

BILL ANALYSIS

S.B. 1122
By: West, Royce
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law sets the compensation for the members of the Board of Law Examiners (board) at \$20,000 a year.

This compensation cap has been in effect since 1985. It has remained intact through two Sunset Advisory Commission reviews occurring in 1991 and more recently in 2003. The recent Sunset Review and corresponding reauthorization statute, effective September 1, 2003, did not recommend changing the board's compensation cap. However, the Supreme Court of Texas has recently reviewed this cap and recommended that the board seek an increase to \$30,000.

Time records were maintained by board members for purposes of a self-evaluation report prepared as part of the 2003 sunset review process. Those time records indicated that, on the average, board members devote significantly more than 300 hours annually to board service.

The board's accounting records indicate that the experienced Texas attorneys employed as graders to assist board members in the task of grading the Texas bar exam, who are paid a set amount for each exam graded, were compensated between \$15,000 and \$16,000 each during the past fiscal year for grading both the February 2004 and July 2004 Texas bar exams. These graders are of great value to the board and they deserve to be well-compensated, but they work on a seasonal task, mostly on nights and weekends, without seriously disrupting their law practices. Board members, on the other hand, must structure their professional lives around monthly meetings and hearings in the board's Austin offices, as well as many time-consuming exam-related drafting, editing, and reviewing tasks occurring outside of the board's offices.

Board members have indicated that they are uniformly committed to service, regardless of the compensation cap. However, it has become apparent to the supreme court that the value of the board members' service, relative to that of the board's graders, needs to be reassessed.

The board is not appropriated any funds and finances its operations from revenues generated by fees charged to prospective Texas attorneys. The board's annual revenues have increased sufficiently over the past decade so that the proposed annual increase in board compensation, totaling \$90,000 annually, will not materially affect other board operations.

As proposed, S.B. 1122 increases the compensation of the members of the Board of Law Examiners from \$20,000 a year to \$30,000 a year.

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

The bill amends Section 82.005, Government Code, to require the supreme court to set the compensation of each member of the Board of Law Examiners, excluding reasonable and necessary actual expenses, at \$30,000, rather than \$20,000, a year.

EFFECTIVE DATE

September 1, 2005

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