

CHAPTER 658

S.B. No. 233

AN ACT

relating to the county courts at law of Potter County.

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

SECTION 1. Chapter 56, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 1970-311a, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

Sec. 1a. The County Court at Law of Potter County is redesignated the County Court at Law No. 1 of Potter County. A reference in state law to the County Court at Law of Potter County means the County Court at Law No. 1 of Potter County.

SECTION 2. Chapter 56, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 1970-311a, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

Sec. 2a. (a) The County Court at Law No. 1 of Potter County has concurrent jurisdiction with the district court in:

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

(2) appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy;

(3) eminent domain cases and proceedings, regardless of the amount in controversy; and

(4) cases and proceedings involving family law matters, including adoptions, birth records, or removal of minority or coverture; change of name of persons; divorce and marriage annulment cases, including the adjustment of property rights, and custody and support of minor children involved therein, incident to divorce or annulment proceedings; independent actions involving child welfare, custody, support and reciprocal support, dependency, neglect, and delinquency; paternity; termination of parental rights; 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.

(b) This section does not diminish the jurisdiction of the district court.

SECTION 3. Section 8, Chapter 56, Acts of the 54th Legislature, Regular Session, 1955 (Article 1970-311a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8. There shall be elected in Potter County by the qualified voters thereof, at each general election, a judge of the County Court at Law No. 1 of Potter County. No person shall be elected or appointed judge of the court who is not a resident citizen of Potter County. *The elected or appointed judge [He]* shall also be a licensed attorney of the State of Texas and shall have been a licensed attorney of the State Bar of Texas for at least *five [two]* years immediately prior to *[his]* appointment or election. The person elected such judge shall hold *[his]* office for a *term* of four years and until a *[his]* successor shall have been duly elected and qualified.

SECTION 4. Chapter 56, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 1970-311a, Vernon's Texas Civil Statutes), is amended by adding Section 8a to read as follows:

Sec. 8a. The judge of the County Court at Law No. 1 of Potter County may not engage in the private practice of law.

SECTION 5. Section 16, Chapter 56, Acts of the 54th Legislature, Regular Session, 1955 (Article 1970-311a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 16. (a) *The District Clerk serves as clerk of the County Court at Law No. 1 of Potter County in cases enumerated in Subdivisions (1) through (4) of Subsection (a) of Section 2a of this Act, and the [The] County Clerk of Potter County shall be the clerk of the County Court at Law No. 1 of Potter County in all other cases.*

(b) *The~~, and the~~ seal of the court shall be the same as that provided by law for County Courts, except the seal shall contain the words "County Court at Law No. 1 of Potter County."*

SECTION 6. Section 2, Chapter 645, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-311b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. (a) *The County Court at Law No. 2 of Potter County shall have original and concurrent jurisdiction with the County Court of Potter County and the County Court at Law No. 1 of Potter County in all matters and causes, civil, criminal, and probate, original and appellate, over which by the general laws of this state, county courts have jurisdiction. This provision shall not affect the jurisdiction of the commissioners court or the county judge of Potter County as the presiding officer of the commissioners court as to roads, bridges and public highways, and matters which are now within the jurisdiction of the commissioners court or the county judge of Potter County.*

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

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

(2) *appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy;*

(3) *eminent domain cases and proceedings, regardless of the amount in controversy; and*

(4) *cases and proceedings involving family law matters, including adoptions, birth records, or removal of minority or coverture; change of name of persons; divorce and marriage annulment cases, including the adjustment of property rights, and custody and support of minor children involved therein, incident to divorce or annulment proceedings; independent actions involving child welfare, custody, support and reciprocal support, dependency, neglect, and delinquency; paternity; termination of parental rights; 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.*

(c) *Subsection (b) of this section does not diminish the jurisdiction of the district court.*

SECTION 7. Section 8, Chapter 645, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-311b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8. *No person may be elected or appointed judge of the County Court at Law No. 2 of Potter County [court] who is not a resident citizen of Potter County. The elected or appointed judge [He] also shall have been a licensed attorney of the State Bar of Texas for at least five [four] years immediately prior to [his] appointment or election. The person elected judge shall hold [his] office for a term of four years and until a [his] successor shall have been duly elected and qualified.*

SECTION 8. Chapter 645, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 1970-311b, Vernon's Texas Civil Statutes), is amended by adding Section 8a to read as follows:

Sec. 8a. The judge of the County Court at Law No. 2 of Potter County may not engage in the private practice of law.

SECTION 9. Section 16, Chapter 645, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-311b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 16. (a) *The district clerk serves as clerk of the County Court at Law No. 2 of Potter County in cases enumerated in Subdivisions (1) through (4) of Subsection (b) of Section 2 of this Act, and the [The] county clerk of Potter County shall be the clerk of the County Court at Law No. 2 of Potter County in all other cases.*

(b) *The~~_, and the~~ seal of the court shall be the same as that provided by law for county courts, except the seal shall contain the words "County Court at Law No. 2 of Potter County."*

SECTION 10. Section 20, Chapter 645, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-311b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 20. The judges of the County Court at Law No. 1 of Potter County and the County Court at Law No. 2 of Potter County may each be paid an annual salary *that is at least equal to the amount that is \$1,000 less [of not more] than the total salary paid the district judge [any District Judge] in and for Potter County. The salary shall [to] be* paid out of the general fund of Potter County by the County Treasurer of Potter County, on the order of the commissioners court of the county.

SECTION 11. Section 20, Chapter 56, Acts of the 54th Legislature, Regular Session, 1955 (Article 1970-311a, Vernon's Texas Civil Statutes), is repealed.

SECTION 12. 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 the Senate on April 9, 1987, by the following vote: Yeas 31, Nays 0. Passed the House on May 29, 1987, by a non-record vote.

Approved June 19, 1987.

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