

SUBJECT: Creating a judicial district in Brazoria County

COMMITTEE: Judiciary — favorable, without amendment

VOTE: 6 ayes — Hartnett, Alonzo, Gonzales, Solis, Straus, Van Arsdale

0 nays

3 absent — Hughes, Hopson, Keel

WITNESSES: None

BACKGROUND: Brazoria County has four district courts. The county shares one of these courts, the 23rd Judicial District, with Matagorda and Wharton counties. The 300th Judicial District was added in 1979.

Government Code, sec. 24.311, requires the governor to appoint a district judge to fill the initial vacancy of a district court created by amendment to ch. 24 of the Code.

Under Texas Constitution, Art. 5, sec. 28, the governor must fill the initial vacancy of a district court. The voters elect an individual to the office during the next general election.

DIGEST: HB 1951 would create the 412th Judicial District, composed of Brazoria County, as of January 1, 2007. Notwithstanding Government Code, sec. 24.311, the initial vacancy of the judicial office would be filled by election. The office would exist for purposes of the 2006 primary and general elections. After the initial vacancy, vacancies would be filled as provided by the Texas Constitution Art. 5, sec. 28.

The bill would take effect on September 1, 2005.

SUPPORTERS SAY: Brazoria County has three full-time courts and shares a fourth district court with two other counties. The county has not received a new judicial district court since 1979. Since that time, Brazoria County has grown by 45 percent. This massive growth has had a significant impact on the existing district courts. The workload in these courts has increased

significantly, causing long docket delays. Adding another district court would be a cost effective way to relieve existing Brazoria County courts of overcrowded dockets while speeding up the administration of justice.

Other counties with populations equal in size to Brazoria have more district courts. Jefferson County, for instance, has eight district courts even though its population is about the same as Brazoria County.

Adding another court would decrease the necessity of using visiting judges. The visiting judge program fund was cut substantially in 2003, and because neither the House version nor the Senate version of the general appropriations bill would increase funding of the program in fiscal 2006-07 to its former level, it is unlikely that Brazoria County could rely on the use of visiting judges in the future.

OPPONENTS  
SAY:

By fiscal 2008, this bill would cost the state slightly more than \$129,000 per year, money that should be directed toward more pressing state budget needs. If Brazoria County needs help to reduce its dockets, it should rely on visiting judges already paid for by money appropriated to the visiting judge fund.

NOTES:

The bill's fiscal note estimates that creating a new court in Brazoria County would cost the state \$75,634 in fiscal 2007, and \$129,659 per year thereafter. This cost represents the salary and benefits of the district judge. The county would pay all other costs.