

BILL ANALYSIS

Senate Research Center
77R14358 KLA-D

H.B. 3695
By: Merritt (Cain)
Intergovernmental Relations
5/10/2001
Engrossed

DIGEST AND PURPOSE

Currently, Gregg County has one county court at law. Increases in the county's population and in the complexity and volume of civil cases have led to a backlog of cases in the Gregg County court system. The creation of an additional court in Gregg County could allow the county judge to devote more time to administrative duties and might alleviate the increasing caseloads of Gregg County's district courts. H.B. 3695 establishes a second statutory county court for Gregg County, contingent on voter approval.

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 25.0941, Government Code, to provide that Gregg County has the statutory county courts provided by this section. Provides that Gregg County has a statutory county court, the County Court at Law No. 1 of Gregg County, and an additional statutory county court, the County Court at Law No. 2 of Gregg County.

SECTION 2. (a) Provides that, notwithstanding Section 25.0941, Government Code, as amended by this Act, the County Court at Law No. 2 of Gregg County is created only on a majority vote in favor of the creation of the court by the qualified voters of that county at an election held for that purpose.

(b) Requires, as soon as possible after the effective date of this Act, the Commissioners Court of Gregg County to order an election on the question of approving the creation of an additional county court at law in Gregg County as provided by this Act.

(c) Requires an election ordered under Subsection (b) of this section to be held on the next uniform election date under Section 41.001, Election Code, that is on or after the 45th day following the date the election is ordered.

(d) Provides that the County Court at Law No. 2 of Gregg County is created January 1, 2003, only if a majority of the votes cast at the election favor the creation of the court. Requires the commissioners court to send a copy of the order creating the court to the Office of Court Administration of the Texas Judicial System.

(e) Provides that, if the creation of an additional county court at law in Gregg County is not approved by the voters before January 1, 2002, Section 25.0941(c), Government Code, as added by this Act, expires.

(f) Requires, except as otherwise provided by this section, an election held under this section to be conducted as provided by the Election Code.

SECTION 3. Requires, notwithstanding Section 25.0009(c), Government Code, the initial vacancy in the office of judge of the County Court at Law No. 2 of Gregg County to be filled by election. Provides that the office exists for purposes of the primary and general elections in 2002. Provides that a vacancy after the initial vacancy is filled as provided by Section 25.0009, Government Code.

SECTION 4. Provides that, except as provided by Section 3 of this Act, for purposes of Section 201.027, Election Code, the effective date of the Act creating the office is January 1, 2003.

SECTION 5. Effective date: upon passage or September 1, 2001.