

SUBJECT: New district courts

COMMITTEE: Judicial Affairs: favorable, with amendments

VOTE: 8 ayes--Florence, A. Hill, Heatly, B. Gibson, Gilley, Lyon,
Pennington, A. Smith

0 nays

3 absent--Allee, Luna, Moreno

SENATE VOTE: 31-0

WITNESSES: None

BACKGROUND: The 66th Legislature passed HB 1626 creating 20 new district courts. Nine of the 20 new judges were to be elected, and 11 were to be appointed by the Governor. Governor Clements vetoed HB 1626, saying the provision for electing instead of appointing new judges was a departure from the prerogative granted to previous governors. (Only three of the 124 new district judge-ships created in the previous ten years had been initially filled by election rather than appointment).

DIGEST: SB 596, as amended in committee, would create 19 new judicial districts and two new district attorney positions. All the positions would be filled by appointment. It would also change the jurisdictional area and venue dates of several existing districts, and allow the county attorney of Yoakum County to be compensated as a district attorney.

The bill would appropriate from the General Revenue Fund an amount necessary to pay up to \$25,000 for the salary and expenses of each new judge for the remainder of the fiscal year ending Aug. 31, 1981.

PRO: This bill would simply add most of the new courts included in the 1979 bill. The district court case load in the areas affected was found to be heavy when the new courts were proposed during the last session. Since then, the situation has only gotten worse. Most of the new courts would be located in high-growth areas where the overcrowding on court dockets has become particularly acute. Any additional courts proposed in this session will be considered in the omnibus courts bill which is expected to be reported from the Judicial Affairs Committee by late April.

CON: No apparent opposition.

NOTES: Governor Clements said in his emergency message of Feb. 11, 1981 that he would sign a bill of this kind as long as he could fill all of the newly created positions.

NOTES
(continued)

The Legislative Budget Board estimates that 19 new courts and two new district attorneys would cost the state an additional \$1,030,657 in fiscal 1982 and \$1,157,338 in fiscal 1983 and cost the affected counties a total of \$3,799,100 extra for each fiscal year. The extra cost to the state for the judicial retirement program for 19 new judges was estimated at \$329,007 in fiscal 1982 and \$354,732 in fiscal 1983.

Rep. Florence has indicated that he will accept a floor amendment to add a new district court for Montgomery County. A technical amendment is expected to allow the new judges to be paid for the remainder of this fiscal year at the salary level established in the 1979 rather than the 1977 appropriations bill.