

AN ACT

relating to the creation of the Judicial Compensation Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 2, Government Code, is amended by adding Chapter 35 to read as follows:

CHAPTER 35. JUDICIAL COMPENSATION COMMISSION

SUBCHAPTER A. ORGANIZATION

Sec. 35.001. DEFINITION. In this chapter, "commission" means the Judicial Compensation Commission.

Sec. 35.002. MEMBERSHIP; TERMS. (a) The commission consists of nine members appointed by the governor with the advice and consent of the senate.

(b) No more than three members serving on the commission may be licensed to practice law in this state.

(c) Members serve for staggered terms of six years with the terms of three members expiring February 1 of each odd-numbered year.

Sec. 35.003. VACANCY. In the event of a vacancy, the governor shall appoint a replacement to fill the unexpired portion of the term.

Sec. 35.004. PRESIDING OFFICER. The governor shall designate a member of the commission as the presiding officer of the commission to serve in that capacity at the will of the governor. The presiding officer may vote on all matters before the

1 commission.

2 Sec. 35.005. QUALIFICATIONS. (a) Each member must be a
3 registered voter of the state.

4 (b) A member of the commission may not hold any other public
5 office or be an employee of any state department, agency, board, or
6 commission during the member's tenure on the commission.

7 (c) A person may not be a member of the commission or act as
8 the general counsel to the commission if the person is required to
9 register as a lobbyist under Chapter 305 because of the person's
10 activities for compensation on behalf of a profession related to
11 the operation of the commission.

12 (d) Appointments to the commission shall be made without
13 regard to the race, color, disability, sex, religion, age, or
14 national origin of the appointees.

15 Sec. 35.006. REMOVAL. (a) It is a ground for removal from
16 the commission that a member:

17 (1) does not have at the time of appointment the
18 qualification required by Section 35.005(a);

19 (2) does not maintain during service on the commission
20 the qualification required by Section 35.005(a);

21 (3) violates the prohibition established by Section
22 35.005(b);

23 (4) is ineligible for membership under Section
24 35.005(c);

25 (5) cannot, because of illness or disability,
26 discharge the member's duties for a substantial part of the member's
27 term; or

1 (6) is absent from more than half of the regularly
2 scheduled meetings that the member is eligible to attend during a
3 calendar year without an excuse approved by a majority vote of the
4 commission.

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

8 Sec. 35.007. ADMINISTRATIVE SUPPORT. (a) The Office of
9 Court Administration of the Texas Judicial System shall provide
10 administrative support for the commission. The commission is
11 entitled to receive staff support, meeting facilities, temporary
12 work facilities, including computer, telephone, reproduction, and
13 facsimile equipment, available data, and other resources from the
14 office as necessary to carry out the commission's powers and
15 duties.

16 (b) The Office of Court Administration of the Texas Judicial
17 System shall grant all reasonable requests for staff support and
18 resources under this section.

19 Sec. 35.008. COMPENSATION AND REIMBURSEMENT. (a) A member
20 of the commission may not receive compensation for the member's
21 service on the commission.

22 (b) The Office of Court Administration of the Texas Judicial
23 System shall reimburse a member for all actual and reasonable
24 expenses incurred in the exercise of powers and performance of
25 duties under this chapter.

26 (c) A member shall follow the reimbursement procedures of
27 the Office of Court Administration of the Texas Judicial System.

1 [Sections 35.009-35.100 reserved for expansion]

2 SUBCHAPTER B. POWERS AND DUTIES

3 Sec. 35.101. MEETINGS. The commission shall meet at the
4 call of the presiding officer or at the request of a majority of the
5 members.

6 Sec. 35.102. BIENNIAL REPORTS. (a) Not later than
7 December 1 of each even-numbered year, the commission shall make a
8 biennial report to the legislature. In the report, the commission
9 shall recommend the proper salaries to be paid by the state for all
10 justices and judges of the supreme court, the court of criminal
11 appeals, the courts of appeals, and the district courts.

12 (b) In recommending the proper salaries for all justices and
13 judges of the supreme court, the court of criminal appeals, the
14 courts of appeals, and the district courts, the commission shall
15 consider the following factors:

16 (1) the skill and experience required of the
17 particular judgeship at issue;

18 (2) the value of compensable service performed by
19 justices and judges, as determined by reference to judicial
20 compensation in other states and the federal government;

21 (3) the value of comparable service performed in the
22 private sector, including private judging, arbitration, and
23 mediation;

24 (4) the compensation of attorneys in the private
25 sector;

26 (5) the cost of living and changes in the cost of
27 living;

1 (6) the compensation from the state presently received
2 by other public officials in the state, including:

3 (A) state constitutional officeholders;
4 (B) deans, presidents, and chancellors of the
5 public university systems; and

6 (C) city attorneys in major metropolitan areas
7 for which that information is readily available;

8 (7) other factors that are normally or traditionally
9 taken into consideration in the determination of judicial
10 compensation; and

11 (8) most importantly, the level of overall
12 compensation adequate to attract the most highly qualified
13 individuals in the state, from a diversity of life and professional
14 experiences, to serve in the judiciary without unreasonable
15 economic hardship and with judicial independence unaffected by
16 financial concerns.

17 SECTION 2. In appointing the initial members of the
18 Judicial Compensation Commission, the governor shall appoint three
19 persons to terms expiring February 1, 2009, three persons to terms
20 expiring February 1, 2011, and three persons to terms expiring
21 February 1, 2013.

22 SECTION 3. This Act takes effect September 1, 2007.

H.B. No. 3199

President of the Senate

Speaker of the House

I certify that H.B. No. 3199 was passed by the House on April 27, 2007, by the following vote: Yeas 133, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3199 on May 25, 2007, by the following vote: Yeas 137, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3199 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor