

## CHAPTER 474

## H.B. No. 2404

An Act relating to the jurisdiction, practice, procedure, and compensation of the judge of the County Court at Law No. 1 of Fort Bend County, and to the creation of the County Court at Law No. 2 of Fort Bend County.

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

**SECTION 1.** Chapter 308, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-364, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. (a) The County Court at Law No. 1 of Fort Bend County is created. *The County Court at Law of Fort Bend County is renamed the County Court at Law No. 1 of Fort Bend County.*

(b) *The County Court at Law No. 2 of Fort Bend County is created January 1, 1987.*

(c) [(b)] *The County Courts at Law Nos. 1 and 2 of Fort Bend County have [county court at law has the same] jurisdiction over all causes and proceedings, civil, criminal, juvenile, and probate, original and appellate, prescribed by law for county courts and their [its] jurisdiction is concurrent with that of the County Court of Fort Bend County.*

(d) [(e)] *The county courts [court] at law have [has] jurisdiction concurrent with the district court in eminent domain cases, [and] in civil cases when the matter in controversy exceeds \$500 and does not exceed \$50,000 [\$5,000], exclusive of interest, and in proceedings under Title 3 of the Family Code. Each county court at law has concurrent jurisdiction with the district courts in*

*Fort Bend County in suits and causes involving family law matters, including adoption; birth records; removal of disability of minority or coverture; change of name of persons; divorce and marriage annulment cases, including the adjustment of property rights, custody and support of minor children involved, temporary support pending final hearings, and every other matter incident to divorce or annulment proceedings; independent actions involving child welfare, custody, support and reciprocal support, dependency, neglect, and delinquency; and independent actions involving controversies between parent and child and between husband and wife. This subsection does not diminish the jurisdiction of the district courts in Fort Bend County, and the district courts retain the jurisdiction that is conferred by law on district courts [as provided by general law].*

(e) ~~(d)~~ The county courts ~~[court]~~ at law, or the judges ~~[its judge]~~, may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary for the enforcement of the jurisdiction of the court; and may issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court, or of any other court of inferior jurisdiction in the county. The courts ~~[court]~~ and the judges ~~[judge]~~ also have the power to punish for contempt as prescribed by law for county courts. *Each county court at law may enforce an order of the Family District Court for the 328th Judicial District relating to a family law matter.*

(f) ~~(e)~~ The County Judge of Fort Bend County is the judge of the County Court of Fort Bend County. All ex officio duties of the county judge shall be exercised by the judge of the County Court of Fort Bend County unless by this Act committed to the judges ~~[judge]~~ of the county courts ~~[court]~~ at law.

(g) *The County Courts at Law Nos. 1 and 2 of Fort Bend County shall be primarily responsible for and give preference to:*

- (1) *cases in which their jurisdiction is concurrent with the county court;*
- (2) *eminent domain proceedings and cases;*
- (3) *proceedings under Title 3 of the Family Code; and*
- (4) *civil cases in which the amount in controversy does not exceed \$20,000, exclusive of interest.*

Sec. 2. *The Commissioners Court of Fort Bend County by order shall prescribe not less than four terms a year for the County Courts at Law Nos. 1 and 2 [terms of the County Court at Law of Fort Bend County are the same as those for the County Court] of Fort Bend County.*

Sec. 3. (a) *The judges [judge] of the County Courts [Court] at Law Nos. 1 and 2 of Fort Bend County must have the same qualifications as those prescribed by the constitution and laws of this state for district judges [shall be a qualified voter of Fort Bend County. He shall be a regularly licensed attorney at law in this state, and shall have resided in this state and have been actively engaged in the practice of law or as the judge of a court for a period of not less than three years next preceding his appointment of election].*

(b) ~~[On the effective date of this Act the Commissioners Court of Fort Bend County shall make the initial appointment of the judge, who shall serve until the general election in 1976 and until his successor shall be duly elected and has qualified.] At each[the] general election at which county court judges are regularly elected, the qualified voters of the county [in 1976, there shall be elected a judge of the county court at law for a term ending on December 31, 1978. At the general election in 1978 and every four years thereafter, the judge of the county court at law] shall elect the judges of the County Courts at Law Nos. 1 and 2 of Fort Bend County [be elected] for a regular four year term as provided in 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 [Any vacancy occurring] in the office of the judge of the County Court at Law No. 1 or 2 of Fort Bend County. The [shall be filled by the Commissioners Court of Fort Bend County, and the] appointee holds [shall hold] office until the next general election and until his successor is [duly] elected and [has] qualified.*

(d) ~~(e)~~ *Each [The] judge of a [the] county court at law shall execute a bond and take the oath of office prescribed by law for county judges. Either [He] may be removed from office in the same manner and for the same causes as a county judge.*

(e) *Each judge is entitled to receive an annual salary in an amount set by the commissioners court for that judge. ~~(d) The judge of the county court at law shall receive a salary in an amount not less than \$19,000, and other compensation for office expense, travel expense, service on the juvenile board, and other allowances paid by the county.]~~ The salary shall be paid [in equal monthly installments] out of the county treasury on order of the commissioners court in the same manner that county employees are paid. The judges [judge] of the County Courts at Law Nos. 1 and 2 of Fort Bend County [county court at law] shall assess the fees prescribed by law for county judges and district judges according to the nature of the matter brought before them. The[; which shall be collected by the] clerk of the court collects*

the fees and pays them [~~and paid~~] into the county treasury. A fee[, and which] may not be paid to the judge.

(f) [~~(e)~~] A special judge either [~~the~~] county court at law 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.

(g) *The judges of the County Courts at Law Nos. 1 and 2 of Fort Bend County may not engage in the private practice of law.*

Sec. 4. (a) The Criminal District Attorney, County Clerk, and Sheriff of Fort Bend County shall serve as criminal district attorney, clerk, and sheriff, respectively, of the County Courts [~~Court~~] at Law Nos. 1 and 2 of Fort Bend County, *except that the district clerk of Fort Bend County serves as clerk of the county courts at law in cases in which the district courts and county courts at law have concurrent jurisdiction and which have been instituted in the district courts.* The Commissioners Court of Fort Bend County may employ as many additional assistant criminal district attorneys, deputy sheriffs, and clerks as are necessary to serve the county courts at law [~~court created by this Act~~]. Those serving shall perform the duties and are entitled to the compensation, fees, and allowances[;] prescribed by law for their respective offices in Fort Bend County.

(b) *The judges [judge] of the county courts [court] at law shall each [may] appoint an official court reporter, who must meet the qualifications prescribed by law for that office and who is entitled to the compensation fixed by the Commissioners Court of Fort Bend County for that court reporter.*

Sec. 5. (a) Practice in the County Courts [~~Court~~] at Law Nos. 1 and 2 of Fort Bend County shall conform to that prescribed by law for the County Court of Fort Bend County, *except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in the county courts at law involving those matters of concurrent jurisdiction with the district courts shall be governed by the provisions of this Act and the laws and rules pertaining to district courts, general or special, as well as county courts. When a jury trial is requested in a case of concurrent jurisdiction between the district courts and the county courts at law, and the case was instituted in the district court, the jury shall be composed of 12 members. In all other cases in which a jury trial is requested in the county courts at law, the jury shall be composed of six members.*

(b) The judges of the county court and the county courts [~~court~~] at law may transfer cases to and from the dockets of their respective courts so that the business may be equally distributed between them. *All cases of concurrent jurisdiction between the district courts and county courts at law except those enumerated in Section 1(g) of this Act shall be instituted in the district courts and may be transferred between the district courts and the county courts at law. Cases of concurrent jurisdiction between the district courts and the county courts at law enumerated in Section 1(g) of this Act may be instituted in either the district courts or the county courts at law. However, no case may be transferred from one court to the other without the consent of the judge of the court to which it is transferred, and no case may be transferred to a [~~the~~] county court at law unless it is within the jurisdiction of the [~~that~~] court.*

(c) *The county judge and the judges of the county courts at law may freely exchange benches and courtrooms with each other in matters within their jurisdiction so that if one is ill, disqualified, or otherwise absent, the other may hold court for him without the necessity of transferring the case involved. Any of those judges may hear all or any part of a case pending in the county court or county courts at law, 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 without the consent of the judge of the court in which the case is pending and may not sit or act in the case unless it is within the jurisdiction of his own court. Each judgment and order shall be entered in the minutes of the court in which the case is pending. The provisions in this subsection for the exchange of benches by and between judges are cumulative of the provisions for the selection and appointment of a special judge.*

(d) *Except as otherwise provided in this subsection, the judges of the county courts at law and the district courts may exchange benches and courtrooms with each other so that if one is absent, disabled, or disqualified, the other may hold court for him without the necessity of transferring the case. Either judge may hear all or any part of a case pending in the county courts at law or district courts and may rule and enter orders on and continue, determine, render, or assign judgments on all or any part of the case without the necessity of transferring it to his docket. A judge may not sit or act in a case without the consent of the judge of the court in which the case is pending and may not sit or act in a case unless it is within the jurisdiction of his own court.*

(e) Jurors regularly impaneled for the week by the district courts of Fort Bend County[;] may, at the request of either the judge of the county court or of the County Courts at Law Nos. 1 and 2

[~~county court at law~~], be made available by the district judges in the numbers requested and shall serve for the week in either [~~or both~~] the county court or the county courts [~~court~~] at law.

Sec. 6. The judges [~~judge~~] of the County Courts [~~Court~~] at Law Nos. 1 and 2 of Fort Bend Coun hall be members [~~a member~~] of the Juvenile Board of Fort Bend County and receive the same additional compensation for service on the juvenile board as paid by Fort Bend County to the County Judge of Fort Bend County for acting as a member of the juvenile board.

[~~Sec. 7. The effective date of this Act is November 1, 1975.~~]

**SECTION 2.** The person serving as judge of the County Court at Law of Fort Bend County continues to serve as judge of the renamed court for the term to which the person was appointed or elected unless otherwise removed.

**SECTION 3.** At the general election in 1986, the qualified voters of Fort Bend County shall elect a judge to fill the vacancy existing on creation of the County Court at Law No. 2 of Fort Bend County.

**SECTION 4.** 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 17, 1985, by the following vote: Yeas 134, Nays 0, 1 present, not voting; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 11, 1985

Effective: Immediately