

By: Hartnett (Senate Sponsor - Wentworth) H.B. No. 3199
(In the Senate - Received from the House April 30, 2007;
May 2, 2007, read first time and referred to Committee on
Jurisprudence; May 18, 2007, reported adversely, with favorable
Committee Substitute by the following vote: Yeas 4, Nays 0;
May 18, 2007, sent to printer.)

COMMITTEE SUBSTITUTE FOR H.B. No. 3199 By: Wentworth

A BILL TO BE ENTITLED
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
commission.

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

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

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

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

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

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

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

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

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

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

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

(b) 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. (a) The Office of Court Administration of the Texas Judicial System shall provide administrative support for the commission. The commission is entitled to receive staff support, meeting facilities, temporary work facilities, including computer, telephone, reproduction, and facsimile equipment, available data, and other resources from the office as necessary to carry out the commission's powers and duties.

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

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

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

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

[Sections 35.009-35.100 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

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

Sec. 35.102. BIENNIAL REPORTS. (a) Not later than December 1 of each even-numbered year, the commission shall make a biennial report to the legislature. In the report, the commission shall 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.

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

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

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

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

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

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

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

(A) state constitutional officeholders;

(B) deans, presidents, and chancellors of the public university systems; and

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

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

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

SECTION 2. In appointing the initial members of the Judicial Compensation Commission, the governor shall appoint three persons to terms expiring February 1, 2009, three persons to terms

3-1 expiring February 1, 2011, and three persons to terms expiring
3-2 February 1, 2013.

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

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