

CHAPTER 592

H.B. No. 2526

AN ACT

relating to the creation of the County Court at Law No. 3 of Tarrant County and to the jurisdiction of the county courts at law in Tarrant County.

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

SECTION 1. CREATION. The County Court at Law No. 3 of Tarrant County is created on March 1, 1988.

SECTION 2. JURISDICTION. (a) The County Court at Law No. 3 of Tarrant County has jurisdiction of all civil matters and causes, original and appellate, over which by the general laws of the state the county court of the county would have jurisdiction. The court's jurisdiction is concurrent with that of the County Courts at Law Nos. 1 and 2 of Tarrant County in civil matters and causes, original and appellate. This section does not affect the jurisdiction of the commissioners court or of the county judge of Tarrant County as the presiding officer of that court as to roads, bridges, and public highways, and matters that are now in the jurisdiction of the commissioners court or of the judge of the county court of Tarrant County. The county judge of Tarrant County is the judge of the county court of Tarrant County, and all ex officio duties of the county judge shall be exercised by the judge of the county court of Tarrant County.

(b) In addition to the other jurisdiction conferred by law on the County Court at Law No. 3 of Tarrant County, the County Court at Law No. 3 has concurrent jurisdiction with the district court in Tarrant County in nonjury suits and causes involving family law matters, including adoptions; birth records; removal of disability of minority or coverture; change of name of persons; divorce and marriage annulment cases, including the adjustment of property rights, custody and support of minor children involved, temporary support pending final hearing, and every other matter incident to divorce or annulment proceedings; independent actions involving child welfare, custody, support and reciprocal support, dependency, neglect, and delinquency; and independent actions involving controversies between parent and child and between husband and wife. This subsection does not diminish the jurisdiction of the district court in Tarrant County, and the district court retains and continues to exercise the jurisdiction conferred by law on district courts.

(c) The County Court at Law No. 3 of Tarrant County has jurisdiction concurrent with the district court in civil cases in which the matter in controversy exceeds \$500 and does not exceed \$50,000, excluding mandatory damages and penalties, attorney's fees, interest, and costs. The County Court at Law No. 3 of Tarrant County also has jurisdiction concurrent with the district court in appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy, and in matters of eminent domain, regardless of the amount in controversy.

SECTION 3. WRIT POWER. The County Court at Law No. 3 of Tarrant County, or its judge, may issue writs of injunction, sequestration, attachment, garnishment, certiorari, supersedeas, and all other writs necessary to the enforcement of the jurisdiction of the court, may punish for contempt as provided by the general laws governing county courts throughout the state, and may issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court, or of any court or tribunal inferior to that court.

SECTION 4. TERMS; PRACTICE. The terms of the County Court at Law No. 3 of Tarrant County are the same as the terms for the County Court at Law No. 1 of Tarrant County and County Court at Law No. 2 of Tarrant County. The practice in the court, and appeals and writs of error therefrom, is that prescribed by the laws relating to county courts, except that practice and procedure, rules of evidence, and all other matters pertaining to the conduct of trials and hearings in the county court at law involving the matters of concurrent jurisdiction with the district court enumerated in Sections 2(b) and 2(c) of this Act are governed by the laws and rules pertaining to district courts as well as county courts.

SECTION 5. JUDGE. (a) The judge of the County Court at Law No. 3 of Tarrant County must be a citizen of the United States and of this state, have been a practicing lawyer of this state, or a judge of a court in this state, for the four years preceding election or appointment, and have resided in the county for the two years preceding election or appointment.

(b) The qualified voters of Tarrant County shall elect a judge of the court created by this Act for a four-year term as provided by the Texas Constitution. A vacancy in the office of judge shall be filled by appointment by the Commissioners Court of Tarrant County until the next general election.

SECTION 6. BOND; OATH. The judge of the County Court at Law No. 3 of Tarrant County shall execute a bond and take the oath of office required by law for county judges.

SECTION 7. SPECIAL JUDGE. A special judge of the County Court at Law No. 3 of Tarrant County may be appointed or elected as provided by law for special judges for county courts.

SECTION 8. CLERK. The county clerk of Tarrant County serves as the clerk for the County Court at Law No. 3 of Tarrant County, except that the district clerk of Tarrant County serves as clerk of the court in the cases enumerated in Section 2(b) or 2(c) of this Act. The district clerk may establish a separate docket for the County Court at Law No. 3 of Tarrant County for family law matters filed originally in the district courts of Tarrant County.

SECTION 9. SEAL. The seal of the court is the same as that provided for county courts, except that the seal must contain the words, "County Court at Law No. 3 of Tarrant County."

SECTION 10. SHERIFF. The sheriff of Tarrant County shall, in person or by deputy, attend the court as required by the judge.

SECTION 11. JURIES. The jurisdiction and authority vested by law in the County Court at Law No. 1 of Tarrant County for the selection and service of jurors shall be exercised by the County Court at Law No. 3 of Tarrant County.

SECTION 12. FEES. The judge of the County Court at Law No. 3 of Tarrant County shall assess the same fees provided by law for county judges in similar cases. The clerk shall collect the fees and pay them into the county treasury.

SECTION 13. JUDGE'S SALARY. The commissioners court shall set the compensation to be paid to the judge of the County Court at Law No. 3 of Tarrant County. The compensation shall be paid monthly out of the county treasury. The compensation must be equal to the compensation of the judge of the County Court at Law No. 1 of Tarrant County.

SECTION 14. PRIVATE PRACTICE PROHIBITED. The judge may not engage in the private practice of law.

SECTION 15. REMOVAL. The judge of the County Court at Law No. 3 of Tarrant County may be removed from office in the same manner and for the same causes as a county judge.

SECTION 16. COURT REPORTER. The judge of the County Court at Law No. 3 of Tarrant County shall appoint an official shorthand reporter, who shall be well-skilled in his profession, shall be a sworn officer of the court, and shall hold his office at the pleasure of the court. The general law relating to the appointment of reporters for the district courts applies to the official shorthand reporter. The reporter is entitled to the same fees and salary and shall perform the same duties and shall take the same oath as provided for the reporters of district courts of this state.

SECTION 17. INITIAL APPOINTMENT OF JUDGE. The Commissioners Court of Tarrant County shall appoint a person to fill the vacancy existing on creation of the court as provided by Section 5(b) of this Act. The appointee serves until the next general election and until his successor is elected and has qualified.

SECTION 18. AMENDMENT. Section 2(b), Chapter 17, General Laws, Acts of the 31st Legislature, Regular Session, 1909 (Article 1970-33, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The County Court at Law No. 1 of Tarrant County has jurisdiction concurrent with the district court in civil cases when the matter in controversy exceeds \$500 and does not exceed \$50,000 [~~\$20,000~~], exclusive of mandatory damages and penalties, attorney's fees, interest, and costs. *The County Court at Law No. 1 of Tarrant County also has jurisdiction concurrent with the district court in appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy, and in matters of eminent domain, regardless of the amount in controversy.*

SECTION 19. AMENDMENT. Section 2(c), Chapter 625, Acts of the 65th Legislature, Regular Session, 1977 (Article 1970-62.2, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) The County Court at Law No. 2 of Tarrant County has jurisdiction concurrent with the district court in civil cases when the matter in controversy exceeds \$500 and does not exceed \$50,000 [~~\$20,000~~], exclusive of mandatory damages and penalties, attorney's fees, interest and costs. *The County Court at Law No. 2 of Tarrant County also has jurisdiction concurrent with the district court in appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy, and in matters of eminent domain, regardless of the amount in controversy.*

SECTION 20. REPEAL. Chapter 27, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1970-62.1, Vernon's Texas Civil Statutes), is repealed.

SECTION 21. 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 by the House on May 8, 1987, by a non-record vote. Passed by the Senate on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.
