

## CHAPTER 510

## S.B. No. 1115

An Act relating to the creation, jurisdiction, and practice of the County Court at Law of Moore County.

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

**SECTION 1. CREATION.** The County Court at Law of Moore County is created on the date determined by Section 11 of this Act. It shall sit in Dumas, Texas.

**SECTION 2. JURISDICTION.** (a) The county court at law has concurrent civil jurisdiction with the district court in:

(1) cases in which the matter in controversy exceeds \$500 and does not exceed \$50,000, excluding interest and attorney's fees;

(2) appeals of final rulings and decisions of the Industrial Accident Board;

(3) eminent domain cases and proceedings; and

(4) cases and proceedings involving adoptions, birth records, or removal of disability of minority or coverture; change of names of persons; child welfare, custody, support and reciprocal support, dependency, neglect, or delinquency; divorce and marriage annulment, including the adjustment of property rights, custody and support of minor children involved therein, temporary support pending final hearing, and every other matter incident to divorce or annulment proceedings; independent actions involving child support and custody of minors and wife or child desertion; and independent actions involving controversies between parent and child, between parents, and between spouses.

(b) The county court at law has concurrent jurisdiction with the county court in:

(1) all civil and criminal cases and proceedings, original and appellate, prescribed by law for county courts; and

(2) probate matters and proceedings.

(c) The county court at law has concurrent jurisdiction with the county and district court in juvenile matters and proceedings as provided by Chapter 178, Acts of the 66th Legislature, Regular Session, 1979 (Article 2338-1.1, Vernon's Texas Civil Statutes).

(d) This section does not deny the right of appeal to the county court at law from the justice court in cases in which the right of appeal to the county court exists by law.

(e) The county court at law does not have jurisdiction over causes and proceedings involving the general administration of county business, including the supervision and construction of roads, bridges, and public highways, 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.

(f) This section does not diminish the jurisdiction of the district courts but only gives concurrent jurisdiction to the county court at law over the matters specified in Subsections (a) and (c). The district courts retain and shall continue to exercise the jurisdiction conferred by law on district courts.

(g) Article 1951, Revised Statutes, does not apply to the county court at law and does not affect or diminish the jurisdiction of the county court at law.

**SECTION 3. POWERS AND DUTIES.** (a) The county court at law or 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. 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.

(b) The county court at law or its judge may punish for contempt as prescribed by general law.

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

**SECTION 4. TERMS OF COURT.** The terms of the county court at law begin on the first Mondays in January and July of each year. Each term of court continues until the next succeeding term begins.

**SECTION 5. JUDGE.** (a) The judge of the county court at law must be a citizen of the United States, must have resided in the county for at least six months prior to his election or appointment, and must be a licensed member of the state bar who has actively practiced law for at least four years prior to his election or appointment.

(b) The commissioners court shall set the annual salary of the judge of the county court at law. The annual salary shall be paid in equal monthly installments.

(c) The commissioners court shall appoint a person to fill a vacancy in the office of the judge of the county court at law. 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 following creation of the court at which county court at law judges are regularly elected, and every fourth year thereafter, the qualified voters of the county shall elect the judge of the county court at law for a four-year term as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(e) The judge of the County Court at Law of Moore County shall execute a bond and take the oath of office prescribed by law for county judges. He may be removed from office in the same manner and for the same causes as a county judge.

(f) The judge of the county court at law may not engage in the private practice of law.

**SECTION 6. COURT OFFICIALS, PERSONNEL, AND FACILITIES.** (a) The judge of the county court at law may appoint an official court reporter who serves at the pleasure of the judge. The court reporter is entitled to the compensation set by the commissioners court. The official court reporter must have the qualifications prescribed by law for district court reporters.

(b) With the approval of the commissioners court, the judge of the county court at law may 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 as otherwise provided by law.

(c) The district attorney, county clerk, and sheriff of Moore County shall serve as district attorney, clerk, and sheriff of the County Court at Law of Moore County, except that the district clerk of Moore County shall serve as clerk of the county court at law in the cases enumerated in Subsection (a) of Section 2 of this Act and shall establish a separate docket for the county court at law. The commissioners court may employ assistant district attorneys, deputy sheriffs, and bailiffs necessary to serve the 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 Moore County.

(d) The commissioners court shall provide the physical facilities and the deputy clerks, bailiffs, and other personnel necessary to operate the county court at law.

**SECTION 7. SPECIAL JUDGE.** (a) If the regular judge of the county court at law is absent or is from any cause disabled or disqualified from presiding, the presiding judge of the administrative judicial district in which the county is located may appoint a retired district judge or a person licensed to practice law in this state to sit as a special judge.

(b) To be eligible for appointment as a special judge, a person must meet the qualifications required of the regular judge, except that the only residency requirement for a person who is a retired judge is that the retired judge must reside in the administrative judicial district. A retired judge must have voluntarily retired from office and have certified his willingness to serve.

(c) 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.

(d) 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 on certification by the presiding judge of the administrative judicial district that the special judge has rendered the services and is entitled to receive the compensation. 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. TRANSFER OF CASES; EXCHANGE OF BENCHES.** (a) The judge of the county court and the judge of the county court at law may transfer cases to and from the dockets

of their respective courts, except that 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 may not be transferred unless it is within the jurisdiction of the court to which it is transferred. The county judge and judge of the county court at law 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 court or the 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) On motion of a party, on agreement of the parties, or on their own motion, the judges of the county court at law and district courts in the county may transfer civil cases and proceedings to and from the dockets of their respective courts, except that a case or proceeding may not be transferred from one court to another without the consent of the judge of the court to which it is transferred and may not be transferred unless it is within the jurisdiction of the court to which it is transferred. If a judge is disqualified in a case or proceeding, he shall transfer the case or proceeding from his court to one of the other courts.

(c) 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 9. JURIES; PRACTICE AND PROCEDURE.** (a) The drawing of jury panels, selection of jurors, and practice in the county court at law shall conform to that prescribed by general law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, juries, and all other matters pertaining to the conduct of trials and hearings in the county court at law involving those matters of concurrent jurisdiction with district courts shall be governed by the law and rules pertaining to district courts.

(b) In matters within their concurrent jurisdiction, the judges of the county court at law and district courts in the county shall adopt the rules governing the filing and numbering of cases, the assignment of cases for trial, and the distribution of the work of those courts that they consider necessary or desirable for the orderly dispatch of the business of those courts. The rules must receive an affirmative vote of a majority of those judges. If it is numerically impossible to obtain a majority of the judges, the vote of the district judge with the greatest number of years of service is considered to be the vote of a majority of the judges.

**SECTION 10. SEAL.** The seal of the court created by this Act is the same as that provided by law for county courts, except that the seal must contain the words "County Court at Law of Moore County."

**SECTION 11. DATE OF CREATION.** The County Court at Law of Moore 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 12. 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 Subsection (c) of Section 5 of this Act.

**SECTION 13. EFFECTIVE DATE.** This Act takes effect September 1, 1985.

**SECTION 14. 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 the Senate on April 18, 1985, by the following vote: Yeas 31, Nays 0; Senate concurred in House amendment on May 21, 1985, by the following vote: Yeas 31, Nays 0; passed the House, with amendment, on May 17, 1985, by the following vote: Yeas 134, Nays 0, one present not voting.

Approved: June 12, 1985

Effective: September 1, 1985