

SUBJECT: Creating an additional judicial district in Hidalgo County

COMMITTEE: Judiciary — committee substitute recommended

VOTE: 5 ayes — Hartnett, Hughes, Alonzo, Hopson, Gonzales

0 nays

4 absent — Keel, Solis, Straus, Van Arsdale

WITNESSES: None

BACKGROUND: Hidalgo County has nine district courts. The 398th and 389th Judicial Districts were added by the 76th Legislature in 1999.

Under Government Code, sec. 24.311, the governor appoints a qualified person to serve as judge of a newly created district court until the next general election. Election Code, secs. 201.027 and 202.003 determine the timing of when an official appointed to fill a vacancy in an elective office must face the voters.

DIGEST: HB 1153 would create the 418th Judicial District, composed of Hidalgo County, as of January 1, 2007. Notwithstanding Election Code, secs. 201.027 and 202.003, the initial vacancy of the judicial office would be filled by appointment of the governor under Government Code, sec. 24.311.

The bill would take effect September 1, 2006.

SUPPORTERS SAY: HB 1153 would promote judicial efficiency by creating a new district court for Hidalgo County, where overloaded dockets currently are denying parties the right to obtain timely justice.

Hidalgo County has experienced massive population growth in the last five years. According to the U.S. Census Bureau, Hidalgo County in 2000 had a population of slightly more than 500,000, which is expected to surpass 700,000 in 2006. The rapidly growing population has had a profound impact on the district courts. The workloads in these courts have

increased significantly, causing long docket delays and forcing judges to work exceedingly long hours. Adding another district court would be a cost-effective way to relieve existing Hidalgo County courts of overcrowded dockets while speeding up the administration of justice.

The visiting judge fund was cut substantially in 2003, and because neither the House nor Senate version of the general appropriations bill would increase funding of the program in fiscal 2006-07 to its former level, it is unlikely that Hidalgo County could rely on the use of visiting judges in the future.

Requiring the governor to fill the vacancy in the newly created court would eliminate the possibility of a wholesale turnover of judges in the same election year. The bill would stagger possible judicial turnover across two election cycles.

OPPONENTS  
SAY:

By fiscal 2008, this bill would cost the state slightly more than \$129,000 a year, money that should be directed toward more pressing state budget needs. If Hidalgo County needs help to reduce its dockets, it should rely on visiting judges already paid for by money appropriated to the visiting judge fund.

OTHER  
OPPONENTS  
SAY:

The voters of Hidalgo County, rather than the governor, should have the opportunity to fill this newly created court. The new court would not be created until January 1, 2007, giving plenty of time for candidates to file and run in the 2006 election to choose the new judge to fill this position.

NOTES:

The substitute provided that the initial vacancy in the office of judge would be filled by appointment.

According to the fiscal note, creating a new court in Hidalgo County would cost the state \$75,634 in fiscal 2006, and \$129,659 per year thereafter. This cost represents the salary and benefits of the district judge. The county would pay all other costs.