

SUBJECT: Allowing a person to hold more than one office as municipal judge

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Leach, Farrar, Y. Davis, Krause, Meyer, Neave, Smith, White

0 nays

1 absent — Julie Johnson

WITNESSES: For — Kevin Madison, Texas Municipal Courts Association; Randy Smith; (*Registered, but did not testify*: Lee Parsley, Texans for Lawsuit Reform)

Against — (*Registered, but did not testify*: Bill Kelly, City of Houston Mayor's Office)

BACKGROUND: Texas Constitution Art. 16, sec. 40 generally prohibits a person from holding more than one paid public office at the same time. There are numerous exceptions for certain offices, such as justice of the peace, county commissioner, or notary public and postmaster, as well as for members of the military, the reserves, and military retirees. An exception also is provided for an appointed state officer within certain limitations.

Government Code sec. 574.001 allows a person to be appointed to the office of municipal judge for more than one municipality at the same time.

DIGEST: CSHB 1717 would allow a person to hold the office of municipal judge for more than municipality at the same time, regardless of whether the person was elected or appointed to each office.

The bill would take effect January 1, 2020, but only if the constitutional amendment proposed by this Legislature permitting a person to hold more than one office as a municipal judge at the same time was approved by voters. If that amendment was not approved by voters, the bill would have no effect.

SUPPORTERS  
SAY:

CSHB 1717 would make it easier for smaller municipalities to have qualified municipal judges by allowing a person to be elected as a municipal judge in more than one municipality at the same time.

Municipal judges play an important role in the state's court system. However, many smaller municipalities do not have municipal judges or even attorneys qualified to serve as municipal judges. This lack of qualified municipal judges impedes the ability of smaller municipalities to deal with cases such as ordinance violations, domestic cases, and misdemeanor offenses, and could impact public safety by making it more difficult to obtain such things as blood search warrants.

Texas law already permits a person to be appointed as a municipal judge in more than one municipality at the same time. CSHB 1717 merely would extend this treatment to persons elected as a municipal judge in more than one municipality. This would make it easier for smaller municipalities to fill these judgeships with qualified members of their communities.

OPPONENTS  
SAY:

No concerns identified.

NOTES:

HB 1717 is the enabling legislation for HJR 72 by White, which would amend the Texas Constitution to allow a person to hold more than one office in more than one municipality as a municipal judge at the same time, was approved by voters. HJR 72 is on the Constitutional Amendments Calendar for today.