BILL ANALYSIS

DIGEST AND PURPOSE

The 75th Legislature created the Burnet County Court at Law. Currently, the court does not have concurrent jurisdiction with the district court in family law cases and proceedings. Burnet County's population increase has led to a backlog in certain cases. H.B. 3637 provides the Burnet County Court at Law concurrent jurisdiction with the district court in family law cases and proceedings to help alleviate the situation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.0292, Government Code, read as follows:

> Sec. 25.0292. BURNET COUNTY COURT AT LAW PROVISIONS. (a) Provides that, except as provided by Subsection (k), in addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Burnet County has concurrent jurisdiction with the district court in family law cases and proceedings, including juvenile cases.

> > (b) Provides that a county court at law has the same terms of court as the County Court of Burnet County.

> > (c) Authorizes a special judge of a county court at law to be appointed or elected in the manner provided by law for the appointment or election of a special county judge.

> > (d) Provides that the district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court. Provides that the county clerk serves as clerk of a county court at law in all other cases. Requires the district clerk to establish a separate docket for each county court at law.

> > (e) Requires a judge of a county court at law, except as provided by Subsection (f), to be paid an annual salary set by the commissioners court in an amount that is at least equal to the amount that is $1,000 less than the total annual salary, including contributions and supplements, received by a district judge in the county. Requires the salary of the judge to be paid in equal monthly installments out of the county treasury by the commissioners court.

> > (f) Requires the Commissioners Court of Burnet County to set the salary of each judge of a county court at law who engages in the private practice of law or in whose court fees and costs under Section 51.702 are not collected.

> > (g) Requires the county sheriff, in person or by deputy, to attend a county court at law

as required by the judge.

(h) Provides that practice in a county court at law is that prescribed by law for county courts, 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 a county court at law involving family law cases and proceedings are governed by this section and the laws and rules pertaining to district courts. Provides that if a family law case or proceeding is tried before a jury, the jury is required to be composed of 12 members.

(i) Provides that the laws governing the drawing, selection, and service of jurors for a county court apply to a county court at law. Authorizes, on request of the county judge or the judge of a county court at law, jurors regularly impaneled for a week by the district court to be made available and requires them to serve for the week in the county court or a county court at law.

(j) Provides that the official court reporter of a county court at law is a sworn officer of the court who holds office at the pleasure of the court. Entitles the official court reporter of a county court at law to receive compensation in an amount that is at least equal to the compensation received by the lowest-paid official court reporter in the district court in the county. Requires the compensation to be paid in the same manner as compensation for a district court reporter is paid.

(k) Amends a statutory reference.

SECTION 2. Effective date: September 1, 2001.