

CHAPTER 159

S.B. No. 1084

An Act relating to elimination of derogatory terminology used in connection with certain mentally disabled persons in statutes applicable to certain probate and county courts, to certain schools and centers, and to hospitals and districts formerly under the authority of the board of control, and in other statutes; eliminating certain repetitious and obsolete language; conforming language descriptive of probate and county courts and of the authority of the State Board of Control and the Texas Department of Mental Health and Mental Retardation.

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

SECTION 1. Subsection (p), Section 3, Probate Code, is amended to read as follows:

“(p) ‘Incompetents’ or ‘Incompetent persons’ are persons non compos mentis, *mentally disabled persons* [~~idiots, lunatics~~], insane persons, common or habitual drunkards, and other

persons who are mentally incompetent to care for themselves or to manage their property and financial affairs.”

SECTION 2. Subsection (y), Section 3, Probate Code, is amended to read as follows:

“(y) ‘Persons of unsound mind’ are persons non compos mentis, *mentally disabled persons* [~~idiots, lunatics~~], insane persons, and other persons who are mentally incompetent to care for themselves or to manage their property and financial affairs.”

SECTION 3. Subsection (b), Section 5, Probate Code, as amended, is amended to read as follows:

“(b) In those counties where there is no statutory probate court, county court at law or other statutory court exercising the jurisdiction of a probate court, all applications, petitions and motions regarding probate, administrations, guardianships, limited guardianships, and mental illness matters shall be filed and heard in the county court, except that in contested probate matters, the judge of the county court may on his own motion, or shall on the motion of any party to the proceeding transfer such proceeding to the district court, which may then hear such proceeding as if originally filed in such court. In contested matters transferred to the district court in those counties, the district court, concurrently with the county court, shall have the general jurisdiction of a probate court [~~and it shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, incapacitated persons, 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, incapacitated persons, and common drunkards, including the settlement, partition, and distribution of estates of deceased persons and to apprentice minors, as provided by law~~]. Upon resolution of all pending contested matters, the probate proceeding shall be transferred by the district court to the county court for further proceedings not inconsistent with the orders of the district court. If a proceeding is transferred to a district court under this subsection, the clerk of the district court may perform in relation to the transferred proceeding any function a county clerk may perform in that type of proceeding.”

SECTION 4. Subsection (d), Section 144, Probate Code, is amended to read as follows:

“(d) Money in the Registry of a Court and Belonging to an Inmate of a State Eleemosynary Institute. Whenever it is made to appear to the judge of a county court, district court, or other court of the State of Texas, by an affidavit executed by the superintendent, business manager or field representative of any eleemosynary institution of the State of Texas, that a certain inmate therein is a *mentally disabled person* [~~lunatic, idiot~~], person of unsound mind, or a person whose mental illness or mental incapacity, or both, renders him incapable of caring for himself and managing his property and financial affairs, and there is no known legal guardian appointed for the estate of such inmate, and that there is on deposit in the registry of the court a certain sum of money belonging to the inmate and not exceeding the sum of Ten Thousand Dollars, the judge of the court may order the disposition of the funds as herein provided. The judge of the court, upon satisfactory proof by affidavit or otherwise, that the inmate is a *mentally disabled person* [~~lunatic, idiot~~], person of unsound mind, or a person whose mental illness or mental incapacity, or both, renders him incapable of caring for himself and managing his property and financial affairs, without a legally appointed guardian of his estate, may by order direct the clerk of the court to pay the money to the institution for the use and benefit of the inmate. The State institution to which the payment is made shall not be required to give bond or security for receiving the fund from the registry of the court, and the receipt from the State institution for such payment, or the cancelled check or warrant by which the payment was made, shall be sufficient evidence of the disposition thereof and the clerk of the court shall be relieved of further responsibility therefor. Upon receipt of the money the institution shall deposit all of the amount received to the trust account of the inmate, to be used by or for the personal use of the owner thereof under the regulations or custom of the institution in the expenditure of such funds by the inmate or for the use and benefit of the inmate by the responsible officer of the institution. The provisions of this subdivision shall be cumulative of all other laws affecting the rights of *mentally disabled persons* [~~lunatics, idiots~~], persons of unsound mind or of mental illness, and moneys belonging to such persons as inmates of a state eleemosynary institution.

“Should such inmate become deceased leaving a balance in his trust account, such balance may be applied on the burial expenses of said inmate, or applied on his care, support and treatment account at said institution. After the expenditure of all funds in such trust account or after the death of such inmate the responsible officer shall furnish a statement of expenditures of such funds to nearest relative entitled to such statement; and, a copy of such statement shall be filed with the court which first granted the order to dispose of the funds in accordance with the provisions of this Act.”

SECTION 5. Section 5, Chapter 69, General Laws, Acts of the 41st Legislature, 5th Called Session, 1930, as amended (Article 199(117), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5. From and after the passage of this Act the County Court of Nueces County shall cease to have or exercise any Civil jurisdiction, except as hereinafter specified and enumerated, provided that said Court shall not be restricted nor deprived of any jurisdiction now vested in it by the General Laws, nor shall the Judge thereof be restricted nor deprived of any duties, rights or powers now vested in or required of him by the General Laws except the Civil jurisdiction by this Act transferred from said Court to the District Court for the 117th Judicial District. The County Court of Nueces County shall have and retain jurisdiction of all cases appealed from the Justice Courts, and the general jurisdiction of a Probate Court [~~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 settlement, partition and distribution of estates of deceased persons; and to apprentice minors as provided by Law~~], and the County Court or the Judge thereof shall have power to issue all writs necessary to the enforcement of the jurisdiction of said Court in all matters the jurisdiction of which, by this Act, is not transferred from said Court to the District Court of the 117th Judicial District."

SECTION 6. Section 1, Chapter 355, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 1969a-2, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. The Judge of any County Court at Law in any county having a population of less than seven hundred thousand (700,000) inhabitants, according to the last preceding or any future Federal Census, may act for the County Judge of the county in any juvenile, *mental health* [~~lunacy~~], probate and condemnation proceeding or matter and also may perform for the County Judge any and all other ministerial acts required by the laws of this State of the County Judge, during the absence, inability or failure of the County Judge for any reason to perform such duties; and any and all such acts thus performed by the Judge of the County Court at Law, while acting for the County Judge, shall be valid and binding upon all parties to such proceedings or matters the same as if performed by the County Judge. Provided that the powers thus given the Judges of the County Courts at Law of this State shall extend to and include all powers of the County Judge except his powers and duties in connection with the transaction of the business of the County, as presiding officer of the Commissioners Court and as the budget officer for the Commissioners Court."

SECTION 7. Section 3, Chapter 52, General Laws, Acts of the 30th Legislature, Regular Session, 1907 (Article 1970-4, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. The County Court of Dallas County shall retain, as heretofore, the general jurisdiction of a probate court [~~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, administrators and guardians; transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, partition and distribution of estates of deceased persons; and to apprentice minors as provided by law~~]; and the said court, 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 said 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 Dallas county shall be the judge of the County Court of Dallas County. All ex officio duties of the county judge shall be exercised by the said judge of the County Court of Dallas County except in so far as the same shall, by this Act, be committed to the judge of the County Court of Dallas County [~~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, administrators and guardians; transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, partition and distribution of estates of deceased persons; and to apprentice minors as provided by law~~] at Law No. 1."

SECTION 8. Section 3, Chapter 32, Acts of the 52nd Legislature, Regular Session, 1951 (Article 1970-31.11, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. The County Court of Dallas County, Texas, shall retain as heretofore, its jurisdiction as a juvenile court and [~~it shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and habitual drunkards; and grant letters testamentary and of administration; settle accounts of administrators, executors and guardians; transact all business pertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlements, partition and distribution of the estates of deceased persons; and of apprenticing minors as provided by law~~]. The county Judge of Dallas County shall be the Judge of the County Court of Dallas County, Texas, and all ex-officio duties of the county Judge shall be exercised by the said Judge of the said County Court, except as in so far as the same shall, by this Act, be committed to the Judge of the County Criminal

Court No. 2 of Dallas County, Texas; and except such as have heretofore been conferred upon the Judges of the County Court at Law, Number One, and the County Court at Law, Number Two, of Dallas County, Texas.”

SECTION 9. Section 3, Chapter 49, Acts of the 53rd Legislature, 1st Called Session, 1954 (Article 1970-31.12, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 3. The County Court of Dallas County, Texas, shall retain as heretofore, its jurisdiction as a juvenile court *and* [;] the general jurisdiction of a probate court [; ~~it shall probate wills; appoint guardians of minors; idiots; lunatics; persons non compos mentis; and habitual drunkards; and grant letters testamentary and of administration; settle accounts of administrators; executors and guardians; transact all business pertaining to deceased persons; minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the settlements; partition and distribution of the estates of deceased persons; and of apprenticing minors as provided by law~~]. The County Judge of Dallas County shall be the Judge of the County Court of Dallas County, Texas, and all ex-officio duties of the county Judge shall be exercised by the said Judge of the said County Court, except as in so far as the same shall, by this Act, be committed to the Judge of the County Criminal Court No. 3 of Dallas County, Texas; and except such as have heretofore been conferred upon the Judges of the County Court at Law, Number One, and the County Court at Law, Number Two, of Dallas County, Texas.”

SECTION 10. Section 3, Article 1, Chapter 227, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1970-31.13, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 3. The County Court of Dallas County, Texas, shall retain as heretofore its jurisdiction as a juvenile court and the general jurisdiction of a probate court [; ~~it shall probate wills; appoint guardians of minors; idiots; lunatics; persons non compos mentis; and habitual drunkards; and grant letters testamentary and of administration; settle accounts of administrators; executors and guardians~~]. The county judge of Dallas County shall be the judge of the County Court of Dallas County, Texas, and all ex officio duties of the county judge shall be exercised by the said judge of the said county court, except insofar as the same shall, by this Act, be committed to the judge of the County Criminal Court Number Four of Dallas County, Texas; and except such as have heretofore been conferred upon the judges of the county courts at law of Dallas County, Texas.”

SECTION 11. Section 3, Article 2, Chapter 227, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1970-31.14, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 3. The County Court of Dallas County, Texas, shall retain as heretofore its jurisdiction as a juvenile court and the general jurisdiction of a probate court [; ~~it shall probate wills; appoint guardians of minors; idiots; lunatics; persons non compos mentis; and habitual drunkards; and grant letters testamentary and of administration; settle accounts of administrators; executors and guardians~~]. The county judge of Dallas County shall be the judge of the County Court of Dallas County, Texas, and all ex officio duties of the county judge shall be exercised by the said judge of the said county court, except insofar as the same shall, by this Act, be committed to the judge of the County Criminal Court Number Five of Dallas County, Texas; and except such as have heretofore been conferred upon the judges of the county courts at law of Dallas County, Texas.”

SECTION 12. Section 2, Chapter 174, Acts of the 52nd Legislature, Regular Session, 1951 (Article 1970-31a, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 2. The Probate Court of Dallas County shall have the general jurisdiction of a Probate Court within the limits of Dallas County, concurrent with the jurisdiction of the County Court of Dallas 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 settlement; partition and distribution of estates of deceased persons; lunacy proceedings and the apprenticing of minors as provided by law;~~]”

SECTION 13. Section 2, Chapter 265, Acts of the 58th Legislature, Regular Session, 1963 (Article 1970-31b, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 2. Probate Court Number 2 of Dallas County shall have the general jurisdiction of the Probate Court within the limits of Dallas County concurrent with the jurisdiction of the Probate Court of Dallas County and of the County Court of Dallas 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 administra/~~”

five; settle accounts of executor; transact all business pertaining to deceased persons; minors; idiots; lunatics; persons non compos mentis and common drunkards; including the settlement, partition and distribution of estates of deceased persons; lunacy proceedings and the apprenticing of minors as provided by law.]”

SECTION 14. Section 2, Chapter 153, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-31c, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 2. Probate Court Number 3 of Dallas County shall have the general jurisdiction of the probate court within the limits of Dallas County concurrent with the jurisdiction of the Probate Court of Dallas County, the Probate Court Number 2 of Dallas County, and of the County Court of Dallas 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 administrative; settle accounts of executors; transact all business pertaining to deceased persons; minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the settlement, partition, and distribution of estates of deceased persons; lunacy proceedings; and the apprenticing of minors as provided by law.~~] It is the intention of this Act that the Probate Court Number 3 of Dallas County shall have the primary responsibility, at all times, for all mental illness proceedings.”

SECTION 15. Section 3, Chapter 17, General Laws, Acts of the 31st Legislature, Regular Session, 1909 (Article 1970-35, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 3. The county court of Tarrant county shall retain, as heretofore the jurisdiction of all criminal cases, its jurisdiction as a juvenile court, its jurisdiction in matters pertaining to liquor licenses, forfeitures and bonds, and the general jurisdiction of a probate court [~~; 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 administrators; executors and guardians; transact all business pertaining to deceased persons; minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the settlement, partition and distribution of estates of deceased persons; and shall apprentice minors as provided by law.~~]. The county judge of Tarrant county shall be the judge of the county court of Tarrant county and all ex officio duties of the county judge shall be exercised by the said judge of the county court of Tarrant county, except in so far as the same shall, by this chapter, be committed to the judge of the *County Court at Law No. 2* [~~county court~~] *Tarrant County* [~~county for civil cases~~].”

SECTION 16. Section 3, Chapter 28, Acts of the 37th Legislature, Regular Session, 1921 (Article 1970-48, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 3. The County Court of Tarrant County shall retain exclusively as heretofore its jurisdiction as a juvenile court and [~~;~~] the general jurisdiction of a probate court [~~; it shall probate wills; appoint guardians of minors; idiots; lunatics; persons non compos mentis; and common drunkards; and grant letters testamentary and of administration; settle accounts of administrators; executors and guardians; transact all business pertaining to deceased persons; minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the settlement, partition and distribution of the estates of deceased persons; and of apprenticed minors as provided by law.~~]. The County Judge of Tarrant County shall be the judge of the County Court of Tarrant County, Texas, and all ex-officio duties of the County Judge shall be exercised by the said judge of the said County Court, except insofar as the same shall, by this Act, be committed to the Judge of the County Court at Law *No. 1* of Tarrant County, Texas, and except such as have heretofore been conferred upon the judge of the County Court at Law *No. 2* of Tarrant County [~~for civil cases~~].”

SECTION 17. Section 3, Chapter 375, Acts of the 53rd Legislature, Regular Session, 1953 (Article 1970-62a, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 3. The County Court of Tarrant County, Texas, shall retain as heretofore its jurisdiction as a juvenile court and [~~;~~] the general jurisdiction of a probate court [~~; it shall probate wills; appoint guardians of minors; idiots; lunatics; persons non compos mentis; and habitual drunkards; and grant letters testamentary and of administration; settle accounts of administrators; executors and guardians; transact all business pertaining to deceased persons; minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the settlements, partition and distribution of the estates of deceased persons; and of apprenticing minors as provided by law.~~]. The County Judge of Tarrant County shall be the Judge of the County Court of Tarrant County, Texas, and all ex officio duties of the County Judge shall be exercised by the said Judge of the said County Court, except as in so far as the same shall, by this Act, be committed to the Judge of the County Criminal Court of Tarrant County, Texas; and except such as have heretofore been conferred upon the *Judges* [~~judge~~] of the County Courts [~~Court~~] at Law of Tarrant County, Texas.”

SECTION 18. Section 3, Chapter 50, Acts of the 57th Legislature, Regular Session, 1961 (Article 1970-62b, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. The County Court of Tarrant County, Texas, shall retain as heretofore, its jurisdiction as a juvenile court *and* [;] the general jurisdiction of a probate court [; ~~it shall probate wills; appoint guardians of minors, idiots, lunatics, persons non compos mentis; and habitual drunkards; and grant letters testamentary and of administration; settle accounts of administrators; executors and guardians; transact all business pertaining to deceased persons; minors, idiots, lunatics, persons non compos mentis; and common drunkards; including the settlements, partition and distribution of the estates of deceased persons; and of apprenticing minors as provided by law~~]. The County Judge of Tarrant County shall be the Judge of the County Court of Tarrant County, Texas, and all ex officio duties of the County Judge shall be exercised by the said Judge of the said County Court, except in so far as the same shall, by this Act, be committed to the Judge of the County Criminal Court No. 1 of Tarrant County, Texas; and except such as have heretofore been conferred upon the Judges of the County Courts at Law, and the County Criminal Court of Tarrant County."

SECTION 19. Section 4, Chapter 251, Acts of the 58th Legislature, Regular Session, 1963 (Article 1970-62c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. The County Court of Tarrant County, Texas, shall retain, as heretofore, its jurisdiction as a juvenile court and its general jurisdiction as a probate court. [~~It shall probate wills; appoint guardians of minors, idiots, lunatics, persons non compos mentis and habitual drunkards; grant letters testamentary and of administration; settle accounts of administrators; executors and guardians; and transact all business pertaining to deceased persons; minors, idiots, lunatics, persons non compos mentis; and common drunkards; including the settlement, partition and distribution of the estates of deceased persons and the apprenticing of minors as provided by law~~]. The county judge of Tarrant County, Texas, shall be judge of the County Court of Tarrant County, Texas, and all ex officio duties of the county judge shall be exercised by the said judge of said County Court except insofar as the same shall, by this Act, be committed to the judge of the County Criminal Court No. 3 of Tarrant County, Texas, and except such as have heretofore been conferred upon the *judges* [judge] of the County *Courts* [Court] at Law of Tarrant County, Texas."

SECTION 20. Section 3, Chapter 10, General Laws, Acts of the 32nd Legislature, Regular Session, 1911 (Article 1970-65, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. The county court of Bexar county shall retain, as heretofore, the jurisdiction of all criminal cases, the forfeiture of bonds in criminal cases and all proceedings in relation thereto; of all cases of eminent domain; *and* the general jurisdiction of a probate court [; ~~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 administrators; executors and guardians; transact all business pertaining to deceased persons; minors, idiots, lunatics, persons non compos mentis; and common drunkards; including the settlement, partition and distribution of estates of deceased persons; and to apprentice minors as provided by law~~]. The county judge of Bexar county shall be the judge of the county court of Bexar county, and all ex officio duties of the county judge shall be exercised by the said judge of the county court of Bexar county, except in so far as the same shall, by this Act, be committed to the judge of the *County Court at Law No. 1* [~~county court~~] of Bexar *County* [~~county for civil cases~~]. The county judge of Bexar county shall retain authority to try all applications for liquor licenses, and shall approve all liquor bonds as may be provided by law. He shall also retain jurisdiction of the juvenile court."

SECTION 21. Section 3, Chapter 4, General Laws, Acts of the 32nd Legislature, Regular Session, 1911 (Article 1970-81, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. The county *court* [judge] of Harris county shall retain as heretofore, the general jurisdiction of a probate court [; ~~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, administrators and guardians; transact all business pertaining to deceased persons; and to hear and determine all matters affecting juvenile offenders, minors, idiots, lunatics, person non compos mentis; and common drunkards; including the settlement, partition and distribution of estates of deceased persons;~~] and shall have jurisdiction to hear and determine all matters relating to or arising out of the granting or revoking of liquor licenses, and all matters appertaining thereto; and to apprentice minors as provided by law, and the said court, or the judge thereof, shall have the power to issue writs of injunctions, mandamus, and all writs necessary to the enforcement of the jurisdiction of said court, and also to punish contempts under such provisions as are or may be provided by general law governing county courts throughout the state; but said county court of Harris county shall have no other jurisdiction, civil or criminal. The county judge of Harris

county shall be the judge of the county court of Harris county, and all ex officio duties of the county judge shall be exercised by the said judge of the county court of Harris county, except in so far as the same shall by this Act be committed to the judge of the *County Court at Law No. 1* [county court] of Harris County [county for civil cases].”

SECTION 22. Section 2, Chapter 520, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 1970-110a, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 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 settlement, partition and distribution of estates of deceased persons; lunacy proceedings and the apprenticing of minors as provided by law.~~]”

SECTION 23. Section 3, Chapter 712, Acts of the 60th Legislature, Regular Session, 1967 (Article 1970-110a.2, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 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 settlement, partition and distribution of estates of deceased persons; lunacy proceedings and the apprenticing of minors as provided by law.~~]”

SECTION 24. Section 2, Chapter 434, Acts of the 65th Legislature, Regular Session, 1977 (Article 1970-110a.3, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 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 settlement, partition, and distribution of estates of deceased persons; 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.”

SECTION 25. Section 3, Chapter 29, Acts of the 34th Legislature, Regular Session, 1915, as amended (Article 1970-113, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 3. The County Court of Jefferson County shall retain, as heretofore, general jurisdiction of the probate court, and all jurisdiction conferred by law now over probate matters, and the judge of the County Court of Jefferson County at Law may act for the judge of the county court in any juvenile, *mental health*, [lunacy] or probate matter, and also may perform for the county judge any and all ministerial acts required by the laws of this state of the county judge, and any and all acts thus performed by the judge of the County Court at Law while acting for the county court shall be valid and binding upon all parties to such proceedings or matters, the same as if performed by the county judge, provided that the powers thus given the judge of the County Court of Jefferson County at Law shall extend to and include all powers of the county judge except his powers and duties in connection with the transaction of the business of the county as presiding officer of the Commissioners Court, and the County Court of Jefferson County as now and heretofore existing shall have all the jurisdiction which it now has, save and except that which is given to the County Court of Jefferson County at Law by this Act, but the county court as now existing shall have no other jurisdiction, civil or criminal. The county judge of Jefferson County shall be judge of the county court for the county, and all ex officio duties of the county judge shall be exercised by said judge of the County Court of Jefferson County, except insofar as the same shall by this Act be committed to the County Court of Jefferson County at Law. Nothing in this Act shall be so construed as to require that the County Judge of Jefferson County shall be an attorney.”

SECTION 26. Section 3, Chapter 93, Acts of the 35th Legislature, Regular Session, 1917, as amended (Article 1970-129, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. The County Court of El Paso County, Texas, shall retain, as heretofore, its jurisdiction as a juvenile court, its jurisdiction in matters pertaining to liquor licenses, forfeitures and bonds and the general jurisdiction of a probate court [~~; it shall probate wills; appoint guardians of minors; idiots and lunatics; persons non compos mentis and drunkards; grant letters testamentary and of administration; settle accounts with administrators; executors and guardians; transact all business pertaining to deceased persons; and to apprentice minors as provided by law~~]. The County Judge of El Paso County, Texas, shall be the Judge of the County Court of El Paso County, Texas, and all ex-officio duties of the County Judge shall be exercised by said Judge of the said County Court of El Paso County, except in so far as the same shall by this Act be committed to the Judge of the El Paso County Court at Law."

SECTION 27. Section 3, Chapter 53, Acts of the 54th Legislature, Regular Session, 1955 (Article 1970-141.1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. (a) The County Court at Law of El Paso County and County Court at Law No. 2 of El Paso County shall henceforth have general jurisdiction of Probate Courts within the limits of El Paso County concurrent with jurisdiction of the County Court of El Paso County in such matters and proceedings. [~~Such County Court at Law and County Court at Law No. 2 shall probate wills; appoint guardians of minors; idiots and lunatics; persons non compos mentis and drunkards; grant letters testamentary and of administration; settle accounts with administrators; executors and guardians; transact all business pertaining to deceased persons; minors; idiots; lunatics; persons non compos mentis and drunkards; including the settlement; partition and distribution of estates of deceased persons; the apprenticing of minors as provided by law; and conduct lunacy proceedings.~~] Said County Court at Law and County Court at Law No. 2 shall have no jurisdiction over any other of those matters which are now vested exclusively in the County Court of El Paso County, or in the judge therein.

"(b) The County Court of El Paso County, the El Paso County Court at Law and the County Court at Law No. 2 of El Paso County, or either of the judges thereof shall have the power to issue writs of injunction, 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.

"(c) The judges of the County Court of El Paso County, County Court at Law of El Paso County, and County Court at Law No. 2 of El Paso County may with the consent of the judge of the Court to which transfer is to be made, transfer probate matters or proceedings from his respective Court to the other Court by the entry of an order to that effect upon the docket, to enable the efficient and justiciable disposition of the probate matters and proceedings in El Paso County, Texas.

"(d) The judges of the County Court, County Court at Law and County Court at Law No. 2 may collectively make and publish rules from time to time governing the docketing and disposition of probate matters and proceedings in their Courts not inconsistent with the laws of the State of Texas or the Texas Rules of Civil Procedure and for the purpose of efficient and justiciable disposition of such probate matters and proceedings. A copy of such rules and changes shall be filed with the County Clerk of El Paso County, Texas, and one (1) copy of such rules and changes shall be available in each such Court for the examination of participants in any probate matters filed."

SECTION 28. Subsection (a), Section 3, Chapter 607, Acts of the 65th Legislature, Regular Session, 1977 (Article 1970-141.3, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) The county courts at law of El Paso County shall have the general jurisdiction of probate courts within the limits of El Paso County concurrent with jurisdiction of the County Court of El Paso County in such matters and proceedings. [~~The county courts at law shall probate wills; appoint guardians of minors; idiots; lunatics; persons non compos mentis; and drunkards; grant letters testamentary and of administration; settle accounts with administrators; executors; and guardians; transact all business pertaining to deceased persons; minors; idiots; lunatics; persons non compos mentis; and drunkards; including the settlement; partition; and distribution of estates of deceased persons; and the apprenticing of minors as provided by law; and conduct lunacy proceedings.~~] The county courts at law shall have no jurisdiction over any other of those matters which are now vested exclusively in the County Court of El Paso County, or in the judge therein."

SECTION 29. Subsection (a), Section 3, Chapter 692, Acts of the 67th Legislature, Regular Session, 1981 (Article 1970-141.4, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) The county courts at law of El Paso County shall have the general jurisdiction of probate courts within the limits of El Paso County concurrent with jurisdiction of the County Court of El Paso County in such matters and proceedings. [~~The county courts at law shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and drunkards, grant letters testamentary, and of administration, settle accounts with administrators, executors, and guardians, transact all business pertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and drunkards, including the settlement, partition, and distribution of estates of deceased persons, and the apprenticing of minors as provided by law, and conduct lunacy proceedings.~~] The county courts at law shall have no jurisdiction over any other of those matters which are now vested exclusively in the County Court of El Paso County or in the judge therein."

SECTION 30. Section 4, Chapter 13, General Laws, Acts of the 33rd Legislature, Regular Session, 1913 (Article 1970-198, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. The said court shall have and exercise the general jurisdiction of a probate court [~~]; 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, administrators and guardians, transact all business pertaining to the estate of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the partition, settlement and distribution of estates of deceased persons and to apprentice minors as provided by general law] and the jurisdiction to issue all writs necessary for the enforcement of its jurisdiction and decrees."~~

SECTION 31. Section 1, Chapter 54, General Laws, Acts of the 32nd Legislature, Regular Session, 1911 (Article 1970-214, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. The county court of Harrison county shall have and exercise the general jurisdiction of a probate and criminal court [~~]; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle the accounts of executors, administrators and guardians, transact all business pertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the partition, settlement and distribution of estates of deceased persons, and to apprentice minors as provided by law.~~] and the jurisdiction to issue all writs necessary for the enforcement of its jurisdiction; to punish contempt under such provisions as are now or may be provided by general law governing county courts throughout the state, and said county court of Harrison county shall have jurisdiction over all criminal causes and criminal matters of which county courts have jurisdiction under the existing laws or laws hereafter enacted [~~]; but the said county court of Harrison county shall not have any jurisdiction over civil causes or civil actions whatsoever]."~~

SECTION 32. Section 4, Chapter 7, General Laws, Acts of the 32nd Legislature, Regular Session, 1911 (Article 1970-231, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. That said court shall have and exercise the general jurisdiction of a probate court [~~]; 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, administrators, and guardians, transact all business pertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the partition, settlement and distribution of estates of deceased persons, and to apprentice minors as provided by general law] and the jurisdiction to issue all writs necessary for the enforcement of its jurisdiction and decrees."~~

SECTION 33. Section 1, Chapter 24, General Laws, Acts of the 32nd Legislature, Regular Session, 1911 (Article 1970-238, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. That the county court of Kendall county shall have and exercise the general jurisdiction of probate courts [~~]; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts as [of] executors, administrators, and guardians and transact all business appertaining to estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including partition, settlement and distribution of estates of deceased persons, and to apprentice minors as provided by law.] and the jurisdiction to issue all writs necessary for the enforcement of its own jurisdiction, to punish contempt under such provisions as are now or may be provided by the general law governing county courts throughout the state [~~]; but the said county court of the said Kendall county shall have no other jurisdiction, civil or criminal whatsoever]."~~~~

SECTION 34. Section 4, Chapter 70, General Laws, Acts of the 32nd Legislature, Regular Session, 1911 (Article 1970-249, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. That said court shall have and exercise the general jurisdiction of a probate court [~~; 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; administrators and guardians; transact all business pertaining to the estate of deceased persons; minors; idiots; lunatics; persons non compos mentis and common drunkards; including the partition; settlement and distribution of estates of deceased persons; and to apprentice minors as provided by general law]~~ and *the jurisdiction* to issue all writs necessary for the enforcement of its jurisdiction and decrees."

SECTION 35. Section 4, Chapter 30, Acts of the 38th Legislature, Regular Session, 1923 (Article 1970-269, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. Said court shall have, as now, the general jurisdiction of a probate court [~~; shall probate wills; appoint guardians of minors; idiots; lunatics; and common drunkards; grant letters of testamentary and of administration; settle accounts of executors; administrators and guardians; transact all business pertaining to the estates of deceased persons; apprentice minors as provided by law;~~] and *the jurisdiction* to issue all writs necessary to the enforcement of its jurisdiction, orders, and decrees; and generally to exercise all the powers in probate matters conferred upon such courts by the Constitution and laws of the State."

SECTION 36. Section 4, Chapter 75, General Laws, Acts of the 32nd Legislature, Regular Session, 1911 (Article 1970-279, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. That said court shall have and exercise the general jurisdiction of a probate court [~~; 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; administrators and guardians; transact all business pertaining to the estates of deceased persons; minors; idiots; lunatics; persons non compos mentis and common drunkards; including the partition; settlement and distribution of estates of deceased persons; and to apprentice minors as provided by general law;~~] and *the jurisdiction* to issue all writs necessary for the enforcement of its jurisdiction and decree."

SECTION 37. Section 4, Chapter 42, General Laws, Acts of the 33rd Legislature, Regular Session, 1913 (Article 1970-289, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. Said court shall have, as now, the general jurisdiction of a probate court [~~; shall probate wills; appoint guardians of minors; idiots; lunatics; and common drunkards; grant letters testamentary and of administration; settle accounts of executors; administrators and guardians; transact all business pertaining to the estates of deceased persons; minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the partition; settlement; and distribution of estates of deceased persons; apprentice minors as provided by law;~~] and *the jurisdiction* to issue all writs necessary to the enforcement of its jurisdiction, orders, and decrees; and generally to exercise all the powers in probate matters conferred upon such courts by the constitution and laws of the state."

SECTION 38. Section 2, Chapter 454, Acts of the 55th Legislature, Regular Session, 1957 (Article 1970-301d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. (a) The County Court at Law No. 3, of Bexar County, Texas, shall have, and it is hereby granted, the same jurisdiction over criminal matters that is now or may be vested in county courts having jurisdiction in criminal actions, matters and proceedings under the Constitution and Laws of Texas, and shall have appellate jurisdiction in all appeals in criminal cases from justice courts and corporation courts within Bexar County, Texas, and the Judge of said Court shall have the same powers, rights, privileges as to criminal matters as are now or may be vested in the Judges of county courts having criminal jurisdiction.

"(b) The County Court at Law No. 3, of Bexar County, Texas, shall have, and it is hereby granted, the same jurisdiction and powers in civil actions, matters and proceedings that are now or may be conferred by law upon and vested in the County Court at Law No. 1, of Bexar County, Texas, and in the County Court at Law No. 2, of Bexar County, Texas, and the Judges thereof. Provided, however, that the jurisdiction of said County Court at Law No. 1, of Bexar County, Texas, and the jurisdiction of said County Court at Law No. 2, of Bexar County, Texas, and the jurisdiction of said County Court at Law No. 3, of Bexar County, Texas, over all such actions, matters and proceedings, civil and criminal, within said Bexar County, shall be concurrent.

"(c) The Judge of the County Court at Law No. 3 of Bexar County, Texas, upon proper certification of the County Judge of Bexar County, Texas, because of conflicting duties, or absence or inability to act; or, upon the failure or refusal of such County Judge to act for any

reason or cause, shall also be authorized and empowered to act for and in the place and stead of said such County Judge in any *mental health [lunacy]*, probate, or ~~[and]~~ condemnation proceeding or matter, and also may perform for the County Judge of Bexar County any and all other ministerial acts required by the laws of this State of said County Judge of Bexar County, Texas, and upon any such certification, the Judge of said County Court at Law No. 3, of Bexar County, Texas, shall give preference and priority to all such actions, matters and proceedings so certified, and any and all such acts thus performed by the Judge of said County Court at Law No. 3, of Bexar County, Texas, shall be valid and binding upon all parties to such actions, matters and proceedings the same as if performed by the County Judge of Bexar County, Texas. Provided, that the powers thus conferred on the Judge of the County Court at Law No. 3, of Bexar County, Texas, shall extend to and include all powers of the County Judge of Bexar County, Texas, except his powers and duties in connection with the transaction of the business of the County as presiding officer of the Commissioners Court, and in connection with the budget of Bexar County. And provided further that the provisions of this paragraph shall be in addition to and cumulative of the provisions of House Bill No. 748, Acts 1951, Regular Session, Fifty-second Legislature, Page 601, Chapter 355.

“(d) Notwithstanding the additional powers and duties conferred upon the Judge of the County Court at Law No. 3, of Bexar County, Texas, by the provisions of this paragraph, no additional compensation or salary shall be paid to said Judge, but the compensation or salary of such Judge shall remain the same as now, or as may be hereafter, fixed by law.”

SECTION 39. Subsection (a), Section 17, Chapter 355, Acts of the 68th Legislature, Regular Session, 1983 (Article 1970-301e.2, Vernon's Texas Civil Statutes), is amended to read as follows:

“(a) Probate Court No. 1 of Bexar County and Probate Court No. 2 of Bexar County have the general jurisdiction of a probate court within the limits of Bexar County, concurrent with the jurisdiction of the county court in probate matters and proceedings. ~~[Each probate court may 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; administrators; and guardians; transact all business relating to deceased persons; hear and determine all matters affecting minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the settlement, partition, and distribution of estates of deceased persons; lunacy proceedings; and the apprenticing of minors as provided by law.]~~”

SECTION 40. Section 3, Chapter 39, General Laws, Acts of the 34th Legislature, Regular Session, 1915 (Article 1970-301g, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 3. The jurisdiction hereby transferred to the County Court of Bexar County for Criminal Cases shall include all criminal cases and matters, the forfeiture of bonds in criminal cases, all proceedings in relation thereto; but the County Court of Bexar County shall retain, as heretofore ~~;~~ ~~the jurisdiction of all cases of eminent domain;~~ the general jurisdiction of a probate court ~~;~~ ~~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 administrators; executors and guardians; transact all business pertaining to deceased persons; minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the settlement, partition and distribution of estates of deceased persons; and to apprentice minors; as provided by law].~~ The county judge of Bexar county shall be the judge of the County Court of Bexar County, and all ex-officio duties of the county judge shall be exercised by the said judge of the County Court of Bexar County, except in so far as the same shall, by this Act and by Act of the Thirty-second Legislature, General Laws pages 15-17, House Bill No. 111, Chapter 10, be committed to the judge of the County Court of Bexar County for Civil Cases. The county judge of Bexar County shall retain authority to determine all matters relating to or arising out of or connected with the granting or revoking of liquor licenses, and all matters appertaining thereto, try all applications for liquor licenses and shall approve all liquor bonds as may be provided by law. He shall also retain jurisdiction of the Juvenile Court.”

SECTION 41. Section 1, Chapter 52, Special Laws, Acts of the 43rd Legislature, Regular Session, 1933 (Article 1970-303a, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 1. The county court of Sterling County shall have and exercise the general jurisdiction of a probate court ~~;~~ ~~shall probate wills; appoint guardians of minors; idiots; lunatics; persons non compos mentis and common drunkards; grant letters testamentary and of administration; settle the accounts of executors; administrators and guardians; transact all business pertaining to the estates of deceased persons; minors; idiots; lunatics; persons non compos mentis and common drunkards; including the partition; settlement and distribution of estates of deceased persons; and to apprentice minors as~~

provided by law;] and *the jurisdiction* to issue all writs necessary for the enforcement of its own jurisdiction; to punish contempt under such provisions as are now or may be provided by general law governing county courts throughout the State [; but the said county court of Sterling county shall have no other jurisdiction, civil or criminal, whatsoever].”

SECTION 42. Section 1, Chapter 9, Acts of the 40th Legislature, 1st Called Session, 1927 (Article 1970-306, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 1. That the County Court of Bowie County shall have and exercise the general jurisdiction of probate courts [; ~~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, administrators and guardians; transact all business appertaining to the estates of deceased persons; minors, idiots, lunatics; persons non compos mentis and common drunkards; including the partition, settlement and distribution of estates of deceased persons; and to apprentice minors as prescribed by law;~~] and *the jurisdiction* to issue all writs necessary to the enforcement of its jurisdiction, and to punish contempts under such provisions as are or may be provided by general law governing County Courts throughout the State; but said County Court shall have no other jurisdiction, civil or criminal.”

SECTION 43. Section 4, Chapter 96, Acts of the 40th Legislature, 1st Called Session, 1927 (Article 1970-307, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 4. Said Court shall have, as now, the general jurisdiction of a probate court [; ~~shall probate wills; appoint guardians of minors, idiots, lunatics, and common drunkards; grant letters testamentary and of administration; settle accounts of executors, administrators, and guardians; transact all business pertaining to the estates of deceased persons; minors, idiots, lunatics; persons non compos mentis; and common drunkards; including the partition, settlement, and distribution of estates of deceased persons; apprentice minors as provided by law;~~] and *the jurisdiction* to issue all writs necessary to the enforcement of its jurisdiction, orders, and decrees; and generally to exercise all the powers in probate matters conferred upon such courts by the Constitution and laws of the State.”

SECTION 44. Section 6, Chapter 56, Acts of the 54th Legislature, Regular Session, 1955 (Article 1970-311a, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 6. The County Court of Potter County shall retain, as heretofore, the general jurisdiction of a Probate Court [; ~~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, administrators and guardians; transact all business appertaining to deceased persons; minors, idiots, lunatics; persons non compos mentis; and common drunkards; including the settlement, partition and distribution of estates of deceased persons; and to apprentice minors as provided by law;~~] and the said court, 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 said 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 Potter County shall be the judge of the County Court of Potter County. All ex officio duties of the County Judge shall be exercised by the judge of the County Court of Potter County except in so far as the same shall, by this Act, be committed to the judge of the County Court at Law of Potter County.”

SECTION 45. Section 6, Chapter 645, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-311b, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 6. The County Court of Potter County shall retain the general jurisdiction of a probate court. *The* [~~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, administrators, and guardians; transact all business appertaining to deceased persons; minors, idiots, lunatics; persons non compos mentis; and common drunkards; including the settlement, partition, and distribution of estates of deceased persons; and to apprentice minors as provided by law; and the~~] court, 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 Potter County shall be the judge of the County Court of Potter County. All ex officio duties of the county judge shall be exercised by the judge of the County Court of Potter County except in so far as the same shall, by this Act, be committed to the judges of the County Courts at Law of Potter County.”

SECTION 46. Section 1, Chapter 585, Acts of the 59th Legislature, Regular Session, 1965 (Article 1970-314a, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 1. The County Court of Red River County, Texas, shall have and exercise the general jurisdiction of Probate Courts [~~; 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, administrators and guardians; transact all business appertaining to the estates of deceased persons; minors, idiots, lunatics; persons non compos mentis; and common drunkards; including the partition, settlement, and distribution of estates of deceased persons; and to apprentice minors as prescribed by law; and to exercise jurisdiction over all matters of eminent domain over which the County Courts have jurisdiction under the General Laws of this State;~~] and shall enter orders providing for the support of deserted wives and children or both, pendente lite, and may punish for the violation or refusal to obey such order as for contempt; and to issue all writs necessary to the enforcement of its jurisdiction, and to punish contempts under such provisions as are, or may be, provided by General Law governing County Courts throughout the State; and said County Court shall also have original concurrent jurisdiction with the District Court of said County in all juvenile delinquency proceedings and in all criminal cases of which County Courts throughout the State, under the General Laws of the State, have original jurisdiction; but said County Court shall have no other jurisdiction, civil or criminal.”

SECTION 47. Section 1, Chapter 458, Acts of the 45th Legislature, Regular Session, 1937 (Article 1970-318, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 1. That hereafter the County Court of Gillespie County, Texas, shall have and exercise the general jurisdiction of a Probate Court [~~; 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, administrators, and guardians and transact all business pertaining to estates of deceased persons; minors, idiots, lunatics; persons non compos mentis; and common drunkards; including the partition and distribution and settlement of estates of deceased persons; and to apprentice minors as required by law and all matters of eminent domain over which the County Courts have jurisdiction under the General Laws of this State;~~] and *the jurisdiction* to issue all writs necessary to the enforcement of its jurisdiction; and to punish contempt under such provisions as are, or may be provided by General Law covering County Courts throughout the State [~~; but said County Court shall have no other jurisdiction, civil or criminal.~~].”

SECTION 48. Section 1, Chapter 19, page 191, General Laws, Acts of the 46th Legislature, Regular Session, 1939 (Article 1970-320, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 1. The County Court of Glasscock County shall have and exercise the general jurisdiction of a Probate Court [~~; shall probate wills; appoint guardians of minors; idiots, lunatics; persons non compos mentis; and common drunkards; grant letters testamentary and of administration; settle the accounts of executors, administrators, and guardians; transact all business pertaining to the estates of deceased persons; minors, idiots, lunatics; persons non compos mentis; and common drunkards; including the partition, settlement, and distribution of estates of deceased persons; and to apprentice minors as provided by law;~~] and *the jurisdiction* to issue all writs necessary for the enforcement of its own jurisdiction; to punish contempt under such provisions as are now or may be provided by General Law governing County Courts throughout the State [~~; but the said County Court of Glasscock County shall have no other jurisdiction, civil or criminal, whatsoever.~~].”

SECTION 49. Section 1, Chapter 350, Acts of the 47th Legislature, Regular Session, 1941 (Article 1970-326, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 1. The County Court of Navarro County shall have and exercise the general jurisdiction of a Probate Court [~~; shall probate wills; appoint guardians of minors; idiots, lunatics; persons non compos mentis; and common drunkards; grant letters testamentary and of administration; settle the accounts of executors, administrators and guardians; transact all business pertaining to the estates of deceased persons; minors, idiots, lunatics; persons non compos mentis; and common drunkards; including the partition, settlement, and distribution of estates of deceased persons pending in such courts; to conduct lunacy hearings; to apprentice minors; as provided by law;~~] and *the jurisdiction* to issue all writs necessary for the enforcement of its own jurisdiction; to punish contempt under such provision as now or may be provided for by General Law governing County Courts throughout the State; but neither said County Court of Navarro County, nor the Judge thereof, shall have any jurisdiction over matters of eminent domain, or other original civil jurisdiction; and the said County Court of Navarro County shall have criminal jurisdiction under such provisions as are now or may be provided for by General Law governing County Courts throughout the State; and said County Court shall have such appellate jurisdiction, save as to eminent domain, as is now or may hereafter be given it by law; provided, however, that all future

statutes pertaining to probate matters enacted by the Legislature of the State of Texas, shall be operative in said Navarro County, as fully as though this statute had not been enacted."

SECTION 50. Section 1, Chapter 382, Acts of the 48th Legislature, Regular Session, 1943 (Article 1970-329, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. That the Judge of any County Court at Law in any county having a population of less than five hundred thousand (500,000) inhabitants according to the last preceding, or any future Federal Census, may act for the County Judge of the county in any juvenile, *mental health* [~~lunacy~~], probate, or [~~and~~] condemnation proceeding or matter and also may perform for the County Judge any and all other ministerial acts required by the laws of this State of the County Judge, during the absence, inability or failure of the County Judge for any reason to perform such duties; and any and all such acts thus performed by the Judge of the County Court at Law, while acting for the County Judge, shall be valid and binding upon all parties to such proceedings or matters the same as if performed by the County Judge. Provided that the powers thus given the Judges of the County Courts at Law of this State shall extend to and include all powers of the County Judge except his powers and duties in connection with the transaction of the business of the county, as presiding officer of the Commissioners Court and as the budget officer for the Commissioners Court."

SECTION 51. Section 1, Chapter 271, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 1970-333, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. The County Court of Hill County shall have and exercise the general jurisdiction of a probate Court [~~; shall probate wills; appoint guardians of minors; idiots; lunatics; persons non compos mentis; and common drunkards; grant letters testamentary and of administration; settle the accounts of executors, administrators and guardians; transact all business pertaining to the estates of deceased persons; minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the partition, settlement and distribution of estates of deceased persons pending in such Court; to conduct lunacy hearings; to apprentice minors as provided by law;~~] and the jurisdiction to issue all writs necessary for the enforcement of its own jurisdiction; to punish contempt under such provisions as now or may be provided for by General Law governing County Courts throughout the State; and in addition thereto, the County Court of Hill County and the Judge thereof, subject to the conditions stated in this Act, shall have jurisdiction over matters of original civil jurisdiction, original criminal jurisdiction, appellate civil jurisdiction, and appellate criminal jurisdiction as are normally exercised by County Courts under the Constitution and General Laws of this State; provided, however, that all future Statutes pertaining to probate matters enacted by the Legislature of the State of Texas, shall be operative in said Hill County as fully as though this Statute had not been enacted."

SECTION 52. Section 1, Chapter 102, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 1970-335, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. The County Court of Johnson County shall have and exercise the general jurisdiction of a probate court [~~; shall probate wills; appoint guardians of minors; idiots; lunatics; persons non compos mentis; and common drunkards; grant letters testamentary and of administration; settle the accounts of executors, administrators, and guardians; transact all business pertaining to the estates of deceased persons; minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the partition, settlement, and distribution of estates of deceased persons pending in such Court; to conduct lunacy hearings; to apprentice minors as provided by law;~~] and the jurisdiction to issue all writs necessary for the enforcement of its own jurisdiction; to punish contempt under such provisions as now or may be provided for by General Law governing County Courts throughout the State; and in addition thereto, said County Court of Johnson County and the Judge thereof, subject to the conditions hereinafter stated, shall have [~~jurisdiction over matters of eminent domain and other~~] original civil jurisdiction, and original criminal jurisdiction and appellate civil jurisdiction and appellate criminal jurisdiction as are normally exercised by County Courts under the Constitution and General Laws of this State; provided, however, that all future Statutes pertaining to probate matters enacted by the Legislature of the State of Texas shall be operative in Johnson County as fully as though this Statute had not been enacted."

SECTION 53. Section 2, Chapter 362, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 1970-339, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. The County Court at Law No. 1 of Nueces County, Texas, shall have and exercise concurrent jurisdiction with the County Court of Nueces County, Texas, in all matters and causes, civil and criminal, original and appellate, over which the County Court of Nueces County, Texas, would have jurisdiction under the general laws of Texas. Such jurisdiction shall extend to all matters of eminent domain of which jurisdiction has heretofore been vested in the

County Court of Nueces County or in the County Judge; provided, however, that nothing herein shall affect the jurisdiction of the commissioners court or of the County Judge of Nueces County as the presiding officer of such commissioners court, as to roads, bridges, and public highways which are now within the jurisdiction of the commissioners court or the presiding judge thereof. Said court shall also have the general jurisdiction of a probate court within the limits of Nueces County, Texas, concurrent with jurisdiction of the County Court in such matters and proceedings. [~~County Court at Law No. 1 of Nueces County, Texas; 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; and transact all business pertaining to deceased persons; minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the settlement, partition and distribution of estates of deceased persons; the apprenticing of minors as provided by law; and the conduct of lunacy proceedings;]~~”

SECTION 54. Section 3, Chapter 25, Acts of the 52nd Legislature, Regular Session, 1951 (Article 1970-341, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 3. The County Court at Law of Hidalgo County shall also have the general jurisdiction of a probate court within the limits of Hidalgo County, concurrent with jurisdiction of the County Court of Hidalgo County in such matters and proceedings. [~~Such County Court at Law of Hidalgo County 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 settlement, partition and distribution of estates of deceased persons; the apprenticing of minors as provided by law; and conduct lunacy proceedings;]~~”

“As soon as may be practical but not later than one month after the effective date of this Act, there shall be transferred to the probate docket of the County Court at Law of Hidalgo County, under the direction of the County Judge and by order entered on the minutes of the County Court of Hidalgo County, such number of such probate proceedings and matters pending on the effective date of this Act in the County Court of Hidalgo County as shall be, as near as may be, one half (1/2) in number of the total of all of same then pending, and all writs and processes theretofore issued by or out of said County Court in Hidalgo County in such matters or proceedings shall be returnable to the County Court at Law of Hidalgo County as though originally issued therefrom. All such new probate matters and proceedings filed after the effective date of this Act with the County Clerk of Hidalgo County irrespective of the Court or Judge to which the matter or proceeding is addressed shall be filed by said Clerk alternately in said respective courts in the order in which same are deposited with him for filing, beginning first with the County Court of Hidalgo County. The County Judge of Hidalgo County, in his discretion, may from time to time, by order or orders entered upon the minutes of the County Court of Hidalgo County transfer to the County Court at Law of Hidalgo County any such probate matter or proceeding then pending in the County Court of Hidalgo County, and all processes extant at the time of such transfer shall be returned to and filed in the County Court at Law of Hidalgo County, and shall be as valid and binding as though originally issued out of said County Court at Law of Hidalgo County.”

SECTION 55. Section 3, Chapter 123, Acts of the 65th Legislature, Regular Session, 1977 (Article 1970-341a, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 3. The County Court at Law No. 2 of Hidalgo County shall also have the general jurisdiction of a probate court within the limits of Hidalgo County, concurrent with jurisdiction of the County Court of Hidalgo County and the County Court at Law of Hidalgo County in such matters and proceedings. [~~The County Court at Law No. 2 of Hidalgo County 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 settlement, partition, and distribution of estates of deceased persons; the apprenticing of minors as provided by law; and conduct lunacy proceedings;]~~”

SECTION 56. Subsection (b), Section 2, Chapter 328, Acts of the 66th Legislature, Regular Session, 1979 (Article 1970-341b, Vernon's Texas Civil Statutes), is amended to read as follows:

“(b) The County Court at Law No. 3 of Hidalgo County shall also have the general jurisdiction of a probate court within the limits of Hidalgo County, concurrent with jurisdiction of the County Court of Hidalgo County, the County Court at Law of Hidalgo County, and the County Court at Law No. 2 of Hidalgo County in such matters and proceedings. [~~The County Court at Law No. 3 of Hidalgo County 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 settlement, partition; and distribution of estates of deceased persons; the apprenticing of minors as provided by law; and conduct mental health proceedings.]"

SECTION 57. Section 3, Chapter 177, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 1970-343, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. The County Court of Taylor County shall retain, as heretofore, the general jurisdiction of a probate court [; 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; administrators and guardians; transact all business appertaining to deceased persons; minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the settlement, partition and distribution of estates of deceased persons; and to apprentice minors as provided by law]; and the said Court and the Judge thereof shall have the power to issue writs of injunction, mandamus, and all writs necessary to the enforcement of the jurisdiction of said Court, and also to punish contempts under such provisions as are or may be provided by law governing County Courts throughout the State; but said County Court of Taylor County shall have no other jurisdiction, civil or criminal. The County Judge of Taylor County shall be the Judge of the County Court of Taylor County. All ex-officio duties of the County Judge shall be exercised by the said Judge of the County Court of Taylor County, except in so far as the same shall by this Act be committed to the Judge of the County Court at Law of Taylor County."

SECTION 58. Section 2, Chapter 400, Acts of the 55th Legislature, Regular Session, 1957 (Article 1970-345, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. The Probate Court of Tarrant County shall have the general jurisdiction of a Probate Court within the limits of Tarrant County, concurrent with the jurisdiction of the County Court of Tarrant County in such matters and proceedings. [It shall probate wills; appoint guardians of minors; idiots; lunatics; persons non compos mentis and habitual 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 habitual drunkards; including the settlement, partition and distribution of estates of deceased persons; lunacy proceedings and the apprenticing of minors as provided by law.]"

SECTION 59. Section 4, Chapter 4, Acts of the 56th Legislature, Regular Session, 1959 (Article 1970-346, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. The County Court at Law of Ector County shall also have the general jurisdiction of a probate court within the limits of Ector County, concurrent with jurisdiction of the County Court of Ector County in such matters and proceedings. [Such County Court at Law of Ector County 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 settlement, partition and distribution of estates of deceased persons; the apprenticing of minors as provided by law; and conduct lunacy proceedings.]"

"The County Court at Law of Ector County shall have the jurisdiction conferred upon probate courts specially created by the Legislature in Article 1970a-1, Revised Civil Statutes of Texas, as the same now stands or may hereafter be amended, and all other provisions of the law relating to probate courts, whether specially created by the Legislature or otherwise, shall be and are hereby made to apply in all their provisions insofar as they are applicable to the County Court at Law of Ector County and insofar as they are not inconsistent with this Act."

SECTION 60. Section 6, Chapter 100, Acts of the 56th Legislature, Regular Session, 1959 (Article 1970-347, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 6. The County Court of Nolan County shall retain, as heretofore, the general jurisdiction of a Probate Court [; 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; administrators and guardians; transact all business appertaining to deceased persons; minors; idiots; lunatics; persons non compos mentis; and common drunkards; including the settlement, partition and distribution of estates of deceased persons; and to apprentice minors as provided by law]; and the said Court, 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 said 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 Nolan County shall be the Judge of the County Court of Nolan County. All ex-officio duties of the County Judge shall be exercised by the Judge of the County Court of Nolan County except in so far as the same shall, by this Act, be committed to the Judge of the County Court at Law of Nolan County.”

SECTION 61. Section 7, Chapter 1019, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1970-349A, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 7. (a) The County Court at Law of Orange County shall also have the general jurisdiction of a Probate Court within the limits of Orange County, concurrent with the jurisdiction of the County Court of Orange County in such matters and proceedings. [~~Said County Court at Law of Orange County shall have authority to 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 settlement, partition and distribution of estates of deceased persons; the apprenticing of minors as provided by law and conduct lunacy proceedings.~~]

“(b) The County Court at Law of Orange County shall have jurisdiction concurrent with the County Court of Orange County conferred upon County Courts or upon Probate Court specially created by the Legislature in Article 1970a-1, Revised Civil Statutes of Texas, as the same now stands or may hereafter be amended, and all other provisions of the law relating to Probate Courts whether specially created by the Legislature or otherwise, shall be and they are hereby made to apply concurrently in all their provisions insofar as they are applicable to the County Court at Law of Orange County and insofar as they are not inconsistent with this Act. It is the intention of the Legislature in this Act that the County Judge of Orange County shall be the Judge of the County Court of Orange County; all ex officio duties of the County Judge shall be exercised by the Judge of the County Court of Orange County and all duties and jurisdiction vested in the County Court of Orange County by this Act now being performed by the County Judge of Orange County, Texas, is and shall be concurrent.”

SECTION 62. Section 1, Article 1970-353, Revised Statutes, as amended, is amended to read as follows:

“Section 1. The County Court of Parker County shall have and exercise the general jurisdiction of a probate court [~~; shall probate wills; appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle the accounts of executors, administrators, and guardians; transact all business pertaining to the estates of deceased persons, minors, lunatics, persons non compos mentis, and common drunkards; including the partition, settlement, and distribution of estates of deceased persons pending in such court; conduct lunacy hearings; apprentice minors as provided by law;~~] and the jurisdiction to issue all writs necessary for the enforcement of its own jurisdiction; punish for contempt under such provisions as now or may be provided for by general law governing county courts throughout the state; and in addition thereto, the County Court of Parker County and the judge thereof, shall have all original and appellate civil and criminal jurisdiction as normally exercised by county courts under the constitution and general laws of this state. All present and future statutes pertaining to probate matters and eminent domain enacted by the Legislature of the State of Texas shall be operative in Parker County as fully as though this statute had not been enacted.”

SECTION 63. Section 2, Chapter 65, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-360, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 2. The County Court at Law of Webb County has the same jurisdiction over all causes and proceedings, civil and criminal, juvenile and probate, original and appellate, prescribed by law for county courts. However, it does not have jurisdiction over causes and proceedings concerning roads, bridges, and public highways and the general administration of county business which is now within the jurisdiction of the Commissioners Court of Webb County. The county court at law also has concurrent jurisdiction with the County Court of Webb County in all matters of probate [~~; and shall probate wills; appoint guardians of minors, idiots, lunatics, persons non compos mentis, and habitual drunkards; and shall grant letters testamentary and of administration; settle accounts of administrators, executors, and guardians; transact all business pertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards; including the settlement, partition, and distribution of the estates of deceased persons; and apprentice minors as provided by law.~~]

SECTION 64. Section 2, Chapter 68, Acts of the 65th Legislature, Regular Session, 1977 (Article 1970-367, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. The County Court at Law of Walker County has the same jurisdiction over all causes and proceedings, civil and criminal, juvenile and probate, original and appellate, prescribed by law for county courts. However, it does not have jurisdiction over causes and proceedings concerning roads, bridges, and public highways and the general administration of county business which is now within the jurisdiction of the Commissioners Court of Walker County. The county court at law has concurrent jurisdiction with the County Court of Walker County in all matters of probate [~~and shall probate wills; appoint guardians of minors, idiots, lunatics, persons non compos mentis, and habitual drunkards, and shall grant letters testamentary and of administration; settle accounts of administrators, executors, and guardians; transact all business pertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards; including the settlement, partition, and distribution of the estates of deceased persons; and apprentice minors as provided by law]."~~

SECTION 65. Article 2101, Revised Statutes, as amended, is amended to read as follows:

"Article 2101. INTERCHANGEABLE JURIES. The provisions of this article shall be applicable only to such counties of this State as may now maintain three or more district courts, or in which three or more district courts may be hereafter established. A criminal court in any county with jurisdiction in felony cases shall be considered a district court within the meaning of this article. The 'Interchangeable Jury Law' shall not apply to a selection of jurors in *mental health proceedings* [~~lunacy cases~~] or in capital cases.

"1. Jury Wheel Law governs.--The provisions of the statutes governing jury wheels shall remain in full force and effect, except as modified by the special provisions of this law.

"2. Organization and supervision.--In each county under this law, the district judges shall meet together and determine approximately the number of jurors that are reasonably necessary for jury service in all the county courts at law, county courts and district courts of such county, for each week during the time said courts may hold during the year, and shall thereupon order the drawing of such number of jurors from the wheel for each of said weeks, said jury to be known as the general panel of jurors for service in all such courts of such county for the respective weeks for which they are designated to serve. A majority of said district judges are authorized to act in carrying out the provisions of this law; they may increase or diminish the number of jurors to be selected for any week, and shall order said jurors drawn for as many weeks in advance of service as they deem proper. From time to time they shall designate the judge to whom the general panel shall report for duty, and said judge, for such time as he is chosen to so act shall organize said juries and have immediate supervision and control of them. The said jurors so limited in number shall, after being regularly drawn from the wheel, be served by the sheriff to appear and report for jury service before said judge so designated, who shall hear the excuses of the said jury and swear them in for service for the week that they are to serve to try all cases that may be submitted to them in any of said courts.

"3. Used interchangeably.--Said jurors, when impaneled shall constitute a general jury panel for service as jurors in all county and district courts in said county, and shall be used interchangeably in all of said courts. In the event of a deficiency of jurors at any given time to meet the requirement of all said courts, the judge having control of the said general panel shall order such additional jurors to be drawn from the wheel as may be sufficient to meet the emergency, but such jurors shall act only as special jurors and shall be discharged as soon as their services are no longer needed. Resort to the wheel shall be had in all cases to fill out the general panel.

"4. Provided, however, that in any county of this state having a population in excess of nine hundred thousand (900,000) according to the last preceding or any future United States Census, it shall be permissible, after having been approved by a majority of the judges for the district courts of any such county, to draw from said jury wheel two separate jury panels for the week; one of which said jury panels for the week shall be drawn and be in attendance upon those criminal district courts and county courts which have a criminal docket, and the other said jury panel for the week shall be drawn and be in attendance upon those courts which have a civil docket.

"5. This Article is also applicable to a county that has two district courts and a domestic relations court.

"6. A. Notwithstanding any other provision of this article, in a county in which two district courts have jurisdiction, both district judges may meet together at such times as they may agree upon and determine approximately the number of jurors that are reasonably necessary for jury service in the district courts of the county for each week for as many weeks in advance as they deem proper, and may order the drawing of such number of jurors for each of said weeks, which

jury is known as the general panel of jurors for service in both district courts for the respective weeks for which they are designated to serve. Both judges shall act together in carrying out the provisions of this section. They may increase or diminish the number of jurors to be selected for any week and may order the jurors drawn for as many weeks in advance of service as they deem proper. From time to time they shall designate the judge to whom the general panel shall report for duty, and the designated judge, for the time he is chosen to act, shall organize the juries and have immediate supervision and control of them. The jurors, after being regularly drawn from the wheel, shall be served by the sheriff to appear and report for jury service before the judge so designated, who shall hear the excuses of the jury and swear them in for service for the week that they are to serve to try all cases that may be submitted to them in either of the district courts. The jurors, when impaneled, constitute a general jury panel for service as jurors in both district courts in the county and shall be used interchangeably. In the event of a deficiency of jurors at any given time to meet the requirement of either court, the judge having control of the general panel shall order such additional jurors to be drawn from the wheel as may be sufficient to meet the emergency, but such jurors shall act only as special jurors and shall be discharged as soon as their services are no longer needed. Resort to the wheel shall be had in all cases to fill out the general panel.

"B. With the approval of both district judges, jurors impaneled under the provisions of Subdivision A of this subsection may constitute a general jury panel for service as jurors in all county courts and statutory county courts in the county, in addition to service as jurors in both district courts, and in such event, shall be used interchangeably in all district and county courts.

"C. The provisions of this subsection are cumulative of and in addition to the methods now authorized by law for the selection of a jury panel in the counties herein named, and the adoption of the method provided in this subsection is entirely optional with and in the discretion of the district judges of any such county coming under the terms of this law."

SECTION 66. Section 1, Chapter 675, Acts of the 59th Legislature, Regular Session, 1965 (Article 2226a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. A determination of fact or law or a judgment in any proceeding in the Small Claims Court, Justice of the Peace Court, County Court, County Civil Court at Law, County Criminal Court at Law, or County Court at Law shall not be res judicata and shall not constitute a basis for estoppel by judgment in any proceeding in a District Court, except that any such judgment shall be binding on the parties thereto as to the recovery or denial thereof rendered in that particular case, and further except that all judgments in probate, guardianship, *mental health*, [~~lunacy~~] and other matters over which said inferior courts shall have exclusive jurisdiction of the subject matter, on a basis other than the amount in controversy, shall not be affected thereby."

SECTION 67. Section 4, Uniform Declaratory Judgments Act (Article 2524-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. EXECUTOR, ETC. Any person interested as or through an executor, administrator, trustee, guardian, or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, *mentally disabled person* [~~lunatic~~], or insolvent, may have a declaration of rights or legal relations in respect thereto:

"(a) To ascertain any class of creditors, devisees, legatees, heirs, next of kin, or others; or

"(b) To direct the executors, administrators, or trustees to do or abstain from doing any particular act in their fiduciary capacity; or

"(c) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings."

SECTION 68. Article 3188, Revised Statutes, as amended, is amended to read as follows:

"Article 3188. The *Texas Department of Mental Health and Mental Retardation* [~~Board of Control~~] shall divide the State into hospital districts, may change the districts from time to time, and shall designate the State hospitals to which insane, epileptic and *mentally disabled* [~~feeble minded~~] persons from each district shall be admitted and may transfer patients from one institution to another. All such persons within any such districts committed, shall be committed to the State hospital designated for that district, or to the United States Veterans' Administration or such other agency or department of the United States as will accept such insane person for care or treatment. The *Texas Department of Mental Health and Mental Retardation* [~~said State Board of Control~~] shall also have authority to transfer any legally committed patient from a State hospital to the United States Veterans' Administration or any other agency or department of the United States as will accept such person of unsound mind for care or treatment, and in case such transfer is or shall be made, the commitment and transfer order shall constitute legal authority for the restraint of such patient by the United States Veterans' Administration or such

other agency or department of the United States until the Court by which such patient was adjudged insane and committed shall order such patient released.”

SECTION 69. Article 3216, Revised Statutes, is amended to read as follows:

“Article 3216. **APPLICATION FOR ADMISSION.** All applications for admission to said home must show on the oath of the applicant:

“1. Name of applicant.

“2. His age.

“3. His residence (county and post-office address.)

“4. The company, regiment, brigade and army in which he served.

“5. That he is disabled and indigent and is not receiving a pension from any source, and is now a bona fide citizen of Texas. And further (if he did not serve in a Texas command) that he was a bona fide resident of Texas on January 1, 1895. Proof of the honorable service of applicant, as stated by himself, must be made by affidavit of two reputable persons, or by his written discharge duly authenticated with sufficient proof of identity, or such other proof in manner and form as may be entirely satisfactory to the *Texas Department of Mental Health and Mental Retardation* [Board]. The application must also be accompanied by a certificate of a regular practicing physician that the applicant is unable to support himself, giving the character of the disability, and that the applicant is not a *mentally disabled person* [lunatic], and is not afflicted with any contagious or infectious disease. All applications for admission to said home shall be passed upon by the *Texas Department of Mental Health and Mental Retardation* [Board].”

SECTION 70. Sections 4 through 7, Chapter 396, Acts of the 48th Legislature, Regular Session, 1943 (Article 3238a, Vernon’s Texas Civil Statutes), are amended to read as follows:

“Section 4. No real property, improvements, and equipment will be acquired for the sum of money herein appropriated unless there can be comfortably and properly housed therein at least 350 *mentally disabled* [feeble/minded] patients, and such institution is hereby dedicated for the care, hospitalization, maintenance and education of *mentally disabled* [feeble/minded] persons having resided in the State of Texas for a period of not less than three (3) years preceding the date of their application for admission, and of not less than seven (7) nor more than twenty-one (21) years of age.

“Section 5. The *Texas Department of Mental Health and Mental Retardation* [State Board of Control] is hereby authorized to transfer from any existing eleemosynary institution in Texas into the institution contemplated by this Act all *mentally disabled* [such feeble/minded person or] persons coming within the ages hereinabove set out, and the Superintendents of any such institutions are hereby authorized to make transfer of *mentally disabled* [such feeble/minded] patients to such new institution.

“Section 6. The Superintendent of the institution contemplated by this Act shall admit any *mentally disabled* [feeble/minded] person upon commitment or legal transfer in the same manner as the *mentally disabled* [such feeble/minded] person or persons are now admitted to the Austin State School, and such Superintendent is further authorized to furlough or discharge the *mentally disabled* [such feeble/minded] person or persons within the custody of such institution in the same manner as is now prescribed by law for the discharge or parole of any patient confined in the Austin State School.

“Section 7. The new [feeble/minded] institution contemplated by this Act is made a custodial institution, and the Superintendent and other officers and employees thereof are directed to hold in custody, subject to the terms of the law, all *mentally disabled* [such feeble/minded person or] persons committed to them by the courts of this state.”

SECTION 71. Article 3257, Revised Statutes, is amended to read as follows:

“Article 3257. **COMMITMENT OF CHILD.** Whenever any child under sixteen years of age is brought before any juvenile court upon petition of any person within this State, charged with being a dependent or neglected child, the court may, if in the opinion of the judge the *Waco Center for Youth* [Home for Dependent and Neglected children] is the proper place for said child, commit such child to the center [said Home] during its minority. No child who is *mentally disabled* [feeble/minded], epileptic, insane, or afflicted with a venereal, tubercular, or other communicable disease shall be assigned to this institution until cured of such disease. No child shall be admitted to the center [Home] until he has been examined by the physician of the center [Home] and such physician has issued a certificate showing the exact condition in reference to said qualifications. The court committing any child to the center [said Home] shall prepare a transcript of all proceedings and attach thereto a certificate of the county health officer of such county to said transcript. If it be a girl or baby or infant committed to the center [said Home], the judge of the court shall designate some reputable woman to convey said girl, baby, or infant to said institution. The cost of conveying any child to said institution shall be paid out

of the general fund of the county from which it may be committed but no compensation shall be allowed beyond actual and necessary expenses of the party conveying and the child conveyed.”

SECTION 72. Chapter 461, Acts of the 51st Legislature, Regular Session, 1949 (Article 3263c, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 1. From and after the passage of this Act, the institution located at Mexia, Texas, should be referred to as the Mexia State School [~~and Home~~]. The *Texas Department of Mental Health and Mental Retardation* [~~State Board of Control~~] is authorized to transfer from the Austin State School any *mentally disabled* [~~feeble-minded~~] person now being maintained in the Austin State School who is capable of profiting from the educational program at the Mexia State School [~~and Home~~], and the *Department* [~~said Board~~] is also authorized to transfer from any State Hospitals or the Austin State School to the Mexia State School [~~and Home~~] any aged senile persons now being maintained in such State Hospitals or the Austin State School or hereafter committed and/or admitted thereto, and custody of any such *mentally disabled* [~~feeble-minded~~] person or aged senile person is hereby placed in the Mexia State School [~~and Home~~].

“Section 2. The *Texas Department of Mental Health and Mental Retardation* [~~State Board of Control~~] shall have the right to cause to be admitted to the Mexia State School [~~and Home~~] any aged person, after such person has been adjudged *mentally ill or mentally retarded* [~~insane or feeble-minded~~], upon receipt of the certified transcript in the manner prescribed by law.

“Section 3. The Superintendent of the Mexia State School [~~and Home~~] may, upon the recommendation of the chief physician employed at said institution, grant any aged senile person confined therein a furlough or discharge in the same manner by which such aged senile persons are now released from the State Hospitals or the Austin State School. Said Mexia State School [~~and Home~~] shall be and is hereby made a custodial institution for the care, maintenance and treatment of aged senile persons.

“Section 4. It is the Legislative intent that the foregoing provisions of this Act shall not apply to the operation of the school for the *mentally disabled* [~~feeble-minded~~] at the Mexia State School [~~and Home~~], and the *Texas Department of Mental Health and Mental Retardation* [~~Board of Control~~] is hereby authorized to continue to use a part of said institution as a school for the training of *mentally disabled* [~~feeble-minded~~] persons transferred to such institution from the Austin State School.

“Section 5. The *Texas Department of Mental Health and Mental Retardation* [~~State Board of Control~~] is hereby authorized to establish aged senile divisions at the Austin State Hospital, Big Spring State Hospital, Rusk State Hospital, San Antonio State Hospital, Terrell State Hospital, and Wichita Falls State Hospital, for the care, maintenance and treatment of aged senile *mentally disabled* [~~feeble-minded~~]; and said *Department* [~~Board~~] is further authorized to transfer to such divisions within the said Hospitals any aged senile *mentally disabled* [~~feeble-minded~~] person now or hereafter committed or admitted to the Austin State School and such person shall be restrained in said division pursuant to the laws now governing the operation of the Austin State School and *mental health* [~~feeble-minded~~] proceedings.”

SECTION 73. Section 1, Chapter 39, Acts of the 54th Legislature, Regular Session, 1955 (Article 3871a, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 1. Upon determination of a State school for the *mentally disabled* [~~feeble-minded~~] or mentally retarded that a person who has been committed to its care and custody is no longer in need of special training, special education, treatment, care or control, it shall be the duty of the superintendent to notify the county judge of the county from which such person was committed. It shall be the duty of the county judge, upon receipt of such notification, to provide for the transportation and return of such person to the county from which such person was committed, or to the county where the parents live.”

SECTION 74. Section 12, Chapter 411, Acts of the 53rd Legislature, Regular Session, 1953 (Article 5561c, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 12. The judge of any court, including a municipal court, having jurisdiction of misdemeanor cases may, upon finding a person guilty of any violation of the law, which violation is a misdemeanor resulting from such person’s chronic and habitual use of alcohol, remand such person over eighteen (18) years of age to the Commission, its authorized representative, or a treatment facility approved by the Commission for alcoholic detoxification or treatment purposes, for care and treatment for a period not to exceed ninety (90) days, in lieu of the imposition of a sentence or fine, if and when special facilities are available for treatment of such cases, and with notice from the Commission that such facility will receive such person as a patient. No person may be so committed who in the opinion of the judge has exhibited definite criminal tendencies, or is *mentally disabled* [~~feeble-minded~~] or psychotic. Appeals from such orders of the court may be taken in the same manner as provided for appeals from any other judgment of such court.”

SECTION 75. Section 3, Article 5765, Revised Statutes, as amended, is amended to read as follows:

“Section 3. EXEMPTIONS. In addition to those exempted by the laws of the United States, the following persons shall be exempt from military duty in this State:

“(a) The Lieutenant Governor and the heads of the several departments.

“(b) The judges and clerks of all courts of record.

“(c) The Members and officers of both Houses of the Legislature.

“(d) Each sheriff, district attorney, county attorney, county assessor, county collector, and county commissioner.

“(e) The mayor, councilmen, aldermen, assessor and collector of incorporated cities and towns.

“(f) The officers and employees of the Texas Department of Correction, the officers and employees of all State Hospitals and Special Schools, the officers and employees of public or private hospitals and the officers and employees of nursing homes.

“(g) The members of any regularly organized and paid fire or police department in any city or town, but no member shall be relieved from military duty because of his joining any such department.

“(h) All ministers of the gospel exclusively engaged in their calling.

“(i) *Mentally disabled persons* [~~Idiots; lunatics~~], vagabonds, confirmed drunkards, persons addicted to the use of narcotic drugs, and persons convicted of infamous crimes.

“(j) Any person who conscientiously scruples against bearing arms.

“(k) All such exempted persons, except those enumerated in Subsection (i) shall be liable to military duty in case of war, insurrection, invasion or imminent danger thereof.”

SECTION 76. Subdivision (1), Section 32, Texas Uniform Partnership Act (Article 6132b, Vernon’s Texas Civil Statutes), is amended to read as follows:

“(1) On application by or for a partner the court shall decree a dissolution whenever:

“(a) a [A] partner has been declared *mentally disabled* [~~a lunatic~~] in any judicial proceeding or is shown to be of unsound mind; [;]

“(b) a [A] partner becomes in any other way incapable of performing his part of the partnership contract; [;]

“(c) a [A] partner has been guilty of such conduct as tends to affect prejudicially the carrying on of the business; [;]

“(d) a [A] partner wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable to carry on the business in partnership with him; [;]

“(e) *the* [~~The~~] business of the partnership can only be carried on at a loss; or [;]

“(f) *other* [~~Other~~] circumstances render a dissolution equitable.”

SECTION 77. Section 8a, Article 8306, Revised Statutes, as amended, is amended to read as follows:

“Section 8a. The compensation provided for in the foregoing section of this law shall be for the sole and exclusive benefit of the surviving husband who has not, for good cause and for a period of three years prior thereto, abandoned his wife at the time of the injury, and of the wife who has not, at the time of the injury without good cause and for a period of three years prior thereto, abandoned her husband, and of the minor children, parents and stepmother, without regard to the question of dependency, dependent grandparents, dependent children, dependent grandchildren and dependent brothers and sisters of the deceased employee; and the amount recovered thereunder shall not be liable for the debts of the deceased nor the debts of the beneficiary or beneficiaries and shall be distributed among the beneficiaries as may be entitled to the same as hereinbefore provided, according to the laws of descent and distribution of this State; provided, the right in such beneficiary or beneficiaries to recover compensation for death be determined by the facts that exist at the date of the death of the deceased and that said right be a complete, absolute and vested one. Any parent who, during a substantial period of the minority of the deceased worker, shall have abandoned the worker shall be deemed to have waived any entitlement to benefits, and such parent’s benefits shall be paid as if the parent had predeceased the deceased worker. The burden of proof shall be upon any beneficiary seeking to disqualify the parent on the grounds of abandonment or failure to support. Such compensation shall not pass to the estate of the deceased to be administered upon, but shall be paid directly to said beneficiaries when the same are capable of taking, under the laws of this State, or to their guardian in case of *mental disability* [~~lunacy~~], infancy or other disqualifying cause; except payments may be made directly to the person having custody of the person of such beneficiary, who shall be entitled to receive and receipt for such payments unless or until the association is

notified that a guardian has been appointed, in which event payment shall thereafter be made to such guardian. The compensation provided for in this law shall be paid weekly to the beneficiaries herein specified, subject to the provisions of this law.”

SECTION 78. (a) The intent of this Act is to remove certain derogatory terminology relating to mentally disabled persons. This Act is not intended to revive a law that was expressly or impliedly repealed by a law enacted by the 69th Legislature, Regular Session, 1985, or a previous legislature.

(b) To the extent that a law enacted by the 69th Legislature, Regular Session, 1985, conflicts with this Act, the other law prevails, regardless of relative date of enactment or relative effective date.

SECTION 79. This Act takes effect September 1, 1985.

SECTION 80. 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 April 18, 1985, by the following vote: Yeas 31, Nays 0; passed the House on May 9, 1985, by the following vote: Yeas 145, Nays 0, one present not voting.

Approved: May 24, 1985

Effective: September 1, 1985