

CHAPTER 709

H.B. No. 339

AN ACT

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

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

SECTION 1. CREATION. The County Court at Law No. 3 of Lubbock County, Texas, is created on the date determined under Section 26 of this Act.

SECTION 2. JURISDICTION. (a) The County Court at Law No. 3 of Lubbock County has jurisdiction in all matters and causes, civil and criminal, original and appellate, over which by the general laws of this state the county court would have jurisdiction. The County Court at Law No. 3 of Lubbock County has jurisdiction as to all probate matters concurrently with the county court and any other county court at law of Lubbock County. The County Court at Law No. 3 of Lubbock County has jurisdiction concurrently with the district court in eminent domain cases, as provided by general law, but this provision does not affect the jurisdiction of the commissioners court, or of the county judge as the presiding officer of the commissioners court, as to roads, bridges, and public highways and matters of eminent domain that are now in the jurisdiction of the commissioners court or the county judge.

(b) The County Court at Law No. 3 of Lubbock County also has concurrent civil jurisdiction with the district courts in Lubbock County in suits, causes, and matters involving adoptions, removal of disability of minority and coverture, and all divorce and marriage annulment cases, including the adjustment of property rights and suits affecting the parent-child relationship involved therein, alimony pending final hearing, and any and every other matter incident to divorce or annulment proceedings as well as independent actions involving suits affecting the parent-child relationship, and change of name of persons.

(c) The County Court at Law No. 3 of Lubbock County has original concurrent jurisdiction with the justice courts in all civil and criminal matters prescribed by general law for justice courts.

(d) The County Court at Law No. 3 of Lubbock County also has concurrent civil jurisdiction with the district courts in Lubbock County in all civil cases and matters when the matter in controversy exceeds \$500 but does not exceed \$50,000, exclusive of interest.

(e) The County Court at Law No. 3 of Lubbock County also has concurrent jurisdiction with the district court in appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy.

SECTION 3. MATTERS INVOLVING FAMILY LAW JURISDICTION. (a) 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 of Lubbock County involving those matters of concurrent jurisdiction enumerated in Section 2(b) of this Act are governed by this Act and the laws and rules pertaining to district courts, general or special, as well as county courts.

(b) In cases in which the court has concurrent jurisdiction with the district courts as provided by this Act, juries shall be composed of 12 members.

SECTION 4. APPEAL OR WRIT OF ERROR. An appeal or writ of error may not be taken to the court of appeals from a final judgment of the County Court at Law No. 3 of Lubbock County in civil cases if:

- (1) the court had appellate or original concurrent jurisdiction with the justice court; and
- (2) the judgment or amount in controversy does not exceed \$100, exclusive of interest and costs.

SECTION 5. RETURN OF AN APPEAL. This Act does not deny the return of an appeal to the county courts at law of Lubbock County from the justice court, where the return of appeals to a county court at law or the county court exists by law.

SECTION 6. COUNTY JUDGE. The county judge is the judge of the county court of the county, and all ex officio duties of the county judge shall be exercised by the judge of the County Court of Lubbock County, except insofar as those duties are given by this Act to the County Court at Law No. 3 of Lubbock County.

SECTION 7. JURORS. The jurisdiction and authority vested by law in the County Court of Lubbock County and the county courts at law of Lubbock County for the drawing, selection, and service of jurors, shall be exercised by the court created by this Act, but juries summoned for any of those courts may by order of the judge of the court in which they are summoned be transferred to any of the other courts for service and may be used as if summoned for the court to which they are transferred.

SECTION 8. TERMS. The terms of the County Court at Law No. 3 of Lubbock County begin on the first Mondays in January and July of each year, except that in cases of concurrent jurisdiction enumerated in Section 2(b) of this Act the court has the same terms as a district court in the county.

SECTION 9. JUDGE. The judge of the County Court at Law No. 3 of Lubbock County must:

- (1) be a regularly licensed attorney in this state;
- (2) have been a resident citizen of Lubbock County for the two years immediately preceding appointment or election; and
- (3) have been a practicing attorney of this state for at least five years immediately preceding appointment or election.

SECTION 10. CRIMINAL DISTRICT ATTORNEY. The criminal district attorney of Lubbock County shall represent the state in prosecutions in the County Court at Law No. 3 of Lubbock County as provided by law for prosecutions in county courts. The criminal district attorney is entitled to the same fees as prescribed by law for prosecutions in county court.

SECTION 11. FACILITIES. The commissioners court shall provide suitable quarters for the holding of the court created by this Act.

SECTION 12. REMOVAL. The judge of the County Court at Law No. 3 of Lubbock County may be removed from office in the same manner and for the same causes as a county judge may be removed under the laws of this state.

SECTION 13. BOND; OATH. The judge of the County Court at Law No. 3 of Lubbock County must execute a bond and take the oath of office as required by law relating to county judges.

SECTION 14. SPECIAL JUDGE. A special judge of the County Court at Law No. 3 of Lubbock County 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. 3 of Lubbock County is disqualified to try a case pending in his court, the parties or their attorneys may agree on the selection of a special judge. A special judge is entitled to receive \$15 for each day served, to be paid out of the county general fund by the commissioners court.

SECTION 15. WRIT POWER. The County Court at Law No. 3 of Lubbock County, or its judge, may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all other writs necessary to the enforcement of 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 in the county of inferior jurisdiction to the County Court at Law No. 3 of Lubbock County.

SECTION 16. CLERK. The district clerk serves as clerk of the County Court at Law No. 3 of Lubbock County in cases enumerated in Section 2(b) of this Act, and the county clerk serves as clerk in all other matters.

SECTION 17. SEAL. The seal of the court created by this Act is the same as that provided by law for county courts, except that the seal must contain the words "County Court at Law No. 3 of Lubbock County."

SECTION 18. SHERIFF. The sheriff of Lubbock County shall in person, or by deputy, attend the court created by this Act when required to by the judge.

SECTION 19. VACANCY. A vacancy in the office of judge of the County Court at Law No. 3 of Lubbock County shall be filled by the commissioners court.

SECTION 20. SALARY. The judge of the County Court at Law No. 3 of Lubbock County is entitled to receive an annual salary that is at least 90 percent of the total annual salary paid to the judge of the 99th Judicial District including all supplements other than the juvenile board supplement. The salary shall be paid in equal monthly installments out of the county general fund on order of the commissioners court.

SECTION 21. FEES. The judge of the County Court at Law No. 3 of Lubbock County shall assess the same fees as those prescribed by law relating to county judges' fees. The clerk of the court shall collect the fees and pay them into the county treasury on collection. A fee may not be paid to the judge.

SECTION 22. COURT REPORTER. The judge of the County Court at Law No. 3 of Lubbock County shall appoint an official court reporter for the court who must be well-skilled in his profession. The court reporter is a sworn officer of the court who holds office at the pleasure of the court. The reporter must take the oath required of official court reporters. The official court reporter is entitled to the same amount of fees and salary and shall perform the same duties as the official court reporters for the district courts in Lubbock County. The reporter's salary shall be paid in the same manner as the salary of a district court reporter. Chapter 52, Government Code, the law relating to official court reporters, applies to the official court reporter.

SECTION 23. PRACTICE AND PROCEDURE. The laws and rules of procedure and rules of evidence governing trials in and appeals from all proceedings in county courts apply to proceedings in and appeals from the County Court at Law No. 3 of Lubbock County.

SECTION 24. APPEALS. All cases appealed from the justice court and other inferior courts of Lubbock County shall be made directly to a county court at law of Lubbock County, under the law governing appeals to county courts.

SECTION 25. JURORS SUMMONED ON CREATION OF COURT. A summons for a petit juror for a civil or a criminal case for service in the county court or a county court at law that is valid on the date the County Court at Law No. 3 of Lubbock County, Texas, is created, is valid for service in that court, and jurors may be used interchangeably as provided by Section 7 of this Act.

SECTION 26. CREATION OF COURT. The County Court at Law No. 3 of Lubbock County, Texas, is created on January 1, 1988, or on an earlier date determined by the commissioners court by an order entered on its minutes.

SECTION 27. INITIAL APPOINTMENT OF JUDGE. The commissioners court shall appoint a person to fill the vacancy existing on the creation of the office of judge. The appointee must have the qualifications required of the regular judge.

SECTION 28. Sections 2a, 2b, and 10, Chapter 16, Acts of the 51st Legislature, 1st Called Session, 1950 (Article 1970-340, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 2a. In addition to the jurisdiction now conferred upon the County Court at Law No. 1 of Lubbock County, by the Constitution and Laws of the State of Texas, said court shall hereinafter have and exercise concurrent civil jurisdiction with the district courts in Lubbock County, in suits, causes, and matters involving adoptions, removal of disability of minority and coverture, and all divorce and marriage annulment cases, including the adjustment of property rights and *suits affecting the parent-child relationship* [~~custody and support of minor children~~] involved therein, alimony pending final hearing, and any and every other matter incident to divorce or annulment proceedings as well as independent actions involving *suits affecting the parent-child relationship* [~~child support and custody of minors~~], and change of name of persons. This court and the judges thereof shall have the power to issue writs of habeas corpus, mandamus, injunction, and all writs necessary to enforce their jurisdiction.

Sec. 2b. In addition to the jurisdiction now conferred upon the County Court at Law No. 1 of Lubbock County by the Constitution and Laws of the State of Texas said court shall hereinafter have and exercise concurrent civil jurisdiction with the district courts in Lubbock County in all civil cases and matters when the matter in controversy shall exceed Five Hundred Dollars (\$500) and not exceed *Fifty Thousand Dollars (\$50,000)* [~~Ten Thousand Dollars (\$10,000)~~], exclusive of interest. *The County Court at Law No. 1 of Lubbock County also has concurrent jurisdiction with the district court in appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy.*

Sec. 10. The *Criminal District* [~~County~~] Attorney of Lubbock County shall represent the State in all prosecutions in said County Court at Law of Lubbock County, as provided by law for such prosecutions in County Courts, and shall be entitled to the same fees as now prescribed by law for such prosecutions in the County Courts.

SECTION 29. Sections 2a, 2b, and 11, Chapter 109, Acts of the 55th Legislature, Regular Session, 1957 (Article 1970-340.1, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 2a. In addition to the jurisdiction now conferred upon the County Court at Law No. 2 of Lubbock County, by the Constitution and Laws of the State of Texas, said court shall hereinafter have and exercise concurrent civil jurisdiction with the district courts in Lubbock County, in suits, causes, and matters involving adoptions, removal of disability of minority and coverture, and all divorce and marriage annulment cases, including the adjustment of property rights and *suits affecting the parent-child relationship* [~~custody and support of minor children~~] involved therein, alimony pending final hearing, and any and every other matter incident to divorce or annulment proceedings as well as independent actions involving *suits affecting the parent-child relationship* [~~child support and custody of minors~~], and change of name of persons. This court and the judges thereof shall have the power to issue writs of habeas corpus, mandamus, injunction, and all writs necessary to enforce their jurisdiction.

Sec. 2b. In addition to the jurisdiction now conferred upon the County Court at Law No. 2 of Lubbock County by the Constitution and Laws of the State of Texas said court shall hereinafter have and exercise concurrent civil jurisdiction with the district courts in Lubbock County in all civil cases and matters when the matter in controversy shall exceed Five Hundred Dollars (\$500) and not exceed *Fifty Thousand Dollars (\$50,000)* [~~Ten Thousand Dollars (\$10,000)~~], exclusive of interest. *The County Court at Law No. 2 of Lubbock County also has concurrent jurisdiction with the district court in appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy.*

Sec. 11. The *Criminal District* [~~County~~] Attorney of Lubbock County shall represent the State in all prosecutions in said County Court at Law No. 2 of Lubbock County, as provided by law for such prosecutions in County Courts, and shall be entitled to the same fees as now prescribed by law for such prosecutions in the County Courts.

SECTION 30. 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 April 30, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 339 on May 26, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 21, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

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