## CHAPTER 55

### S.B. No. 416

An Act relating to the creation of the County Court at Law No. 1 of Johnson County and to the jurisdiction of the county and district courts in Johnson County; repealing Chapter 102, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 1970-335, Vernon's Texas Civil Statutes).

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

SECTION 1. CREATION. The County Court at Law No. 1 of Johnson County is created.

SECTION 2. JURISDICTION OF COURT AT LAW. (a) The County Court at Law No. 1 of Johnson County has jurisdiction in all causes and proceedings, civil, criminal, juvenile, and

probate, original and appellate, over which by the constitution and general laws of the state the county courts have jurisdiction, and its jurisdiction is concurrent with that of the County Court of Johnson County. This Act does not affect the jurisdiction of the commissioners court or of the county judge as the presiding officer of the commissioners court. The county judge of Johnson County is the judge of the County Court of Johnson County. The county judge shall perform all ex officio duties of his office except as otherwise provided by this Act or other law.

(b) The County Court at Law No. 1 of Johnson County 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;

(2) eminent domain cases and proceedings, regardless of the amount in controversy; and

(3) 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; paternity; termination of parental rights; 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.

(c) The court created by this Act may be designated a juvenile court 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 diminish the jurisdiction of the county court in Johnson County. The jurisdiction conferred by this section is concurrent with the jurisdiction of the county and district courts.

SECTION 3. WRIT POWER. The County Court at Law No. 1 of Johnson County 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. The court and the judge may punish for contempt as prescribed by general law.

SECTION 4. TERMS. The County Court at Law No. 1 of Johnson County has the same terms of court as the terms of the County Court of Johnson County.

SECTION 5. JUDGE. (a) The judge of the County Court at Law No. 1 of Johnson County must be a resident of the county, a citizen of the United States, and a qualified voter and must have been licensed to practice law in this state for at least four years prior to the judge's appointment or election.

(b) 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 the 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.

(c) The commissioners court shall appoint a person to fill a vacancy occurring in the office of the judge of the County Court at Law No. 1 of Johnson County. The appointee holds office until the next general election and until his successor is elected and has qualified.

(d) The judge of the County Court at Law No. 1 of Johnson County shall take the oath of office prescribed by the constitution of this state and shall execute a bond as required by the law relating to county judges.

(e) The judge of the County Court at Law No. 1 of Johnson County 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 No. 1 of Johnson County is entitled to receive an annual salary in an amount that is equal to the sum that is 80 percent of the annual salary paid by the state to a district judge having jurisdiction in Johnson County. The salary shall be paid in the same manner and from the same fund as the salary of the county judge. The judge of the County Court at Law No. 1 of Johnson County shall assess the same fees that a county judge may assess. The clerk of the court shall collect the fees and pay them into the county treasury on collection. The fees may not be paid to the judge.

(g) The judge of the County Court at Law No. 1 of Johnson County may not engage in the private practice of law.

(h) A special judge of the County Court at Law No. 1 of Johnson County 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 daily rate of compensation as the regular judge for each day on which he serves.

SECTION 6. COURT OFFICIALS AND PERSONNEL. (a) The county or district attorney, county clerk, and sheriff of Johnson County shall serve as prosecuting attorney, clerk and sheriff, respectively, for the County Court at Law No. 1 of Johnson County.

(b) The judge of the County Court at Law No. 1 of Johnson County may appoint an official court reporter. The court reporter serves at the pleasure of the judge. The reporter must have the same qualifications as provided by law for official court reporters. The reporter's duties are the same as provided by law for official court reporters. The official court reporter is entitled to the compensation fixed by the commissioners court.

SECTION 7. PRACTICE AND PROCEDURE. (a) Practice in the County Court at Law No. 1 of Johnson County shall conform to that prescribed by law and rule for county courts.

(b) The laws that govern the drawing, selection, and service of jurors for county courts apply to the County Court at Law No. 1 of Johnson County.

SECTION 8. SEAL. The seal of the County Court at Law No. 1 of Johnson County is the same as that provided by law for county courts, except the seal must contain the words "County Court at Law No. 1 of Johnson County."

SECTION 9. DATE OF CREATION. The County Court at Law No. 1 of Johnson County is created on July 1, 1985, or on an earlier date determined by the commissioners court by an order entered on its minutes.

SECTION 10. 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. The appointee must have the qualifications required of the regular judge.

SECTION 11. COUNTY COURT JURISDICTION RESTORED. The County Court of Johnson County has:

(1) the general jurisdiction of a probate court;

(2) juvenile jurisdiction as provided by Chapter 178, Acts of the 66th Legislature, Regular Session, 1979 (Article 2338-1.1, Vernon's Texas Civil Statutes); and

(3) original and appellate jurisdiction in all matters over which county courts have jurisdiction under the constitution and laws of this state.

SECTION 12. REPEALER. Chapter 102, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 1970-335, Vernon's Texas Civil Statutes), is repealed.

SECTION 13. TRANSFER OF CASES. When the jurisdiction of the district and county courts changes as provided by this Act, all cases are transferred to the appropriate court. All process, writs, bonds, recognizances, or other obligations issued or made in the transferred cases shall be returned to and filed in the court to which the cases are transferred. All bonds executed and recognizances entered into in those cases bind the parties for their appearance or to fulfill the obligations of the bonds or recognizances in the court to which the cases are transferred. All process issued or returned before transfer of the cases and all bonds and recognizances taken before transfer are valid and binding as though originally issued out of the court to which the cases are transferred. Jurisdiction over judgments rendered before the jurisdiction of the courts changes as provided by this Act is not transferred, and the courts retain jurisdiction for the enforcement of those judgments. The clerk of a court from which jurisdiction is transferred as provided by this Act shall promptly file with the clerk to which jurisdiction is transferred all original papers, judge's dockets, and certified copies of any interlocutory judgments or orders entered in the cases transferred. The clerk shall also transfer all remaining cost deposits, jury fees, and any other matters necessary to the transfer of the cases.

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

Passed the Senate on February 25, 1985, by the following vote: Yeas 30, Nays 0 Senate concurred in House amendments on April 17, 1985, by the following vote: Yeas 30, Nays 0; passed the House, with amendments, on April 15, 1985, by the following vote: Yeas 131, Nays 0, one present not voting.

Approved: April 30, 1985

Effective: Immediately