

**CHAPTER 248**

**H.B. No. 380**

An Act relating to the jurisdiction of the county court and district court in Upshur County.

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

**SECTION 1. COUNTY COURT JURISDICTION.** The County Court of Upshur County has the general jurisdiction of a probate court and has concurrent jurisdiction with the district court in all other matters over which county courts are given jurisdiction by the constitution and general laws of this state.

**SECTION 2. DISTRICT COURT JURISDICTION.** In addition to other jurisdiction provided by law, the district court having jurisdiction in Upshur County has the civil and criminal jurisdiction, other than probate jurisdiction, of a county court.

**SECTION 3. FILING OF CASES.** All civil and criminal matters within the concurrent jurisdiction of the county and district courts must be filed with the county clerk in the county court.

**SECTION 4. PRESIDING JUDGE.** The county judge shall act as presiding judge between the county and district courts and may assign to the district court original or appellate cases that are within the concurrent jurisdiction of the courts. The assignment shall be made by docket notation.

**SECTION 5. CLERICAL FUNCTIONS; FEES.** The county clerk shall perform all clerical functions of the county court as to matters within the concurrent jurisdiction of the county and district courts. The county clerk shall charge the fees set by law for county courts in any case within the courts' concurrent jurisdiction.

**SECTION 6. EFFECTIVE DATE.** This Act takes effect September 1, 1985.

**SECTION 7. 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 March 28, 1985, by a non-record vote; passed by the Senate on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 4, 1985

Effective: September 1, 1985