

Definitions

Sec. 2. In this Article, unless the context requires a different definition:

(1) "Court" means a county court, county court at law, county criminal court, municipal court of record, or any court with original criminal jurisdiction, and includes the judge of any of these courts.

(2) "Probation" means the release by a court under terms and for a period specified by the court of a defendant who has been found guilty of a misdemeanor.

(3) "Probationer" means a defendant who is on probation.

Severability

Sec. 32.³¹ If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act in all its particulars and as to all other persons and circumstances shall be valid and of full force and effect, and the legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision, and to this end the provisions of this Act are declared to be severable.

Emergency

Sec. 33. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 16, 1979, by a non-record vote; passed by the Senate on May 25, 1979: Yeas 30, Nays 0.

Approved June 6, 1979.

Effective Aug. 27, 1979, 90 days after date of adjournment.

COUNTY COURT AT LAW OF HAYS COUNTY

CHAPTER 429

H. B. No. 2187

An Act relating to the jurisdiction of the County Court at Law of Hays County.

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

Section 1. Section 2, Chapter 298, Acts of the 63rd Legislature, Regular Session, 1978 (Article 1970—358, Vernon's Texas Civil Statutes), is

31. Vernon's Ann.Civ.St. art. 19001i, § 23

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amended by amending ¹¹ Subsection (a) and adding ¹² Subsection (e) to read as follows:

(a) The county court at law has the same jurisdiction over all causes and proceedings, civil, criminal, original, and appellate, prescribed by the law for county courts, and its jurisdiction is concurrent with that of the County Court of Hays County. The county court at law has jurisdiction concurrent with the district court in eminent domain cases and in civil cases when the amount in controversy exceeds \$500 and does not exceed \$20,000, exclusive of interest. The county court at law, the County Court of Hays County, and the district court in Hays County have jurisdiction over juvenile matters and any of those courts may be designated a juvenile court. The county court at law does not have jurisdiction over causes and proceedings concerning roads, bridges, and public highways which are within the jurisdiction of the commissioners court or County Court of Hays County.

(e) In addition to the jurisdiction conferred on the County Court at Law of Hays County by the other provisions of this Act, the county court at law has concurrent jurisdiction with the district court in Hays County in suits and causes involving family law matters, including adoptions, birth records, removal of disability of minority or coverture; change of name of persons, divorce and marriage annulment cases, including the adjustment of property rights, custody and support of minor children involved, temporary support pending final hearing, and every other matter incident to divorce or annulment proceedings, and independent actions involving child welfare, custody, support and reciprocal support, dependency, neglect, and delinquency, and independent actions involving controversies between parent and child and between husband and wife. The provisions in this subsection do not diminish the jurisdiction of the district court in Hays County, and the district court shall retain and continue to exercise the jurisdiction that is conferred by law on district courts.

Sec. 2. Section 4(a), Chapter 298, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1970--358, Vernon's Texas Civil Statutes), is amended ¹³ to read as follows:

(a) There shall be elected a judge of the County Court at Law of Hays County who must have been a duly licensed and practicing member of the State Bar of Texas for not less than four years, who must be well informed in the laws of this state, and who must have resided and been actively engaged in the practice of law in Hays County for a period of not less than one year prior to the general election. Beginning at the general election in 1974 and every four years thereafter, the qualified voters of the county shall elect a judge who holds office for four years and until his successor has been duly elected and has qualified.

Sec. 3. Section 5(a), Chapter 298, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1970--358, Vernon's Texas Civil Statutes), is amended ¹⁴ to read as follows:

(a) The criminal district attorney, county clerk, and sheriff of Hays County shall serve as criminal district attorney, clerk, and sheriff, respectively, of the County Court at Law of Hays County, except that the district clerk shall serve as clerk of the county court at law in cases enumerated in Section 2(e) of this Act and shall establish a separate docket

82. Vernon's Ann.Civ.St. art. 1970--358, § 2, subsec. (a) 84. Vernon's Ann.Civ.St. art. 1970--358, § 2, subsec. (a)
83. Vernon's Ann.Civ.St. art. 1970--358, § 2, subsec. (e) 85. Vernon's Ann.Civ.St. art. 1970--358, § 2, subsec. (e)

for the county court at law. The Commissioners Court of Hays County may employ as many assistant district attorneys, deputy sheriffs, and bailiffs as are necessary to serve the court created by this Act. Those serving shall perform the duties, and are entitled to the compensation, fees, and allowances prescribed by law for their respective offices in Hays County.

Sec. 4. Section 6, Chapter 298, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1970—358, Vernon's Texas Civil Statutes), is amended by amending ⁶⁶ Subsections (a) and (b) and adding ⁶⁷ Subsection (d) to read as follows:

(a) Practice in the County Court at Law of Hays County shall conform to that prescribed by law for the County Court of Hays County, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in the county court at law involving those matters of concurrent jurisdiction enumerated in Section 2(e) of this Act shall be governed by the provisions of this Act and the laws and rules pertaining to district courts, general or special, as well as county courts. If a case enumerated in Section 2(e) of this Act is tried before a jury, the jury shall be composed of 12 members.

(b) The judges of the county court and the county court at law may transfer cases to and from the dockets of their respective courts in order that the business may be equally distributed between them. All cases within the concurrent jurisdiction of the county court at law and the district court may be instituted in or transferred between the county court at law and the district court in Hays County. However, no case may be transferred from one court to the other without the consent of the judge of the court to which it is transferred; and no case may be transferred unless it is within the jurisdiction of the court to which it is transferred.

(d) In cases transferred to any of the courts by order of the judge of another court, all processes, writs, bonds, recognizances, or other obligations issued or made in the cases shall be returned to and filed in the court to which the transfer is made. All bonds executed and recognizances entered into in those cases shall bind the parties for their appearance or to fulfill the obligations of such bonds or recognizances at the terms of the court to which the cases are transferred as are fixed by law. All processes issued or returned before transfer of the cases as well as all bonds and recognizances before taken in the cases shall be valid and binding as though originally issued out of the court to which the transfer is made.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 12, 1979, by a non-record vote; passed by the Senate on May 24, 1979, by the following vote: Yeas 31, Nays 0.
Approved June 6, 1979.

Effective Aug. 27, 1979, 90 days after date of adjournment.

66. Vernon's Ann.Civ.St. art. 1970—358, § 6, subsecs. (a), (b) 67. Vernon's Ann.Civ.St. art. 1970—358, § 6, subsec. (d).