

BILL ANALYSIS

Senate Research Center
78R723 KLA-D

H.B. 338
By: Cook, Byron(Averitt)
Administration
4/28/2003
Engrossed

DIGEST AND PURPOSE

The 77th Texas Legislature passed S.B. 1808 which established a county court at law in Navarro County. Included in S.B. 1808 was a provision for a non-binding referendum allowing the citizens of Navarro County to express their opinion regarding the creation of the court. The citizens of that county were assured that if the court was not approved in the referendum, legislation would be introduced in the 78th Legislature to abolish the court. In November 2001, the voters of Navarro County rejected the creation of this court by a vote of 2581 to 1144. The Navarro County Commissioners Court could create the court at anytime and it will be created on September 1, 2003, if not repealed. H.B. 338 abolishes the County Court at Law for Navarro 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. Repealer: Section 25.1771 (Navarro County) and 25.1772 (Navarro County Court at Law Provisions), Government Code.

SECTION 2. Repealer: Section 2, Chapter 772, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 3. (a) Provides that if created before the effective date of this Act, the County Court at Law of Navarro County is abolished on the effective date of this Act and requires the judge of that court to transfer each case that is pending in the court on that date to a district court or county court in the county with jurisdiction over the case.

(b) Provides that when a case is transferred as provided by Subsection (a) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. Provides that the obligees on all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which a case is transferred as if originally required to appear before that court.

SECTION 4. Effective date: upon passage or September 1, 2003.