

COUNTY COURT AT LAW NO. 2 OF WICHITA COUNTY

CHAPTER 671 ⁴¹

S. B. No. 1252

AN ACT

relating to the creation, jurisdiction, terms, judges and other personnel and their compensation, and practice and procedures of the County Court at Law No. 2 of Wichita County and membership of the judge of that court on the county juvenile board.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. The County Court at Law No. 2 of Wichita County is created on the date determined by Section 10 of this Act

SECTION 2. JURISDICTION (a) The County Court at Law No. 2 of Wichita County has concurrent jurisdiction with the county court over all criminal and juvenile proceedings, original and appellate, prescribed by the constitution and general laws of this state for county courts, and prescribed by Chapter 762, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 1200aa, Vernon's Texas Civil Statutes), and by Chapter 519, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1970-166c, Vernon's Texas Civil Statutes). The County Court at Law No. 2 shall have concurrent jurisdiction over probate and mental health matters with the county court.

(b) The County Court at Law No. 2 of Wichita County has concurrent civil jurisdiction with the district courts of Wichita County over civil suits, causes, and proceedings in which the amount in controversy exceeds \$500 and does not exceed \$10,000, exclusive of interest, and, without regard to the value of the ~~estate or matter in question~~, over suits, causes, and proceedings involving dissolution of marriage by divorce or annulment,

41. Vernon's Ann.Civ.St. art. 1970-166e, §§ 1 to 11.

Additions in text indicated by underline; deletions by ~~strikeouts~~

including the adjustment of property rights, suits affecting the parent-child relationship, suits concerning adoptions, suits for protection of children in an emergency, suits for removal of disabilities of minority or for change of name, suits involving delinquent children or children in need of supervision, suits brought under the authority of the Uniform Reciprocal Enforcement of Support Act, as amended (Chapter 21, Family Code) or the Uniform Interstate Compact on Juveniles, as amended (Chapter 25, Family Code) and all other jurisdiction, powers, and authorities placed in the district or county courts under the juvenile or child welfare laws of this state.

(c) The County Court at Law No. 2 of Wichita County has no jurisdiction other than that specifically set forth in this section. The concurrent civil jurisdiction granted to the County Court at Law No. 2 of Wichita County does not include a cause or proceeding, original or appellate, concerning eminent domain, roads, bridges and public highways, or the general administration of county business that is within the jurisdiction of the commissioners court of Wichita County.

(d) The County Court at Law No. 2 of Wichita County and the judge may issue writs and orders as necessary in aid of its jurisdiction or the enforcement of its lawful orders.

(e) The provisions of this section shall not diminish the jurisdiction of the several district courts of Wichita County, and the district courts shall retain and continue to exercise the jurisdiction they now have or may hereafter be conferred upon them by law. The provision in Subsection (a) of this section for concurrent jurisdiction over probate matters shall not diminish or deprive the several district courts of Wichita County of the probate jurisdiction presently vested in them, including probate jurisdiction as presently vested by Subsections (a), (b), and (d) of Section 5 of the Probate Code.

Additions in text indicated by underline; deletions by ~~strikeouts~~

Ch. 671 68th LEGISLATURE--REGULAR SESSION

SECTION 3 TERMS. The County Court at Law No. 2 of Wichita County shall hold two continuous terms that begin on the first Mondays in January and July of each year. Each term of court continues until the next succeeding term begins.

SECTION 4. JUDGE. (a) The judge of the County Court at Law No. 2 of Wichita County must be at least 25 years of age, be a citizen of the United States and of this state, be licensed to practice law in this state, have been a practicing lawyer or a judge of a court in this state or both combined for four years, and have been a resident of Wichita County for two years. The judge must reside in Wichita County during his or her term of office.

(b) During his or her term of office, the judge of the County Court at Law No. 2 of Wichita County may not engage in the private practice of law.

(c) When this court is created, the Commissioners Court of Wichita County shall appoint a judge of the County Court at Law No. 2 of Wichita County, who shall serve until the next general election after he or she takes office and until his or her successor is duly elected and has qualified. Beginning at the next general election following creation of the court and every fourth year thereafter, there shall be elected by the qualified voters of Wichita County a judge of the County Court at Law No. 2 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 occurring in the office of the judge of the County Court at Law No. 2 of Wichita County shall be filled by the commissioners court. The appointee holds office until the next general election and until his or her successor is elected and has qualified.

(e) The judge of the County Court at Law No. 2 of Wichita County shall execute a bond and take the oath of office prescribed by law for county judges. The judge may be removed from office in the same manner and for the same causes as a county judge.

Additions in text indicated by underline; deletions by ~~strikeouts~~

68th LEGISLATURE--REGULAR SESSION Ch. 671

(f) The judge of the County Court at Law No. 2 of Wichita County may receive a salary not to exceed an amount equal to 90 percent of the total annual salary paid to the judges of the district courts having jurisdiction in Wichita County. The commissioners court shall set the salary and pay it out of the county treasury. The salary may be paid in equal monthly installments. The judge of the County Court at Law No. 2 of Wichita County is entitled to traveling 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 is a member of the juvenile board of Wichita County. The judge of the County Court at Law No. 2 of Wichita County shall assess the same fees as prescribed by law relating to a county judge's fees. The clerk of the court shall collect the fees and shall pay them into the county treasury on collection. None of the fees may be paid to the judge.

(g) A special judge of the County Court at Law No. 2 of Wichita 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 a judge of the County Court at Law No. 2 of Wichita County is disqualified to try a case pending in his or her court, 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 5. PERSONNEL. (a) The county attorney and sheriff of Wichita County serve as county attorney and sheriff, respectively, of the County Court at Law No. 2 of Wichita County. The district clerk of Wichita County serves as clerk of the County Court at Law No. 2 of Wichita County in cases enumerated in Subsection (b) of Section 2 of this Act. The county clerk of Wichita County serves as clerk of the County Court at Law No. 2 of Wichita County in cases enumerated in Subsection (a) of Section 2

Additions in text indicated by underline; deletions by ~~strikeouts~~

Ch. 671 68th LEGISLATURE—REGULAR SESSION

of this Act. 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 may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

(b) The judge of the County Court at Law No. 2 of Wichita County shall appoint an official court reporter who must have the same qualifications and whose duties are the same as now provided by law for that office. The official court reporter is entitled to the compensation fixed by the commissioners court.

SECTION 6. TRANSFER OF CASES; EXCHANGE OF BENCHES. (a) As soon as practicable after this court is created, the county clerk may establish a separate docket for the court created by this Act from among pending matters filed originally in the County Court of Wichita County and the County Court at Law No. 1 and shall transfer those matters to the docket of the court created by this Act. Equalization of caseloads shall be the primary object in establishing the initial docket for the County Court at Law No. 2 of Wichita County. As soon as practicable after this court is created, the district clerk shall establish a separate docket for the County Court at Law No. 2 of Wichita County. The transfer of any pending matters originally filed in the district courts prior to the date the County Court at Law No. 2 of Wichita County is created shall be in accordance with the provisions of Subsection (b) of this section.

(b) The judge of the county court and the judges of the county courts at law may transfer cases to and from the dockets of their respective courts, in matters within their jurisdiction, in order that the business may be equally distributed between them. All cases of concurrent jurisdiction enumerated in Subsection (b) of Section 2 of this Act may be instituted in or transferred between the district courts of Wichita County and the county courts

Additions in text indicated by underline; deletions by ~~strikeouts~~

at law of Wichita County. However, a case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred, and a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred.

(c) In cases transferred to a county court at law as provided by this Act and in cases transferred to any of the courts in Wichita 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 shall 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 and 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.

(d) The county judge and the judges of the county courts at law of Wichita County may freely exchange benches and courtrooms in matters within their jurisdiction so that if one is ill, disqualified, or otherwise absent, another may hold court for him or her without the necessity of transferring the case involved. Any of those judges may hear all or any part of a case pending in the county court or a county court at law, but only in matters within the judge's jurisdiction, and may rule and enter orders on and continue, determine, or render judgment on all or any part of the case without the necessity of transferring it to his or her own docket. The district judges and the judges of the county courts at law of Wichita County may freely exchange benches and courtrooms in matters within their concurrent jurisdiction so that if one is ill, disqualified, or otherwise absent, another may hold court for him or her without the necessity of transferring the case involved.

Additions in text indicated by underling; deletions by ~~strikeouts~~

Ch. 671 68th LEGISLATURE—REGULAR SESSION

Any of those judges may hear all or any part of a case pending in the district court or a county court at law, but only in matters within the judge's jurisdiction, and may rule and enter orders on and continue, determine, or render judgment on all or any part of the case without the necessity of transferring it to his or her own docket. Each judgment and order shall be entered in the minutes of the court in which the case is pending. The provisions providing for the exchange of benches by and between the judges are cumulative of the law relating to the selection and appointment of a special judge of the County Court at Law No. 2 of Wichita County.

SECTION 7. PRACTICE AND PROCEDURE. (a) Practice in the County Court at Law No. 2 of Wichita County shall 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 Wichita County involving those matters of concurrent jurisdiction enumerated in Subsection (b) of Section 2 of this Act are governed by this Act and the laws and rules pertaining to district courts, general and special, as well as county courts. If a case enumerated in Subsection (b) of Section 2 of this Act is tried before a jury, the jury must be composed of six members and may render verdicts by a concurring vote of at least five jurors in civil cases and a unanimous verdict in criminal cases.

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

(c) Jurors regularly impaneled for a week by the district court or courts may, on request of either the county judge or a judge of a county court at law, be made available and shall serve for the week in either the county court or a county court at law.

SECTION 8. COURTROOM. The commissioners court shall furnish and equip a suitable courtroom and office space for the court created by this Act.

Additions in text indicated by underline; deletions by ~~strikeouts~~

68th LEGISLATURE—REGULAR SESSION Ch. 671

SECTION 9. 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 shall contain the words "County Court at Law No. 2 of Wichita County."

SECTION 10. DATE OF CREATION. The County Court at Law No. 2 of Wichita County is created on a date determined by the commissioners court by an order entered on its minutes, after the provisions of Section 8 of this Act shall be fully complied with.

SECTION 11. EFFECTIVE DATE. This Act takes effect September 1, 1983.

SECTION 12. 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.

Passed the Senate on May 5, 1983: Yeas 31, Nays 0; passed the House on May 24, 1983: Yeas 143, Nays 0, two present not voting.

Approved June 19, 1983.

Effective Sept. 1, 1983.

Additions in text indicated by underline; deletions by ~~[strikeouts]~~