BILL ANALYSIS

DIGEST AND PURPOSE

Currently, Navarro County has a constitutional county court and a state district court. However, because of pressures on the local legal system such as growing caseloads and increasingly complex family law cases before the district court, Navarro's county judge and district judge believe that a new county court at law is needed. C.S.S.B. 1808 creates a county court at law for Navarro County after voter approval via a nonbinding referendum to be held by the county.

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 Chapter 25C, Government Code, by adding Sections 25.1771 and 25.1772, as follows:

Sec. 25.1771. NAVARRO COUNTY. Provides that Navarro County has one statutory county court, the County Court at Law of Navarro County.

Sec. 25.1772. NAVARRO COUNTY COURT AT LAW PROVISIONS. (a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, and notwithstanding any law granting exclusive jurisdiction to the district court, a county court at law in Navarro County has concurrent jurisdiction with the district court.

(b) Provides that a county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of certain cases, suits, misdemeanors, or contested elections.

(c) Requires the judge of a county court at law to have the same qualifications as those required by law for a district judge.

(d) Sets forth guidelines regarding concurrent jurisdiction.

(e) Provides that, notwithstanding Section 74.0911, the judge of the 13th District Court serves as the local administrative judge for the district and county courts at law in Navarro County. Authorizes the district judge to delegate the power to assign or transfer cases.

(f) Requires the local administrative judge to assign felony cases in which the district court and the statutory court have concurrent jurisdiction to the district court, except under certain conditions.

(g) Provides that the district clerk serves as clerk of a statutory county court in all

criminal matters in which the statutory county court has concurrent jurisdiction with the district court. Provides that the county clerk serves as clerk of the county court at law in all other matters.

(h) Provides that practice in a county court at law is that prescribed by law for county courts.

SECTION 2. Provides that, notwithstanding Section 25.1771, Government Code, as added by this Act, the County Court at Law of Navarro County is created September 1, 2003, or on an earlier date determined by the commissioners court by an order entered in its minutes following a nonbinding referendum held in the county in which the voters express a public opinion on the creation of the court as provided by Section 3 of this Act.

SECTION 3. (a) Requires the Commissioners Court of Navarro County, before entering an order as provided by Section 2 of this Act to create the County Court at Law of Navarro County on a date earlier than September 1, 2003, to order a nonbinding referendum to be held in the county on the question of whether to create a county court at law in the county as provided by this Act.

(b) Requires the ballot to be printed to permit voting for or against the proposition: "Creating a county court at law in Navarro County."

(c) Requires the proposition to be printed on the ballot under the heading: "Referendum Proposition." Requires that the following be printed beneath the heading: "This referendum is an expression of public opinion only and has no binding effect as law."

(d) Requires the nonbinding referendum to be conducted as provided by the Election Code.

SECTION 4. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Amends As Filed S.B. 1808 as follows:

SECTION 1. Adds new Sections 25.1772(b) - (f), and (h) and amends original proposed Subsection (b) and redesignates it as Subsection (g).

SECTIONS 2 - 4. No change.