

SUBJECT: Abolishing Navarro County Court at Law

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 7 ayes — Hartnett, T. Smith, Alonzo, Corte, Hughes, Rodriguez, Telford

0 nays

2 absent — Solis, Wilson

WITNESSES: None

BACKGROUND: Under Government Code, sec. 25.0003, the state may create county courts at law — known also as statutory county courts — to share jurisdiction with district courts in civil and criminal matters. Counties finance their own courts.

The 77th Legislature enacted SB 1808 by Ogden, which creates a county court at law in Navarro County as of September 1, 2003. SB 1808 also allows the county commissioners to create the court sooner than September 1, 2003, after holding a nonbinding referendum on whether to create the court. In November 2001, Navarro County residents voted by more than 2 to 1 against the creation of the court.

DIGEST: HB 338 would repeal Government Code, secs. 25.1771 and 25.1772, and Section 2, Chapter 772, Acts of the 77th Legislature, thus eliminating the September 1, 2003, creation of a county court at law in Navarro County.

If Navarro County established a county court at law before the effective date of HB 338, any of that court's cases and obligations would be transferred to other courts with concurrent jurisdiction.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

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**SUPPORTERS
SAY:**

HB 338 addresses a purely local issue concerning Navarro County. While no county court at law exists today in Navarro County, it still is scheduled for creation on September 1, 2003, despite being rejected by county voters. County residents and officials there already have decided this issue: they do not want a county court at law. Residents strongly rejected its creation in the 2001 referendum, and while the referendum was nonbinding, county officials have not acted against the public's decision by establishing the court. Navarro County does not intend to finance a county court at law in the near future.

In addition, current case loads in courts within Navarro County jurisdiction do not justify the creation of a county court at law. The constitutional county judge, and the district court can handle the existing caseload.

**OPPONENTS
SAY:**

With a population of some 50,000 and budget of about \$18 million, Navarro County is large enough to require its own county court at law. Its creation would relieve the county judge of Navarro County from the burden of hearing a docket of civil cases, enabling the constitutional judge to focus squarely on the executive duties of that office.

Relieving the county judge's office of judicial duties also would enhance the pool of people seeking the constitutional county judgeship to include businesspeople as well as lawyers. Moreover, Navarro County residents would benefit from a county court at law that could complement their district court in handling growing caseloads and increasingly complex family law cases.

NOTES:

The companion bill, of HB 338, SB 105 by Averitt, was reported favorably, without amendment, by 5-1 (West) by the Senate Jurisprudence Committee on March 10.