

CHAPTER 985

S.B. No. 1335

AN ACT

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

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

SECTION 1. Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, and 12, Chapter 452, Acts of the 68th Legislature, Regular Session, 1983 (Article 1970-380, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 1. CREATION. (a) The County Court at Law of Williamson County is created ~~[on the date determined by Section 11 of this Act].~~

(b) *The County Court at Law No. 2 of Williamson County is created on the date determined by Subsection (b) of Section 11 of this Act.*

Sec. 2. JURISDICTION. (a) The County Court at Law of Williamson County *and the County Court at Law No. 2 of Williamson County have* ~~[has]~~ concurrent jurisdiction with the district court in:

(1) cases in which the matter in controversy exceeds \$500 and does not exceed ~~\$50,000~~ *\$50,000*, excluding interest;

(2) *cases and proceedings involving family law matters, including adoptions, birth records, 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; and*

(3) *appeals of final rulings and decisions of the Industrial Accident Board.*

(b) A ~~[The]~~ court created by this Act has concurrent jurisdiction with the county court in:

(1) all civil and criminal cases and proceedings, original and appellate, prescribed by law for county courts; and

(2) probate matters and proceedings.

(c) A ~~[The]~~ court created by this Act has concurrent jurisdiction with the county and district court in juvenile matters and proceedings as provided by Chapter 178, Acts of the 66th Legislature, Regular Session, 1979 (Article 2338-1.1, Vernon's Texas Civil Statutes).

(d) A ~~[The]~~ court created by this Act has concurrent jurisdiction with the justice court in all criminal matters for which jurisdiction is conferred on justice courts by the general laws of this state. This section does not deny the right of appeal to a ~~[the]~~ court created

by this Act from the justice court where the right of appeal to the county court exists by law.

(e) A ~~[The]~~ court created by this Act does not have jurisdiction over causes and proceedings concerning roads, bridges, and public highways and the general administration of county business 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.

(f) This section does not diminish the jurisdiction of the district courts and justice courts but only gives concurrent jurisdiction to a ~~[the]~~ court created by this Act over the matters specified in Subsections (a)-(d). The district courts and justice courts retain and shall continue to exercise the jurisdiction conferred by law on those courts.

(g) Article 1951, Revised Statutes, does not apply to a ~~[the]~~ court created by this Act. Neither Article 1951 nor Section 4, Chapter 832, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3266a, Vernon's Texas Civil Statutes), affects or diminishes the jurisdiction of a ~~[the]~~ court created by this Act.

Sec. 3. POWERS AND DUTIES. (a) *A court created by this Act* ~~[The County Court at Law of Williamson 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 where the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county.

(b) A ~~[The]~~ court created by this Act or its judge may punish for contempt as prescribed by general law.

(c) The judge of a ~~[the]~~ court created by this Act has all other powers, duties, immunities, and privileges provided by law for county court judges, except that the judge does not have any authority over the administrative business of the county that is performed by the county judge of the county.

Sec. 4. TERMS OF COURT. The terms of the *courts created by this Act* ~~[County Court at Law of Williamson County]~~ begin on the first Mondays in January and July of each year. Each term of court continues until the next succeeding term begins.

Sec. 5. JUDGE. (a) The judge of a *court created by this Act* ~~[the County Court at Law of Williamson County]~~ must be a citizen of the United States, have resided in the county for at least one year prior to election or appointment, be licensed to practice law in this state, and have actively practiced law for at least four years prior to election or appointment.

(b) The commissioners court shall set the annual salary of the judge of a ~~[the]~~ court created by this Act. The annual salary shall be paid in equal monthly installments.

(c) The commissioners court shall appoint a person to fill a vacancy in the office of the judge of a ~~[the]~~ court created by this Act. The appointee holds office until the next succeeding general election and until his successor is elected and has qualified.

(d) Beginning at the first general election following creation of a ~~[the]~~ court at which county court at law judges are regularly elected, and every fourth year thereafter, the qualified voters of the county shall elect the judge of a ~~[the]~~ court created by this Act for a regular term of four years as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(e) The judge shall take the oath of office prescribed by the constitution of this state.

(f) The judge may not engage in the private practice of law.

Sec. 6. COURT OFFICIALS, PERSONNEL, AND FACILITIES. (a) The judge may appoint a court coordinator or administrative assistant for a ~~[the]~~ court created by this Act. 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. A ~~[The]~~ court coordinator or administrative assistant is entitled to be paid from county funds the compensation, fees, and allowances that are set by the commissioners court or as otherwise provided by law. This section is cumulative of the provisions of the law that

relate to a court administrator's system for county courts with criminal jurisdiction in certain counties.

(b) The county attorney and the sheriff of the county shall attend a [the] court created by this Act as required by the judge of the court. The county clerk serves as clerk of a [the] court created by this Act.

(c) The commissioners court shall provide the physical facilities and the deputy clerks, bailiffs, and other personnel necessary to operate a [the] court created by this Act.

Sec. 9. JURIES; PRACTICE AND PROCEDURE. The drawing of jury panels, selection of jurors, and practice in a court created by this Act [~~the County Court at Law of Williamson County~~] shall conform to that prescribed by general law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a [the] court created by this Act involving those matters of concurrent jurisdiction with district courts shall be governed by the laws and rules pertaining to district courts. Juries in a court created by this Act [~~the County Court at Law of Williamson County~~] shall be composed of six persons.

Sec. 10. SEAL. The seals [~~seal~~] of the courts [~~court~~] created by this Act are [~~is~~] the same as that provided by law for county courts, except that the seal of [~~shall contain~~] the County Court at Law of Williamson County must contain the words "County Court at Law of Williamson County" and the seal of the County Court at Law No. 2 of Williamson County must contain the words "County Court at Law No. 2 of Williamson County."

Sec. 11. DATE OF CREATION. (a) The County Court at Law of Williamson County is created on January 1, 1986, or on an earlier date determined by the commissioners court by an order entered on its minutes.

(b) The County Court at Law No. 2 of Williamson County is created January 1, 1991, or on an earlier date determined by the commissioners court by an order entered on its minutes.

Sec. 12. INITIAL APPOINTMENT OF JUDGE. The commissioners court shall appoint a person to fill the vacancy existing on the creation of the office of judge of a court created by this Act as provided by Section 5(c) of this Act.

SECTION 2. Subsection (a), Section 7, Chapter 452, Acts of the 68th Legislature, Regular Session, 1983 (Article 1970-380, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) If the regular judge of a court created by this Act [~~the County Court at Law of Williamson County~~] is absent or is from any cause disabled or disqualified from presiding, the presiding judge of the administrative judicial district in which the county is located may appoint a person licensed to practice law in this state to sit as a special judge.

SECTION 3. Section 8, Chapter 452, Acts of the 68th Legislature, Regular Session, 1983 (Article 1970-380, Vernon's Texas Civil Statutes), is repealed.

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

Passed the Senate on May 7, 1987, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 22, 1987, by a viva-voce vote.

Passed the House, with amendment, on May 20, 1987, by a non-record vote.

Approved June 18, 1987.

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