

CHAPTER 716

H.B. No. 1349

An Act relating to the creation of the County Court at Law No. 3 of Collin County and to the jurisdiction of and the compensation of the judges of the County Court at Law of Collin County and the County Court at Law No. 2 of Collin County.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION. The County Court at Law No. 3 of Collin County is created on the date determined by Section 10 of this Act.

SECTION 2. JURISDICTION: WRIT POWER. (a) The county court at law created by this Act has jurisdiction over all causes and proceedings, civil, criminal, juvenile, and probate, original and appellate, prescribed by law for county courts, and its jurisdiction is concurrent with the jurisdiction of the other county courts at law of Collin County.

(b) The county court at law created by this Act has the general jurisdiction of a probate court within the limits of Collin County, and its jurisdiction is concurrent with that of the County Court of Collin County and the other county courts at law of Collin County in probate, administrations, guardianship, and mental illness proceedings.

(c) The county court at law created by this Act has jurisdiction concurrent with the district court in eminent domain cases. The county court at law created by this Act, the County Court at Law of Collin County, and the County Court at Law No. 2 of Collin County have jurisdiction concurrent with the district court in civil cases when the matter in controversy exceeds \$500 and does not exceed \$50,000, exclusive of interest.

(d) The county court at law created by this Act, or its judge, has the power to issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary for the enforcement of the jurisdiction of the court. It may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county. The court and judge have the power to punish for

contempt as prescribed by law for county courts. The judge of the county court at law created by this Act has all other powers, duties, immunities, and privileges provided by law for county court judges.

SECTION 3. TERMS. The terms of the court created by this Act begin on the first Mondays in January and July of each year. Each term of court continues until the next term begins.

SECTION 4. JUDGE. (a) The judge of the County Court at Law No. 3 of Collin County must be a licensed and practicing member of the State Bar of Texas who has been a bona fide resident of Collin County and actively engaged in the practice of law in Collin County for at least two years prior to his appointment or election.

(b) At the first general election at which county court at law judges are regularly elected after creation of the court, the qualified voters of the county shall elect a judge of the court created by this Act for a four-year term. Every four years thereafter, the judge shall be elected for a regular four-year term as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(c) The commissioners court shall appoint a person to fill a vacancy occurring in the office of the judge of the County Court at Law No. 3 of Collin County. The appointee holds office until the next general election and until his successor is elected and has qualified.

(d) The judge of the court created by this Act shall execute a bond and take the oath of office prescribed by law for county judges. The judge may be removed from office in the same manner and for the same causes as a county judge.

(e) The judge of the County Court at Law No. 3 of Collin County shall receive an annual salary to be fixed by the commissioners court. The salary shall be paid in equal monthly installments out of the county treasury on order of the commissioners court. The judge of the court created by this Act shall assess the fees prescribed by law for county judges. The clerk of the court shall collect the fees and pay them into the county treasury. A fee may not be paid to the judge.

(f) The judge of the County Court at Law No. 3 of Collin County is a member of the Juvenile Board of Collin County.

(g) A special judge of the court created by this Act may be appointed or elected in the manner provided by law for the appointment or election of a special county judge. A special judge must have the same qualifications, and is entitled to the same rate of compensation, as the regular judge.

(h) The judge of the court created by this Act shall diligently discharge the duties of the office on a full-time basis and may not engage in the private practice of law.

SECTION 5. PERSONNEL; SEAL. (a) The criminal district attorney, county clerk, and sheriff of Collin County shall serve as criminal district attorney, clerk, and sheriff, respectively, of the County Court at Law No. 3 of Collin County. They shall perform the duties and are entitled to the compensation, fees, and allowance prescribed by law for their respective offices.

(b) The judge of the court created by this Act shall appoint an official court reporter, who must meet the qualifications prescribed by law for that office. The court reporter is entitled to the compensation fixed by the commissioners court.

(c) The seal of the court must contain the words "County Court at Law No. 3 of Collin County," but otherwise is identical to the seal of the County Court of Collin County.

SECTION 6. PRACTICE; JURORS. (a) Practice in the County Court at Law No. 3 of Collin County must conform to that prescribed by general law for county courts.

(b) The laws governing the drawing, selection, service, and pay of jurors for the county courts apply to the court created by this Act.

SECTION 7. TRANSFER OF CASES. (a) The judges of the county courts at law of Collin County may transfer cases to and from the dockets of their respective courts, in matters within their jurisdiction, in order that the business may be equally distributed between them. A case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred, and a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred.

(b) In cases transferred between the county courts at law by order of the judge of the court, all processes, writs, bonds, recognizances, or other obligations issued or made in the cases shall be returned to and filed in the court to which the transfer is made. All bonds executed and recognizances entered into in those cases shall bind the parties for their appearance or to fulfill the obligations of the bonds or recognizances at the terms of the court to which the cases are transferred as fixed by law. All processes issued or returned before transfer of the cases and all bonds and recognizances taken before transfer are valid and binding as though originally issued out of the court to which the transfer is made.

SECTION 8. EXCHANGE OF BENCHES. The judges of the county courts at law of Collin County may freely exchange benches and courtrooms with each other in matters within their jurisdiction so that if one is ill, disqualified, or otherwise absent, another may hold court for him without the necessity of transferring the case involved. The judge may hear all or any part of a case pending in the County Court at Law of Collin County, the County Court at Law No. 2 of Collin County, or the County Court at Law No. 3 of Collin County, but only in matters within their jurisdiction, and may rule and enter orders on and continue, determine, or render judgment on all or any part of the case without the necessity of transferring it to his own docket. A judge may not sit or act in a case unless it is within the jurisdiction of his court. Each judgment and order shall be entered in the minutes of the court in which the case is pending. The provisions for the exchange of benches by and between the judges are in addition to the provisions in this Act for the selection and appointment of a special judge of the court created by this Act.

SECTION 9. INITIAL APPOINTMENT OF JUDGE. The commissioners court shall appoint a person to fill the vacancy existing on the creation of the office of judge as provided by Section 4(c) of this Act. The appointee must have the qualifications required of the regular judge.

SECTION 10. CREATION DATE OF COURT. The County Court at Law No. 3 of Collin County is created on January 1, 1987, or on an earlier date determined by the commissioners court by an order entered on its minutes.

SECTION 11. AMENDMENTS. (a) Section 4(d), Chapter 166, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-362, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) The judge of the County Court at Law of Collin County shall receive an annual salary to be fixed by the Commissioners Court of Collin County [~~at an amount not less than \$18,000 nor more than 80 percent of the total annual salary paid to the judge of a district court having jurisdiction in Collin County~~]. The salary shall be paid in equal monthly installments out of the county treasury on order of the commissioners court. The judge of the county court at law shall assess the fees prescribed by law for county judges, which shall be collected by the clerk of the court and paid into the county treasury and which may not be paid to the judge.

(b) Section 4(d), Chapter 375, Acts of the 66th Legislature, Regular Session, 1979 (Article 1970-362a, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) The judge of the County Court at Law No. 2 of Collin County shall receive an annual salary to be fixed by the Commissioners Court of Collin County [~~at an amount not more than 90 percent of the total annual salary paid to the judges of the district courts having jurisdiction in Collin County~~]. The salary shall be paid in equal monthly installments out of the county treasury on order of the commissioners court. The judge of the court created by this Act shall assess the fees prescribed by law for county judges, which shall be collected by the clerk of the court and paid into the county treasury and which may not be paid to the judge.

SECTION 12. EFFECTIVE DATE OF SECTION 11. Section 11 of this Act takes effect October 1, 1985.

SECTION 13. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 2, 1985, by a non-record vote; passed by the Senate on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 14, 1985

Effective: August 26, 1985, except for Section 11 which is effective October 1, 1985.