

BILL ANALYSIS

Senate Research Center
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H.B. 3199
By: Hartnett (Wentworth)
Jurisprudence
5/3/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the legislature periodically reviews the issue of proper payment for the services of justices and judges. This function may be better served if handled by a group of persons who would specifically study the issue of judicial pay and to make informed recommendations from those studies to the legislature.

H.B. 3199 creates the judicial compensation commission.

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 Subtitle B, Title 2, Government Code, by adding Chapter 35, as follows:

CHAPTER 25. JUDICIAL COMPENSATION COMMISSION

SUBCHAPTER A. ORGANIZATION

Sec. 35.001. DEFINITION. Defines "commission."

Sec. 35.002. MEMBERSHIP; TERMS. Provides that the judicial compensation commission (commission) consists of nine members appointed by the governor with the advice and consent of the senate. Provides that members serve staggered terms of six years with the terms of three members expiring February 1 of each odd-numbered year.

Sec. 35.003. VACANCY. Requires the governor to appoint a replacement to fill the unexpired portion of the term in the event of a vacancy.

Sec. 35.004. PRESIDING OFFICER. Requires the governor to designate a member of the commission to serve at the will of the governor as the presiding officer of the commission. Authorizes the presiding officer to vote on all matters before the commission.

Sec. 35.005. QUALIFICATIONS. (a) Requires each member to be a registered voter of the state.

(b) Prohibits a commission member from holding any other public office or from being an employee of any state department, agency, board, or commission during the commission member's term.

(c) Prohibits a person from being a commission member or acting as general counsel to the commission if the person is required to register as a lobbyist.

(d) Requires appointments to the commission to be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

Sec. 35.006. REMOVAL. (a) Sets forth certain actions that constitute a ground for removal of a member from the commission.

(b) Provides that the validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

Sec. 35.007. ADMINISTRATIVE SUPPORT. Requires the Office of Court Administration of the Texas Judicial System (office) to provide administrative support for the commission. Entitles the commission to certain resources from the office as necessary to carry out the commission's powers and duties.

(b) Requires the office to grant all reasonable requests for staff support and resources under this section.

Sec. 35.008. COMPENSATION AND REIMBURSEMENT. (a) Prohibits a commission member from receiving compensation for the member's service on the commission.

(b) Requires the office to reimburse a member for all actual and reasonable expenses incurred in the exercise of powers and performance of duties under this chapter.

(c) Requires a member to follow the reimbursement procedures of the office.

[Reserves Sections 35.009-35.100 for expansion.]

SUBCHAPTER B. POWERS AND DUTIES

Sec. 35.101. MEETINGS. Requires the commission to meet at the call of the presiding officer or at the request of a majority of the members.

Sec. 35.102. BIENNIAL REPORTS. (a) Requires the commission to make a biennial report to the legislature not later than December 1 of each even-numbered year. Requires the commission, in the report, to recommend the proper salaries to be paid by the state for all justices and judges of the supreme court, the court of criminal appeals, the courts of appeals, and the district courts (courts).

(b) Requires the commission to consider certain factors set forth in this subsection in recommending the proper salaries for all justices and judges of those courts.

SECTION 2. Requires the governor, in appointing the initial commission members, to appoint three persons to terms expiring February 1, 2009, three persons to terms expiring February 1, 2011, and three persons to terms expiring February 1, 2013.

SECTION 3. Effective date: September 1, 2007.