

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 20, 2013

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB209 by Huffman (Relating to the functions and operation of the State Commission on Judicial Conduct.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The State Commission on Judicial Conduct is required to undergo Sunset review every twelve (12) years, but owing to the Commission's establishment by the Texas Constitution is not subject to abolishment. If enacted, this legislation would add public sanctions to the list of disciplinary actions the Commission is authorized to issue following a formal proceeding. Since the list of disciplinary actions that can result from a formal proceeding is prescribed in the Texas Constitution, a constitutional amendment is required to enact this change in disciplinary actions. Senate Joint Resolution 42 for which this legislation serves as enabling legislation proposes a constitutional amendment which would authorize this change. If approved by Texas voters, this change would take effect on January 1, 2014. It is anticipated that the addition of public sanctions to the list of disciplinary actions the Commission may issue would not have a significant fiscal impact.

Other changes that would be enacted should this legislation be adopted include, but are not limited to the following: (a) sunset review of the Commission in six (6) years in lieu of the standard twelve (12) year review; (b) a public hearing in each even numbered year to allow for public input on the Commission's mission and operations; (c) requires the Commission to provide Sunset Advisory Commission staff access to closed meetings and confidential records for purposes of sunset review; and (d) requires that the Commission after dismissing a complaint provide the individual who filed the complaint with the reason in plain, understandable language why the conduct alleged in the complaint did not constitute judicial misconduct.

The agency has indicated that the annual public hearing may result in additional travel costs ranging from \$2,250 each fiscal year to \$4,250 each fiscal year. The actual costs would depend on whether or not the public meeting is held in conjunction with a scheduled Commission meeting. For purposes of this analysis, it is assumed that these costs can be absorbed within existing agency resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 242 State Commission on Judicial Conduct

LBB Staff: UP, CL, SD, ZS