

- SUBJECT:** Increasing county population requirements for justice precincts.
- COMMITTEE:** County Affairs — favorable, with amendment
- VOTE:** 6 ayes — Ramsay, G. Lewis, B. Brown, Chisum, Farabee, Swinford  
0 nays  
3 absent — Hilderbran, Krusee, Salinas
- WITNESSES:** For — Jim Allison, County Judges and Commissioners Association of Texas; Cletis Millsap, Hopkins County Commissioner Court; Beth Wisenbaker, Fellow Commissioners of Hopkins County  
  
Against — Rex Baker, Patricia Ott, Justices of the Peace and Constables Association of Texas
- BACKGROUND:** The Texas Constitution specifies three county population categories that determine the minimum and maximum number of justice of the peace and constable precincts, with an exception for Chambers County.  
  
Art. 5, sec. 18(a) requires counties with populations of 18,000 or more and less than 30,000 to have no less than two and no more than five precincts. Counties with populations above 30,000 are required to have between four and eight precincts.
- DIGEST:** HJR 71 would amend Art. 5, sec. 18(a) of the Texas Constitution to revise the county population brackets and the number of precincts that smaller counties must provide for justices of the peace and constables. Counties with a population of 18,000 or more and less than 50,000, rather than 30,000, would be required to have between two and eight, rather than five, precincts. HJR 71 would prohibit any county that is divided into four or more precincts on November 2, 1999, from reducing that number of precincts.  
  
The proposal would be presented to the voters at an election on November 2, 1999. The ballot proposal would read: “The constitutional amendment to provide that a county with a population of 18,000 or more but less than

50,000 must be divided into two to eight precincts for justices of the peace and constables.”

**SUPPORTERS  
SAY:**

Results of the upcoming census will require some counties that have grown to more than 30,000 in population to increase the number of justice of the peace and constable precincts. For some of these counties, increasing the number of precincts may create a financial burden. These counties estimate that increasing the number of justice of the peace precincts from two to four, as the current provision requires, would cost about \$200,000 per county. The proposal would keep counties from automatically having to increase the number of precincts they currently have.

This proposal would not adversely affect any county in Texas because it would not prevent counties from increasing the number of precincts if they chose to do so. In fact, it would give counties in this population more options by increasing the maximum number of precincts from five to eight. The committee amendment would ensure that counties in this population bracket that already have four or more precincts would continue to have four or more precincts.

**OPPONENTS  
SAY:**

HJR 71 would allow counties to avoid increasing the number of justices of the peace and constables in a county even though more people live in the county and need more services. The number of these officials should be based on the public’s needs, not on a county’s budget. As a result of HJR 71, there would be no relief from increased workloads for justices of the peace and constables in some counties that have grown beyond 30,000. Counties would not be required to pay for additional public officials to handle the needs of a growing population until their population reached 50,000, which is too large for only two JPs and constables to handle.

**OTHER  
OPPONENTS  
SAY:**

Changes in population brackets that determine the minimum and maximum number of county precincts should not be made until after the next census is conducted and analyzed.

Officials from Hopkins County are seeking adoption of this proposal, which would affect about 30 counties in Texas. HJR 65 also has been introduced specifically to exempt Hopkins County from the current population brackets, and if this county needs a special exception for a local situation, it should do as Chambers County did and leave out the rest of the state.

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NOTES:

The committee amendment would prohibit any county that was divided into four or more precincts on November 2, 1999, from reducing the number of their precincts.

HJR 65 by Homer, which would add Hopkins County to the Chambers County provision requiring no less than two and no more than six precincts, was referred to the County Affairs Committee.