

BILL ANALYSIS

H.B. 2795
By: Hartnett
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Governor, with the advice and consent of the Senate, currently appoints one judge in each of the nine administrative judicial regions to serve as presiding judge of the region. On the death, resignation, or expiration of the term of office of a presiding judge, the Governor appoints or reappoints a presiding judge. A presiding judge serves a term of four years from the date of qualification of which the presiding judge must be: (1) a regularly elected or retired district judge; (2) a former judge with at least 12 years of service as a district judge; or (3) a retired appellate judge with judicial experience on a district court. If the judge is retired, he must have voluntarily retired from office, must reside within the administrative region, and must have certified his willingness to serve.

The duties of the presiding judge include: (1) ensuring the promulgation of regional rules of administration within policies and guidelines set by the Supreme Court; (2) advise local judges on case flow management and auxiliary court services; (3) recommend to the Chief Justice of the Supreme Court any needs for judicial assignments from outside the region; (4) recommend to the Supreme Court any changes in the organization, jurisdiction, operation, or procedure of the region necessary or desirable for the improvement of the administration of justice; (5) act for a local administrative judge when the local administrative judge does not perform the duties required by Subchapter D, Government Code; (6) implement and execute any rules adopted by the Supreme Court under Chapter 74, Government Code; (7) provide the Supreme Court or the Office of Court Administration statistical information requested; and (8) perform the duties assigned by the Chief Justice of the Supreme Court.

The Employees Retirement System Board of Trustees is composed of six members. Three members are appointed with the advice and consent of the Senate, one by each the Governor, the Chief Justice of the Supreme Court of Texas, and the Speaker of the House of Representatives, and three members are nominated and elected by members of the retirement system and retirees under rules adopted by the board. Both appointed and elected trustees hold office for staggered terms of six years. The board of trustees is responsible for the general administration and operation of the retirement system.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2795 substitutes the appointment authority of the Governor with the Chief Justice of the Supreme Court with respect to appointments of the presiding judge of the administrative judicial regions and the Employees Retirement System Board of Trustees.

The bill establishes that the Governor, with the advice and consent of the Senate appoints two members of the Employees Retirement System Board of Trustees.

The bill establishes that the Chief Justice of the Supreme Court appoints one judge in each administrative region as presiding judge of the region.

EFFECTIVE DATE

September 1, 2005

H.B. 2795 79(R)

