

BILL ANALYSIS

Senate Research Center

H.B. 2297
By: Gallego (Ellis)
Jurisprudence
5-7-97
Engrossed

DIGEST

The Texas Judicial Council (council) was created in 1929 by the 41st Legislature. The council was created for the continuous study of and report on the organizations, rules, procedure, and practice of the Texas judicial system. The council has historically been the collector of comprehensive statewide statistics on the operation of the Texas courts. This bill will provide new regulations for the council.

PURPOSE

As proposed, H.B. 2297 provides new regulations for the Texas Judicial Council.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 71.001, Government Code, to define "chair." Deletes definition of "president."

SECTION 2. Amends Section 71.011, Government Code, to provide that the Texas Judicial Council (council) is an agency of the state composed of 16, rather than 10, ex officio and six, rather than nine, appointive members.

SECTION 3. Amends Section 71.012, Government Code, to set forth the ex officio members of the council. Deletes existing text regarding the chairmen of certain Senate and House committees, and justice and judges. Deletes a provision that ex officio members have the same powers and duties under this chapter as the citizen members of the council.

SECTION 4. Amends Sections 71.013(b) and (c), Government Code, to provide that all members of the judiciary appointed to the council serve staggered terms of four years with the term of one member from each judicial group expiring on February 1 of each odd-numbered year. Provides that a legislative member whose membership in the legislature ceases continues as a member of the council at the pleasure of the appointing authority, rather than for the member's full term on the council. Deletes existing text regarding a vacant legislative membership. Makes conforming changes.

SECTION 5. Amends Section 71.014, Government Code, to require the chief justice of the supreme court, rather than the governor, to appoint the six citizen members of the council. Deletes a requirement that at least one citizen member must be by profession a journalist. Makes conforming changes.

SECTION 6. Amends Sections 71.015(a) and (b), Government Code, to make conforming changes.

SECTION 7. Amends Section 71.017, Government Code, to provide that 11, rather than five, members of the council constitute a quorum.

SECTION 8. Amends Sections 71.018(a) and (d), Government Code, to require the chief justice of the supreme court to serve as chair, rather than the council members electing a president, and the

presiding judge of the court of criminal appeals to serve as vice chair of the council. Requires other officers of the council to be elected by the council. Deletes a provision authorizing the council to elect a secretary who is not a member. Authorizes the chair to appoint committees for two-year terms, rather than the duration of the president's presidency, that the chair considers necessary for the organization of the council.

SECTION 9. Amends Section 71.020(d), Government Code, to make conforming changes.

SECTION 10. Amends Section 71.035(d), Government Code, to make conforming changes.

SECTION 11. (a) Sets forth regulations regarding the terms of current ex officio members of the council and the appointment of new ex officio members to the council.

(b) Sets forth regulations regarding the terms of current citizen members of the council and the appointment of new citizen members to the council.

SECTION 12. Effective date: September 1, 1997.

SECTION 13. Emergency clause.