

SENATE AMENDMENTS

2nd Printing

By: Hartnett, et al.

H.B. No. 764

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for assignment as a visiting judge.

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

SECTION 1. Section 25.0022(t), Government Code, is amended to read as follows:

(t) To be eligible for assignment under this section, a former or retired judge of a statutory probate court must:

(1) not have been removed from office; ~~and~~

(2) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that:

(A) the judge has not been publicly reprimanded or censured by the State Commission on Judicial Conduct; and

(B) the judge:

(i) did not resign or retire from office after the State Commission on Judicial Conduct notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge [having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted] as provided in Section 33.022 and before the final disposition of that investigation; or

(ii) if the judge did resign from office under circumstances described by Subparagraph (i), was not publicly reprimanded or censured as a result of the investigation;

(3) annually demonstrate that the judge has completed

1 in the past state fiscal year the educational requirements for an
2 active statutory probate court judge;

3 (4) have served as an active judge for at least 96
4 months in a district, statutory probate, statutory county, or
5 appellate court; and

6 (5) have developed substantial experience in the
7 judge's area of specialty [~~the proceedings~~].

8 SECTION 2. (a) The change in law made by Chapter 315 (H.B.
9 3306), Acts of the 78th Legislature, Regular Session, 2003, to
10 Section 74.055(c)(1), Government Code, does not apply to a person
11 who:

12 (1) was serving a term as an active judge described by
13 Section 74.054(a)(1), Government Code, on August 31, 2003; and

14 (2) on completion of that term, met the eligibility
15 requirements, other than the requirement of Section 74.055(c)(6),
16 Government Code, to be named on a list of retired and former judges
17 under Section 74.055(c), Government Code, as that law existed on
18 August 31, 2003.

19 (b) Section 74.055(c), Government Code, as it existed on
20 August 31, 2003, is continued in effect for determining the
21 eligibility of a person described by Subsection (a) of this section
22 to be named on the list of retired and former judges subject to
23 assignment.

24 SECTION 3. (a) The change in law made by this Act by
25 amending Section 25.0022(t)(2), Government Code, and by adding
26 Sections 25.0022(t)(4) and (5), Government Code, applies only to an
27 assignment of a visiting judge appointed under Chapter 25,

1 Government Code, made on or after September 1, 2009. An assignment
2 made before September 1, 2009, is governed by Section 25.0022(t),
3 Government Code, as it exists on the date of the assignment, and
4 that law is continued in effect for that purpose.

5 (b) The change in law made by this Act by amending Section
6 25.0022(t)(2), Government Code, and by adding Sections
7 25.0022(t)(4) and (5), Government Code, does not apply to a person
8 who immediately before the effective date of this Act meets the
9 eligibility requirements to be assigned by the presiding judge
10 under Section 25.0022(h), Government Code, and the former law is
11 continued in effect for determining that person's eligibility for
12 that purpose.

13 (c) The change in law made by this Act by adding Section
14 25.0022(t)(3), Government Code, applies only to an assignment of a
15 visiting judge appointed under Chapter 25, Government Code, made on
16 or after September 1, 2010. Except as provided by Subsection (b) of
17 this section, an assignment made before September 1, 2010, is
18 governed by Section 25.0022(t), Government Code, as it exists on
19 the date of the assignment, and that law is continued in effect for
20 that purpose.

21 (d) Section 25.0022(t)(2)(A), Government Code, as added by
22 this Act, applies only to a reprimand or censure issued by the State
23 Commission on Judicial Conduct on or after the effective date of
24 this Act.

25 SECTION 4. This Act takes effect September 1, 2009.

ADOPTED

MAY 26 2009

Robert Drew
Secretary of the Senate

By: HARTNETT/
Wentworth

H.B. No. 764

Substitute the following for H.B. No. 764:

By: Wentworth

C.S.H.B. No. 764

A BILL TO BE ENTITLED

AN ACT

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relating to eligibility for assignment as a visiting judge.

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

SECTION 1. Subsection (t), Section 25.0022, Government Code, is amended to read as follows:

(t) To be eligible for assignment under this section, a former or retired judge of a statutory probate court must:

(1) not have been removed from office; ~~and~~

(2) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that:

(A) the judge has never been publicly reprimanded or censured by the State Commission on Judicial Conduct; and

(B) the judge:

(i) did not resign or retire from office after the State Commission on Judicial Conduct notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge ~~having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted~~ as provided in Section 33.022 and before the final disposition of that investigation; or

(ii) if the judge did resign from office under circumstances described by Subparagraph (i), was not publicly reprimanded or censured as a result of the investigation;

(3) annually demonstrate that the judge has completed

1 in the past state fiscal year the educational requirements for an
2 active statutory probate court judge;

3 (4) have served as an active judge for at least 96
4 months in a district, statutory probate, statutory county, or
5 appellate court; and

6 (5) have developed substantial experience in the
7 judge's area of specialty [~~the proceedings~~].

8 SECTION 2. (a) The change in law made by this Act by
9 amending Subdivision (2), Subsection (t), Section 25.0022,
10 Government Code, and by adding Subdivisions (4) and (5), Subsection
11 (t), Section 25.0022, Government Code, applies only to an
12 assignment of a visiting judge appointed under Chapter 25,
13 Government Code, made on or after September 1, 2009. An assignment
14 made before September 1, 2009, is governed by Subsection (t),
15 Section 25.0022, Government Code, as it exists on the date of the
16 assignment, and that law is continued in effect for that purpose.

17 (b) The change in law made by this Act by amending
18 Subdivision (2), Subsection (t), Section 25.0022, Government Code,
19 and by adding Subdivisions (4) and (5), Subsection (t), Section
20 25.0022, Government Code, does not apply to a person who
21 immediately before the effective date of this Act meets the
22 eligibility requirements to be assigned by the presiding judge
23 under Subsection (h), Section 25.0022, Government Code, and the
24 former law is continued in effect for determining that person's
25 eligibility for that purpose.

26 SECTION 3. This Act takes effect September 1, 2009.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB764 by Hartnett (relating to eligibility for assignment as a visiting judge.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, DB, MN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 19, 2009

TO: Honorable Tommy Williams, Chair, Senate Committee on Administration

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

IN RE: **HB764** by Hartnett (relating to eligibility for assignment as a visiting judge.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, DB, MN

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable Tommy Williams, Chair, Senate Committee on Administration

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

IN RE: HB764 by Hartnett (Relating to eligibility for assignment as a visiting judge.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, DB, MN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 2, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB764 by Hartnett (Relating to eligibility for assignment as a visiting judge.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, DB, MN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 12, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB764 by Hartnett (Relating to eligibility for assignment as a visiting judge.), As
Introduced

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, DB, MN