BILL ANALYSIS

Senate Research Center

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S.B. 1204
By: Duncan
State Affairs
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The state's civil court system is in need of being updated in order to efficiently control problems and issues in the area of civil law, including the supreme court's inability to clarify important issues of law, problems with the handling of civil matters with large amounts in controversy, the need for a true small claims court system, and the need for complex cases to be handled by judges most capable of handling them.

As proposed, S.B. 1204 modernizes the state's civil court system by improving the supreme court's ability to manage the judicial system, rationalizing trial courts and clarifying subject matter jurisdiction, creating a true small claims system, and assigning complex cases to judges most capable of handling them. This bill converts 56 statutory county courts-at-law that currently handle controversies over $100,000 to district courts and standardizes county court-at-law jurisdiction to handle civil matters with amounts in controversy up to $100,000.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the district judges in a county with two or more district courts in SECTION 3.04 (Section 24.024, Government Code) of this bill.

Rulemaking authority is expressly granted to the supreme court in SECTION 6.06 and SECTION 8.02 (Section 74.184, Government Code) of this bill.

Rulemaking authority is expressly granted to the judicial panel on complex cases in SECTION 8.02 (Section 74.183, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. APPELLATE COURT PROVISIONS

SECTION 1. Amends Sections 22.001(a), (b), and (e), Government Code, as follows:

(a) Provides that the supreme court has appellate jurisdiction, except in criminal law matters, coextensive with the limits of the state and extending to all questions of law arising in a case that is brought to a court of appeals from an appealable judgment or an appealable interlocutory order of a trial court. Deletes existing text excluding those cases in which the jurisdiction of the court of appeals is made final by statute from the provision that the supreme court has appellate jurisdiction, except in criminal law matters, coextensive with the limits of the state and extending to all questions of law arising in a case in which it appears that an error of law has been committed by the court of appeals, and that the error is of such importance to the jurisprudence of the state that, in the opinion of the supreme court, it requires correction.

(b) Authorizes a case over which the court has jurisdiction under Subsection (a) to be carried to the supreme court by petition for review, rather than by writ of error or by certificate from the court of appeals. Deletes existing text authorizing the court of appeals to certify a question of law arising in any of those cases at any time it chooses, either before or after the decision of the case in that court.

(e) Authorizes the supreme court to act on a petition for review when the court deems it expedient. Requires the supreme court to grant a petition for review in a case in which a

court of appeals has declared void a statute of the state. Deletes existing text providing that for purposes of Subsection (a)(2), one court holds differently from another when there is inconsistency in their respective decisions that should be clarified to remove unnecessary uncertainty in the law and unfairness to litigants.

SECTION 1.02. Amends Section 22.002(b), Government Code, as follows:

(b) Deletes existing text authorizing a justice of the supreme court to issue a writ of mandamus to compel certain judges to proceed to trial and judgment in a case only if the supreme court is on vacation. Deletes existing text that the supreme court or a justice of the supreme court is authorized to issue a writ of mandamus to compel certain judges to proceed to trial and judgment in a case only providing that the case is agreeable to the principals and usages of law, returnable to the supreme court on or before the first day of the term, or during the session of the term, or before any justice of the supreme court as the nature of the case requires.

SECTION 1.03. Amends Section 22.225, Government Code, as follows:

Sec. 22.225. EFFECT OF JUDGMENT IN CIVIL CASES. Deletes existing text providing that a judgment of a court of appeals is conclusive on the law and facts, and prohibiting a petition for review from being allowed to the supreme court, in certain civil cases. Deletes existing text providing that this section does not deprive the supreme court of jurisdiction of a civil case brought to the court of appeals from an appealable judgment of a trial court in which the justices of the court of appeals disagree on a question of law material to the decision or in which one of the courts of appeals holds differently from a prior decision of another court of appeals or of the supreme court, as provided by Subdivisions (1) and (2) of Section 22.001(a). Deletes existing text allowing a petition from review to the supreme court for an appeal from an interlocutory order described by Section 51.014(a)(3), (6), or (11), Civil Practice and Remedies Code. Deletes existing text providing that, for purposes of Subsection (c), one court holds differently from another when there is inconsistency in their respective decisions that should be clarified to remove unnecessary uncertainty in the law and unfairness to litigants.

SECTION 1.04. (a) Amends Section 24.007, Property Code, as follows:

Sec. 24.007. APPEAL. (a) Deletes existing text prohibiting a final judgment of a county court in an eviction suit from being appealed on the issue of possession unless the premises in question are being used for residential purposes only. Prohibits a judgment of a county court in an eviction suit, to be stayed pending appeal, under any circumstances, unless, within 10 days of the signing of the judgment, the appellant files a supersedeas bond in an amount set by the county court.

(b) Prohibits a final judgment of a county court in an eviction suit from being taken to the court of appeals district in which the county court is located, notwithstanding any other law.

(b) Makes application of this section prospective.

SECTION 1.05. Repealer: Section 22.007 (Application for Writ of Error), Government Code.

ARTICLE 2. GENERAL PROVISIONS FOR TRIAL COURTS

SECTION 2.01. Amends the heading to Subchapter A, Chapter 23, Government Code, as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 2.02. Amends Subchapter A, Chapter 23, Government Code, by adding Section 23.002, as follows:

Sec. 23.002. TRANSFER OF CASES. Authorizes a district court, statutory court, county court, or justice court, notwithstanding any other law and on the agreement of all parties in a pending case, to transfer the case to any other of those courts in the county, provided that the court to which the case is transferred has jurisdiction over the matter.

ARTICLE 3. GENERAL PROVISIONS FOR DISTRICT COURTS

SECTION 3.01. Amends Section 24.002, Government Code, as follows:

Sec. 24.002. New heading: ASSIGNMENT OF JUDGE OR TRANSFER OF CASE ON RECUSAL. (a) Requires a judge to take certain actions and inactions if the district judge in a county with only one district court determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself.

(b) Requires a judge to take certain actions and inactions if the district judge in a county with more than one district court determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself. Deletes existing text providing that a change of venue is not necessary because of the disqualification of a district judge in a case or proceeding pending in his court. Deletes existing text requiring the judge to immediately certify his disqualification to the governor and requiring the governor to take certain actions if such a situation arises.

SECTION 3.02. Amends Section 24.003, Government Code, as follows:

Sec. 24.003. New heading: TRANSFER OF CASES; EXCHANGE OF BENCHES. (a) Provides that this section applies only to counties with two or more district courts, rather than to civil cases in counties with five or more district courts.

(b) Authorizes a district judge in such a county to perform certain tasks and duties.

(c) Authorizes another district judge in the county to hold court for a judge if the district judge in the county is sick or otherwise absent. Authorizes a district judge in the county to hear and determine any part or question of any case or proceeding pending in any of the district courts and authorizes any other district judge to complete the hearing and render judgment in the case or proceeding. Authorizes a district judge to hear and determine certain motions and enter judgment or order on them in the court in which the case or proceeding is pending without transferring the case or proceeding. Authorizes the district judge in whose court the matter is pending to proceed to hear, complete, and determine the matter, or all or any part of another matter, and render a final judgment. Authorizes a district judge to issue a restraining order or injunction that is returnable to any other district court.

(d) Requires a judgment or order to be entered in the minutes of the court in which the case is pending.

(e) Provides that this section does not limit the powers of a district judge when acting for another judge by exchange of benches or otherwise. Deletes existing text authorizing the governor, if a district judge is disqualified in a case pending in his court and his disqualification is certified to the governor, to require any other district judge in the county to exchange benches with the disqualified judge. Deletes existing text that authorizes any of the district judges in a county to hold court for a district judge who is absent, sick, or disqualified, or transfer a pending case to the court of any other district judge in the county.

SECTION 3.03. Amends Section 24.012(a), Government Code, as follows:

(a) Provides that each district and criminal district court holds in each county in the judicial district terms that commence on the first Mondays in January and July of each year, notwithstanding any other law. Provides that this section controls the extent of a conflict between this subsection and a specific provision relating to a particular judicial district.

SECTION 3.04. Amends Subchapter A, Chapter 24, Government Code, by adding Sections 24.023-24.031, as follows:

Sec. 24.023. OBLIGATIONS; BONDS. (a) Provides that when a case is transferred from one court to another certain obligations issued by the transferring court are returnable to the court to which the case is transferred as if originally issued by that court.

(b) Requires the obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a district court from which a case is transferred, to appear before the court to which the case is transferred as if taken in or for required to appear before that court.

Sec. 24.024. FILING AND DOCKETING CASES. Authorizes the district judges in a county with two or more district courts to adopt rules governing the filing and numbering of cases, the assignment of cases for trial, and the distribution of the work of the courts as in their discretion they consider necessary or desirable for the orderly dispatch of the business of the courts.

Sec. 24.025. SUPPLEMENTAL COMPENSATION. (a) Entitles all district judges in a county to equal amounts of supplemental compensation from the county, unless otherwise provided by this subchapter.

(b) Entitles a district judge to an amount of supplemental compensation for serving on the juvenile board of a county that is equal to the amount other judges serving on the juvenile board receive.

Sec. 24.026. ASSIGNING PREFERENCES TO DISTRICT COURTS. (a) Authorizes the local board of district judges in a county with two or more district courts to designate a court as giving preference to certain kinds of cases.

(b) Provides that courts designated as giving preference to family law matters have primary responsibility for matters arising under Titles 1, 2, 4, and 5, Family Code.

(c) Provides that the designation of a court as giving preference to certain kinds of cases does not limit the jurisdiction of that court or of any other district court in the county.

Sec. 24.027. APPOINTMENT OF INITIAL JUDGE. Provides that on the creation of a new judicial district, the initial vacancy in the office of district judge is filled in accordance with Section 28, Article V, Texas Constitution.

Sec. 24.028. GRAND AND PETIT JURORS. (a) Provides that all grand and petit jurors elected in a county before a new district court is created or the composition of an existing district court is modified by an amendment to this chapter are considered to be selected for the new or modified district court, as applicable.

(b) Provides that a petit jury is composed of the number of members provided by Section 62.201 (Number of Jurors).

Sec. 24.029. CASES TRANSFERRED. Provides that if by an amendment to this chapter a county is removed from the composition of an existing judicial district and added to another existing or new judicial district, all cases and proceedings from that county that are pending in the district court of the judicial district from which the county was removed are transferred to the district court of the judicial district to which the

county is added. Requires the judge of each affected district court to sign the proper orders in connection with the transfer.

Sec. 24.030. PROCESSES, WRITS, AND OTHER OBLIGATIONS REMAIN VALID. (a) Provides that if by an amendment to this chapter a county is removed from the composition of an existing judicial district and added to another existing or new judicial district, of if an amendment to this chapter changes the time or place at which the terms of court are held, all processes, writs, bonds, recognizances, and other obligations issued from and made returnable to that court before the effective date of the transfer or other change are returnable as provided by this subsection. Provides that an obligation from the affected court is returnable to another district court in the county on the date that court directs, but prohibits such from being made returnable on a date that is earlier than the date on which the obligation was originally returnable. Provides that the obligations are legal and valid as if the obligations had been made returnable to the issuing court.

(b) Requires the obligees in all appearance bonds and recognizances taken in and for a district court of a county before the effective date of an amendment to this chapter, and all witnesses summoned to appear before that district court under laws existing before the effective date of an amendment to this chapter, to appear at another district court in the county on the date that court directs, but prohibits such persons from being required to appear on a date that is earlier than the date on which the obligees or witnesses were originally required to appear.

Sec. 24.031. LOCATION OF COURT. (a) Requires a district court to sit in the county seat for a jury trial in a civil case. Authorizes the commissioners court of the county to authorize a district court to sit in any municipality within the county to hear and determine nonjury trials in civil cases and to hear and determine motions, arguments, and other matters not heard before a jury in a civil case that is within the court's jurisdiction.

(b) Provides that the district clerk or the clerk's deputy serves as clerk of the court when a court sits in a municipality other than the municipality that is the county seat and authorizes such a person to transfer certain items to that municipality while the court is in session there and back to the clerk's office in the county seat at the end of each session.

(c) Requires the commissioners court, if the commissioners court authorizes a district court to sit in a municipality other than the municipality that is the county seat, to provide suitable facilities for the court in that municipality.

SECTION 3.05. Amends Section 62.201, Government Code, as follows:

Sec. 62.201. NUMBER OF JURORS. Authorizes parties in a district court to agree to try a particular case with six jurors, rather than fewer than 12 jurors, as an exception to a jury in a district court being composed of 12 persons. Prohibits this exception if a jury of 12 is required by Section 13 (Number of Grand and Petit Jurors; Number Concurring), Article V, Texas Constitution.

SECTION 3.06. Repealer: Section 24.013 (Judge's Powers in Vacation), Government Code.

ARTICLE 4. JURISDICTION OF STATUTORY COUNTY COURTS

SECTION 4.01. Amends Section 25.0002, Government Code, as follows:

Sec. 25.0002. New heading: DEFINITIONS. Defines "criminal law cases and proceedings," "juvenile law cases and proceedings," and "mental health causes and proceedings." Redefines "family law cases and proceedings."

SECTION 4.02. Effective date of this article: September 1, 2007.

ARTICLE 5. ABOLITION OF CERTAIN STATUTORY COUNTY COURTS AND CREATION OF ADDITIONAL JUDICIAL DISTRICTS

SECTION 5.01. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.594, as follows:

Sec. 24.594. 450TH JUDICIAL DISTRICT (CALHOUN COUNTY). Provides that the 450th Judicial District is composed of Calhoun County.

(b) Repealer: Sections 25.0311 (Calhoun County) and 25.0312 (Calhoun County Court at Law Provisions), Government Code.

(c) Abolishes the County Court at Law No. 1 of Calhoun County and creates the 450th Judicial District on January 1, 2011.

(d) Effective date of this section: January 1, 2011.

SECTION 5.02. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.595, as follows:

Sec. 24.595. 451ST JUDICIAL DISTRICT (CAMERON COUNTY). Provides that the 451st Judicial District is composed of Cameron County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.596, as follows:

Sec. 24.596. 452ND JUDICIAL DISTRICT (CAMERON COUNTY). Provides that the 452nd Judicial District is composed of Cameron County.

(c) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.597, as follows:

Sec. 24.597. 453RD JUDICIAL DISTRICT (CAMERON COUNTY). Provides that the 453rd Judicial District is composed of Cameron County.

(d) Repealer: Sections 25.0331 (Cameron County) and 25.0332 (Cameron County Court at Law Provisions), Government Code.

(e) Abolishes the County Court at Law No. 1 of Cameron County and creates the 451st Judicial District on January 1, 2011.

(f) Abolishes the County Court at Law No. 2 of Cameron County and creates the 452nd Judicial District on January 1, 2011.

(g) Abolishes the County Court at Law No. 3 of Cameron County and creates the 453rd Judicial District on January 1, 2011.

(h) Effective date of this section: January 1, 2011.

SECTION 5.03. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.598, as follows:

Sec. 24.598. 454TH JUDICIAL DISTRICT (CASS COUNTY). Provides that the 454th Judicial District is composed of Cass County.

(b) Repealer: Sections 25.0361 (Cass County) and 25.0362 (Cass County Court at Law Provisions), Government Code.

(c) Abolishes the County Court at Law of Cass County and creates the 454th Judicial District on January 1, 2011.

(d) Effective date of this section: January 1, 2011.

SECTION 5.04. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.599, as follows:

> Sec. 24.599. 455TH JUDICIAL DISTRICT (DALLAS COUNTY). Provides that the 455th Judicial District is composed of Dallas County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.600, as follows:

> Sec. 24.600. 456TH JUDICIAL DISTRICT (DALLAS COUNTY). Provides that the 456th Judicial Distric t is composed of Dallas County.

(c) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6001, as follows:

> Sec. 24.6001. 457TH JUDICIAL DISTRICT (DALLAS COUNTY). Provides that the 457th Judicial District is composed of Dallas County.

(d) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6002, as follows:

> Sec. 24.6002. 458TH JUDICIAL DISTRICT (DALLAS COUNTY). Provides that the 458th Judicial District is composed of Dallas County.

(e) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6003, as follows.

> Sec. 24.6003. 459TH JUDICIAL DISTRICT (DALLAS COUNTY). Provides that the 459th Judicial District is composed of Dallas County.

(f) Repealer: Sections 25.0591(a) (regarding the County Court of Dallas County at Law No. 1) and 25.0592 (Dallas County Court at Law Provisions), Government Code.

(g) Amends Section 25.0593(a), Government Code, to make conforming changes.

(h) Abolishes the County Court of Dallas County at Law No. 1 and creates the 455th Judicial District on January 1, 2011.

(i) Abolishes the County Court of Dallas County at Law No. 2 and creates the 456th Judicial District on January 1, 2011.

(j) Abolishes the County Court of Dallas County at Law Number 3 and creates the 457th Judicial District on January 1, 2011.

(k) Abolishes the County Court of Dallas County at Law Number 4 and creates the 458th Judicial District on January 1, 2011.

(l) Abolishes the County Court of Dallas County at Law No. 5 and creates the 459th Judicial District on January 1, 2011.

(m) Effective date of this section: January 1, 2011.

SECTION 5.05. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6004, as follows:

> Sec. 24.6004. 460TH JUDICIAL DISTRICT (ELLIS COUNTY). Provides that the 460th Judicial District is composed of Ellis County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6005, as follows:

Sec. 24.6005. 461ST JUDICIAL DISTRICT (ELLIS COUNTY). Provides that the 461st Judicial District is composed of Ellis County.

(c) Repealer: Sections 25.0721 (Ellis County) and 25.0722 (Ellis County Court at Law Provisions), Government Code.

(d) Abolishes the County Court at Law of Ellis County and creates the 460th Judicial District on January 1, 2011.

(e) Abolishes the County Court at Law No. 2 of Ellis County and creates the 461st Judicial District on January 1, 2011.

(f) Effective date of this section: January 1, 2011.

SECTION 5.06. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6006, as follows:

Sec. 24.6006. 462ND JUDICIAL DISTRICT (EL PASO COUNTY). Provides that the 462nd Judicial District is composed of El Paso County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6007, as follows:

Sec. 24.6007. 463RD JUDICIAL DISTRICT (EL PASO COUNTY). Provides that the 463rd Judicial District is composed of El Paso County.

(c) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6008, as follows:

Sec. 24.6008. 464TH JUDICIAL DISTRICT (EL PASO COUNTY). Provides that the 464th Judicial District is composed of El Paso County.

(d) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6009, as follows:

Sec. 24.6009. 465TH JUDICIAL DISTRICT (EL PASO COUNTY). Provides that the 465th Judicial District is composed of El Paso County.

(e) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60010, as follows:

Sec. 24.60010. 466TH JUDICIAL DISTRICT (EL PASO COUNTY). Provides that the 466th Judicial District is composed of El Paso County.

(f) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60011, as follows:

Sec. 24.60011. 467TH JUDICIAL DISTRICT (EL PASO COUNTY). Provides that the 467th Judicial District is composed of El Paso County.

(g) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60012, as follows:

Sec. 24.60012. 468TH JUDICIAL DISTRICT (EL PASO COUNTY). Provides that the 468th Judicial District is composed of El Paso County.

(h) Amends Section 25.0731(a), Government Code, to make conforming changes.

(i) Repealer: Sections 25.0732(i) and (r) (regarding El Paso County Court at Law provisions), Government Code.

(j) Abolishes the County Court at Law No. 1 of El Paso County and creates the 462nd Judicial District on January 1, 2011.

(k) Abolishes the County Court at Law No. 2 of El Paso County and creates the 463rd Judicial District on January 1, 2011.

(l) Abolishes the County Court at Law No. 3 of El Paso County and creates the 464th Judicial District on January 1, 2011.

(m) Abolishes the County Court at Law No. 4 of El Paso County and creates the 465th Judicial District on January 1, 2011.

(n) Abolishes the County Court at Law No. 5 of El Paso County and creates the 466th Judicial District on January 1, 2011.

(o) Abolishes the County Court at Law No. 6 of El Paso County and creates the 467th Judicial District on January 1, 2011.

(p) Abolishes the County Court at Law No. 7 of El Paso County and creates the 468th Judicial District on January 1, 2011.

(q) Effective date of this section: January 1, 2011.

SECTION 5.07. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60013, as follows:

> Sec. 24.60013. 469TH JUDICIAL DISTRICT (GALVESTON COUNTY). Provides that the 469th Judicial District is composed of Galveston County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60014, as follows:

> Sec. 24.60014. 470TH JUDICIAL DISTRICT (GALVESTON COUNTY). Provides that the 470th Judicial District is composed of Galveston County.

(c) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60015, as follows:

> Sec. 24.60015. 471ST JUDICIAL DISTRICT (GALVESTON COUNTY). Provides that the 471st Judicial District is composed of Galveston County.

(d) Amends Sections 25.0862(i), (j), (k), and (l), Government Code, as follows:

> (i) Provides that the county clerk serves as clerk of the court in all cases. Deletes existing text requiring the clerk of the statutory county courts and statutory probate court to keep a separate docket for each court. Deletes existing text providing that the district clerk serves as clerk of the county courts in a cause of action arising under the Family Code and an appeal of a final ruling or decision of the division of workers' compensation of TDI regarding workers' compensation claims.

> (j)-(k) Makes conforming changes

> (l) Deletes existing text providing that practice, appeals, and writs of error in a statutory count court are as prescribed by law for county courts and county courts at law. Deletes existing text authorizing appeals and writs of error to be taken from judgments and orders of the County Courts Nos. 1, 2, and 3 of Galveston County and the judges, in civil and criminal cases, in the manner prescribed by law for appeals and writs of error. Deletes existing text authorizing appeals from interlocutory orders of the County Courts Nos. 1, 2, and 3 appointing a receiver or overruling a motion to vacate or appoint a receiver to be taken and be governed

by the laws relating to appeals from similar orders of district court. Makes nonsubstantive changes.

(e) Repealer: Sections 25.0861(a) (regarding Galveston County statutory county courts) and 25.0862(a), (b), (g), (h), (m), and (n) (regarding Galveston County statutory court provisions), Government Code.

(f) Abolishes the County Court No. 1 of Galveston County and creates the 469th Judicial District on January 1, 2011.

(g) Abolishes the County Court No. 2 of Galveston County and creates the 470th Judicial District on January 1, 2011.

(h) Abolishes the County Court No. 3 of Galveston County and creates the 471st Judicial District on January 1, 2011.

(i) Effective date of this section: January 1, 2011.

SECTION 5.08. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60016, as follows:

> Sec. 24.60016. 472ND JUDICIAL DISTRICT (GREGG COUNTY). Provides that the 472nd Judicial District is composed of Gregg County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60017, as follows:

> Sec. 24.60017. 473RD JUDICIAL DISTRICT (GREGG COUNTY). Provides that the 473rd Judicial District is composed of Gregg County.

(c) Repealer: Sections 25.0941 (Gregg County) and 25.0942 (Gregg County Court at Law Provisions), Government Code.

(d) Abolishes the County Court at Law No. 1 of Gregg County and creates the 472nd Judicial District on January 1, 2011.

(e) Abolishes the County Court at Law No. 2 of Gregg County and creates the 473rd Judicial District on January 1, 2011.

(f) Effective date of this section: January 1, 2011.

SECTION 5.09. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60018, as follows:

> Sec. 24.60018. 474TH JUDICIAL DISTRICT (HIDALGO COUNTY). Provides that the 474th Judicial District is composed of Hidalgo County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60019, as follows:

> Sec. 24.60019. 475TH JUDICIAL DISTRICT (HIDALGO COUNTY). Provides that the 475th Judicial District is composed of Hidalgo County.

(c) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60020, as follows:

> Sec. 24.60020. 476TH JUDICIAL DISTRICT (HIDALGO COUNTY). Provides that the 476th Judicial District is composed of Hidalgo County.

(d) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60021, as follows:

Sec. 24.60021. 477TH JUDICIAL DISTRICT (HIDALGO COUNTY). Provides that the 477th Judicial District is composed of Hidalgo County.

(e) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60022, as follows:

Sec. 24.60022. 478TH JUDICIAL DISTRICT (HIDALGO COUNTY). Provides that the 478th Judicial District is composed of Hidalgo County.

(f) Repealer: Sections 25.1101(a) and (c) (regarding Hidalgo County statutory county courts) and 25.1102 (Hidalgo County Court at Law Provisions), Government Code.

(g) Abolishes the County Court at Law No. 1 of Hidalgo County and creates the 474th Judicial District on January 1, 2011.

(h) Abolishes the County Court at Law No. 2 of Hidalgo County and creates the 475th Judicial District on January 1, 2011.

(i) Abolishes the County Court at Law No. 4 of Hidalgo County and creates the 476th Judicial District on January 1, 2011.

(j) Abolishes the County Court at Law No. 5 of Hidalgo County and creates the 477th Judicial District on January 1, 2011.

(k) Abolishes the County Court at Law No. 6 of Hidalgo County and creates the 478th Judicial District on January 1, 2011.

(l) Effective date of this section: January 1, 2011.

SECTION 5.10. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60023, as follows:

Sec. 24.60023. 479TH JUDICIAL DISTRICT (HOOD COUNTY). Provides that the 479th Judicial District is composed of Hood County.

(b) Repealer: Sections 25.1131 (Hood County) and 25.1132 (Hood County Court at Law Provisions), Government Code.

(c) Abolishes the County Court at Law No. 1 of Hood County and creates the 479th Judicial District on January 1, 2011.

(d) Effective date of this section: January 1, 2011.

SECTION 5.11. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60024, as follows:

Sec. 24.60024. 480TH JUDICIAL DISTRICT (KAUFMAN COUNTY). Provides that the 480th Judicial District is composed of Kaufman County.

(b) Amends Section 25.1311, Government Code, to make conforming changes.

(c) Amends Section 25.1312(b-1), Government Code, to provide that a statutory court in Kaufman County, rather than the County Court at Law No. 2 of Kaufman County, does not have jurisdiction of civil cases in which the amount in controversy exceeds a certain limit.

(d) Abolishes the County Court at law of Kaufman County and creates the 480th Judicial District on January 1, 2011.

(e) Effective date of this section: January 1, 2011.

SECTION 5.12. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60025, as follows:

Sec. 24.60025. 481ST JUDICIAL DISTRICT (KENDALL COUNTY). Provides that the 481st Judicial District is composed of Kendall County.

(b) Repealer: Sections 25.1321 (Kendall County) and 25.1322 (Kendall County Court at Law Provisions), Government Code.

(c) Abolishes the County Court at Law of Kendall County and creates the 481st Judicial District on January 1, 2011.

(d) Effective date of this section: January 1, 2011.

SECTION 5.13. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60026, as follows:

Sec. 24.60026. 482ND JUDICIAL DISTRICT (MIDLAND COUNTY). Provides that the 482nd Judicial District is composed of Midland County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60027, as follows:

Sec. 24.60027. 483RD JUDICIAL DISTRICT (MIDLAND COUNTY). Provides that the 483rd Judicial District is composed of Midland County.

(c) Repealer: Section 25.1671 (Midland County) and 25.1672 (Midland County Court at Law Provisions), Government Code.

(d) Abolishes the County Court at Law of Midland County and creates the 482nd Judicial District on January 1, 2011.

(e) Abolishes the County Court at Law No. 2 of Midland County and creates the 483rd Judicial District.

(f) Effective date of this section: January 1, 2011.

SECTION 5.14. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60028, as follows:

Sec. 24.60028. 484TH JUDICIAL DISTRICT (NUECES COUNTY). Provides that the 484th Judicial District is composed of Nueces County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60029, as follows:

Sec. 24.60029. 485TH JUDICIAL DISTRICT (NUECES COUNTY). Provides that the 485th Judicial District is composed of Nueces County.

(c) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60030, as follows:

Sec. 24.60030. 486TH JUDICIAL DISTRICT (NUECES COUNTY). Provides that the 486th Judicial District is composed of Nueces County.

(d) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60031, as follows:

Sec. 24.60031. 487TH JUDICIAL DISTRICT (NUECES COUNTY). Provides that the 487th Judicial District is composed of Nueces County.

(e) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60032, as follows:

> Sec. 24.60032. 488TH JUDICIAL DISTRICT (NUECES COUNTY). Provides that the 488th Judicial District is composed of Nueces County.

(f) Repealer: Sections 24.130(d), 24.196(d), 24.207(d), 24.219(d), 24.353(c), 24.393(c), 24.493(b), 24.627(c) (regarding county courts of law of Nueces County and their concurrent jurisdiction with certain district courts of Nueces County), 24.1801 (Nueces County), and 25.1802 (Nueces County Court at Law Provisions), Government Code.

(g) Abolishes the County Court at Law No. 1 of Nueces County and creates the 484th Judicial District on January 1, 2011.

(h) Abolishes the County Court at Law No. 2 of Nueces County and creates the 485th Judicial District on January 1, 2011.

(i) Abolishes the County Court at Law No. 3 of Nueces County and creates the 486th Judicial District on January 1, 2011.

(j) Abolishes the County Court at Law No. 4 of Nueces County and creates the 487th Judicial District on January 1, 2011.

(k) Abolishes the County Court at Law No. 5 of Nueces County and creates the 488th Judicial District on January 1, 2011.

(l) Effective date of this section: January 1, 2011.

SECTION 5.15. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60033, as follows:

> Sec. 24.60033. 489TH JUDICIAL DISTRICT (PANOLA COUNTY). Provides that the 489th Judicial District is composed of Panola County.

(b) Repealer: Sections 25.1851 (Panola County) and 25.1852 (Panola County Court at Law Provisions), Government Code.

(c) Abolishes the County Court at Law of Panola County and creates the 489th Judicial District on January 1, 2011.

(d) Effective date of this section: January 1, 2011.

SECTION 5.16. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60034, as follows:

> Sec. 24.60034. 490TH JUDICIAL DISTRICT (PARKER COUNTY). Provides that the 490th Judicial District is composed of Parker County.

(b) Amends Subchapter C, Chapter 24, Government Code, effective January 1, 2011, by adding Section 24.60035, as follows:

> Sec. 24.60035. 491ST JUDICIAL DISTRICT (PARKER COUNTY). Provides that the 491st Judicial District is composed of Parker County.

(c) Amends Section 25.1861(a), Government Code, to make conforming changes.

(d) Repealer, effective January 1, 2011: Sections 25.1861 (Parker County), 25.1862 (Parker County Court at Law Provisions), and 25.1863 (Probate Jurisdiction; Contested Cases), Government Code.

(e) Abolishes the County Court at Law No. 2 of Parker County and creates the 490th Judicial District on January 1, 2009.

(f) Abolishes the County Court at Law of Parker County and creates the 491st Judicial District on January 1, 2011.

(g) Effective date of Subsection (b) of this section, for purposes of Section 201.027 (New Office), Election Code: January 1, 2011, notwithstanding Subsection (h) of this section.

(h) Effective date of this section: January 1, 2009.

SECTION 5.17. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60036, as follows:

> Sec. 24.60036.   492ND JUDICIAL DISTRICT (RANDALL COUNTY). Provides that the 492nd Judicial District is composed of Randall County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60037, as follows:

> Sec. 24.60037.   493RD JUDICIAL DISTRICT (RANDALL COUNTY). Provides that the 493rd Judicial District is composed of Randall County.

(c) Repealer: Sections 25.1931 (Randall County) and 25.1932 (Randall County Court at Law Provisions), Government Code.

(d) Abolishes the County Court at Law No. 1 of Randall County and creates the 492nd Judicial District on January 1, 2011.

(e) Abolishes the County Court at Law No. 2 of Randall County and creates the 493rd Judicial District on January 1, 2011.

(f) Effective date of this section: January 1, 2011.

SECTION 5.18. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60038, as follows:

> Sec. 24.60038.   494TH JUDICIAL DISTRICT (ROCKWALL COUNTY). Provides that the 494th Judicial District is composed of Rockwall County.

(b) Repealer: Sections 25.2011 (Rockwall County) and 25.2012 (Rockwall County Court at Law Provisions), Government Code.

(c) Abolishes the County Court at Law of Rockwall County and creates the 494th Judicial District on January 1, 2009.

(d) Effective date of this section: January 1, 2009.

SECTION 5.19. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60039, as follows:

> Sec. 24.60039. 495TH JUDICIAL DISTRICT (RUSK COUNTY). Provides that the 495th Judicial District is composed of Rusk County.

(b) Repealer: Sections 25.2031 (Rusk County) and 25.2032 (Rusk County Court at Law Provisions), Government Code.

(c) Abolishes the County Court at Law of Rusk County and creates the 495th Judicial District on January 1, 2011.

(d) Effective date of this section: January 1, 2011.

SECTION 5.20. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60040, as follows:

> Sec. 24.60040. 496TH JUDICIAL DISTRICT (SMITH COUNTY). Provides that the 496th Judicial District is composed of Smith County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60041, as follows:

> Sec. 24.60041. 496TH JUDICIAL DISTRICT (SMITH COUNTY). Provides that the 497th Judicial District is composed of Smith County.

(c) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60042, as follows:

> Sec. 24.60042. 498TH JUDICIAL DISTRICT (SMITH COUNTY). Provides that the 498th Judicial District is composed of Smith County.

(d) Repealer: Sections 25.2141 (Smith County) and 25.2142 (Smith County Court at Law Provisions), Government Code.

(e) Abolishes the County Court at Law of Smith County and creates the 496th Judicial District on January 1, 2011.

(f) Abolishes the County Court at Law No. 2 of Smith County and creates the 497th Judicial District on January 1, 2011.

(g) Abolishes the County Court at Law No. 3 of Smith County and creates the 498th Judicial District on January 1, 2011.

(h) Effective date of this section: January 1, 2011.

SECTION 5.21. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60043, as follows:

> Sec. 24.60043. 499TH JUDICIAL DISTRICT (TRAVIS COUNTY). Provides that the 499th Judicial District is composed of Travis County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60044, as follows:

> Sec. 24.60044. 500TH JUDICIAL DISTRICT (TRAVIS COUNTY). Provides that the 500th Judicial District is composed of Travis County.

(c) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60045, as follows:

> Sec. 24.60045. 501ST JUDICIAL DISTRICT (TRAVIS COUNTY). Provides that the 501st Judicial District is composed of Travis County.

(d) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60046, as follows:

> Sec. 24.60046. 502ND JUDICIAL DISTRICT (TRAVIS COUNTY). Provides that the 502nd Judicial District is composed of Travis County.

(e) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60047, as follows:

Sec. 24.60047. 503RD JUDICIAL DISTRICT (TRAVIS COUNTY). Provides that the 503rd Judicial District is composed of Travis County.

(f) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60048, as follows:

Sec. 24.60048. 504TH JUDICIAL DISTRICT (TRAVIS COUNTY). Provides that the 504th Judicial District is composed of Travis County.

(g) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60049, as follows:

Sec. 24.60049. 505TH JUDICIAL DISTRICT (TRAVIS COUNTY). Provides that the 505th Judicial District is composed of Travis County.

(h) Amends Sections 25.2293(c) and (k), Government Code, as follows:

(c) Authorizes a statutory probate court to transfer an eminent domain proceeding to a district court in the county, rather than to a county court at law in the county.

(k) Authorizes juries summoned for any statutory probate court to, by order of the judge, be transferred to any of the other courts in the county to serve and authorizes such juries to be used as if summoned for the court to which they are transferred. Deletes existing text requiring the jurisdiction and authority vested by law in the county court for the drawing, selection, and service of jurors to be exercised by the statutory county courts.

(i) Repealer: Sections 25.2291(a) and (b) (regarding the Travis County statutory county courts) and 25.2292 (Travis County Court at Law Provisions), Government Code.

(j) Abolishes the County Court at Law No. 1 of Travis County, Texas and creates the 499th Judicial District on January 1, 2011.

(k) Abolishes the County Court at Law No. 2 of Travis County, Texas and creates the 500th Judicial District on January 1, 2011.

(l) Abolishes the County Court at Law No. 3 of Travis County, Texas and creates the 501st Judicial District on January 1, 2011.

(m) Abolishes the County Court at Law No. 4 of Travis County, Texas and creates the 502nd Judicial District on January 1, 2011.

(n) Abolishes the County Court at Law No. 5 of Travis County, Texas and creates the 503rd Judicial District on January 1, 2011.

(o) Abolishes the County Court at Law No. 6 of Travis County, Texas and creates the 504th Judicial District on January 1, 2011.

(p) Abolishes the County Court at Law No. 7 of Travis County, Texas and creates the 505th Judicial District on January 1, 2011.

(q) Effective date of this section: January 1, 2011.

SECTION 5.22. Amends Subchapter A, Chapter 24, Government Code, by adding Section 24.0081, as follows:

Sec. 24.0081. OTHER JURISDICTION OF CERTAIN COURTS. (a) Provides that, in addition to other jurisdiction provided by law, the 450th, 451st, 452nd, 453rd, 454th, 460th, 461st, 469th, 470th, 471st, 472nd, 473rd, 474th, 475th, 476th, 477th, 478th, 480th, 481st, 482nd, 483rd, 484th, 485th, 486th, 487th, 488th, 489th, 490th, 491st, 492nd, 493rd, 494th, 495th, 496th, 497th, 498th, 499th, 500th, 501st, 502nd, 503rd, 504th, and

505th District Courts have the criminal jurisdiction of a county court. Provides that the jurisdiction of a county court described by Section 26.045(a) (regarding original criminal jurisdiction) is concurrent with the jurisdiction of the district court provided by this subsection, notwithstanding Section 26.045(a).

(b) Provides that, in addition to other jurisdiction provided by law, the 450th, 451st, 452nd, 453rd, 454th, 455th, 456th, 457th, 458th, 459th, 460th, 461st, 462nd, 463rd, 464th, 465th, 466th, 467th, 468th, 469th, 470th, 471st, 472nd, 473rd, 474th, 475th, 476th, 477th, 478th, 480th, 481st, 482nd, 483rd, 484th, 485th, 486th, 487th, 488th, 489th, 490th, 491st, 492nd, 493rd, 494th, 495th, 496th, 497th, 498th, 499th, 500th, 501st, 502nd, 503rd, 504th, and 505th District Courts have the appellate jurisdiction of a county court. Provides that the jurisdiction of a county court described by Section 26.046 (Appellate Criminal Jurisdiction) is concurrent with the jurisdiction of the district court provided by this subsection.

(c) Provides that, in addition to other jurisdiction provided by law, the 450th, 451st, 452nd, 453rd, 454th, 460th, 461st, 472nd, 473rd, 480th, 481st, 482nd, 483rd, 484th, 485th, 486th, 487th, 488th, 489th, 490th, 491st, 492nd, 493rd, 494th, 495th, 496th, 497th, and 498th District Courts have the jurisdiction of a county court in matters and proceedings under Subtitle C (Texas Mental Health Code), Title 7, Health and Safety Code. Provides that the jurisdiction of a county court described by Section 26.052 (Probate and Mental Health Code Cases) is concurrent with the jurisdiction of the district court provided by this subsection.

SECTION 5.23. Requires the initial vacancy in the office of judge of a judicial district created by this article to be filled by election, notwithstanding Section 24.311 (Appointment of Initial Judge), Government Code, and except as provided by Section 5.24 of this article. Provides that the office of judge of a judicial district created by this article exists for purposes of the primary and general elections in 2010, except as provided by Section 5.24 of this article. Provides that a vacancy after the initial vacancy is filled as provided by Section 28 (Vacancy in Office of Supreme Court, Court of Criminal Appeals, Court of Appeals, and District Courts to be Filled by the Governor), Article V, Texas Constitution.

SECTION 5.24. Requires the initial vacancy in the offices of judge of the 490th and 494th judicial districts to be filled by election, notwithstanding Section 24.311, Government Code. Provides that the offices of judge of those judicial districts exist for purposes of the primary and general elections in 2008. Provides that a vacancy after the initial vacancy is filled as provided by Section 28, Article V, Texas Constitution.

SECTION 5.25. Provides that on and after the date on which a statutory county court is abolished in accordance with this article a reference in law to that court with respect to a case or proceeding means another court in the same county with jurisdiction over the case or proceeding and a reference in law to the judge of that court, including a reference in Chapter 152 (Juvenile Boards), Human Resources Code, means the judge of the district court created by the same subsection of the section of this article that provides for the date of abolition of the statutory county court.

SECTION 5.26. (a) Requires the local administrative statutory county court judge, on the date a statutory county court in the county the local administrative judge serves is abolished in accordance with this article, to transfer all cases pending in that court immediately before the abolition to the district court created by the same subsection of the section of this article that provides for the date of abolition of the statutory county court.

(b) Provides that when a case is transferred as provided by Subsection (a) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. Provides that the obligees on all bonds and recognizances taken in and for the transferring court and all witnesses summoned to appear in the transferring court are required to appear before the court to which the case is transferred as if taken in or for required to appear before that court.

SECTION 5.27. Provides that it is an exception to the application of Section 255.006 (Misleading Use of Office Title), Election Code, that a person making a representation described by that section represents that a judge who, immediately before the date a statutory county court was abolished in accordance with this article, was serving as the judge of that court and who is a candidate to fill the initial vacancy in the office of judge of the district court created by the same subsection of the section of this article that provides for the date of abolition of the statutory county court for which the person formerly served as judge, holds the office of that district court.

SECTION 5.28. (a) Provides that this section applies only to certain judges.

(b) Authorizes a person, not later than the 30th day after the date a person to whom this section applies takes office as the initial judge of a district court described by Subsection (a)(2) of this section, to make an irrevocable election to remain a member of the retirement system provided by the county formerly served by the statutory county court described by Subsection (a)(1) of this section. Provides that a person who elects to remain a member of the retirement system provided by that county is not eligible for membership in the Judicial Retirement System of Texas Plan Two.

(c) Provides that an election under this section is governed by procedures adopted by the Judicial Retirement System of Texas Plan Two. Requires the Judicial Retirement System of Texas Plan Two to notify the applicable county and the retirement systems of the person's election as soon as practicable after an election is made.

(d) Requires a person who elects to remain a member of the retirement system provided by the county under this section to contribute to that retirement system at the rate required of other required members of that system for current service. Sets forth the criteria for determining a person's contribution under this section.

(e) Requires the state, on behalf of a person who elects to remain a member of the retirement system provided by the county, to contribute to that retirement system an amount equal to the amount of the person's member contribution under Subsection (d) of this section. Sets forth the criteria for determining the state's contribution under this section.

(f) Provides that a person who does not elect to remain a member of a county-provided retirement system under Subsection (b) of this section is considered to have chosen membership in the Judicial Retirement System of Texas Plan Two.

ARTICLE 6. PROVISIONS RELATING TO JUSTICE AND SMALL CLAIMS COURTS

SECTION 6.01. Amends Section 27.004(b), Government Code, to authorize a person, if the person refuses to deliver dockets, books, or papers belonging to the office of any justice of the peace, to be attached and imprisoned by the order of the district court, rather than the county judge, until the person makes delivery. Deletes existing text authorizing the county judge to issue the order in termtime or vacation.

SECTION 6.02. Amends Section 27.031(a), Government Code, to provide that, in addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction of civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than $10,000, rather than $5,000, exclusive of interest.

SECTION 6.03. Amends Subchapter B, Chapter 27, Government Code, by adding Section 27.035, as follows:

Sec. 27.035. LIMITATION ON AWARDS. Prohibits a justice court from awarding a judgment that exceeds $10,000, exclusive of interest and costs of court.

SECTION 6.04. Amends Subchapter C, Chapter 27, Government Code, by adding Section 27.060, as follows:

Sec. 27.060. SMALL CLAIMS. Requires a justice court to conduct proceedings in a small claims case, as that term is define by the supreme court, in accordance with rules of civil procedure promulgated by the supreme court to ensure the fair, expeditous, and inexpensive resolution of small claims cases.

SECTION 6.05. (a) Repealer: Chapter 28 (Small Claims Courts), Government Code.

(b) Abolishes each small claims court under Chapter 28, Government Code, on the effective date of this section.

SECTION 6.06. Requires the Texas Supreme Court, not later than July 1, 2008, to promulgate rules to define cases that constitute small claims cases and rules of civil procedure applicable to those cases as required by Section 27.060, Government Code, as added by this article. Requires the justices of the supreme court to appoint an advisory committee to assist the court in developing the rules.

SECTION 6.07. (a) Requires the justice of the peace sitting as judge of a small claims court in a county to transfer all cases pending in the court to a justice court in a county immediately before the date the small claims court in the county is abolished in accordance wit this article.

(b) Provides that when a case is transferred as provided by Subsection (a), all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. Provides that the obligees on all bonds and recognizances taken in and for the transferring court are required to appear before the court to which the case is transferred as if originally required to appear before that court.

SECTION 6.08. Effective date of Sections 6.04 and 6.05 of this article: July 1, 2008.

ARTICLE 7. COURT ADMINISTRATION

SECTION 7.01. Amends Section 74.005, Government Code, as follows:

(a) Requires the chief justice of the supreme court, rather than the governor with the advice and consent of the senate, to appoint one judge in each administrative region as presiding judge of the region.

(b) Requires the chief justice of the supreme court, rather than the governor, to immediately appoint or reappoint a presiding judge on the death, resignation, removal, or expiration of the term of office of a presiding judge.

SECTION 7.02. Amends Section 74.044, Government Code, as follows:

Sec. 74.044. TERM OF PRESIDING JUDGE. Includes the provision that a presiding judge, serving for a term of office of four years from the date of qualification as the presiding judge, is subject to removal by the supreme court for good cause.

ARTICLE 8. JUDICIAL PANELS ON MULTIDISTRICT LITIGATION AND COMPLEX CASES

SECTION 8.01. Amends Subchapter H, Chapter 74, Government Code, by adding Section 74.165, as follows:

Sec. 74.165. LIMITATION. Prohibits a civil case that is being or has been considered for transfer under this subchapter by the judicial panel on multidistrict litigation from being referred to the judicial panel on complex cases under Subchapter I for a determination of whether the case is complex, regardless of whether the judicial panel on multidistrict litigation transfers the case.

SECTION 8.02. Amends Chapter 74, Government Code, by adding Subchapter I, as follows:

SUBCHAPTER I. JUDICIAL PANEL ON COMPLEX CASES

Sec. 74.181. DEFINITION. Defines "panel."

Sec. 74.182. JUDICIAL PANEL ON COMPLEX CASES. Provides that the judicial panel on complex cases (panel) consists of five members designated by the chief justice of the supreme court. Requires the members of the panel to be active court of appeals justices or regional presiding judges.

Sec. 74.183. OPERATION AND RULES IN GENERAL. (a) Requires the panel to operate according to rules of practice and procedure adopted by the supreme court under Section 74.024.

(b) Authorizes the panel to prescribe additional rules for the conduct of its business not inconsistent with the law or rules adopted by the supreme court, including rules adopted under Section 74.184.

Sec. 74.184. RULES TO GUIDE DETERMINATION OF WHETHER CASE IS COMPLEX. (a) Requires the supreme court to adopt rules regarding the types of civil cases that constitute complex cases.

(b) Requires the supreme court, in developing the rules, to consider certain factors with respect to a type of civil case.

Sec. 74.185. DETERMINATION BY PANEL. (a) Requires the judge of the court in which a case is pending, on the motion of a party to a civil case, to refer the case to the panel for a determination of whether the case constitutes a complex case.

(b) Requires the panel to determine whether the case is a complex case by using the rules adopted by the supreme court under Section 74.184. Provides that the concurrence of three panel members is necessary to make the determination that the case is complex.

Sec. 74.186. ASSIGNMENT OF JUDGE. (a) Requires the panel to assign a judge to hear the case upon determining that a case is a complex case. Authorizes the panel to make certain judge assignments.

(b) Provides that a retired or former judge assigned to preside over a complex case is not subject to an objection under Section 74.053 (Objection to Judge Assigned to a Trial Court), other than an objection made as authorized by Section 74.053(d).

Sec. 74.187. LIMITATION. Prohibits a civil case that is or has been referred to the panel for a determination of whether the case is complex from being transferred by the judicial panel on multidistrict litigation as provided by Subchapter H, regardless of the determination made by the panel under this subchapter.

Sec. 74.188. MANDAMUS. Authorizes a party to the case, on determination by the panel that a case is not complex, to apply to the supreme court for a writ of mandamus to the panel for a determination to the contrary. Requires the supreme court to review the application under an abuse of discretion standard.

SECTION 8.03. Amends Subchapter B, Chapter 51, Civil Practice and Remedies Code, by adding Section 51.016, as follows:

Sec. 51.016. PERMISSIVE APPEALS IN MULTIDISTRICT LITIGATION AND COMPLEX CASES. Authorizes the judge of a district court to which multidistrict litigation has been transferred under Section 74.162 (Transfer of Cases By Panel), Government Code, or the judge of a district court assigned to hear a complex case under

Section 74.186 (Assignment of Judge), Government Code, to permit, by written order, an appeal from an interlocutory order made in the case for certain interlocutory orders.

SECTION 8.04.   Requires the Texas Supreme Court to adopt rules not later than January 1, 2008, regarding complex cases and designate the initial members of the judicial panel on complex cases required by Subchapter I, Chapter 74, Government Code, as added by this Act.

SECTION 8.05.   Provides that the changes in law made by this article apply to cases pending on or after January 1, 2008.

ARTICLE 9. GENERAL EFFECTIVE DATE

SECTION 9.01. Effective date: September 1, 2007, except as otherwise provided by this Act.