

SENATE AMENDMENTS

2nd Printing

By: Hartnett

H.B. No. 3199

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. The commission consists of nine members appointed by the governor with the advice and consent of the senate. 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.

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

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

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

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

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

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

18 (3) violates the prohibition established by Section
19 35.005(b);

20 (4) is ineligible for membership under Section
21 35.005(c);

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

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

1 commission.

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

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

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

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

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

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

25 [Sections 35.009-35.100 reserved for expansion]

26 SUBCHAPTER B. POWERS AND DUTIES

27 Sec. 35.101. MEETINGS. The commission shall meet at the

1 call of the presiding officer or at the request of a majority of the
2 members.

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

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

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

15 (2) the time required of the particular judgeship at
16 issue;

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

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

23 (5) the compensation of attorneys in the private
24 sector;

25 (6) the cost of living and changes in the cost of
26 living;

27 (7) the compensation from the state presently received

1 by other public officials in the state, including:

2 (A) state constitutional officeholders;

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

5 (C) district attorneys; and

6 (D) chiefs of police, county attorneys, and city
7 attorneys in major metropolitan areas for which that information is
8 readily available;

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

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

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

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

ADOPTED

MAY 23 2007

By: Wentworth

Latoy Spaul
Secretary of the Senate

H.B. No. 3199

Substitute the following for H.B. No. 3199:

By: Wentworth

C.S. H.B. No. 3199

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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

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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.

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13 regard to the race, color, disability, sex, religion, age, or
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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.

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11 entitled to receive staff support, meeting facilities, temporary
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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.

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24 expenses incurred in the exercise of powers and performance of
25 duties under this chapter.

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1 [Sections 35.009-35.100 reserved for expansion]

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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;

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25 sector;

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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;

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10 compensation; and

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21 February 1, 2013.

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3199 by Hartnett (Relating to the creation of the Judicial Compensation Commission.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would add Chapter 35 to the Government Code, relating to the creation of the Judicial Compensation Commission. The bill would create the Judicial Compensation Commission, which would consist of nine members appointed by the Governor with the advice and consent of the Senate.

The bill would specify the qualifications for and grounds for removal from office. The members would not receive compensation for their service, but they would be eligible to be reimbursed for actual and reasonable expenses under the reimbursement procedures of the Office of Court Administration. The Office of Court Administration would provide the administrative support for the commission.

The bill would require the commission to report, before each legislative session, on 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. The bill would specify some of the factors the commission would consider in making its recommendations.

According to the Office of Court Administration, assuming 9 commission members meet one time per year every fiscal year, and assuming that average travel expenses per member are \$350 per meeting, the annual cost of the bill would be \$3,150 per meeting of the commission. To the extent members meet one time per year, the fiscal implication to the State is not anticipated to be significant.

The bill would take effect September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, ZS, TB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 3, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3199 by Hartnett (Relating to the creation of the Judicial Compensation Commission.),
As Engrossed

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LBB Staff: JOB, MN, ZS, TB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 9, 2007

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3199 by Hartnett (Relating to the creation of the Judicial Compensation Commission.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

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Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, ZS, TB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 25, 2007

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3199 by Hartnett (Relating to the creation of the Judicial Compensation Commission.),
As Introduced

No significant fiscal implication to the State is anticipated.

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