

CHAPTER 42

H.B. No. 443

An Act relating to the creation of county courts at law in Bexar County and to the compensation of the court reporters and certain other personnel of the statutory county courts, including statutory probate courts, in Bexar County.

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

SECTION 1. CREATION. The County Courts at Law Numbers 7, 8, and 9 of Bexar County are created.

SECTION 2. JURISDICTION. (a) The courts created by this Act have the same jurisdiction of civil and criminal cases as that of the County Courts at Law Numbers 1, 2, 3, 4, 5, and 6 of Bexar County.

(b) The courts created by this Act do not have jurisdiction over causes and proceedings concerning roads, bridges, and public highways and the general administration of county business that is within the jurisdiction of the commissioners court. The judge of the county court retains and shall exercise all ex officio duties of the county judge.

SECTION 3. POWERS AND DUTIES. (a) The courts created by this Act or the judge of a court created by this Act may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary for the enforcement of the jurisdiction of the court. They 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.

(b) The courts created by this Act or the judge of a court created by this Act may punish for contempt as prescribed by general law.

(c) The judge of a court created by this Act has all other powers, duties, immunities, and privileges provided by law for county court judges, except that the judge does not have any authority over the administrative business of the county that is performed by the county judge of the county.

SECTION 4. TERMS OF COURT. The terms of the courts created by this Act begin on the first Mondays in January, March, May, July, September, and November of each year. Each term of court continues until the next succeeding term begins.

SECTION 5. JUDGE. (a) The judge of a court created by this Act must:

- (1) be a citizen of the United States;
- (2) reside in the county;
- (3) be licensed to practice law in this state; and
- (4) have actively practiced law for at least four years prior to election or appointment.

(b) Subject to Section 8(c), Chapter 427, Acts of the 54th Legislature, 1955 (Article 3883i, Vernon's Texas Civil Statutes), the commissioners court shall set the annual salary of each judge of a court created by this Act. The annual salary shall be paid in equal monthly installments from county funds.

(c) The commissioners court shall appoint a person to fill a vacancy in the office of the judge of a court created by this Act. The appointee holds office until the next succeeding general election and until his successor is elected and has qualified.

(d) 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 a 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.

(e) The judge of a court created by this Act shall take the oath of office prescribed by the constitution of this state.

SECTION 6. COURT OFFICIALS, PERSONNEL, AND FACILITIES. (a) The judge of a court created by this Act shall appoint an official court reporter. The reporter must be well skilled in his profession and have the qualifications prescribed by law for that office. The reporter shall be a sworn officer of the court and serves at the pleasure of the judge.

(b) The judge of a court created by this Act may, with the approval of the commissioners court, appoint a court coordinator or administrative assistant for the court. A court coordinator or administrative assistant performs the duties prescribed by the judge and cooperates with the administrative judges and state agencies for the uniform and efficient operation of the courts and the administration of justice. The court coordinator or administrative assistant is entitled to be paid from county funds the compensation, fees, and allowances that are set by the commissioners court or otherwise provided by law. This section is cumulative of the provisions of the law that relate to a court administrator's system for county courts with criminal jurisdiction in certain counties.

(c) The criminal district attorney shall attend the courts created by this Act as required by the judges of the courts.

(d) The county clerk serves as the clerk of the courts created by this Act. The county clerk shall appoint a deputy for each county court at law created by this Act. The deputy shall take the oath of office prescribed by the constitution of this state. The county clerk may require a deputy to furnish bond in an amount, conditioned, and payable as prescribed by law. The deputy shall act in the name of his principal and may perform all official acts that may be performed by the county clerk. The deputy shall attend all sessions of the county court at law to which he is appointed and perform the services in and for the court that are usually performed by the county clerk and his deputies in the county courts of this state. The deputy shall perform any services that may, from time to time, be assigned him by the judge of the court. The deputy shall, in all cases, both civil and criminal, that may be filed in the county court at law to which he is appointed or that may be transferred to that court from another county court at law of Bexar County, tax, assess, and collect the same fees and costs in the same manner as provided by law for the county courts of this state and the judges of those courts in similar cases. The clerk and the clerk's deputies shall deposit or pay all fees and costs received in their official capacity as provided by law. A deputy may act for the deputy of any other county court at law of Bexar County when requested to do so by the judges of the county courts at law of Bexar County. A deputy acting for another deputy is not entitled to receive additional compensation. In the event of a vacancy, the county clerk of Bexar County shall immediately appoint another deputy for the court. The annual salary of the deputy appointed for each of the courts created by this Act is the same as the annual salary of the deputies of the other county courts at law of Bexar County. The salary shall be paid in equal monthly installments out of county funds. Nothing in this section alters the duties and powers of the county clerk of Bexar County, except as specifically stated.

SECTION 7. SPECIAL JUDGE. (a) If the regular judge of a court created by this Act is absent or is from any cause disabled or disqualified from presiding, a special judge may be appointed or elected in the manner provided by law for special judges of county courts.

(b) A special judge shall take the oath of office that is required by law for the regular judge and has all the power and jurisdiction of the court and of the regular judge for whom he is sitting. A special judge may sign orders, judgments, decrees, or other process of any kind as "Judge Presiding" when acting for the regular judge.

(c) A special judge is entitled to receive for the services actually performed the same amount of compensation that the regular judge is entitled to receive for the services. The compensation shall be paid out of county funds. None of the amount paid to a special judge for sitting for the regular judge may be deducted or paid out of the salary of the regular judge.

SECTION 8. SEPARATE DOCKETS. The clerk of a court created by this Act shall keep a separate docket for the court. Cases shall be docketed in the order filed or in any manner as determined by a majority of the judges of the county courts at law of Bexar County and the judge of the county court.

SECTION 9. REPORTER'S FEE. The official court reporter's fee shall be taxed as costs in civil actions in the same manner as that fee is taxed in civil cases in the district courts of this state.

SECTION 10. TRANSFER OF CASES. A judge of a county court at law of Bexar County may transfer with the consent of the judge of the court to which transfer is to be made civil or criminal actions, matters, and proceedings from his court to any one of the other courts by the entry of an order on the docket of the court. The judge of the county court at law to which a case is transferred has jurisdiction to hear and determine the case and render and enter the necessary and proper orders, decrees, and judgments. A case may not be transferred unless it is within the jurisdiction of the court to which transferred.

SECTION 11. EXCHANGE OF BENCHES. (a) The judges of the county courts at law of Bexar County may exchange benches with each other so that if one is absent, disabled, or disqualified, another may hold court for him without the necessity of transferring the case. A judge may hear all or any part of a case pending in a county court at law 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.

(b) When a case is transferred from one court to another as provided by 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. 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 court from which a case is transferred are required to appear before the court to which the case is transferred as if originally issued out of the court to which the transfer is made.

SECTION 12. PRACTICE AND PROCEDURE. The practice in the courts created by this Act shall conform to that prescribed by law relating to county courts and county courts at law. Appeals and writs of error may be taken from judgments and orders of the courts created by this Act and from judgments and orders of the judges, in civil and criminal cases, in the same manner as prescribed by law relating to appeals and writs of error from judgments and orders of the county courts and county courts at law. Appeals may be taken from interlocutory orders of the courts created by this Act appointing a receiver, overruling a motion to vacate, or overruling an order appointing a receiver, but the procedure and manner in which appeals from interlocutory orders are taken are governed by the laws relating to appeals from similar orders of the district courts.

SECTION 13. SHERIFF AND DEPUTY SHERIFF. The sheriff of Bexar County or the sheriff's appointed deputy shall attend all sessions of the courts created by this Act. The sheriff shall appoint one deputy for each of the courts. Before assuming his duties, the deputy sheriff shall take the oath of office prescribed by the constitution of this state. The sheriff may require the deputy to furnish bond in an amount, conditioned, and payable as prescribed by law. The deputy shall act in the name of his principal and may perform all official acts that the sheriff may perform. The deputy sheriff shall attend all sessions of the county court at law to which he is appointed and shall perform services in and for the court and for the judge that are usually performed by sheriffs and their deputies in the district and county courts, including the serving of process, subpoenas, warrants, and writs in both civil and criminal cases. The deputy sheriff shall perform the services that the judge assigns to him. The deputy sheriff has the powers, authority, and privileges that sheriffs and their deputies in this state have. The deputy sheriff shall act for the deputy sheriff of any other county court at law of Bexar County when required to do so by a judge of the courts or by the sheriff. A deputy acting for another is not entitled to

receive any additional compensation. The sheriff of Bexar County shall immediately appoint a deputy to fill a vacancy in the office of deputy sheriff for a court created by this Act. The salary of the deputy sheriffs appointed for the courts created by this Act shall be the same as the salaries of the other deputy sheriffs for the county courts at law of Bexar County. The annual salary shall be paid in equal monthly installments out of county funds. Nothing in this section alters the duties and powers of the sheriff of Bexar County, except as specifically stated.

SECTION 14. SEAL. The seals of the courts created by this Act are the same as provided by law for county courts, except that the seal of the County Court at Law Number 7 of Bexar County must contain the words "County Court at Law Number 7 of Bexar County, Texas," the seal of the County Court at Law Number 8 of Bexar County must contain the words "County Court at Law Number 8 of Bexar County, Texas," and the seal of the County Court at Law Number 9 must contain the words "County Court at Law Number 9 of Bexar County, Texas."

SECTION 15. INITIAL APPOINTMENT OF JUDGES. The commissioners court shall appoint a person to fill each vacancy existing on creation of the office of judge of a court created by this Act. The appointee holds office until the next succeeding general election and until his successor is elected and has qualified.

SECTION 16. SALARY OF CERTAIN COURT REPORTERS OF BEXAR COUNTY COURTS. The official court reporter of a statutory county court, including a statutory probate court, in Bexar County is entitled to receive an annual salary set by the judge and approved by the commissioners court at an amount equal to at least \$35,256 a year.

SECTION 17. CONFORMING AMENDMENT. Section 7, Chapter 454, Acts of the 55th Legislature, Regular Session, 1957 (Article 1970-301d, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. The Judge of the County Court at Law No. 3, of Bexar County, Texas, shall appoint an official shorthand reporter for such Court, who shall be well-skilled in his profession and shall be a sworn officer of the Court, and shall hold his office at the pleasure of the Court and all of the provisions of Chapter 13, Title 42, [of the] Revised [Civil] Statutes [of Texas, 1925, as amended], and as the same may hereafter be amended and all other provisions of the law relating to "official court reporters" shall, and the same are hereby made to, apply in all its provisions, in so far as they are applicable to the official shorthand reporter herein authorized to be appointed, and in so far as they are not inconsistent with the provisions of this Act; and such official shorthand reporter shall be entitled to the same compensation as applicable to official shorthand reporters in the District Courts of Bexar County, Texas, and paid in the same manner that compensation of official shorthand reporters of said District Court of Bexar County is paid].

SECTION 18. CONFORMING AMENDMENT. Section 7, Chapter 170, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1970-301e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. The judge of the County Court at Law Number 5 of Bexar County, Texas, shall appoint an official shorthand reporter for such court, who shall be well skilled in his profession and shall be a sworn officer of the court, and shall hold his office at the pleasure of the court and all of the provisions of Chapter 13, Title 42, Revised Statutes, and as the same may hereafter be amended and all other provisions of the law relating to "official court reporters" shall, and the same are hereby made to, apply in all its provisions, insofar as they are applicable to the official shorthand reporter herein authorized to be appointed, and insofar as they are not inconsistent with the provisions of this Act; and such official shorthand reporter shall be entitled to the same compensation as applicable to official shorthand reporters in the district courts of Bexar County, Texas, and paid in the same manner that compensation of official shorthand reporters of said district court of Bexar County is paid].

SECTION 19. CONFORMING AMENDMENT. Section 6(a), Chapter 355, Acts of the 68th Legislature, Regular Session, 1983 (Article 1970-301e.2, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The judge of a court created by this Act shall appoint an official court reporter. The reporter must be well skilled in his profession and have the qualifications prescribed by law for that office. The reporter shall be a sworn officer of the court and serves at the pleasure of the judge. [The reporter is entitled to the same compensation, fees, and allowances as the court reporters of the district courts in the county.]

SECTION 20. CONFORMING AMENDMENT. Sections 34 and 35, Chapter 355, Acts of the 68th Legislature, Regular Session, 1983 (Article 1970-301e.2, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 34. COURT REPORTER. The judge of Probate Court No. 1 of Bexar County and the judge of Probate Court No. 2 of Bexar County may each appoint an official court reporter. The reporter must be well skilled in his profession. The reporter is a sworn officer of the court and holds his office at the pleasure of the court. The reporter must have the qualifications prescribed by law for that office. ~~[The official reporter is entitled to the same amount of compensation paid to official reporters in the district courts of Bexar County. The reporter's salary shall be paid in the same manner that compensation of official reporters of the district courts of Bexar County is paid.]~~

Sec. 35. ADMINISTRATIVE ASSISTANTS. The judge of Probate Court No. 1 of Bexar County and the judge of Probate Court No. 2 of Bexar County may each appoint an administrative assistant and an auditor to aid him in the performance of his duties. ~~The [judge of each court sets the salary of the] administrative assistant and the [salary of the] auditor are each entitled to receive a salary set by the judge and approved by the commissioners court. The appointment of an administrative assistant and auditor and the salary are evidenced by an order entered in the minutes of each court. The appointment continues [and the amount of salary continues] in effect from year to year until changed by order of the judge of the court in which the administrative assistant and auditor serve. The salary of each auditor and assistant shall be paid monthly out of the general fund of Bexar County or out of any other fund available for the purpose.~~

SECTION 21. REPEALER. Section 1, Chapter 129, Acts of the 52nd Legislature, Regular Session, 1951 (Article 1970-301a, Vernon's Texas Civil Statutes), is repealed.

SECTION 22. 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, 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 February 12, 1985, by the following vote: Yeas 148, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 443 on March 13, 1985, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 443 on April 3, 1985, by the following vote: Yeas 140, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on March 12, 1985, by the following vote: Yeas 29, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 443 on April 3, 1985, by the following vote: Yeas 29, Nays 0.

Approved: April 18, 1985

Effective: Immediately