

BILL ANALYSIS

Senate Research Center
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S.B. 1786
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DIGEST AND PURPOSE

Under current law, Wichita County Courts at Law Nos. 1 and 2 have general jurisdiction concurrent with certain other county courts and district courts of Wichita County. As proposed, S.B. 1786 clarifies the jurisdiction of the county courts at law and the roles and compensation of judges and clerks, in order to allow the court system to operate more efficiently.

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 25.2452, Government Code, as follows:

- (a) Provides that in addition to the jurisdiction provided by Section 25.0003 and other law, including the general jurisdiction provided for a county court at law by the Texas Probate Code, a county court at law in Wichita County has concurrent jurisdiction with the county court in certain matters. Deletes text regarding juvenile, child neglect, or dependency proceedings.
- (b) Requires all appeals from municipal courts of records, misdemeanor cases, and probate and mental health matters to be filed in the county court at law. Authorizes a county court at law to transfer a case or an appeal described by this subsection to the county court with the consent of the county judge. Deletes text regarding the jurisdiction of the County Court at Law No. 2 of Wichita County.
- (c) Provides an exception. Deletes language regarding the jurisdiction of the County Court at Law No. 1 of Wichita County. Sets forth concurrent jurisdiction between a county court at law and the district court. Deletes language regarding suits and juvenile and child welfare cases.
- (d) Sets forth matters of which a county court at law does not have jurisdiction.
- (e) Authorizes a county court at law, on the motion of any party, to transfer a civil case originally filed in a county court at law that exceeds the maximum amount in controversy described by Subsection (d) to the district court in Wichita County, with an exception. Requires a case that is transferred to the district court to be completed under the same cause number and in the same manner as if the case were originally filed in the district court.
- (g) Requires the judge of a county court at law to be paid an annual salary that is \$1,000 less than, rather than does not exceed the amount that is 90 percent of, the total annual salary received by a district judge in the county. Requires, rather than authorizes, the judge to be paid in installments in the same manner as other county employees. Deletes text regarding a monthly installment payment.

(i) Provides that the district clerk of Wichita County serves as the clerk of the county courts at law in Wichita County in all civil cases except probate and mental health matters. Provides that the county clerk serves as clerk in cases involving criminal, probate, or mental health matters. Deletes text regarding Subsection (d) and all other cases.

(k) Provides an exception. Deletes a reference to Subsection (d). Authorizes jurors regularly impaneled for a week by a district court, on request of the county judge exercising the jurisdiction provided by this section or a county court at law judge, to be made available and requires them to serve for the week in the county court or county court at law.

SECTION 2. Effective date: September 1, 2001.

Makes application of this Act prospective.