

## CHAPTER 315

S.B. No. 489

## AN ACT

relating to the salaries and qualifications of certain county court at law judges in Travis County and to the creation of three additional county courts at law in that county.

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

SECTION 1. Section 17, Chapter 136, Acts of the 47th Legislature, Regular Session, 1941 (Article 1970-324, Vernon's Texas Civil Statutes), as amended by Section 1, Chapter 401, Acts of the 62nd Legislature, Regular Session, 1971, is repealed, and Section 17, Chapter 136, Acts of the 47th Legislature, Regular Session, 1941 (Article 1970-324, Vernon's Texas Civil Statutes), as amended by Section 1, Chapter 1, Acts of the 62nd Legislature, 1st Called Session, 1971, is amended to read as follows:

Sec. 17. The Judge of the County Court at Law No. 1 of Travis County, Texas, is entitled to receive ~~[may be paid by the Commissioners Court]~~ a yearly salary *set by the Commissioners Court at an amount that is at least equal to the salary [not less than \$19,000 and not more than the amount]* paid District Judges from the general revenue fund of the State of Texas, *but not more than \$1,000 less than the annual salary, including supplements, received by the District Judges in Travis County.* The salary shall be paid out of the general fund of the County in equal monthly installments by warrants drawn upon the County Treasurer upon Orders of the Commissioners Court of Travis County, Texas. The Judge of the County Court at Law No. 1 shall assess the same fees and costs as are now prescribed by law for County Judges, to be deposited in the County Treasury as prescribed by law.

SECTION 2. Section 17, Chapter 127, Acts of the 58th Legislature, Regular Session, 1963 (Article 1970-324a, Vernon's Texas Civil Statutes), as amended by Section 2, Chapter 401, Acts of the 62nd Legislature, Regular Session, 1971, is repealed, and Section 17, Chapter 127, Acts of the 58th Legislature, Regular Session, 1963 (Article 1970-324a, Vernon's Texas Civil Statutes), as amended by Section 2, Chapter 1, Acts of the 62nd Legislature, 1st Called Session, 1971, is amended to read as follows:

Sec. 17. The Judge of the County Court at Law No. 2 of Travis County, Texas, is entitled to receive ~~[may be paid by the Commissioners Court]~~ a yearly salary *set by the Commissioners Court at an amount that is at least equal to the salary [not less than \$19,000 and not more than the amount]* paid District Judges from the general revenue fund of the State of Texas, *but not more than \$1,000 less than the annual salary, including supplements, received by the District Judges in Travis County.* The salary shall be paid out of the general fund of the County in equal monthly installments by warrants drawn upon the County Treasurer upon Orders of the Commissioners Court of Travis County, Texas. The Judge of the County Court at Law No. 2 shall assess the same fees and costs as are now prescribed by law for County Judges, to be deposited in the County Treasury as prescribed by law.

SECTION 3. Section 17, Chapter 414, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1970-324a.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 17. The Judge of the County Court at Law Number 3 of Travis County, Texas, is entitled to receive ~~[may be paid by the commissioners court]~~ a yearly salary set by the commissioners court at an amount that is at least equal to the salary ~~[not less than \$19,000 and not more than the amount]~~ paid district judges from the general revenue fund of the State of Texas, but not more than \$1,000 less than the annual salary, including supplements, received by the district judges in Travis County. The salary shall be paid out of the general fund of the county in equal monthly installments by warrants drawn upon the county treasurer upon orders of the Commissioners Court of Travis County, Texas. The Judge of the County Court at Law Number 3 shall assess the same fees and costs as are now prescribed by law for county judges, to be deposited in the county treasury as prescribed by law.

SECTION 4. Section 16, Chapter 373, Acts of the 66th Legislature, Regular Session, 1979 (Article 1970-324a.2, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 16. COMPENSATION. The judge of the County Court at Law Number 4 is entitled to receive ~~[may be paid by the commissioners court]~~ a yearly salary set ~~[in an amount determined]~~ by the commissioners court at an amount that is at least equal to the salary~~], but not more than 90 percent of the amount]~~ paid district judges from the General Revenue Fund of the state, but not more than \$1,000 less than the annual salary, including supplements, received by the district judges in Travis County. The salary shall be paid out of the general fund of the county in equal monthly installments by warrants drawn upon the county treasurer upon orders of the commissioners court. The judge of the County Court at Law Number 4 shall assess the same fees and costs as are now prescribed by law for county judges, to be deposited in the county treasury as prescribed by law.

SECTION 5. CREATION. (a) The County Court at Law Number 5 of Travis County is created effective immediately upon passage of this Act.

(b) The County Court at Law Number 6 of Travis County is created effective immediately upon passage of this Act.

(c) The County Court at Law Number 7 of Travis County is created effective immediately upon passage of this Act.

(d) The courts sit in Austin, Texas.

SECTION 6. JURISDICTION. (a) The county courts at law created by this Act shall have and exercise jurisdiction in all matters and causes, civil and criminal, original and appellate, over which by the general laws of the state the county court of the county would have jurisdiction, and their jurisdiction is concurrent with the other county courts at law of Travis County. The courts created by this Act shall have and exercise jurisdiction concurrent with the county court and the other county courts at law of Travis County over all probate matters and proceedings.

(b) In addition to other jurisdiction provided by law, the courts created by this Act and the existing county courts at law have 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; and

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

SECTION 7. COUNTY COURT. The County Court of Travis County shall have and retain jurisdiction conferred by law over probate matters, and that jurisdiction shall be concurrent with the county courts at law. The County Court of Travis County has no jurisdiction over other matters, civil or criminal. The county judge of Travis County 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 Travis County, unless by this Act, or otherwise, committed exclusively to the county courts at law of Travis County.

SECTION 8. TERMS; PRACTICE AND PROCEDURE. (a) The terms of the courts created by this Act begin on the first Mondays in January, March, May, July, September, and November.

(b) The practice in the courts and appeals and writs of error from the courts are as prescribed by law for county courts, except as expressly provided by this Act.

SECTION 9. JUDGE. The judge of a court created by this Act must be:

- (1) a qualified voter in the county;
- (2) a resident of the county; and
- (3) a licensed attorney in this state who has actively practiced law for at least four years before the general election.

SECTION 10. BOND. The judge of a court created by this Act must execute a bond as required by law for county judges.

SECTION 11. VACANCY; QUARTERS. (a) The commissioners court shall appoint a person to fill a vacancy in the office of judge of a court created by this Act. The appointee holds office until the next general election and until the successor is elected and has qualified.

(b) The commissioners court shall provide suitable quarters for the holding of each court created by this Act.

SECTION 12. VISITING JUDGE. Any district or statutory county court judge in this state, or any retired or former district judge, or any former or retired statutory county court judge may hear and determine any matter pending in any Travis County court at law when assigned by the presiding judge of the Third Administrative Judicial Region in the manner provided by law and will have jurisdiction to hear and determine any such matter without regard to the jurisdiction of the court in which the person so assigned serves or served.

SECTION 13. REMOVAL. The judge of a court created by this Act may be removed from office in the same manner and for the same causes as a county judge or a judge of a county court at law.

SECTION 14. WRIT POWER. The courts created by this Act or the judges may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, super-sedeas, and all writs necessary to the enforcement of the jurisdiction of the court. They may issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the courts or of any other court of inferior jurisdiction in the county.

SECTION 15. APPEALS. All cases from justice courts or other inferior courts in the county must be appealed directly to a county court at law.

SECTION 16. PERSONNEL. The county clerk of Travis County serves as clerk of each court created by this Act. The sheriff of Travis County shall in person or by deputy attend each court when required by the judge of the court. The county attorney shall represent the state in all prosecutions pending in each court and is entitled to the same fee as now prescribed by law for such prosecution in the county courts.

SECTION 17. JURORS. The jurisdiction and authority vested by law in the county court for the drawing, selection, and service of jurors shall be exercised by the courts created by this Act or by any other county court at law in the county. Juries summoned for any of the county courts at law may, by order of the judge of the court in which they are summoned, be transferred to any of the other courts to serve and may be used as if summoned for the court to which they are transferred.

SECTION 18. COMPENSATION. The judge of each court created by this Act is entitled to receive a yearly salary set by the commissioners court at an amount that is at least equal to the salary paid district judges from the General Revenue Fund of the state, but not more than \$1,000 less than the annual salary, including supplements, received by the district judges in Travis County. The salary shall be paid out of the general fund of the county in equal monthly installments by warrants drawn upon the county treasurer on orders of the commissioners court. The judges shall assess the same fees and costs as are now prescribed by law for county judges, to be deposited in the county treasury as prescribed by law.

**SECTION 19. PRIVATE PRACTICE.** The judge of a court created by this Act may not engage in the private practice of law.

**SECTION 20. SEAL.** The seal of each court created by this Act shall be the same as provided by law for county courts, except that the seal must contain the name of the county court at law as it appears in this Act.

**SECTION 21. INITIAL APPOINTMENT OF JUDGES.** The commissioners court may appoint a person to fill the vacancy existing on the creation of each office of judge. An appointee must have the qualifications required of the regular judge.

**SECTION 22. 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 the Senate on April 2, 1987, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 20, 1987, by the following vote: Yeas 30, Nays 0. Passed the House, with amendments, on May 15, 1987, by the following vote: Yeas 144, Nays 0, one present not voting.

Approved June 11, 1987.

Effective June 11, 1987.