

CHAPTER 333

H.B. No. 2389

An Act relating to the Probate and County Court of Galveston County and to the docketing of certain cases in the statutory county courts of Galveston County.

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

SECTION 1. Section 1b(b), Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953 (Article 1970-342, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) In addition to all other jurisdiction granted by law to the Probate and County Court of Galveston County, the court has jurisdiction concurrent with the district court in eminent domain cases and in civil cases when the matter in controversy exceeds \$500 and does not exceed \$50,000 [~~\$10,000~~], exclusive of interest. *The Probate and County Court of Galveston County has concurrent jurisdiction with the district court in proceedings under Title 3 of the Family Code; in suits and causes involving family law matters, including adoption; birth records; removal of disability of minority or coverture; change of name of persons; divorce and marriage annulment cases, including the adjustment of property rights, custody and support of minor children involved, temporary support pending final hearing, and every other matter incident to divorce or annulment proceedings; and independent actions involving child welfare, custody, support and reciprocal support, dependency, neglect, and delinquency; and independent actions involving controversies between parent and child and between husband and wife. The Probate and County Court of Galveston County 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. The Probate and County Court of Galveston County has concurrent jurisdiction with the district court in cases in which a party to a cause filed in the district court is a personal representative as that term is defined by Section 3(aa), Texas Probate Code. This subsection does not diminish the jurisdiction of the district courts in Galveston County; and the district courts retain the jurisdiction conferred by law on district courts. This subsection does not affect the powers and duties of the county judge.

SECTION 2. Section 2, Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953 (Article 1970-342, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. *Except as provided by Section 3b of this Act, the [The] county clerk of Galveston County shall be the clerk of the Probate and County Court [No. 2] of Galveston County. The court shall have a seal consisting of a star of five (5) points with the words "Probate and County Court of [No. 2;] Galveston County [; Texas]" engraved thereon. The sheriff of Galveston County may appoint a deputy to attend the court when required by the judge thereof.*

SECTION 3. Section 8, Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953 (Article 1970-342, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8. Both the said County Court of Galveston County, and the *Probate and County Court [No. 2] of Galveston County or either of the judges thereof shall have the power to issue writs of injunction, mandamus, sequestration, attachments, garnishment, certiorari, supersedeas and all other writs necessary to the enforcement of the jurisdiction of said courts; and also power to punish for contempt under such provisions as are, or may be provided by the General Laws governing county courts throughout the state, and to issue writs of habeas corpus, in cases where the offense charged is within the jurisdiction of said courts or of any court or tribunal inferior to said courts. The Probate and County Court of Galveston County may enforce an order of the Family District Court for the 306th Judicial District relating to a family law matter.*

SECTION 4. Section 9, Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953 (Article 1970-342, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. The Commissioners Court of Galveston County shall fix the yearly salary of the Judge of the Probate and County Court of Galveston County at a sum *that is at least equal to the amount that is \$1,000 less than [not less than 90 percent of] the total salary, including supplements, paid the district judges [any District Judge] sitting in Galveston County. The salary shall be paid out of the general fund of the County in equal monthly installments by warrants drawn upon the County Treasury upon orders of the Commissioners Court of Galveston County, Texas. The judge shall assess the fees prescribed by law for county judges and the district judges according to the nature of the matter. The clerk shall collect the fees and pay them into the County Treasury. A fee may not be paid to the judge.*

SECTION 5. Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953 (Article 1970-342, Vernon's Texas Civil Statutes), is amended by adding Section 1c to read as follows:

Sec. 1c. *The Probate and County Court of Galveston County shall be primarily responsible for, and give preference to, probate cases.*

SECTION 6. Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953 (Article 1970-342, Vernon's Texas Civil Statutes), is amended by adding Sections 3a and 3b to read as follows:

Sec. 3a. *The judges of the Probate and County Court of Galveston County and the County Courts at Law Nos. 1 and 2 of Galveston County may transfer cases to and from the dockets of their respective courts so that the business may be equally distributed between them. Cases of concurrent jurisdiction between the district courts and the Probate and County Court enumerated in Section 1b(b) of this Act may be instituted in either the district court or the Probate and County Court and may be transferred from one court to the other. 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.*

Sec. 3b. *A cause of action arising under the Family Code and an appeal of a final ruling or decision of the Industrial Accident Board shall be filed with the district clerk, who acts as clerk in those matters, whether or not they are transferred.*

SECTION 7. Section 1b(d), Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953 (Article 1970-342, Vernon's Texas Civil Statutes), as added by Section 5, Chapter 345, Acts of the 66th Legislature, Regular Session, 1979, is repealed.

SECTION 8. (a) The county clerk of Galveston County shall docket eminent domain cases and civil cases, other than juvenile cases, filed in the statutory county courts in rotation as provided by this section regardless of the court in which the case is filed.

(b) The clerk shall docket one case in the County Court No. 1 of Galveston County, one case in the County Court No. 2 of Galveston County, and two cases in the Probate and County Court of Galveston County.

(c) The clerk may not docket a case in a court unless the court has jurisdiction over the case.

SECTION 9. The clerk shall docket the first eminent domain or civil case, other than a juvenile case, filed in the statutory county courts on or after the effective date of this Act in the County Court No. 1 of Galveston County and shall continue the rotational docketing for subsequent cases as provided by this Act.

SECTION 10. 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 by the House on May 17, 1985, by a non-record vote ; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 8, 1985

Effective: August 26, 1985