

BILL ANALYSIS

Senate Research Center
78R723 KLA-D

S.B. 105
By: Averitt
Jurisprudence
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DIGEST AND PURPOSE

Currently, the Navarro County Commissioners Court is authorized to create the Navarro County Court at Law at anytime, and the new court will be created on September 1, 2003, if enabling legislation is not repealed. However, a non-binding, opinion-only referendum on the issue of creating a new court was held and rejected by local citizens; but legislation creating the new court has not been repealed. As proposed, S.B. 105 abolishes the County Court at Law of Navarro County, if such a court has been created, and requires the judge of that court to transfer each pending case to a district court or county court with jurisdiction over such case.

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: Sections 25.1771 (Statutory County Courts: Navarro County) and 25.1772 (Statutory County Courts: 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. Requires the abolition of the County Court at Law of Navarro County on the effective date of this Act, if such a court has been created, and the judge of that court to transfer each pending case to a district court or county court with jurisdiction over the case. Provides that 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.