinions by the business

1 court.

2 Sec. 25A.017. COURT LOCATION; STAFFING. (a) In this
3 section, "remote proceeding" means a proceeding before the business
4 court in which one or more of the participants, including a judge,
5 party, attorney, witness, court reporter, or other individual
6 attends the proceeding remotely through the use of technology.

7 (b) The administrative presiding judge of the business
8 court shall manage administrative and personnel matters on behalf
9 of the court. The administrative presiding judge of the business
10 court shall appoint a clerk, whose office shall be located in Travis
11 County in facilities provided by this state. The clerk shall:

- 12 (1) accept all filings in the business court; and
13 (2) fulfill the legal and administrative functions of
14 a district clerk.

15 (c) Each business court judge shall maintain chambers in the
16 county the judge selects within the geographic boundaries of the
17 division to which the judge is appointed in facilities provided by
18 this state. For purposes of this section, the Office of Court
19 Administration of the Texas Judicial System may contract for the
20 use of facilities with a county.

21 (d) Subject to Section 25A.015, a business court judge may
22 hold court at any courtroom within the geographic boundaries of the
23 division to which the judge is appointed as the court determines
24 necessary or convenient for a particular civil action. To the
25 extent practicable, a county using existing courtrooms and
26 facilities shall accommodate the business court in the conduct of
27 the court's hearings and other proceedings.

1 (e) The business court may conduct a proceeding other than a
2 jury trial as a remote proceeding to facilitate the resolution of a
3 matter before the court. The business court may not require a party
4 or attorney to remotely attend a court proceeding in which oral
5 testimony is heard, absent the agreement of the parties.

6 (f) The business court shall conduct a remote proceeding
7 from a courtroom or the facilities provided to a business court
8 judge by this state.

9 (g) The business court shall provide reasonable notice to
10 the public that a proceeding will be conducted remotely and an
11 opportunity for the public to observe the remote proceeding.

12 (h) In a county in which a division of the business court
13 sits, the sheriff shall in person or by deputy attend the business
14 court as required by the court. The sheriff or deputy is entitled
15 to reimbursement from this state for the cost of attending the
16 business court.

17 (i) The business court may appoint personnel necessary for
18 the operation of the court, including:

19 (1) personnel to assist the clerk of the court;

20 (2) staff attorneys for the court;

21 (3) staff attorneys for each judge of the business
22 court;

23 (4) court coordinators; and

24 (5) administrative assistants.

25 (j) Subject to Subsection (k), the court officials shall
26 perform the duties and responsibilities of their offices and are
27 entitled to the compensation, fees, and allowances prescribed by

1 law for the offices.

2 (k) All personnel, including the business court clerk,
3 appointed under this section are employees of the Office of Court
4 Administration of the Texas Judicial System and are state employees
5 for all purposes, including accrual of leave time, insurance
6 benefits, retirement benefits, and travel regulations.

7 Sec. 25A.0171. ADMINISTRATIVE ATTACHMENT TO OFFICE OF COURT
8 ADMINISTRATION; REPORT. (a) The business court is
9 administratively attached to the Office of Court Administration of
10 the Texas Judicial System.

11 (b) The Office of Court Administration of the Texas Judicial
12 System shall provide administrative support to the business court
13 as necessary to enable the business court to carry out its duties
14 under this chapter.

15 (c) The Office of Court Administration of the Texas Judicial
16 System may employ personnel necessary to provide administrative
17 support to the business court under this chapter.

18 (d) Only the business court may exercise the duties of the
19 business court under this chapter. Except as otherwise provided by
20 this chapter, the Office of Court Administration of the Texas
21 Judicial System does not have any authority or responsibility
22 related to the duties of the business court under this chapter.

23 (e) Not later than December 1 of each year, the Office of
24 Court Administration of the Texas Judicial System shall submit to
25 the legislature a report on the number and types of cases heard by
26 the business court in the preceding year.

27 Sec. 25A.018. FEES. The supreme court shall set fees for

1 filings and actions in the business court in amounts sufficient to
2 cover the costs of administering this chapter, taking into account
3 fee waivers necessary for the interest of justice.

4 Sec. 25A.019. SEAL. The seal of the business court is the
5 same as that provided by law for a district court except that the
6 seal must contain the name "The Business Court of Texas."

7 Sec. 25A.020. RULES. (a) The supreme court shall adopt
8 rules of civil procedure as the court determines necessary,
9 including rules providing for:

10 (1) the timely and efficient removal and remand of
11 cases to and from the business court; and

12 (2) the assignment of cases to judges of the business
13 court.

14 (b) The business court may adopt rules of practice and
15 procedure consistent with the Texas Rules of Civil Procedure and
16 the Texas Rules of Evidence.

17 SECTION 2. Sections 659.012(a) and (e), Government Code,
18 are amended to read as follows:

19 (a) Notwithstanding Section 659.011 and subject to
20 Subsections (b) and (b-1):

21 (1) a judge of a district court or a division of the
22 business court is entitled to an annual base salary from the state
23 as set by the General Appropriations Act in an amount equal to at
24 least \$140,000, except that the combined base salary of a district
25 judge or judge of a division of the business court from all state
26 and county sources, including compensation for any extrajudicial
27 services performed on behalf of the county, may not exceed the

1 amount that is \$5,000 less than the maximum combined base salary
2 from all state and county sources for a justice of a court of
3 appeals other than a chief justice as determined under this
4 subsection;

5 (2) a justice of a court of appeals other than the
6 chief justice is entitled to an annual base salary from the state in
7 the amount equal to 110 percent of the state base salary of a
8 district judge as set by the General Appropriations Act, except
9 that the combined base salary of a justice of the court of appeals
10 other than the chief justice from all state and county sources,
11 including compensation for any extrajudicial services performed on
12 behalf of the county, may not exceed the amount that is \$5,000 less
13 than the base salary for a justice of the supreme court as
14 determined under this subsection;

15 (3) a justice of the supreme court other than the chief
16 justice or a judge of the court of criminal appeals other than the
17 presiding judge is entitled to an annual base salary from the state
18 in the amount equal to 120 percent of the state base salary of a
19 district judge as set by the General Appropriations Act; and

20 (4) the chief justice or presiding judge of an
21 appellate court is entitled to an annual base salary from the state
22 in the amount equal to \$2,500 more than the state base salary
23 provided for the other justices or judges of the court, except that
24 the combined base salary of the chief justice of a court of appeals
25 from all state and county sources may not exceed the amount equal to
26 \$2,500 less than the base salary for a justice of the supreme court
27 as determined under this subsection.

1 (e) For the purpose of salary payments by the state, the
2 comptroller shall determine from sworn statements filed by the
3 justices of the courts of appeals, ~~and~~ district judges, and
4 business court judges that the required salary limitations provided
5 by Subsection (a) are maintained. If the state base salary for a
6 judge or justice prescribed by Subsection (a) combined with
7 additional compensation from a county would exceed the limitations
8 provided by Subsection (a), the comptroller shall reduce the salary
9 payment made by the state by the amount of the excess.

10 SECTION 3. Section 837.001(a), Government Code, is amended
11 to read as follows:

12 (a) Membership ~~[Except as provided by Subsection (b),~~
13 ~~membership]~~ in the retirement system is limited to persons who have
14 never been eligible for membership in the Judicial Retirement
15 System of Texas or the Judicial Retirement System of Texas Plan One
16 and who at any time on or after the effective date of this Act are
17 judges, justices, or commissioners of:

- 18 (1) the supreme court;
- 19 (2) the court of criminal appeals;
- 20 (3) a court of appeals;
- 21 (4) the business court;
- 22 (5) a district court; or
- 23 (6) ~~(5)~~ a commission to a court specified in this
24 subsection.

25 SECTION 4. (a) The Texas Supreme Court has exclusive and
26 original jurisdiction over a challenge to the constitutionality of
27 this Act or any part of this Act and may issue injunctive or

1 declaratory relief in connection with the challenge.

2 (b) If the appointment of judges by the governor to the
3 divisions of the business court under Section 25A.009, Government
4 Code, as added by this Act, is held by the Texas Supreme Court as
5 unconstitutional, the business court shall be staffed by retired or
6 former judges or justices who are appointed to the court as provided
7 by Section 25A.014, Government Code, as added by this Act.

8 SECTION 5. Except as otherwise provided by this Act, the
9 business court is created September 1, 2024.

10 SECTION 6. (a) As soon as practicable after the effective
11 date of this Act, the governor shall appoint judges to the First,
12 Third, Fourth, Eighth, and Eleventh Business Court Divisions as
13 required by Section 25A.009, Government Code, as added by this Act.

14 (b) On or before September 1, 2026, but not before July 1,
15 2026, the governor shall appoint judges to the Second, Fifth,
16 Sixth, Seventh, Ninth, and Tenth Business Court Divisions as
17 required by Section 25A.009, Government Code, as added by this Act.

18 SECTION 7. (a) Notwithstanding Chapter 25A, Government
19 Code, as added by this Act, the business court is not created unless
20 the legislature makes a specific appropriation of money for that
21 purpose. For purposes of this subsection, a specific appropriation
22 is an appropriation identifying the business court or an Act of the
23 88th Legislature, Regular Session, 2023, relating to the creation
24 of a specialty trial court to hear certain cases or of the business
25 court.

26 (b) Notwithstanding Section 25A.007(a), Government Code, as
27 added by this Act, a court of appeals retains the jurisdiction the

1 court had on August 31, 2024, if the business court is not created
2 as a result of Subsection (a) of this section.

3 SECTION 8. The changes in law made by this Act apply to
4 civil actions commenced on or after September 1, 2024.

5 SECTION 9. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 19 was passed by the House on May 2, 2023, by the following vote: Yeas 90, Nays 51, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 19 on May 25, 2023, by the following vote: Yeas 86, Nays 53, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 19 was passed by the Senate, with amendments, on May 12, 2023, by the following vote: Yeas 24, Nays 6.

Secretary of the Senate

APPROVED: _____

Date

Governor