

CHAPTER 681

H.B. No. 1224

AN ACT.

relating to the creation of a county court at law in Wilbarger County.

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

SECTION 1. Subchapter C, Chapter 25, Government Code, is amended by adding Section 25.2461 to read as follows:

Sec. 25.2461. WILBARGER COUNTY. Wilbarger County has one statutory county court, the County Court at Law of Wilbarger County.

SECTION 2. Chapter 25, Government Code, is amended by adding Section 25.2462 to read as follows:

Sec. 25.2462. WILBARGER COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Wilbarger County has concurrent jurisdiction with the district court in family law cases and proceedings.

(b) A county court at law has concurrent jurisdiction with the justice court in all criminal matters prescribed by law for justice courts. This subsection does not deny the right of appeal to a county court at law from a justice court in cases in which the right of appeal to the county court exists.

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

(d) If the regular judge of a county court at law is absent, disabled, or disqualified from presiding, the presiding judge of the administrative judicial region in which the county is located may appoint a person licensed to practice law in this state to sit as a special judge.

(e) The special judge must have the same qualifications as the regular judge, except that the only residency requirement for a person who is a retired district court or county court at law judge is that the retired judge reside in the administrative judicial region.

(f) A special judge must take the oath of office required by law of the regular judge. A special judge has all the powers and jurisdiction of the court and of the regular judge. A special judge may sign orders, decrees, judgments, or other process as "Judge Presiding" when acting for the regular judge.

(g) A special judge is entitled to receive for services actually performed the same amount of compensation that the regular judge receives for the services. The compensation shall be paid out of county funds on certification by the presiding judge of the administrative judicial region that the special judge has rendered the services and is entitled to receive the compensation. The amount paid to a special judge may not be deducted or paid out of the salary of the regular judge.

(h) The county attorney and the county sheriff shall attend a county court at law as required by the judge. The district clerk serves as clerk of a county court at law in family law cases and proceedings, and the county clerk serves as clerk of the court in all other cases and proceedings.

(i) The judge of a county court at law may appoint a court coordinator or administrative assistant. 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 set by the commissioners court or as otherwise provided by law.

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

(k) A jury in a county court at law shall be composed of six members.

SECTION 3. Notwithstanding Section 25.2461, Government Code, as added by this Act, the County Court at Law of Wilbarger County is created January 1, 1994, or on an earlier date determined by the commissioners court by an order entered on its minutes.

SECTION 4. 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 May 7, 1993, by a non-record vote; passed by the Senate on May 26, 1993, by a viva-voce vote.

Approved June 15, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.