

CHAPTER 770

H.B. No. 2436

An Act relating to the county courts at law in Smith County.

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

SECTION 1. Sections 2(b) and (c), Chapter 232, Acts of the 58th Legislature, Regular Session, 1963 (Article 1970-348, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) *In addition to the other jurisdiction granted in this section, the county court at law has concurrent jurisdiction with the district court in eminent domain cases, regardless of the amount in controversy, and in civil cases in which the amount in controversy exceeds \$500, but does not exceed \$50,000, excluding interest, statutory damages and penalties, attorney's fees, and costs [The Judge of the County Court at Law may sit in the absence of the County Judge of Smith County from the courtroom in all matters, causes, and proceedings without the necessity of transferring those matters, causes, and proceedings except matters coming under the jurisdiction of the Commissioners Court where the County Judge would be the presiding officer of that Court].*

(c) *The county court at law also has concurrent jurisdiction with the district court in proceedings under Title 3, 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, temporary matters and orders, and every other matter, whether or not similar to those previously mentioned, 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; paternity; termination of parental rights; and all other independent actions involving child support and custody of minors and wife or child desertion [The County Judge, if a duly licensed attorney, may sit in the absence of the Judge of the County Court at Law from the courtroom in all matters and causes without the necessity of transferring those matters and causes].*

SECTION 2. Section 2, Chapter 232, Acts of the 58th Legislature, Regular Session, 1963 (Article 1970-348, Vernon's Texas Civil Statutes), is amended by adding Subsections (d)-(i) to read as follows:

(d) *The county court at law 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.*

(e) *The county court at law has concurrent jurisdiction with the County Court of Smith County in probate matters and proceedings.*

(f) *The county court at law has concurrent jurisdiction with the county court in mental illness matters and proceedings pursuant to the Texas Mental Health Code (Article 5547-1 et seq., Vernon's Texas Civil Statutes).*

(g) *The county court at law has concurrent jurisdiction with the county and district courts 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).*

(h) *This Act does not require the county court at law to exercise all the jurisdiction granted by this section. This section does not diminish the jurisdiction of any district court, county court, justice court, or small claims court in Smith County, but only gives concurrent jurisdiction to the county court at law over the matters set out in this Act. The district court, county court, justice court, and small claims court retain the jurisdiction conferred by law on those courts.*

(i) *Article 1951, Revised Statutes, does not apply to the county court at law. Neither Article 1951 nor Section 21.001, Property Code, affects or diminishes the jurisdiction of the county court at law.*

SECTION 3. Section 3, Chapter 232, Acts of the 58th Legislature, Regular Session, 1963 (Article 1970-348, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3. (a) *This Act does not affect the jurisdiction of the commissioners court or the county judge of Smith County as presiding officer of the commissioners court. The county judge is the judge of the county court of Smith County. All ex officio duties of the county judge shall be exercised by the judge of the county court, except insofar as those duties are, by this Act, committed to the judge of the county court at law. Nothing in this Act diminishes the jurisdiction of the county court. The county court or its judge may issue writs of injunction, mandamus, and all other writs necessary to the enforcement of the jurisdiction of the court. The county court or its judge may punish for contempt under the general law governing county courts in this state. If the county judge is a licensed attorney, the judge may sit in the absence of the judge of the county court at law from the courtroom in all matters and causes without the necessity of transferring those matters and causes. The judge of the county court at law may sit in the absence of the county judge from the courtroom in all matters, causes, and proceedings without the necessity of transferring those matters, causes, and proceedings except that the county court at law judge may not sit in matters in the jurisdiction of the commissioners court in which the county judge would be the presiding officer of that court.*

(b) *The county court at law or its judge may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all other writs necessary to the enforcement of the jurisdiction of the court and the protection of that jurisdiction. The court and the judge may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court in the county of inferior jurisdiction to the county court at law. The county court at law or its judge may punish for civil or criminal contempt under the general law governing district courts or county courts in this state. The county court at law and its judge have all other powers, duties, immunities, and privileges provided by law for county courts and county court judges.*

(c) *Neither the appointment of a special judge nor a visiting judge to preside over the county court at law, as authorized by this Act, affects or diminishes the jurisdiction or power of the county court at law or its judge. A special judge or a visiting judge appointed to preside over the county court at law has the powers, jurisdiction, authority, duties, immunities, and privileges provided by law for the county court at law or its judge, except those powers and that authority associated with the appointment or assignment of court personnel. [Nothing in this Act shall diminish the jurisdiction of the County Court of Smith County. The County Court of Smith County, or the Judge thereof, shall have the power to issue writs of injunction, mandamus, and all writs necessary to the enforcement of the jurisdiction of the court, and also to punish contempts under such provisions as are or may be provided by General Law governing county courts throughout the State. The County Judge of Smith County shall be the Judge of the County Court of Smith County. All ex officio duties of the County Judge shall be exercised by the Judge of the County Court of Smith County, except insofar as the same shall, by this Act, be committed to the Judge of the County Court at Law of Smith County.]*

SECTION 4. Sections 5-19, Chapter 232, Acts of the 58th Legislature, Regular Session, 1963 (Article 1970-348, Vernon's Texas Civil Statutes), are amended to read as follows:

Article 5. (a) *An appointed or elected judge of the County Court at Law of Smith County must:*

(1) *be a citizen of the United States;*

(2) have resided in and been actively engaged in the practice of law in Smith County for at least two years prior to the judge's appointment or election; and

(3) have been a licensed and practicing member of the state bar for at least five years prior to the judge's election or appointment.

(b) The commissioners court shall appoint a person to fill a vacancy in the office of the judge of the county court at law. The appointee holds office until the next general election at which the office appears on the ballot as provided by Article XVI, Section 65, of the Texas Constitution and until a successor is elected or appointed and has qualified.

(c) At each general election at which county court at law judges are elected, the qualified voters of the county elect the judge of the county court at law for a term of four years as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(d) The judge of the county court at law must take the constitutional oath of office.

(e) The judge of the county court at law may not engage in the private practice of law.

(f) The commissioners court may, by an issued and signed order, require the judge of the county court at law to execute a bond in an amount set by the commissioners court. The commissioners court may require a bond of any special judge or visiting judge assigned to the county court at law. If the commissioners court elects to require a bond or bonds, the commissioners court must pay the appropriate fee for the bond or bonds from county funds.

(g) The judge of the county court at law is entitled to receive an annual salary set by the commissioners court. The commissioners court may set the annual salary of the judge at a sum that is equal to an amount that is \$1,000 less than the total salary, including supplements, paid the district judges in Smith County. The salary shall be paid to the judge in equal installments, at the established county pay periods, out of the general fund of the county, by warrants drawn on the county treasury, and on order of the commissioners court. The judge of the county court at law shall assess the fees prescribed by law relating to the county judges and district judges according to the nature of the matter brought before them. The clerk shall collect the fees and pay them into the county treasury. A fee may not be paid to the judge.

(h) The judge of the county court at law may be removed from office in the same manner and for the same causes as a county judge may be removed under the laws of this state.

Sec. 6. (a) If the office of judge of the county court at law is vacant, if the regular judge of the county court at law is absent or is from any cause disabled or disqualified from presiding, or if the regular judge of the county court at law certifies that the orderly administration of justice in the court requires the temporary assistance of a special judge or a visiting judge, the presiding judge of the administrative judicial district in which the county is located may appoint a person to sit as a special judge or visiting judge.

(b) A special judge of the county court at law must:

(1) be a citizen of the United States;

(2) have resided in the county in which the court is located for at least one year prior to the special judge's appointment; and

(3) be licensed to practice law in this state and have actively practiced law for at least five years prior to the special judge's appointment.

(c) A special judge of the county court at law must take the constitutional oath of office.

(d) A visiting judge of the county court at law:

(1) must be a former judge of a district court, statutory county court, county court at law, county criminal court, county criminal court of appeal, county civil court at law, or county criminal court at law or an active judge of a district court or county court at law;

(2) must not appear and plead as an attorney at law in any court of this state while serving as a visiting judge;

(3) must have been a successful candidate for election in at least two general elections for judge of a district court, statutory county court, county court at law, county criminal court, county criminal court of appeal, county civil court at law, or county criminal court at law, or any combination of those courts;

(4) must not have been removed from office by impeachment, by the supreme court, by the governor on address of the legislature, or by the judicial qualifications commission; and

(5) must not have resigned as judge of a court while under investigation by the judicial qualifications commission.

(e) A special judge or a visiting judge of the county court at law may sign orders, judgments, decrees, or any other kind of process authorized by law as "Judge Presiding" when acting for the regular judge.

(f) The commissioners court may, by an issued and signed order, require the special judge or visiting judge to execute a bond and may set the amount of the bond.

(g) When a visiting judge is appointed, preference shall be given to the appointment of a former judge of a statutory county court, county court at law, county criminal court, county criminal court of appeals, county civil court at law, and county criminal court at law. If one of those judges is not available to accept a particular assignment, the presiding judge of the judicial district may appoint a former judge of a district court or an active judge of a district court or county court at law.

(h) A special judge of the county court at law is entitled to receive for the services actually performed the same amount of compensation that the regular judge is entitled to receive for those services.

(i) A former judge sitting as a visiting judge of the county court at law is entitled to receive for the services actually performed the same amount of compensation that the regular judge is entitled to receive for those services, less an amount equal to the pro rata annuity received from any state, district, or county retirement fund.

(j) An active judge sitting as a visiting judge of the county court at law is entitled to receive for the services actually performed the same amount of compensation that the regular judge is entitled to receive for those services, less an amount equal to the pro rata compensation received from state or county funds as salary, including supplements.

(k) A visiting judge of the county court at law is entitled to receive reimbursement for actual food and lodging expenses incurred, in an amount not to exceed the sum paid visiting judges of district courts in this state, and for actual travel expenses between the residence of the visiting judge and the county court at law.

(l) The compensation, including authorized expenses, for the county court at law judge, special judges, and visiting judges shall be paid by the commissioners court. Payment to special judges and visiting judges shall be made on certification by the presiding judge of the administrative judicial district that the special judge or visiting judge has rendered the service and is entitled to receive the compensation. None of the amount paid to a special judge or a visiting judge for sitting for the regular judge for the county court at law may be deducted or paid out of the salary or allowable expenses of the regular judge.

(m) Neither the appointment of a special judge nor the appointment of a visiting judge to preside over the county court at law as authorized by this Act affects or diminishes the jurisdiction or power of the county court at law or its judge.

(n) A special judge or a visiting judge appointed to preside over the county court at law has all the powers, jurisdiction, authority, duties, immunities, and privileges provided by law for the county court at law or its judge, except those powers and that authority associated with the appointment or assignment of court personnel.

Sec. 7. (a) The judge of the County Court at Law of Smith County and the judge of the County Court at Law No. 2 of Smith County may transfer cases to and from the dockets of their respective courts, except that 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 may not be transferred unless it is within the jurisdiction of the court to which it is transferred.

(b) The judge of the county court at law and the judge of the district court may transfer cases to and from the dockets of their respective courts, except that 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 may not be transferred unless it is within the jurisdiction of the court to which it is transferred.

(c) Except as otherwise provided by this Act, the judge of the County Court at Law and the judge of the County Court at Law No. 2 may exchange benches and courtrooms with each other in all cases of which the court presided over by each judge has jurisdiction so that if one is absent, disabled, or disqualified, the other may hold court for him or her without the necessity of transferring the case. Either judge may hear all or any part of a case pending in the County Court, County Court at Law, or County Court at Law No. 2 and may rule and enter orders on and continue, determine, render, or sign judgment on all or any part of the case without the necessity of transferring it to his or her docket. A judge may not sit or act in a case without the consent of the judge of the court in which the case is pending and may not sit or act in a case unless it is within the jurisdiction of his or her own court.

(d) Except as otherwise provided by this Act, the judge of the county court at law and the district judges in Smith County may exchange benches and courtrooms with each other so that if one is absent, disabled, or disqualified, the other may hold court for him or her without the necessity of transferring the case. Either judge may hear all or any part of a case pending in the county court at law or a district court and may rule and enter orders on and continue, determine, render, or assign judgment on all or any part of the case without the necessity of transferring it to his or her docket. A judge may not sit or act in a case without the consent of the judge of the court in which the case is pending and may not sit or act in a case unless it is within the jurisdiction of his or her own court.

(e) In cases transferred to the county court at law 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 in those cases shall bind the parties for their appearance or to fulfill the obligations of the bond or recognizance at the term of the court to which the cases are transferred and fixed by law. All processes issued or returned before transfer of the cases, as well as all bonds and recognizances taken before the transfer, are binding as though originally issued out of the court to which the transfer is made.

Sec. 8. The criminal district attorney of Smith County shall represent the state in all prosecutions in the County Court at Law of Smith County and is entitled to the same fees as now prescribed by law for those prosecutions in the county courts.

Sec. 9. The court clerk of Smith County shall serve as the clerk of the County Court at Law of Smith County.

Sec. 10. The seal of the County Court at Law of Smith County shall be the same as that provided by law for county courts, except the seal must contain the words "County Court at Law of Smith County."

Sec. 11. The sheriff of Smith County shall, in person or by deputy, attend the County Court at Law of Smith County when required by the judge.

Sec. 12. The judge of the County Court at Law of Smith County shall appoint an official court reporter for the court who must be well skilled in the profession. The court reporter shall be a sworn officer of the court who holds office at the pleasure of the court. The reporter must take the oath required of official court reporters and is entitled to receive a salary set by the commissioners court and paid out of the county treasury, as other county officials are paid, in equal installments, at the established county pay periods. In setting the salary for the court reporter, the commissioners court shall consider, and if possible, maintain the salary at the same amount of compensation, fees, and allowances as the reporters of the district courts in Smith County receive. The general law relating to official court reporters not inconsistent with this Act applies to the official court reporter of the county court at law. The official court reporter shall perform any and all reasonable court-related duties required by the judge of the court.

Sec. 13. (a) The judge of the County Court at Law of Smith County may appoint a court coordinator or administrative assistant for the court. A court coordinator or administrative assistant performs the duties prescribed by the judge of the county court at law and cooperates with the administrative judges and state agencies for uniform and efficient operation of the court and the administration of justice. The court coordinator or administrative assistant is entitled to be paid from county funds the compensation, fees, and allowances set by the commissioners court. The court coordinator or administrative assistant serves the judge and the court and holds office at the pleasure of the judge. The salary paid to a court coordinator or administrative assistant as set by the commissioners court shall be if possible the same as the salary of a court coordinator or administrative assistant of the district courts of Smith County.

(b) The judges of the County Court at Law of Smith County and the County Court at Law No. 2 of Smith County, the county judge, and the judges of the district courts in the county may adopt rules providing for either the county clerk or the district clerk to serve as the clerk of the county court at law in matters in the concurrent jurisdiction of the county court at law and the district courts. To be adopted, the rules must receive the affirmative vote of the majority of the judges of the County Court at Law of Smith County, County Court at Law No. 2 of Smith County, the county judge, and a majority of the judges of the district courts exercising concurrent jurisdiction.

Sec. 14. The County Court at Law of Smith County may draw jurors from the central jury panel summoned through the district clerk's office in Smith County for jurors to serve in district and county courts, the county court at law, and other courts in the county. Also, the jurisdiction and authority vested in the county court and the county judge, relating to the drawing, selecting, and service of jurors and talesmen shall also be exercised by the county court at law and its judge; but jurors and talesmen summoned for either of those courts by order of the judge of the court in which they are summoned may be transferred to the other court for service and may be used as if summoned for the court to which transferred. If any of the judges of the County Court at Law of Smith County, the County Court at Law No. 2 of Smith County, or the County Court of Smith County concur, jurors may be summoned for service in the judges' courts and shall be used interchangeably in the courts.

Sec. 15. The general law of this state and the rules of procedure and the rules of evidence of this state apply to and control trials and proceedings in, and appeals to and appeals from, the County Court at Law of Smith County.

Sec. 16. The judges of the County Court at Law of Smith County and County Court at Law No. 2 of Smith County exercising common jurisdiction, may, as they consider necessary or desirable for the orderly dispatch of the business of those courts, adopt, amend, supplement, or

repeal rules governing the filing, numbering, and docketing of cases, the assignment of cases for trial, the distribution of the work of those courts, procedures and practices, or any other matter not inconsistent with law, the Texas Rules of Civil Procedure, or the rules of posttrial and appellate procedure in criminal cases. To be adopted, amended, supplemented, or repealed, the rules must receive the affirmative vote of the majority of the county court at law judges exercising the common jurisdiction made the subject of the rules.

Sec. 17. Practice and procedure in the County Court at Law of Smith County must conform to that prescribed by general law for county courts, except that practice and procedure pertaining to the conduct of trials and hearings in the county court at law involving those matters of concurrent jurisdiction with district courts shall be governed by the general law and rules of procedure and evidence pertaining to district courts.

Sec. 18. Compliance with Rule 817, Texas Rules of Civil Procedure, if appropriate, is a prerequisite to the implementation of any rule adopted by the County Court at Law of Smith County relating to civil procedures.

Sec. 19. (a) County court at law juries shall be composed of six persons, except as provided by this section. In cases in the County Court at Law of Smith County involving those matters identified in the constitution as matters within the jurisdiction of district courts, if any party to a lawsuit in which juries are authorized by law or the constitution requests a 12-person jury, the jury shall be composed of 12 persons. If no request for a jury composed of 12 persons is made, the jury shall be composed of six persons.

(b) In any civil case tried in the county court at law, the parties may, by mutual agreement and with the consent of the judge, agree to try the case with any number of jurors and agree to have a verdict rendered and returned by the vote of any number of jurors less than all those hearing the case. [At the next general election after the effective date of this Act there shall be elected a Judge of the County Court at Law of Smith County who shall have been a duly licensed and practicing member of the State Bar of Texas for not less than five (5) years; well-informed in the laws of the state; who shall have resided in and been actively engaged in the practice of law in Smith County, Texas, for a period of not less than two (2) years prior to such general election; and who shall hold his office for the unexpired term. At the general election in November, 1966, he shall be elected to hold his office for four (4) years and until his successor shall have been duly elected and qualified. When this Act becomes effective, the Commissioners Court of Smith County, Texas, shall appoint a judge of said court at law of Smith County, who shall have the qualifications herein prescribed and who shall serve until the next general election and until his successor shall have been duly elected and qualified. Any vacancy thereafter occurring in the office of the judge of said County Court at Law of Smith County shall in like manner, as hereinabove provided, be filled by said Commissioners Court of Smith County, the appointee thereof to hold office until the next succeeding general election and until his successor shall be duly elected and qualified.

[Sec. 6. The Criminal District Attorney of Smith County shall represent the state in all prosecutions in the County Court at Law of Smith County, as provided by law for such prosecutions in county courts; and shall be entitled to the same fees as now prescribed by law for such prosecutions in the county courts.

[Sec. 7. As soon as this Act becomes effective the Commissioners Court of Smith County shall appoint a Judge of the County Court at Law of Smith County, who shall hold his office until the next general election and until his successor shall have been duly elected and qualified; and shall provide suitable quarters for the holding of said court.

[Sec. 8. The Judge of the County Court at Law of Smith County may be removed from office in the same manner and for the same causes as any county judge may be removed under the laws of this state.

[Sec. 9. The Judge of the County Court at Law of Smith County shall execute a bond and take the oath of office as required by law relating to county judges.

[Sec. 10. A special judge of the County Court at Law of Smith County may be appointed or elected as provided by law relating to county courts and to the judge thereof. He shall receive the sum of Thirty Dollars (\$30) per day for each day he so actually serves, to be paid out of the general fund of the county by the Commissioners Court.

[Sec. 11. In the case of the disqualification of the Judge of the County Court at Law of Smith County to try any case pending in his court, the parties or their attorneys may agree on the selection of a special judge to try such case or cases where the Judge of the County Court at Law of Smith County is disqualified. In case of the selection of such special judge by agreement of the parties or their attorneys; such special judge shall draw the same compensation as that provided in Section 10 of this Act.

[Sec. 12: The County Court at Law of Smith County, or the Judge thereof, shall have the power to issue writs of injunction; mandamus; sequestration; attachment; garnishment; certiorari; supersedeas; and all writs necessary to the enforcement of jurisdiction of the court, and to issue writs of habeas corpus in such cases where the offense charged is within the jurisdiction of said court or of any other court in the county of inferior jurisdiction to the County Court at Law. The County Court at Law or the Judge thereof shall also have the power to punish for contempt as prescribed by law for County Courts.

[Sec. 13: The County Clerk of Smith County shall be the clerk of the County Court at Law of Smith County; 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 of Smith County."

[Sec. 14: The Sheriff of Smith County shall in person or by deputy attend the County Court at Law of Smith County when required by the judge thereof.

[Sec. 15: The jurisdiction and authority now vested by law in the County Court of Smith County and the judge thereof, for the drawing, selection and service of jurors and talesmen shall also be exercised by the County Court at Law of Smith County and the judge thereof; but jurors and talesmen summoned for either of said courts may by order of the judge of the court in which they are summoned be transferred to the other court for service therein and may be used therein as if summoned for the court to which they may be thus transferred. Upon concurrence of the Judge of the County Court at Law of Smith County and the Judge of the County Court of Smith County jurors may be summoned for service in both courts and shall be used interchangeably in both such courts. All summons for petit jurors for all civil and criminal cases under existing laws at the time this Act takes effect, shall be as valid as if no change had been made and the persons constituting such jury panels shall be required to appear and serve at the ensuing term of said courts as fixed by this Act, and their acts as jurors shall be as valid as if they had been selected as jurors in the court for which they were originally drawn.

[Sec. 16: Any vacancy in the office of the Judge of the County Court at Law of Smith County shall be filled by the Commissioners Court; and when so filled the judge shall hold office until the next general election and until his successor is elected and qualified.

[Sec. 17: From and after the passage of this Act the Judge of the County Court at Law of Smith County shall receive an annual salary of not less than \$12,000 nor more than \$16,000 as set by the Commissioners Court, to be paid out of the county treasury on the order of the Commissioners Court; and said salary shall be paid monthly in equal installments. The Judge of the County Court at Law of Smith County shall assess the same fees as are now prescribed or may be established by law; relating to the county judge's fees; all of which shall be collected by the clerk of the court and shall be paid into the county treasury on collection; no part of which shall be paid to the said judge; but he shall draw the salary as above specified in this Section.

[Sec. 18: The Judge of the County Court at Law of Smith County may appoint an official shorthand reporter for such court who shall be well skilled in his profession and shall be a sworn officer of the court and shall hold his office at the pleasure of the court. Such reporter shall take the oath required of official court reporters and shall receive a salary as set by the Commissioners Court of Smith County to be paid out of the County Treasury of Smith County; as other county officials are paid; in equal monthly installments. All other provisions of Chapter 13, Title 42, Revised Civil Statutes of Texas, 1925, as amended and as the same may hereafter be amended; and all other provisions of the law relating to official court reporters shall be and are hereby made to apply in all its provisions in so far as they are applicable to the official shorthand reporter herein authorized to be appointed and in so far as they are not inconsistent with this Act.

[Sec. 18a: The Judge of the County Court at Law of Smith County, with the consent of the Commissioners Court, may employ a secretary. The secretary is entitled to a salary as determined by the Commissioners Court.

[Sec. 19: The laws of the State of Texas; the rules of procedure and the rules of evidence shall be applicable to and control trials and proceedings in the County Court at Law of Smith County; and shall be applicable to and govern the proceedings in and appeals to and appeals from the County Court at Law of Smith County.]

SECTION 5. Sections 2 and 3, Chapter 672, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-348a, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 2. (a) The County Court at Law No. 2 of Smith County shall have jurisdiction in all matters, causes, and proceedings, civil, criminal, and probate, original and appellate, over which

by the general laws of this state county courts have jurisdiction, and jurisdiction of the County Court at Law No. 2 is concurrent with that of the County Court of Smith County and the County Court at Law of Smith County. This provision does not affect the jurisdiction of the Commissioners Court or the County Judge of Smith County as the presiding officer of the commissioners court.

(b) *In addition to the other jurisdiction granted in this section, the County Court at Law No. 2 of Smith County has concurrent jurisdiction with the district court in eminent domain cases, regardless of the amount in controversy, and in civil cases in which the amount in controversy exceeds \$500, but does not exceed \$50,000, excluding interest, statutory damages and penalties, attorney's fees, and costs.*

(c) *The County Court at Law No. 2 of Smith County also has concurrent jurisdiction with the district court in proceedings under Title 3, 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, temporary matters and orders, and every other matter, whether or not similar to those previously mentioned, 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; paternity; termination of parental rights; and all other independent actions involving child support and custody of minors and wife or child desertion.*

(d) *The County Court at Law No. 2 of Smith 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.*

(e) *The County Court at Law No. 2 of Smith County has concurrent jurisdiction with the County Court of Smith County in probate matters and proceedings.*

(f) *The County Court at Law No. 2 of Smith County has concurrent jurisdiction with the county court in mental illness matters and proceedings pursuant to the Texas Mental Health Code (Article 5547-1 et seq., Vernon's Texas Civil Statutes).*

(g) *The County Court at Law No. 2 of Smith County has concurrent jurisdiction with the county and district courts 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).*

(h) *This Act does not require the County Court at Law No. 2 of Smith County to exercise all the jurisdiction granted by this section. This section does not diminish the jurisdiction of any district court, county court, justice court, or small claims court in Smith County, but only gives concurrent jurisdiction to the county court at law over the matters set out in this Act. The district court, county court, justice court, and small claims court retain the jurisdiction conferred by law on those courts.*

(i) *Article 1951, Revised Statutes, does not apply to the County Court at Law No. 2 of Smith County. Neither Article 1951 nor Section 21.001, Property Code, affects or diminishes the jurisdiction of the county court at law. [The County Judge of Smith County shall be the judge of the County Court of Smith County. All ex officio duties of the county judge shall be exercised by the judge of the County Court of Smith County, except insofar as the same shall, by this Act, be committed to the judge of the county court at law.]*

Sec. 3. (a) *This Act does not affect the jurisdiction of the commissioners court or the county judge of Smith County as presiding officer of the commissioners court. The county judge is the judge of the County Court of Smith County. All ex officio duties of the county judge shall be exercised by the judge of the county court, except insofar as those duties are, by this Act, committed to the judge of the County Court at Law No. 2 of Smith County. Nothing in this Act diminishes the jurisdiction of the county court. The county court or its judge may issue writs of injunction, mandamus, and all other writs necessary to the enforcement of the jurisdiction of the court. The county court or its judge may punish for contempt under the general law governing county courts in this state. If the county judge is a licensed attorney, the judge may sit in the absence of the judge of the county court at law from the courtroom in all matters and causes without the necessity of transferring those matters and causes. The judge of the county court at law may sit in the absence of the county judge from the courtroom in all matters, causes, and proceedings without the necessity of transferring those matters, causes, and proceedings except that the county court at law judge may not sit in matters in the jurisdiction of the commissioners court in which the county judge would be the presiding officer of that court.*

(b) *The County Court at Law No. 2 of Smith County or its judge may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all other writs necessary to the enforcement of the jurisdiction of the court and the protection of that jurisdiction. The court and the judge may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court in the county of inferior*

jurisdiction to the county court at law. The county court at law or its judge may punish for civil or criminal contempt under the general law governing district courts or county courts in this state. The county court at law and its judge have all other powers, duties, immunities, and privileges provided by law for county courts and county court judges.

(c) Neither the appointment of a special judge nor a visiting judge to preside over the County Court at Law No. 2 of Smith County, as authorized by this Act, affects or diminishes the jurisdiction or power of the county court at law or its judge. A special judge or a visiting judge appointed to preside over the county court at law has the powers, jurisdiction, authority, duties, immunities, and privileges provided by law for the county court at law or its judge, except those powers and that authority associated with the appointment or assignment of court personnel. [The County Court at Law No. 2 of Smith County 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 \$5,000, exclusive of interest, as provided by general law.]

SECTION 6. Sections 5-19, Chapter 672, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-348a, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 5. (a) An appointed or elected judge of the County Court at Law No. 2 of Smith County must:

- (1) be a citizen of the United States;
- (2) have resided in and been actively engaged in the practice of law in Smith County for at least two years prior to the judge's appointment or election; and
- (3) have been a licensed and practicing member of the state bar for at least five years prior to the judge's election or appointment.

(b) The commissioners court shall appoint a person to fill a vacancy in the office of the judge of the County Court at Law No. 2 of Smith County. The appointee holds office until the next general election at which the office appears on the ballot as provided by Article XVI, Section 65, of the Texas Constitution and until a successor is elected or appointed and has qualified.

(c) At each general election at which county court at law judges are elected, the qualified voters of the county elect the judge of the County Court at Law No. 2 of Smith County for a term of four years as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(d) The judge of the County Court at Law No. 2 of Smith County must take the constitutional oath of office.

(e) The judge of the County Court at Law No. 2 of Smith County may not engage in the private practice of law.

(f) The commissioners court may, by an issued and signed order, require the judge of the County Court at Law No. 2 of Smith County to execute a bond in an amount set by the commissioners court. The commissioners court may require a bond of any special judge or visiting judge assigned to the county court at law. If the commissioners court elects to require a bond or bonds, the commissioners court must pay the appropriate fee for the bond or bonds from county funds.

(g) The judge of the County Court at Law No. 2 of Smith County is entitled to receive an annual salary set by the commissioners court. The commissioners court may set the annual salary of the judge at a sum that is equal to an amount that is \$1,000 less than the total salary, including supplements, paid the district judges in Smith County. The salary shall be paid to the judge in equal installments, at the established county pay periods, out of the general fund of the county, by warrants drawn on the county treasury, and on order of the commissioners court. The judge of the county court at law shall assess the fees prescribed by law relating to the county judges and district judges according to the nature of the matter brought before them. The clerk shall collect the fees and pay them into the county treasury. A fee may not be paid to the judge.

(h) The judge of the County Court at Law No. 2 of Smith County may be removed from office in the same manner and for the same causes as a county judge may be removed under the laws of this state.

Sec. 6. (a) If the office of judge of the County Court at Law No. 2 of Smith County is vacant, if the regular judge of the County Court at Law No. 2 of Smith County is absent or is from any cause disabled or disqualified from presiding, or if the regular judge of that court certifies that the orderly administration of justice in the court requires the temporary assistance of a special judge or a visiting judge, the presiding judge of the administrative judicial district in which the county is located may appoint a person to sit as a special judge or visiting judge.

(b) A special judge of the County Court at Law No. 2 of Smith County must:

- (1) be a citizen of the United States;
- (2) have resided in the county in which the court is located for at least one year prior to the special judge's appointment; and

(3) be licensed to practice law in this state and have actively practiced law for at least five years prior to the special judge's appointment.

(c) A special judge of the County Court at Law No. 2 of Smith County must take the constitutional oath of office.

(d) A visiting judge of the County Court at Law No. 2 of Smith County:

(1) must be a former judge of a district court, statutory county court, county court at law, county criminal court, county criminal court of appeals, county civil court at law, or county criminal court at law or an active judge of a district court or county court at law;

(2) must not appear and plead as an attorney at law in any court of this state while serving as a visiting judge;

(3) must have been a successful candidate for election in at least two general elections for judge of a district court, statutory county court, county court at law, county criminal court, county criminal court of appeals, county civil court at law, or county criminal court at law, or any combination of those courts;

(4) must not have been removed from office by impeachment, by the supreme court, by the governor on address of the legislature, or by the judicial qualifications commission; and

(5) must not have resigned as judge of a court while under investigation by the judicial qualifications commission.

(e) A special judge or a visiting judge of the County Court at Law No. 2 of Smith County may sign orders, judgments, decrees, or any other kind of process authorized by law as "Judge Presiding" when acting for the regular judge.

(f) The commissioners court may, by an issued and signed order, require the special judge or visiting judge to execute a bond and may set the amount of the bond.

(g) When a visiting judge is appointed, preference shall be given to the appointment of a former judge of a statutory county court, county court at law, county criminal court, county criminal court of appeals, county civil court at law, and county criminal court at law. If one of those judges is not available to accept a particular assignment, the presiding judge of the judicial district may appoint a former judge of a district court or an active judge of a district court or county court at law.

(h) A special judge of the County Court at Law No. 2 of Smith County is entitled to receive for the services actually performed the same amount of compensation that the regular judge is entitled to receive for those services.

(i) A former judge sitting as a visiting judge of the County Court at Law No. 2 of Smith County is entitled to receive for the services actually performed the same amount of compensation that the regular judge is entitled to receive for those services, less an amount equal to the pro rata annuity received from any state, district, or county retirement fund.

(j) An active judge sitting as a visiting judge of the County Court at Law No. 2 of Smith County is entitled to receive for the services actually performed the same amount of compensation that the regular judge is entitled to receive for those services, less an amount equal to the pro rata compensation received from state or county funds as salary, including supplements.

(k) A visiting judge of the County Court at Law No. 2 of Smith County is entitled to receive reimbursement for actual food and lodging expenses incurred, in an amount not to exceed the sum paid visiting judges of district courts in this state, and for actual travel expenses between the residence of the visiting judge and the county court at law.

(l) The compensation, including authorized expenses, for the County Court at Law No. 2 of Smith County judge, special judges, and visiting judges shall be paid by the commissioners court. Payment to special judges and visiting judges shall be made on certification by the presiding judge of the administrative judicial district that the special judge or visiting judge has rendered the service and is entitled to receive the compensation. None of the amount paid to a special judge or a visiting judge for sitting for the regular judge for the county court at law may be deducted or paid out of the salary or allowable expenses of the regular judge.

(m) Neither the appointment of a special judge nor the appointment of a visiting judge to preside over the County Court at Law No. 2 of Smith County as authorized by this Act affects or diminishes the jurisdiction or power of the county court at law or its judge.

(n) A special judge or a visiting judge appointed to preside over the County Court at Law No. 2 of Smith County has all the powers, jurisdiction, authority, duties, immunities, and privileges provided by law for the court or its judge, except those powers and that authority associated with the appointment or assignment of court personnel.

Sec. 7. (a) The judge of the County Court at Law of Smith County and the judge of the County Court at Law No. 2 of Smith County may transfer cases to and from the dockets of their respective courts, except that 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 may not be transferred unless it is within the jurisdiction of the court to which it is transferred.

(b) The judge of the County Court at Law No. 2 of Smith County and the judge of the district court may transfer cases to and from the dockets of their respective courts, except that 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 may not be transferred unless it is within the jurisdiction of the court to which it is transferred.

(c) Except as otherwise provided by this Act, the judge of the County Court at Law of Smith County and the judge of the County Court at Law No. 2 of Smith County may exchange benches and courtrooms with each other in all cases of which the court presided over by each judge has jurisdiction so that if one is absent, disabled, or disqualified, the other may hold court for him or her without the necessity of transferring the case. Either judge may hear all or any part of a case pending in the county court, county court at law, or County Court at Law No. 2 and may rule and enter orders on and continue, determine, render, or sign judgment on all or any part of the case without the necessity of transferring it to his or her docket. A judge may not sit or act in a case without the consent of the judge of the court in which the case is pending and may not sit or act in a case unless it is within the jurisdiction of his or her own court.

(d) Except as otherwise provided by this Act, the judge of the County Court at Law No. 2 of Smith County and the district judges in Smith County may exchange benches and courtrooms with each other so that if one is absent, disabled, or disqualified, the other may hold court for him or her without the necessity of transferring the case. Either judge may hear all or any part of a case pending in the county court at law or a district court and may rule and enter orders on and continue, determine, render, or assign judgment on all or any part of the case without the necessity of transferring it to his or her docket. A judge may not sit or act in a case without the consent of the judge of the court in which the case is pending and may not sit or act in a case unless it is within the jurisdiction of his or her own court.

(e) In cases transferred to the County Court at Law No. 2 of Smith 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 in those cases shall bind the parties for their appearance or to fulfill the obligations of the bond or recognizance at the term of the court to which the cases are transferred and fixed by law. All processes issued or returned before transfer of the cases, as well as all bonds and recognizances taken before the transfer, are binding as though originally issued out of the court to which the transfer is made.

Sec. 8. The criminal district attorney of Smith County shall represent the state in all prosecutions in the County Court at Law No. 2 of Smith County and is entitled to the same fees as now prescribed by law for those prosecutions in the county courts.

Sec. 9. The county clerk of Smith County shall serve as the clerk of the County Court at Law No. 2 of Smith County.

Sec. 10. The seal of the County Court at Law No. 2 of Smith County shall be the same as that provided by law for county courts, except the seal must contain the words "County Court at Law No. 2 of Smith County."

Sec. 11. The sheriff of Smith County shall, in person or by deputy, attend the County Court at Law No. 2 of Smith County when required by the judge.

Sec. 12. The judge of the County Court at Law No. 2 of Smith County shall appoint an official court reporter for the court who must be well skilled in the profession. The court reporter shall be a sworn officer of the court who holds office at the pleasure of the court. The reporter must take the oath required of official court reporters and is entitled to receive a salary set by the commissioners court and paid out of the county treasury, as other county officials are paid, in equal installments, at the established county pay periods. In setting the salary for the court reporter, the commissioners court shall consider, and if possible, maintain the salary at the same amount of compensation, fees, and allowances as the reporters of the district courts in Smith County receive. The general law relating to official court reporters not inconsistent with this Act applies to the official court reporter of the county court at law. The official court reporter shall perform any and all reasonable court-related duties required by the judge of the court.

Sec. 13. (a) The judge of the County Court at Law No. 2 of Smith County may appoint a court coordinator or administrative assistant for the court. A court coordinator or administrative assistant performs the duties prescribed by the judge and cooperates with the administrative judges and state agencies for uniform and efficient operation of the court and the administration of justice. The court coordinator or administrative assistant is entitled to be paid from county funds the compensation, fees, and allowances set by the commissioners court. The court coordinator or administrative assistant serves the judge and the court and holds office at the pleasure of the judge. The salary paid to a court coordinator or administrative assistant as set by the commissioners court shall be if possible the same as the salary of a court coordinator or administrative assistant of the district courts of Smith County.

(b) *The judges of the County Court at Law of Smith County and the County Court at Law No. 2 of Smith County, the county judge, and the judges of the district courts in the county may adopt rules providing for either the county clerk or the district clerk to serve as the clerk of the County Court at Law No. 2 of Smith County in matters in the concurrent jurisdiction of the county court at law and the district courts. To be adopted, the rules must receive the affirmative vote of the majority of the judges of the County Court at Law of Smith County, County Court at Law No. 2 of Smith County, the county judge, and a majority of the judges of the district courts exercising concurrent jurisdiction.*

Sec. 14. The County Court at Law No. 2 of Smith County may draw jurors from the central jury panel summoned through the district clerk's office in Smith County for jurors to serve in district and county courts, the county court at law, and other courts in the county. Also, the jurisdiction and authority vested in the county court and the county judge, relating to the drawing, selecting, and service of jurors and talesmen shall also be exercised by the County Court at Law No. 2 and its judge; but jurors and talesmen summoned for either of those courts by order of the judge of the court in which they are summoned may be transferred to the other court for service and may be used as if summoned for the court to which transferred. If any of the judges of the County Court at Law of Smith County, the County Court at Law No. 2 of Smith County, or the County Court of Smith County concur, jurors may be summoned for service in the judges' courts and shall be used interchangeably in the courts.

Sec. 15. The general law of this state and the rules of procedure and the rules of evidence of this state apply to and control trials and proceedings in, and appeals to and appeals from, the County Court at Law No. 2 of Smith County.

Sec. 16. The judges of the County Court at Law No. 2 of Smith County and County Court at Law of Smith County exercising common jurisdiction, may, as they consider necessary or desirable for the orderly dispatch of the business of those courts, adopt, amend, supplement, or repeal rules governing the filing, numbering, and docketing of cases, the assignment of cases for trial, the distribution of the work of those courts, procedures and practices, or any other matter not inconsistent with law, the Texas Rules of Civil Procedure, or the rules of posttrial and appellate procedure in criminal cases. To be adopted, amended, supplemented, or repealed, the rules must receive the affirmative vote of the majority of the county court at law judges exercising the common jurisdiction made the subject of the rules.

Sec. 17. Practice and procedure in the County Court at Law No. 2 of Smith County must conform to that prescribed by general law for county courts, except that practice and procedure pertaining to the conduct of trials and hearings in the county court at law involving those matters of concurrent jurisdiction with district courts shall be governed by the general law and rules of procedure and evidence pertaining to district courts.

Sec. 18. Compliance with Rule 817, Texas Rules of Civil Procedure, if appropriate, is a prerequisite to the implementation of any rule adopted by the County Court at Law No. 2 of Smith County relating to civil procedures.

Sec. 19. (a) County court at law juries shall be composed of six persons, except as provided by this section. In cases in the County Court at Law No. 2 of Smith County involving those matters identified in the constitution as matters within the jurisdiction of district courts, if any party to a lawsuit in which juries are authorized by law or the constitution requests a 12-person jury, the jury shall be composed of 12 persons. If no request for a jury composed of 12 persons is made, the jury shall be composed of six persons.

(b) In any civil case tried in the County Court at Law No. 2 of Smith County, the parties may, by mutual agreement and with the consent of the judge, agree to try the case with any number of jurors and agree to have a verdict rendered and returned by the vote of any number of jurors less than all those hearing the case. [(a) The judge of the County Court at Law No. 2 of Smith County shall have been a duly licensed and practicing member of the State Bar of Texas for not less than five years, shall be well-informed in the laws of the state, and shall have resided in and been actively engaged in the practice of law in Smith County, Texas, for a period of not less than two years prior to his appointment or election.

[(b) When this Act becomes effective, the Commissioners Court of Smith County shall appoint a judge to the County Court at Law No. 2 of Smith County, and shall provide suitable quarters for the holding of the court. The judge appointed serves until the general election in 1976, and until his successor is duly elected and has qualified. At the general election in 1976, there shall be elected a judge of the County Court at Law No. 2 for a term ending on December 31, 1978. At the general election in 1978 and every four years thereafter, the judge of the County Court at Law No. 2 shall be elected for a regular four year term as provided in Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution. Any vacancy occurring in the office of the judge of the County Court at Law No. 2 shall be filled by the Commissioners Court of Smith County, and the appointee shall hold office until the next general election and until his successor is duly elected and has qualified.

[Sec. 6: The judge of the County Court at Law No. 2 of Smith County may be removed from office in the same manner and for the same causes as any county judge may be removed under the laws of this state:

[Sec. 7: The judge of the County Court at Law No. 2 of Smith County shall execute a bond and take the oath of office as required by law relating to county judges:

[Sec. 8: A special judge of the County Court at Law No. 2 of Smith County may be appointed or elected as provided by law relating to county courts and to the judge thereof. He shall receive for each day he actually serves the same compensation as provided for a special judge of the County Court at Law of Smith County, to be paid out of the general fund of the county by the commissioners court:

[Sec. 9: In the case of the disqualification of the judge of the County Court at Law No. 2 of Smith County to try a case pending in his court, the parties or their attorneys may agree on the selection of a special judge to try the case or cases where the judge of the County Court at Law No. 2 of Smith County is disqualified. In case of the selection of a special judge by agreement of the parties or their attorneys, the special judge shall draw the same compensation as that provided for a special judge in the County Court at Law of Smith County:

[Sec. 10: The County Court at Law No. 2 of Smith County, or the judge thereof, shall have the power to issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary to the enforcement of jurisdiction of the court, and to issue writs of habeas corpus in such cases where the offense charged is within the jurisdiction of said court or of any other court in the county of inferior jurisdiction to the county court at law. The County Court at Law No. 2, or the judge thereof, shall also have the power to punish for contempt as prescribed by law for county courts:

[Sec. 11: (a) The judge of the County Court at Law No. 2 may sit in the absence from the courtroom of the County Judge of Smith County in all matters, causes, and proceedings without the necessity of transferring those matters, causes, and proceedings, except matters coming under the jurisdiction of the commissioners court where the county judge would be the presiding officer of that court:

(b) The county judge, if a duly licensed attorney, may sit in the absence from the courtroom of the judge of the County Court at Law No. 2 in all matters and causes without the necessity of transferring those matters and causes. The judges of the county courts at law may freely exchange benches and courtrooms with each other without the necessity of transferring the case involved:

(c) Except in cases where the writ of certiorari has been granted, the judges of the county court and the county courts at law may transfer cases to and from the dockets of their respective courts. However, no case may be transferred from one court to another court without the consent of the judge of the court to which it is transferred, and no case may be transferred unless it is within the jurisdiction of the court to which it is transferred:

(d) In cases transferred to either of the courts by order of the judge of one of the other courts, 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 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 such bonds or recognizances at the terms of the court to which the cases are transferred as fixed by law. All processes issued or returned before transfer of the cases, as well as all bonds and recognizances taken before the transfer, shall be valid and binding as though originally issued out of the court to which the transfer is made:

[Sec. 12: The Criminal District Attorney of Smith County shall represent the state in all prosecutions in the County Court at Law No. 2 of Smith County, as provided by law for such prosecutions in county courts, and shall be entitled to the same fees as now prescribed by law for such prosecutions in the county courts:

[Sec. 13: The County Clerk of Smith County shall be the clerk of the County Court at Law No. 2 of Smith County, 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 Smith County."

[Sec. 14: The Sheriff of Smith County shall in person or by deputy attend the County Court at Law No. 2 of Smith County when required by the judge thereof:

[Sec. 15: The jurisdiction and authority now vested by law in the County Court of Smith County, and the judge thereof, for the drawing, selection and service of jurors and talesmen shall also be exercised by the County Court at Law No. 2 of Smith County

and the judge thereof: Jurors and talesmen summoned for either of the county courts at law or the county court may by order of the judge of the court in which they are summoned be transferred to the other courts for service and may be used as if summoned for the court to which they may be thus transferred. On concurrence of the judges of the county courts at law and the judge of the County Court of Smith County, jurors may be summoned for service in all of those courts and shall be used interchangeably in all such courts. All summons for petit jurors for all civil and criminal cases under existing laws at the time this Act takes effect, shall be as valid as if no change had been made and the persons constituting such jury panels shall be required to appear and serve at the ensuing term of the courts as fixed by this Act, and their acts as jurors shall be as valid as if they had been selected as jurors in the court for which they were originally drawn.

[Sec. 16. The laws of the State of Texas, the rules of procedure, and the rules of evidence shall be applicable to and control trials and proceedings in the County Court at Law No. 2 of Smith County; and shall be applicable to and govern the proceedings in and appeals to and appeals from the County Court at Law No. 2 of Smith County.

[Sec. 17. The judge of the County Court at Law No. 2 of Smith County shall receive an annual salary equal to the annual salary of the judge of the County Court at Law of Smith County as set by the commissioners court, to be paid out of the county treasury on the order of the commissioners court. The salary shall be paid monthly in equal installments. The judge of the County Court at Law No. 2 of Smith County shall assess the same fees as are now prescribed or may be established by law, relating to the county judge's fees, all of which shall be collected by the clerk of the court and shall be paid into the county treasury on collection, no part of which shall be paid to the judge, but he shall draw the salary as above specified in this section.

[Sec. 18. The judge of the County Court at Law No. 2 of Smith County may appoint an official shorthand reporter for the court who shall be well-skilled in his profession and shall be a sworn officer of the court and shall hold his office at the pleasure of the court. The reporter shall take the oath required of official court reporters and shall receive a salary as set by the Commissioners Court of Smith County to be paid out of the county treasury of Smith County, as other county officials are paid, in equal monthly installments. All other provisions of Chapter 13, Title 42, Revised Civil Statutes of Texas, 1925, as amended and as the same may hereafter be amended, and all other provisions of the law relating to official court reporters shall be and are hereby made to apply in all provisions in so far as they are applicable to the official shorthand reporter authorized to be appointed and in so far as they are not inconsistent with this Act.

[Sec. 19. The judge of the County Court at Law No. 2 of Smith County, with the consent of the commissioners court, may employ a secretary. The secretary is entitled to a salary as determined by the commissioners court.]

SECTION 7. 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 by the House on May 17, 1985, by the following vote: Yeas 134, Nays 0, 1 present, not voting; passed by the Senate on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 14, 1985

Effective: Immediately