

CHAPTER 1027

H.B. No. 2574

AN ACT

relating to the creation of the County Court at Law No. 2 of Randall County.

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

SECTION 1. CREATION. The County Court at Law No. 2 of Randall County is created on the date determined as provided by Section 11 of this Act.

SECTION 2. JURISDICTION. (a) The County Court at Law No. 2 of Randall County, concurrently with the County Court of Randall County and the County Court at Law of Randall County, has jurisdiction over all causes and proceedings, civil and criminal, juvenile and probate, original and appellate, prescribed by the constitution and general laws of this state for county courts.

(b) The County Court at Law No. 2 of Randall County has concurrent civil jurisdiction with the district court in:

- (1) cases in which the matter in controversy exceeds \$500 but does not exceed \$50,000, excluding interest and attorney's fees;
- (2) appeals of final rulings and decisions of the Industrial Accident Board; and
- (3) eminent domain cases and proceedings.

(c) The County Court at Law No. 2 of Randall County has concurrent jurisdiction with the County Court of Randall County and the County Court at Law of Randall County in:

- (1) civil and criminal cases and proceedings, original and appellate, prescribed by law for county courts; and
- (2) probate matters and proceedings.

(d) The County Court at Law No. 2 of Randall County has concurrent jurisdiction with the County Court at Law of Randall County and the county court and district courts in juvenile matters and proceedings as provided by Section 23.001, Government Code.

(e) This section does not deny the right of appeal to the County Court at Law of Randall County or the County Court at Law No. 2 of Randall County from the justice court in cases in which the right of appeal to the county court exists by law.

(f) The County Court at Law No. 2 of Randall County 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.

(g) This section does not diminish the jurisdiction of the district court but only gives concurrent jurisdiction to the County Court at Law No. 2 of Randall County over the matters specified in Subsections (b) and (d). The district courts retain and shall continue to exercise the jurisdiction conferred by law on district courts.

(h) Section 26.043, Government Code, does not apply to the County Court at Law No. 2 of Randall County and does not affect or diminish the jurisdiction of the County Court at Law No. 2 of Randall County.

SECTION 3. FAMILY LAW JURISDICTION. The County Court at Law No. 2 of Randall County also has concurrent civil jurisdiction with the County Court at Law of Randall County and the district courts of Randall County in suits, causes, and matters involving adoptions, birth records, removal of disability of minority or coverture, wife and child desertion, delinquent, neglected, or dependent child proceedings, the Uniform Reciprocal Enforcement of Support Act (Section 21.01 et seq., Family Code), and all jurisdiction, powers, and authority placed in the district or county courts under the juvenile and child welfare laws of this state; and of all divorce, marriage, and annulment cases, including the adjustment of property rights and custody and support of minor children involved therein, temporary support pending final hearing, and any other matter incident to divorce or annulment proceedings as well as independent actions involving child custody or support of minors, change of name of persons, and all other cases involving justiciable controversies and differences between spouses, or between parents, or between them, or one of them, and their minor children, or between any of these and third persons, corporations, trustees, or other legal entities, that are in the jurisdiction of the district or county courts; and all cases in which children are alleged or charged to be dependent and neglected children or delinquent children as provided by law. This section does not diminish the jurisdiction of the district courts in Randall County, and the district courts retain and continue to exercise the jurisdiction conferred on those courts by law.

SECTION 4. WRIT POWER. The County Court at Law No. 2 of Randall County, or its judge, may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all other 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 judge may punish for contempt as prescribed by law for county courts. The judge of the County Court at Law No. 2 of Randall County has all other powers, duties, immunities, and privileges provided by law for county court judges, except that the judge of the County Court at Law No. 2 of Randall County has no authority over the administrative business of Randall County that is now performed by the county judge of Randall County.

SECTION 5. TERMS. The County Court at Law No. 2 of Randall County has two continuous terms that begin on the first Mondays in January and July of each year. Each term of court continues until the next term begins.

SECTION 6. JUDGE. (a) The judge of the County Court at Law No. 2 of Randall County must be a qualified voter in Randall County and a licensed attorney in this state who has been actively engaged in the practice of law for the five years immediately preceding appointment or election.

(b) The judge of the County Court at Law No. 2 of Randall County may not engage in the private practice of law.

(c) The qualified voters of Randall County elect a judge of the County Court at Law No. 2 of Randall County for a regular term of four years as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(d) A vacancy in the office of judge of the County Court at Law No. 2 of Randall County shall be filled by the Commissioners Court of Randall County. The appointee serves until the next general election and until his successor is elected and has qualified.

(e) The judge of the County Court at Law No. 2 of Randall 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 No. 2 of Randall County shall be paid a salary set by the commissioners court and paid out of the county treasury by the commissioners court. The salary shall be paid in equal monthly installments. The judge of the County Court at Law No. 2 of Randall County is entitled to travel expenses and necessary office expenses, including administrative and clerical help, in the same manner as the county judge. The judge of the County Court at Law No. 2 of Randall County shall assess the same fees as provided by law for county courts. The clerk shall collect the fees and pay them into the county treasury on collection. A fee may not be paid to the judge.

(g) A special judge of the County Court at Law No. 2 of Randall County with the same qualifications as the regular judge may be appointed or elected in the manner provided by law for the appointment or election of a special county judge. If the judge of the County Court at Law No. 2 of Randall County is disqualified to try a pending case, the parties or their attorneys may agree on the selection of a special judge for the case. A special judge is entitled to the same rate of compensation as the regular judge.

SECTION 7. PERSONNEL. The criminal district attorney and sheriff of Randall County serve as district attorney and sheriff, respectively, of the County Court at Law No. 2 of Randall County. The district clerk of Randall County serves as clerk of the County Court at Law No. 2 of Randall County in cases enumerated in Sections 2(b) and 3 of this Act, and the county clerk of Randall County serves as clerk of the County Court at Law No. 2 in all other cases. These officials, either personally or by the appointment of a deputy or assistant, shall perform the duties and responsibilities of their office and are entitled to the compensation, fees, and allowances prescribed by law for their respective offices. The Commissioners Court of Randall County may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

SECTION 8. PRACTICE; JURIES. (a) Practice in the County Court at Law No. 2 of Randall County must conform to that prescribed by general law for county courts, 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 Court at Law No. 2 of Randall County involving those matters of concurrent jurisdiction enumerated in Section 3 of this Act are governed by the provisions of this Act and the laws and rules pertaining to district courts, general or special, as well as county courts. If a case enumerated in Section 3 of this Act is tried before a jury, the jury shall be composed of 12 members.

(b) The laws that govern the drawing, selection, service, and pay of jurors for county courts apply to the County Court at Law No. 2 of Randall County.

(c) Jurors regularly impaneled for a week by the district court or courts may, on request of either the county judge or the judge of the County Court at Law of Randall County or the judge of the County Court at Law No. 2 of Randall County, be made available and shall serve for the week in either the county court or County Court at Law of Randall County or County Court at Law No. 2 of Randall County.

SECTION 9. COURTROOM. The Commissioners Court of Randall County shall furnish and equip a suitable courtroom and office space for the court created by this Act.

SECTION 10. SEAL. The seal of the court created by this Act is the same as that provided by law for county courts, except the seal must contain the words "County Court at Law No. 2 of Randall County."

SECTION 11. DATE OF CREATION. The County Court at Law No. 2 of Randall County is created on January 1, 1989, or an earlier date determined by the Commissioners Court of Randall County by an order entered on its minutes.

SECTION 12. INITIAL DOCKET. (a) As soon as practicable after the court is created, the county clerk shall establish a separate docket for the court created by this Act from among pending matters filed originally in the County Court of Randall County and in the County Court at Law of Randall County, and shall transfer those matters to the docket of the court created by this Act to equalize the dockets. The district clerk shall establish a separate docket for the court created by this Act from among pending matters filed originally in the district courts of Randall County and may transfer a sufficient number of those matters to the docket of the court created by this Act to equalize the dockets. Equalization of case load shall be the primary objective in establishing the initial case docket for the County Court at Law No. 2 of Randall County.

(b) On the transfer of all cases specified in Subsection (a) of this section to the County Court at Law No. 2 of Randall County and in cases transferred to any of the courts in Randall County by order of the judge of another court, all processes, writs, bonds, recognizances, or other obligations issued or made in the cases shall be returned to and filed in the court to which the transfer is made. 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 at the terms of the court to which the cases are transferred as are fixed by law. All processes issued or returned before transfer of the cases as well as all bonds and recognizances before taken in the cases are valid and binding as though originally issued out of the court to which the transfer is made.

SECTION 13. INITIAL APPOINTMENT OF JUDGE. The Commissioners Court of Randall County shall appoint a person to fill the vacancy in the office of judge existing on creation of the court as provided by Section 6(d) of this Act.

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 by the House on May 22, 1987, by a non-record vote. Passed by the Senate on May 30, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

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