

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

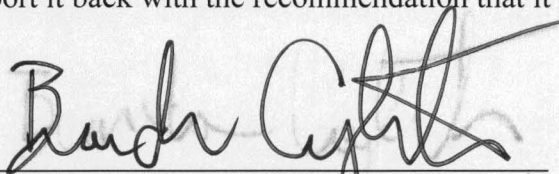
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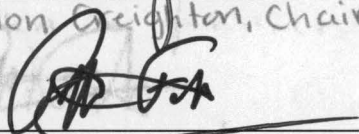
Honorable Dan Patrick
President of the Senate

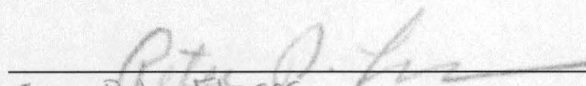
Honorable Dennis Bonnen
Speaker of the House of Representatives

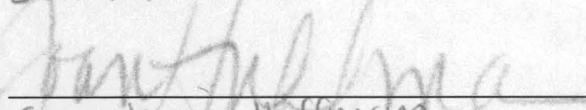
Sirs:

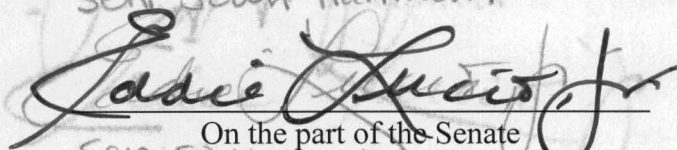
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 2342** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

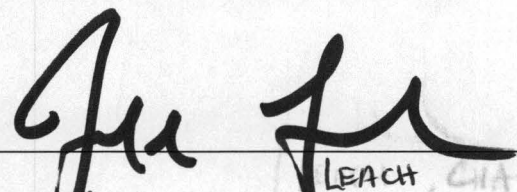

Sen. Brandon Creighton, Chair

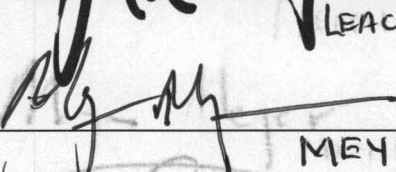

Sen. Pat Fallon

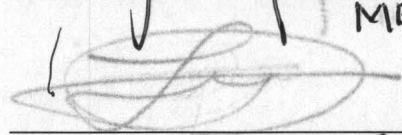

Sen. Pete Flores



Sen. Joan Huffman


On the part of the Senate
Sen. Eddie Lucio, Jr.


LEACH, CHAIR


MEYER


PACHECO


SMITH

On the part of the House
GREN

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 2342

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of, and practices and procedures in civil cases before, justice courts, county courts, statutory county courts, and district courts.

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

SECTION 1. Section 22.004, Government Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:

(h) The supreme court shall adopt rules to promote the prompt, efficient, and cost-effective resolution of civil actions. The rules shall apply to civil actions in district courts, county courts at law, and statutory probate courts in which the amount in controversy, inclusive of all claims for damages of any kind, whether actual or exemplary, a penalty, attorney's fees, expenses, costs, interest, or any other type of damage of any kind, does not exceed \$100,000. The rules shall address the need for lowering discovery costs in these actions and the procedure for ensuring that these actions will be expedited in the civil justice system. The supreme court may not adopt rules under this subsection that conflict with other statutory law [~~a provision of:~~

~~[(1) Chapter 74, Civil Practice and Remedies Code,~~

~~[(2) the Family Code,~~

~~[(3) the Property Code, or~~

~~[(4) the Tax Code].~~

1 (h-1) In addition to the rules adopted under Subsection (h),
2 the supreme court shall adopt rules to promote the prompt,
3 efficient, and cost-effective resolution of civil actions filed in
4 county courts at law in which the amount in controversy does not
5 exceed \$250,000. The rules shall balance the need for lowering
6 discovery costs in these actions against the complexity of and
7 discovery needs in these actions. The supreme court may not adopt
8 rules under this subsection that conflict with other statutory law.

9 SECTION 2. Section 25.0003(c), Government Code, is amended
10 to read as follows:

11 (c) In addition to other jurisdiction provided by law, a
12 statutory county court exercising civil jurisdiction concurrent
13 with the constitutional jurisdiction of the county court has
14 concurrent jurisdiction with the district court in:

15 (1) civil cases in which the matter in controversy
16 exceeds \$500 but does not exceed \$250,000 [~~\$200,000~~], excluding
17 interest, statutory or punitive damages and penalties, and
18 attorney's fees and costs, as alleged on the face of the petition;
19 and

20 (2) appeals of final rulings and decisions of the
21 division of workers' compensation of the Texas Department of
22 Insurance regarding workers' compensation claims, regardless of
23 the amount in controversy.

24 SECTION 3. Section 25.0007, Government Code, is amended by
25 amending Subsection (b) and adding Subsection (c) to read as
26 follows:

27 (b) Practice in a statutory county court is that prescribed

1 by law for county courts, except that practice, procedure, rules of
2 evidence, issuance of process and writs, the drawing of jury
3 panels, the selection of jurors, and all other matters pertaining
4 to the conduct of trials and hearings in the statutory county
5 courts[~~, other than the number of jurors,~~] that involve those
6 matters of concurrent jurisdiction with district courts are
7 governed by the laws and rules pertaining to the district courts in
8 the county in which the statutory county court is located. This
9 section does not affect local rules of administration adopted under
10 Section 74.093.

11 (c) In a civil case pending in a statutory county court in
12 which the matter in controversy exceeds \$250,000, the jury shall be
13 composed of 12 members unless all of the parties agree to a jury
14 composed of a lesser number of jurors.

15 SECTION 4. Section 25.0052(a), Government Code, as amended
16 by Chapters 614 (S.B. 1428) and 746 (H.B. 66), Acts of the 72nd
17 Legislature, Regular Session, 1991, is reenacted and amended to
18 read as follows:

19 (a) In addition to the jurisdiction provided by Section
20 25.0003 and other law, a county court at law in Angelina County has:

21 (1) concurrent with the county court, the probate
22 jurisdiction provided by general law for county courts; and

23 (2) concurrent jurisdiction with the district court
24 in[+

25 [~~(A) civil cases in which the matter in~~
26 ~~controversy exceeds \$500 but does not exceed \$50,000, excluding~~
27 ~~interest, and~~

1 [~~(B)~~] family law cases and proceedings.

2 SECTION 5. Section 25.0102(h), Government Code, is amended
3 to read as follows:

4 (h) If a family law case or proceeding is tried before a
5 jury, the jury shall be composed of 12 members; in all other cases
6 the jury shall be composed of six members except as provided by the
7 constitution, Section 25.0007(c), or other law.

8 SECTION 6. Section 25.0202(a), Government Code, is amended
9 to read as follows:

10 (a) In addition to the jurisdiction provided by Section
11 25.0003 and other law, a county court at law in Bosque County has
12 concurrent jurisdiction with the district court in:

13 (1) family law cases and proceedings; and

14 (2) [~~civil cases in which the matter in controversy~~
15 ~~exceeds \$500 but does not exceed \$200,000, excluding interest,~~
16 ~~court costs, and attorney's fees, and~~

17 [~~(3)~~] contested probate matters under Section 32.003,
18 Estates Code.

19 SECTION 7. Section 25.0222(m), Government Code, is amended
20 to read as follows:

21 (m) When a jury trial is requested in a case of concurrent
22 jurisdiction between the district courts and statutory county
23 courts, and the case was instituted in district court, the jury
24 shall be composed of 12 members. In all other cases in which a jury
25 trial is requested in the statutory county courts the jury shall be
26 composed of six jurors except as provided by the constitution,
27 Section 25.0007(c), or other law.

1 SECTION 8. Section 25.0362(f), Government Code, is amended
2 to read as follows:

3 (f) Except as otherwise provided by this subsection, a jury
4 in a county court at law shall be composed of six members except as
5 provided by [unless] the constitution, Section 25.0007(c), or other
6 law [requires a 12-member jury]. Failure to object before a
7 six-member jury is seated and sworn constitutes a waiver of a
8 12-member jury. In matters in which the constitution or other law
9 does not require a 12-member jury and the county court at law has
10 concurrent jurisdiction with the district court, the jury may be
11 composed of 12 members if a party to the suit requests a 12-member
12 jury [~~and the judge of the court consents~~]. In a civil case tried
13 in a county court at law, the parties may, by mutual agreement [~~and~~
14 ~~with the consent of the judge~~], agree to try the case with any
15 number of jurors and have a verdict rendered and returned by the
16 vote of any number of those jurors that is less than the total
17 number of jurors.

18 SECTION 9. Section 25.0722(i), Government Code, is amended
19 to read as follows:

20 (i) If a family law case or proceeding is tried before a
21 jury, the jury shall be composed of 12 members. In all other cases
22 the jury shall be composed of six members except as provided by the
23 constitution, Section 25.0007(c), or other law.

24 SECTION 10. Section 25.0812(k), Government Code, is amended
25 to read as follows:

26 (k) If a jury trial is requested in a case of concurrent
27 jurisdiction between the district courts and the county courts at

1 law, and the case was instituted in the district court, the jury
2 shall be composed of 12 members. In all other cases in which a jury
3 trial is requested in the county courts at law, the jury shall be
4 composed of six members except as provided by the constitution,
5 Section 25.0007(c), or other law.

6 SECTION 11. Section 25.0862(n), Government Code, is amended
7 to read as follows:

8 (n) If a jury trial is requested in a case that is in a
9 county court at law's jurisdiction as provided by Subsection (a),
10 the jury shall be composed of six members unless the constitution,
11 Section 25.0007(c), or other law requires a 12-member jury.
12 Failure to object before a six-member jury is seated and sworn
13 constitutes a waiver of a 12-member jury.

14 SECTION 12. Section 25.0942(1), Government Code, is amended
15 to read as follows:

16 (1) Except as otherwise provided by this subsection, a jury
17 in a county court at law shall be composed of six members, unless
18 the constitution, Section 25.0007(c), or other law requires a
19 12-member jury. Failure to object before a six-member jury is
20 seated and sworn constitutes a waiver of a 12-member jury. In
21 matters in which the constitution or other law does not require a
22 12-member jury and the county court at law has concurrent
23 jurisdiction with the district court, the jury shall be composed of
24 12 members if a party to the suit requests a 12-member jury. In a
25 civil case tried in a county court at law, the parties may, by
26 mutual agreement [~~and with the consent of the judge~~], agree to try
27 the case with any number of jurors and have a verdict rendered and

1 returned by the vote of any number of those jurors that is less than
2 the total number of jurors.

3 SECTION 13. Section 25.1042(h), Government Code, is amended
4 to read as follows:

5 (h) A jury must be composed of 12 members in[+
6 ~~[(1) any civil case pending in which the amount in~~
7 ~~controversy is \$200,000 or more, and~~
8 ~~[(2)] any felony case.~~

9 SECTION 14. Sections 25.1132(c) and (o), Government Code,
10 are amended to read as follows:

11 (c) A county court at law in Hood County has concurrent
12 jurisdiction with the district court in:

13 (1) ~~[civil cases in which the matter in controversy~~
14 ~~exceeds \$500 but does not exceed \$250,000, excluding interest,~~

15 ~~[(2)] family law cases and related proceedings;~~

16 (2) ~~[(3)]~~ contested probate matters under Section
17 32.003(a), Estates Code; and

18 (3) ~~[(4)]~~ contested matters in guardianship
19 proceedings under Section 1022.003(a), Estates Code.

20 (o) If a family law case or proceeding is tried before a jury
21 in a county court at law, the jury shall be composed of 12 members.
22 In all other cases, the jury shall be composed of six members except
23 as provided by the constitution, Section 25.0007(c), or other law.

24 SECTION 15. Section 25.1142(b), Government Code, is amended
25 to read as follows:

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

27 (1) ~~[civil cases in which the amount in controversy~~

1 ~~exceeds \$200,000, excluding interest,~~

2 ~~[(2)]~~ felony jury trials;

3 (2) ~~[(3)]~~ suits on behalf of the state to recover
4 penalties or escheated property;

5 (3) ~~[(4)]~~ misdemeanors involving official misconduct;

6 or

7 (4) ~~[(5)]~~ contested elections.

8 SECTION 16. Sections 25.1252(j) and (m), Government Code,
9 are amended to read as follows:

10 (j) If a family law case or proceeding is tried before a jury
11 in a county court at law, the jury shall be composed of 12 members.
12 In all other cases, the jury shall be composed of six members except
13 as provided by the constitution, Section 25.0007(c), or other law
14 ~~[A county court at law may exercise the jurisdiction vested in the~~
15 ~~district court for the drawing, selection, and service of jurors. A~~
16 ~~panel not exceeding 24 jurors shall be drawn for any one week of a~~
17 ~~court, and the juries selected may not exceed six].~~

18 (m) Section ~~[Sections]~~ 25.0006 does ~~[and 25.0007 do]~~ not
19 apply to the county courts at law of Jefferson County.

20 SECTION 17. Sections 25.1272(b) and (h), Government Code,
21 are amended to read as follows:

22 (b) A county court at law in Jim Wells County has concurrent
23 jurisdiction with the district court in:

24 (1) ~~[civil cases in which the matter in controversy~~
25 ~~exceeds \$500 but does not exceed \$200,000, excluding interest,~~

26 ~~[(2)]~~ family law cases and proceedings;

27 (2) ~~[(3)]~~ Class A and Class B misdemeanors;

1 (3) [~~4~~] juvenile cases; and

2 (4) [~~5~~] appeals from justice and municipal courts.

3 (h) If a jury trial is requested in a case that is in a
4 county court at law's jurisdiction, the jury shall be composed of
5 six members unless the constitution, Section 25.0007(c), or other
6 law requires a 12-member jury. Failure to object before a
7 six-member jury is seated and sworn constitutes a waiver of a
8 12-member jury.

9 SECTION 18. Sections 25.1412(a) and (p), Government Code,
10 are amended to read as follows:

11 (a) In addition to the jurisdiction provided by Section
12 25.0003 and other law, a county court at law in Lamar County has:

13 (1) concurrent jurisdiction with the district court
14 in:

15 (A) probate matters and proceedings, including
16 will contests;

17 (B) family law cases and proceedings, including
18 juvenile cases; and

19 (C) felony cases to conduct arraignments and
20 pretrial hearings and to accept guilty pleas; and

21 ~~[(D) civil cases in which the amount in~~
22 ~~controversy does not exceed \$200,000, excluding interest, and]~~

23 (2) concurrent jurisdiction with the county and
24 district courts over all suits arising under the Family Code.

25 (p) Except as otherwise provided by this subsection, a jury
26 in a county court at law shall be composed of six members unless the
27 constitution, Section 25.0007(c), or other law requires a 12-member

1 jury. Failure to object before a six-member jury is seated and
2 sworn constitutes a waiver of a 12-member jury. In matters in
3 which the constitution or other law does not require a 12-member
4 jury and the county court at law has concurrent jurisdiction with
5 the district court, the jury may be composed of 12 members if a
6 party to the suit requests a 12-member jury and the judge of the
7 court consents. In a civil case tried in a county court at law, the
8 parties may, by mutual agreement [~~and with the consent of the~~
9 ~~judge~~], agree to try the case with any number of jurors and have a
10 verdict rendered and returned by the vote of any number of those
11 jurors that is less than the total number of jurors.

12 SECTION 19. Section 25.1722(f), Government Code, is amended
13 to read as follows:

14 (f) Except as otherwise provided by this subsection, the
15 constitution, Section 25.0007(c), or other law, juries in a county
16 court at law shall be composed of six members. Juries in family law
17 cases and proceedings shall be composed of 12 members, unless the
18 parties agree to a six-member jury.

19 SECTION 20. Section 25.1732(1), Government Code, is amended
20 to read as follows:

21 (1) A jury in a county court at law is composed of six
22 persons unless the constitution, Section 25.0007(c), or other law
23 requires a 12-member jury.

24 SECTION 21. Section 25.1802(o), Government Code, is amended
25 to read as follows:

26 (o) If a jury trial is requested in a case that is in a
27 county court at law's jurisdiction, the jury shall be composed of

1 six members unless the constitution, Section 25.0007(c), or other
2 law requires a 12-member jury. Failure to object before a
3 six-member jury is seated and sworn constitutes a waiver of a
4 12-member jury.

5 SECTION 22. Section 25.1862(k), Government Code, is amended
6 to read as follows:

7 (k) If a jury trial is requested in a case that is in a
8 county court at law's jurisdiction as provided by Subsection (a),
9 the jury shall be composed of six members unless the constitution,
10 Section 25.0007(c), or other law requires a 12-member jury.
11 Failure to object before a six-member jury is seated and sworn
12 constitutes a waiver of a 12-member jury.

13 SECTION 23. Section 25.2142(v), Government Code, is amended
14 to read as follows:

15 (v) Except as otherwise provided by this section, the
16 constitution, Section 25.0007(c), or other law, juries in a county
17 court at law shall be composed of six members. In matters of
18 concurrent jurisdiction with the district court to which Section
19 25.0007(c) does not apply, if a party to the suit requests a
20 12-member jury, the jury shall be composed of 12 members. In a
21 civil case tried in a county court at law, the parties may, by
22 mutual agreement [~~and with the consent of the judge~~], agree to try
23 the case with any number of jurors and agree to have a verdict
24 rendered and returned by the vote of any number of jurors less than
25 all those hearing the case.

26 SECTION 24. Section 25.2232(a), Government Code, is amended
27 to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Taylor County has[+
[~~(1)~~] concurrent jurisdiction with the county court in the trial of cases involving insanity and approval of applications for admission to state hospitals and special schools if admission is by application[~~, and~~

~~[(2) concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, excluding interest].~~

SECTION 25. Section 25.2292(d), Government Code, is amended to read as follows:

(d) In civil cases, the jury is composed of six members except as otherwise provided by the constitution, Section 25.0007(c), or other law. Failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury [~~unless:~~

~~[(1) the amount in controversy exceeds \$100,000, and
[(2) a party to the case files a written request for a 12-member jury not later than the 30th day before the date of the trial].~~

SECTION 26. Section 25.2362(i), Government Code, is amended to read as follows:

(i) If a jury trial is requested in a case that is in a county court at law's jurisdiction, the jury shall be composed of six members unless the constitution or other law requires a 12-member jury.

SECTION 27. Section 25.2412(j), Government Code, is amended

1 to read as follows:

2 (j) If a case or proceeding in which a county court at law
3 has concurrent jurisdiction with a district court is tried before a
4 jury, the jury shall be composed of 12 members, except as provided
5 by Section 25.0007(c). In all other cases, the jury shall be
6 composed of six members except as provided by the constitution or
7 other law.

8 SECTION 28. Section 25.2462(k), Government Code, is amended
9 to read as follows:

10 (k) A jury in a county court at law shall be composed of six
11 members except as provided by the constitution, Section 25.0007(c),
12 or other law.

13 SECTION 29. Section 25.2482(1), Government Code, is amended
14 to read as follows:

15 (1) A jury in a county court at law shall be composed of six
16 members except as provided by the constitution, Section 25.0007(c),
17 or other law.

18 SECTION 30. Section 25.2512(a), Government Code, is amended
19 to read as follows:

20 (a) In addition to the jurisdiction provided by Section
21 25.0003 and other law, a county court at law in Wise County has:

22 (1) concurrent with the county court, the probate
23 jurisdiction provided by general law for county courts; and

24 (2) concurrent jurisdiction with the district court
25 in:

26 (A) eminent domain cases; and

27 (B) ~~[civil cases in which the amount in~~

1 ~~controversy exceeds \$500, but does not exceed \$200,000, excluding~~
2 ~~interest and attorney's fees, and~~

3 [~~C~~] family law cases and proceedings.

4 SECTION 31. Section 26.042(a), Government Code, is amended
5 to read as follows:

6 (a) A county court has concurrent jurisdiction with the
7 justice courts in civil cases in which the matter in controversy
8 exceeds \$200 in value but does not exceed \$20,000 [~~\$10,000~~],
9 exclusive of interest.

10 SECTION 32. Section 27.031(a), Government Code, is amended
11 to read as follows:

12 (a) In addition to the jurisdiction and powers provided by
13 the constitution and other law, the justice court has original
14 jurisdiction of:

15 (1) civil matters in which exclusive jurisdiction is
16 not in the district or county court and in which the amount in
17 controversy is not more than \$20,000 [~~\$10,000~~], exclusive of
18 interest;

19 (2) cases of forcible entry and detainer;

20 (3) foreclosure of mortgages and enforcement of liens
21 on personal property in cases in which the amount in controversy is
22 otherwise within the justice court's jurisdiction; and

23 (4) cases arising under Chapter 707, Transportation
24 Code, outside a municipality's territorial limits.

25 SECTION 33. Section 62.301, Government Code, is amended to
26 read as follows:

27 Sec. 62.301. NUMBER OF JURORS. The jury in the county

1 courts and in the justice courts is composed of six persons except
2 as provided by the constitution or other law.

3 SECTION 34. The following provisions of the Government Code
4 are repealed:

- 5 (1) Section 25.0007(a);
- 6 (2) Section 25.1092(p);
- 7 (3) Sections 25.2292(a) and (m); and
- 8 (4) Section 25.2392(i).

9 SECTION 35. Not later than January 1, 2021, the Supreme
10 Court of Texas shall adopt rules as necessary to implement Section
11 22.004(h-1), Government Code, as added by this Act.

12 SECTION 36. This Act applies only to a cause of action filed
13 on or after the effective date of this Act. A cause of action filed
14 before that date is governed by the law in effect immediately before
15 that date, and that law is continued in effect for that purpose.

16 SECTION 37. This Act takes effect September 1, 2020.

Senate Bill 2342
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Section 22.004(h), Government Code, is amended to read as follows:

(h) The supreme court shall adopt rules to promote the prompt, efficient, and cost-effective resolution of civil actions. The rules shall apply to civil actions in district courts, county courts at law, and statutory probate courts in which the amount in controversy ~~/, inclusive of all claims for damages of any kind, whether actual or exemplary, a penalty, attorney's fees, expenses, costs, interest, or any other type of damage of any kind,]~~ does not exceed \$250,000 ~~[\$100,000]~~. The rules shall address the need for lowering discovery costs in these actions and the procedure for ensuring that these actions will be expedited in the civil justice system. The supreme court may not adopt rules under this subsection that conflict with other statutory law [a provision of:

- [(1) Chapter 74, Civil Practice and Remedies Code;
- [(2) the Family Code;
- [(3) the Property Code; or
- [(4) the Tax Code].

HOUSE VERSION (IE)

SECTION 1. Section 22.004, Government Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows: [FA1(1)]

(h) The supreme court shall adopt rules to promote the prompt, efficient, and cost-effective resolution of civil actions. The rules shall apply to civil actions in district courts, county courts at law, and statutory probate courts in which the amount in controversy, *inclusive of all claims for damages of any kind, whether actual or exemplary, a penalty, attorney's fees, expenses, costs, interest, or any other type of damage of any kind,* does not exceed \$100,000. The rules shall address the need for lowering discovery costs in these actions and the procedure for ensuring that these actions will be expedited in the civil justice system. The supreme court may not adopt rules under this subsection that conflict with other statutory law [a provision of: [FA1(2)]

- [(1) Chapter 74, Civil Practice and Remedies Code;
- [(2) the Family Code;
- [(3) the Property Code; or
- [(4) the Tax Code].

(h-1) In addition to the rules adopted under Subsection (h), the supreme court shall adopt rules to promote the prompt, efficient, and cost-effective resolution of civil actions filed in county courts at law in which the amount in controversy does not exceed \$250,000. The rules shall balance the need for lowering discovery costs in these actions against the complexity of and discovery needs in these actions. The supreme court may not adopt rules under this subsection that conflict with other statutory law. [FA1(3)]

CONFERENCE

SECTION 1. Same as House version.

Senate Bill 2342
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 2. Section 25.0003(c), Government Code, is amended to read as follows:

(c) In addition to other jurisdiction provided by law, a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has concurrent jurisdiction with the district court in:

- (1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$250,000 [~~\$200,000~~], excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition; and
- (2) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, regardless of the amount in controversy.

SECTION 3. Section 25.0007, Government Code, is amended as follows:

(b)

HOUSE VERSION (IE)

SECTION 2. Section 25.0003, Government Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows: [FA2(1)]

(c) Subject to Subsection (c-1), in [In] addition to other jurisdiction provided by law, a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has concurrent jurisdiction with the district court in: [FA2(2)]

- (1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$250,000 [~~\$200,000~~], excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition; and
- (2) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, regardless of the amount in controversy.

(c-1) A commissioners court of a county by majority vote may provide that the concurrent civil jurisdiction provided by Subsection (c) for a statutory county court of the county is limited to civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs as alleged on the face of the petition. [FA2(3)]

SECTION 3. Same as Senate version except as follows: [FA2(4)]

(b) Same as Senate version.

CONFERENCE

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version except as follows:

(b) Same as Senate version.

Senate Bill 2342
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

(c) In a civil case pending in a statutory county court in which the matter in controversy is \$250,000 or more, the jury shall be composed of 12 members unless all of the parties agree to a jury composed of a lesser number of jurors.

No equivalent provision.

No equivalent provision.

SECTIONS 4-30.

SECTION 31. Section 26.042(a), Government Code, is amended to read as follows:

(a) A county court has concurrent jurisdiction with the justice courts in civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$20,000 [~~\$10,000~~], exclusive of interest.

HOUSE VERSION (IE)

(c) *Subject to Subsection (d)*, in a civil case pending in a statutory county court in which the matter in controversy exceeds \$250,000, the jury shall be composed of 12 members unless all of the parties agree to a jury composed of a lesser number of jurors. [FA1(4);FA2(5)]

(c-1) Subsection (c) does not apply to a county in which statutory county courts have concurrent jurisdiction with State district courts regardless of the amount in controversy unless specifically ordered by the commissioners court of the county. [FA3]

(d) A commissioners court of a county by majority vote may require a jury to be composed of fewer than 12 jurors for a matter pending in a statutory county court of the county in which the amount in controversy is \$250,000 or more. [FA2(6)]

SECTIONS 4-30. Same as Senate version.

SECTION 31. Section 26.042, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows: [FA2(7)]

(a) *Subject to Subsection (a-1)*, a [A] county court *in a county with a population of less than 250,000* has concurrent jurisdiction with the justice courts in civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$20,000 [~~\$10,000~~], exclusive of interest. [FA2(8);FA4(1)]

CONFERENCE

(c) Same as House version except makes a conforming change.

Same as Senate version.

Same as Senate version.

SECTIONS 4-30. Same as Senate version.

SECTION 31. Same as Senate version.

Senate Bill 2342
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

(a-1) A commissioners court of a county by majority vote may provide that the concurrent civil jurisdiction provided by Subsection (a) for the county court of the county is limited to civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$10,000, exclusive of interest. [FA2(9)]

(a-1) A county court in a county with a population of 250,000 or more has concurrent jurisdiction with the justice courts in civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$10,000, exclusive of interest. [FA4(2)]

SECTION 32. Section 27.031(a), Government Code, is amended to read as follows:

(a) In addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction of:

- (1) 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 \$20,000 [~~\$10,000~~], exclusive of interest;
- (2) cases of forcible entry and detainer;
- (3) foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction; and
- (4) cases arising under Chapter 707, Transportation Code, outside a municipality's territorial limits.

SECTION 32. Section 27.031, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows: [FA2(10)]

(a) *Subject to Subsection (a-1), in [IE]* addition to the jurisdiction and powers provided by the constitution and other law, the justice court *in a county with a population of less than 250,000* has original jurisdiction of: [FA2(11);FA4(3)]

- (1) 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 \$20,000 [~~\$10,000~~], exclusive of interest;
- (2) cases of forcible entry and detainer;
- (3) foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction; and
- (4) cases arising under Chapter 707, Transportation Code, outside a municipality's territorial limits.

SECTION 32. Same as Senate version.

Senate Bill 2342
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

(a-1) A commissioners court of a county by majority vote may provide that the original jurisdiction provided by Subsection (a) for justice courts of the county is limited to civil matters in which the amount in controversy is not more than \$10,000, exclusive of interest. [FA2(12)]

SECTION 33. Section 62.301, Government Code, is amended to read as follows:

Sec. 62.301. NUMBER OF JURORS. The jury in the county courts and in the justice courts is composed of six persons except as provided by the constitution or other law.

SECTION 33. Section 62.301, Government Code, is amended to read as follows:

Sec. 62.301. NUMBER OF JURORS. The jury in the county courts and in the justice courts is composed of six persons except as provided by the constitution or other law.

(a-1) In addition to the jurisdiction and powers provided by the constitution and other law, the justice court in a county with a population of 250,000 or more has original jurisdiction of:

(1) 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, exclusive of interest;

(2) Cases of forcible entry and detainer;

(3) Foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction; and

(4) Cases arising under Chapter 707, Transportation Code, outside a municipality's territorial limits. [FA4(4)]

SECTION 33. Same as Senate version.

SECTION 34. Repealers.

SECTION 34. Same as Senate version.

SECTION 34. Same as Senate version.

Senate Bill 2342
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 35. Not later than *January 1, 2020*, the Supreme Court of Texas shall adopt rules as necessary to implement Section 22.004(*h*), Government Code, as *amended* by this Act.

SECTION 36. Saving provision.

No equivalent provision.

SECTION 37. This Act takes effect September 1, *2019*.

HOUSE VERSION (IE)

SECTION 35. Not later than *January 1, 2020*, the Supreme Court of Texas shall adopt rules as necessary to implement Section 22.004(*h-1*), Government Code, as *added* by this Act. [FA1(5)]

SECTION 36. Same as Senate version.

SECTION __. The changes in law made by this Act do not apply to a historic courthouse as defined by Section 442.001, Government Code, until September 1, 2020. [FA5]

SECTION 37. Same as Senate version.

CONFERENCE

SECTION 35. Same as House version except changes the deadline to not later than *January 1, 2021*.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

SECTION 36. Same as Senate version.

Same as Senate version.

SECTION 37. This Act takes effect September 1, *2020*.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: SB2342 by Creighton (Relating to the jurisdiction of, and practices and procedures in civil cases before, justice courts, county courts, statutory county courts, and district courts.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require the Supreme Court to amend the expedited actions rules to include civil actions that do not exceed \$250,000 and to remove the requirement that the amount include all damage claims, penalties, attorney's fees, expenses, costs, interest, and other damages. The bill would require a 12-member jury in civil cases exceeding \$250,000 in controversy and family law cases in certain jurisdictions.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect September 1, 2019.

Local Government Impact

According to the Office of Court Administration, increasing the number of cases that require a 12-member jury may increase juror compensation costs, but it is not anticipated that a significant number of new cases would be tried before larger juries. No significant fiscal impact to local courts is anticipated.

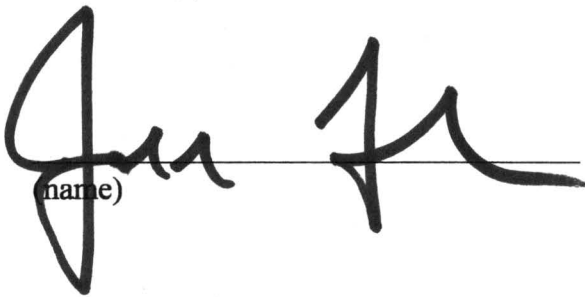
Source Agencies: 212 Office of Court Administration, Texas Judicial Council

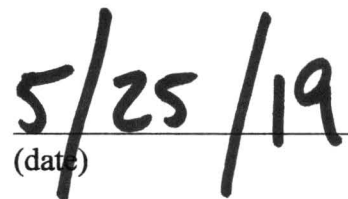
LBB Staff: WP, SLE, MW, CMa, DA

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under House Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not subject to a point of order under Rule 13.

I certify that a copy of the conference committee report on SB 2342 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.


(name)


(date)