

CHAPTER 842

S.B. No. 1242

An Act relating to the amendment of jurisdiction and operation of County Court at Law, and County Court at Law No. 2, of Denton County, and to the creation of County Court at Law No. 3 of Denton County, Texas; setting uniform, identical, concurrent, and conforming jurisdiction and operational characteristics for all three of said courts; revising Chapter 505, Acts of the 61st Legislature, Regular Session, 1969 (Article 1970-352, Vernon's Texas Civil Statutes) and Chapter 425, Acts of the 66th Legislature, Regular Session, 1979, as amended (Article 1970-352a, Vernon's Texas Civil Statutes).

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

SECTION 1. (a) The jurisdiction and operation of County Courts at Law No. 1 and No. 2 of Denton County are hereby expanded and continued without interruption and County Court at Law No. 3 is hereby created with identical jurisdiction and operational provisions as County Courts at Law No. 1 and No. 2, as amended on the effective date or dates hereof.

(b) Chapter 505, Acts of the 61st Legislature, Regular Session, 1969 (Article 1970-352, Vernon's Texas Civil Statutes) and Chapter 425, Acts of the 66th Legislature, Regular Session, 1979, as amended (Article 1970-352a, Vernon's Texas Civil Statutes), are hereby amended in their entirety and this Act is hereby substituted to provide for, to conform, and to make concurrent and identical the jurisdiction, terms, practice, judges, compensation, fees, writ power, court officials, jurors, transfer of cases, exchange of benches, rules of court, and other provisions of said articles; and further providing for the addition and creation of the County Court at Law No. 3, containing provisions for the County Courts at Law No. 1, No. 2, and No. 3, which are identical in every respect, with the exception of the court number, to each other.

(c) The County Court at Law is hereby renamed County Court at Law No. 1 of Denton County.

(d) The County Court at Law No. 1, the County Court at Law No. 2, and the County Court at Law No. 3 of Denton County, Texas, shall have the same jurisdiction over all causes and proceedings, civil, criminal, probate, original, and appellate, prescribed by law for county courts, and their jurisdiction is concurrent with each other. In addition, each of the County Courts at Law No. 1, No. 2, and No. 3 shall have jurisdiction in eminent domain cases, in civil cases when the matter in controversy exceeds \$500 and does not exceed \$50,000, exclusive of interest, and in proceedings under Title 3 of the Family Code. The provisions of this subsection shall in no way affect or diminish the jurisdiction of the district courts in Denton County, and the district courts shall retain and continue to exercise the jurisdiction that is conferred by law on district courts.

(e) The County Courts at Law No. 1, No. 2, and No. 3 of Denton County, by the judge of any of said courts, 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 or like jurisdiction in the county. The County Courts at Law No. 1, No. 2, and No. 3, by or through the judge of any of said courts also shall have the power to punish for contempt as prescribed by law for county courts.

(f) Each of the County Courts at Law No. 1, No. 2, and No. 3 shall have the general jurisdiction of a probate court within the limits of Denton County, concurrent with that of the County Court of Denton County in such probate matters and proceedings.

(g) The County Court of Denton County shall have and retain the jurisdiction conferred by the constitution and laws over probate matters, and such jurisdiction shall be concurrent with the County Courts at Law No. 1, No. 2, and No. 3 of Denton County. The County Court of Denton County shall have no jurisdiction over other judicial matters, civil or criminal. The County Judge of Denton County shall be Judge of the County Court of Denton County, and all ex officio duties of the County Judge, including but not limited to ministerial and administrative duties, shall be exercised by the Judge of the County Court of Denton County, unless by this Act or otherwise committed exclusively to the County Courts at Law No. 1, No. 2, and No. 3 of Denton County, Texas.

(h) County Courts at Law No. 1, No. 2, and No. 3 of Denton County shall be equally responsible for and give equal preference to all cases within their jurisdiction except as established by law or local rule.

SECTION 2. The County Courts at Law No. 1, No. 2, and No. 3 of Denton County shall sit in the county seat of Denton County and shall hold continuous terms which commence on the first Monday in January and on the first Monday in July of each year. Each term of court continues until the next succeeding term begins. The practice in the court and appeals and writs of error to and from the court shall be as prescribed by the laws and rules relating to the county courts.

SECTION 3. (a) The judge of each county court at law of Denton County shall be a resident citizen of Denton County, shall be required to possess identical qualifications and meet identical requirements to those prescribed by the constitution and laws of this state for district judges, and shall have been engaged in the practice of law in this state for a period of not less than four years next preceding his or her election.

(b) Upon the effective date of the portion of this Act providing for the creation of the County Court at Law No. 3 of Denton County, the Commissioners Court of Denton County shall make the initial appointment of the Judge of the County Court at Law No. 3 of Denton County until his or her successor shall be duly elected and qualified.

(c) At the general election in 1986 and every four years thereafter, the Judges of the County Courts at Law No. 1, No. 2, and No. 3 shall be elected for a regular four-year term as provided in Article V, Section 30, and Article XVI, Section 65, of the Constitution of Texas. Any vacancy occurring in the office of the Judge of the County Court at Law No. 1, No. 2, or No. 3 of Denton County shall be filled by the Commissioners Court of Denton County, and the appointee shall hold office until the next general election and until his successor is duly elected and qualified.

(d) The Judges of the County Courts at Law No. 1, No. 2, and No. 3 of Denton County shall execute a bond and take the oath of office prescribed by law for county judges. Any of said county court at law judges may be removed from office in the same manner and for the same causes as a district judge.

(e) The Judges of the County Courts at Law No. 1, No. 2, and No. 3 shall each receive a salary which shall be in an amount of not less than \$41,285 per annum and not more than 95 percent of the salary received by a district judge of Denton County for the same period including all supplemental benefits, with the annual salary for each judge of the County Courts at Law No. 1, No. 2, and No. 3 of Denton County to be fixed, pursuant to this Act, by the commissioners court for the first annual period following the effective date of this Act with respect to each court and to continue in that amount until further order of the commissioners court, and to be paid from the same fund and in the same manner as the County Judge of Denton County. The Judges of the County Courts at Law No. 1, No. 2, and No. 3 of Denton County shall assess the fees prescribed by law for county judges according to the nature of the matter brought before them, which shall be collected by the clerk of the court and paid into the county treasury and which may not be paid to the judges.

(f) A special judge of the County Court at Law No. 1, No. 2, and/or No. 3 may be appointed in the manner provided by this Act for the appointment of a special judge. A special judge must have the same qualifications and is entitled to the same rate of compensation as the regular judge.

(g) Special judges may be appointed or assigned by the presiding judge of the county courts at law, as provided in Subsection (h) of this section, when the regular judge thereof is absent or is from any cause disabled or disqualified from presiding and in instances where the regular judge is present and himself trying cases where authorized or permitted by the constitution and laws of the state; and special judges may also be assigned in the manner herein provided for the holding of a county court at law, when by reason of death, resignation, or from any cause whatsoever, the office of judge of any of the County Courts at Law No. 1, No. 2, and/or No. 3 of Denton County is or has become vacant, until a successor is duly appointed or elected and qualified to serve.

(h) Both former and retired judges of the county courts at law of Denton County who have consented to be subject to assignment may be assigned under the provisions of this Act by the presiding judge of the county courts at law of Denton County. When such former or retired judges are so assigned by the presiding judge of the county courts at law it shall be the duty of such judge so assigned or reassigned, unless for good cause presented by him in writing to the presiding judge, to serve in such court to which he may be assigned or reassigned.

(i) The compensation, salaries, and expenses of any such judge, while so assigned or reassigned, shall be paid on a pro rata basis according to the then current annual salary for county courts at law judges in accordance with the provisions of this Act.

(j) For the purposes of this Act, retired or former judges are defined as those judges who have previously served no less than one full term as a judge of a county court at law of Denton County and possess identical qualifications and meet identical requirements to those prescribed by this Act for judges of each county court at law of Denton County.

SECTION 4. (a) The criminal district attorney, county clerk, and sheriff of Denton County shall serve as criminal district attorney, clerk, and sheriff respectively of the County Courts at Law No. 1, No. 2, and No. 3 of Denton County. The Commissioners Court of Denton County shall employ as many additional assistant criminal district attorneys, deputy sheriffs, and deputy clerks as are necessary to serve the courts created or expanded and continued 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 Denton County.

(b) The judge of each County Court at Law No. 1, No. 2, or No. 3 of Denton County may appoint an official court reporter, who shall be a duly certified shorthand court reporter under the law and is to be compensated as prescribed by the Commissioners Court of Denton County, to be paid by the county treasurer out of the general fund of the county.

(c) The seals of the County Courts at Law of Denton County shall be identical in every respect and manner save and except for the number designating said court and shall contain the words "County Court at Law No. 1 of Denton County", "County Court at Law No. 2 of Denton County", and "County Court at Law No. 3 of Denton County".

SECTION 5. (a) Practice in the county courts at law of Denton County shall conform to that prescribed by law 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 and special, as well as county courts.

(b) The presiding judges of each of the county courts at law of Denton County shall have the authority freely to exchange benches and transfer cases among the courts and to preside for one another without restriction or limitation whether or not cases are equally distributed among them. When County Court at Law No. 3 is created, a sufficient number of matters pending before the County Courts at Law No. 1 and No. 2 shall be transferred to the County Court at Law No. 3 to equalize the dockets. 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 county court at law unless it is within the jurisdiction of that court.

(c) On the transfer of pending matters to the County Court at Law No. 3, as provided by Subsection (b) of this section, and in cases transferred to any of the courts by order of the judge of another court, all processes, writs, bonds, recognizances, or any other obligation issued or made in the case shall be returned to and filed in the court to which 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 such bonds or recognizances at the term of the court to which the case is transferred as fixed by law. All processes issued or returned before transfer of the cases, as well as all bonds and recognizances taken before the transfer, shall be valid and binding as though originally issued out of the court to which the transfer is made.

(d) The judges of the county courts at law of Denton County shall have the authority, acting collectively by majority vote, to establish local rules for the operation of said courts, which shall be identical in all three courts and be consistent with the rules of procedure promulgated by the Texas Supreme Court with respect to civil and criminal cases. The judges of the county courts at law shall by majority vote designate and elect one judge to serve as presiding judge on an annual basis by an order to be entered at the commencement of the January term of said courts.

(e) Jurors regularly impaneled for the week by the district courts of Denton County may, at the request of any judge of any county court at law, be made available by the district judges in the numbers requested and shall serve for the week in either the county court at law, the county court, or the district courts of Denton County.

SECTION 6. The judges of the county courts at law of Denton County shall not engage in the private practice of law while serving as regular judges of the county courts at law of Denton County.

SECTION 7. The judges of the county courts at law of Denton County shall be members of the Juvenile Board of Denton County and shall be equally entitled to receive such salary supplement as may be prescribed and set by the commissioners court for judicial officers who serve as members of said board from time to time.

SECTION 8. (a) This Act shall become effective with respect to County Court at Law No. 1 of Denton County and County Court at Law No. 2 of Denton County as of September 1, 1985.

(b) This Act shall become effective with respect to County Court at Law No. 3 of Denton County as of January 1, 1986.

SECTION 9. The provisions of this Act shall be severable and in the event that any provision or portion hereof shall be deemed illegal, invalid, or unenforceable for any reason, the remaining provisions or portions shall remain effective and in full force and effect.

SECTION 10. 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; passed the House on May 17, 1985, by the following vote: Yeas 134, Nays 0, one present not voting.

Approved: June 15, 1985

Effective: September 1, 1985, as provided by Section 8(a); January 1, 1986, as provided by Section 8(b).