

CHAPTER 879

H.B. No. 744

An Act relating to the jurisdiction of the statutory probate courts in Harris County and to special and substitute judges and certain staff for those courts.

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

SECTION 1. Sections 2, 11, 12, and 14, Chapter 520, Acts of the 51st Legislature, Regular Session, 1949 (Article 1970-110a, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 2. The Probate Court No. 1 of Harris County, Texas, shall have the general jurisdiction of a Probate Court within the limits of Harris County, concurrent with the jurisdiction of the County Court of Harris County in such matters and proceedings. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the *collection, management, settlement, partition and distribution of estates of deceased persons, minors and incompetents, lunacy proceedings and the apprenticing of minors as provided by law.*

Sec. 11. In the case of the absence, disqualification or incapacity of the judge of the Probate Court No. 1 of Harris County, the County Judge of Harris County or the judge of *any statutory probate court in [the Probate Court No. 2 of] Harris County* shall sit and act as judge of said court, and may hear and determine, either in his own courtroom or in the courtroom of said court, any matter or proceeding there pending, and enter any order in such matters or proceedings as the judge of said court may enter if personally presiding therein.

Sec. 12. In the case of the absence, disqualification or incapacity of the judge of the ~~[said] Probate Court No. 1, [and] the judges [judge] of the other statutory probate courts in [Probate Court No. 2 of] Harris County,~~ and the County Judge of Harris County, a Special Judge of the Probate Court No. 1 of Harris County may be appointed or elected *as necessary* as provided by the general laws relating to county courts and the judges thereof.

Sec. 14. (a) The county clerk of Harris County shall be the clerk of the Probate Court No. 1 of Harris County.

(b) The seal of the court shall be the same as that provided by law for county courts except that the seal shall contain the words "Probate Court No. 1 of Harris County, Texas," and said seal shall be judicially noticed.

(c) The sheriff of Harris County shall, in person or by deputy, attend the court when required by the judge thereof.

(d) *With the approval of the commissioners court, the judge of Probate Court No. 1 of Harris County, Texas, may appoint an administrative assistant, a court coordinator, an auditor, and other staff necessary for the operation of the court. The commissioners court, with the advice and counsel of the judge, sets the salaries of the staff.*

SECTION 2. Sections 3, 12, 13, and 15, Chapter 712, Acts of the 60th Legislature, Regular Session, 1967 (Article 1970-110a.2, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 3. Said Probate Court No. 2 of Harris County shall have the general jurisdiction of a Probate Court within the limits of Harris County, concurrent with the jurisdiction of the County Court of Harris County, Texas, in such matters and proceedings, and also concurrent with and in all things equal to that heretofore conferred upon the Probate Court No. 1 of Harris County, Texas. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the *collection, management,*

settlement, partition and distribution of estates of deceased persons, *minors and incompetents*, lunacy proceedings and the apprenticing of minors as provided by law.

Sec. 12. In the case of the absence, disqualification or incapacity of the Judge of the Probate Court No. 2 of Harris County, the County Judge of Harris County or the Judge of *any statutory probate court in* [~~the Probate Court No. 1 of~~ Harris County, shall sit and act as Judge of said Court, and may hear and determine, either in his own courtroom or in the courtroom of said Court, any matter or proceeding there pending, and enter any order in such matters or proceedings as the Judge of said Court may enter if personally presiding therein.

Sec. 13. In case of the absence, disqualification or incapacity of the Judge of the Probate Court No. 2 of Harris County, *the Judges* [~~or the Judge~~] of *the other statutory probate courts in* [~~Probate Court No. 1 of~~ Harris County, and the County Judge of Harris County, a Special Judge [~~of the Probate Court No. 1 of Harris County or~~] of the Probate Court No. 2 of Harris County as *necessary* [~~the need may demand~~], may be appointed or elected, as provided by the General Laws relating to county courts and to the Judge thereof.

Sec. 15. (a) The County Clerk of Harris County shall be the Clerk of the Probate Court No. 2 of Harris County.

(b) The seal of the Court shall be the same as that provided by law for county courts except that the seal shall contain the words "Probate Court No. 2 of Harris County, Texas.", and said seal shall be judicially noticed.

(c) The Sheriff of Harris County shall, in person or by deputy, attend the Court when required by the Judge thereof.

(d) *With the approval of the commissioners court, the judge of Probate Court No. 2 of Harris County may appoint an administrative assistant, a court coordinator, an auditor, and other staff necessary for the operation of the court. The commissioners court, with the advice and counsel of the judge, sets the salaries of the staff.*

SECTION 3. Sections 2, 11, 12, and 13, Chapter 434, Acts of the 65th Legislature, Regular Session, 1977 (Article 1970-110a.3, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 2. The Probate Court No. 3 of Harris County shall have the general jurisdiction of a probate court within the limits of Harris County, concurrent with the jurisdiction of the County Court of Harris County, Texas, in probate, administrations, guardianship, and mental illness proceedings, and also concurrent with and in all things equal to that heretofore conferred on the Probate Court No. 1 of Harris County, Texas, and Probate Court No. 2 of Harris County, Texas. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards, grant letters testamentary and of administration, settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the *collection, management, settlement, partition, and distribution of estates of deceased persons, minors and incompetents, lunacy proceedings, and the apprenticing of minors as provided by law.* It is the intention of this Act that the Probate Court No. 3 of Harris County shall have the primary responsibility at all times for all mental illness proceedings *until January 1, 1987, at which time the responsibility shall be divided between the Probate Court No. 3 of Harris County and the Probate Court No. 1 of Harris County.*

Sec. 11. In the case of the absence, disqualification, or incapacity of the Judge of the Probate Court No. 3 of Harris County, the County Judge of Harris County or the *judge of any statutory probate court in* [~~Judge of the Probate Court No. 1 of Harris County or the Judge of the Probate Court No. 2 of~~ Harris County, may sit and act as judge of said court, and may hear and determine, either in his own courtroom or in the courtroom of said court, any matter or proceeding there pending, and enter any order in such matters or proceedings as the judge of said court may enter if personally presiding therein.

Sec. 12. In case of the absence, disqualification, or incapacity of the Judge of the Probate Court No. 1 of Harris County, the *judges* [~~judge~~] of *the other statutory probate courts in* [~~Probate Court No. 2 of Harris County, the Judge of the Probate Court No. 3 of~~ Harris County, and [~~or~~] the County Judge of Harris County, a special judge of the Probate Court No. [~~1 of Harris County or of the Probate Court No. 2 of Harris County or of the Probate Court No.~~] 3 of Harris County, as *necessary* [~~the need may demand~~], may be appointed or elected, as provided by the general laws relating to county courts and to the judges thereof.

Sec. 13. (a) The County Clerk of Harris County shall be the Clerk of the Probate Court No. 3 of Harris County.

(b) The seal of the court shall be the same as that provided by law for county courts except that the seal shall contain the words "Probate Court No. 3 of Harris County, Texas," and said seal shall be judicially noticed.

(c) The Sheriff of Harris County shall, in person or by deputy, attend the court when required by the judge thereof.

(d) *With the approval of the commissioners court, the judge of Probate Court No. 3 of Harris County may appoint an administrative assistant, a court coordinator, an auditor, and other staff necessary for the operation of the court. The commissioners court, with the advice and counsel of the judge, sets the salaries of the staff.*

SECTION 4. 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 April 4, 1985, by a non-record vote; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 15, 1985

Effective: August 26, 1985