

BILL ANALYSIS

Senate Research Center

S.B. 328
By: Brown
Finance
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As Filed

DIGEST

Currently, Texas law does not provide for a special commission for the review and recommendation of certain judicial salaries. The 74th Legislature created the Commission on Judicial Efficiency and charged the commission with evaluating the judicial system in Texas and reporting back to the legislature with recommendations to improve the efficiency of the system. The report recommends the establishment of a judicial compensation commission, which would be responsible for making recommendations to the legislature on judicial salaries.

This bill would establish the Judicial Compensation Commission to make recommendations to the legislature in regard to certain judicial salaries. In addition, recommendations made by the commission would be binding unless rejected by either house of the legislature.

PURPOSE

As proposed, S.B. 328 establishes the Judicial Compensation Commission and sets forth guidelines for its operation.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 2B, Government Code, by adding Chapter 35, as follows:

CHAPTER 35. JUDICIAL COMPENSATION COMMISSION

SUBCHAPTER A. ORGANIZATION

Sec. 35.001. DEFINITION. Defines "commission."

Sec. 35.002. MEMBERSHIP; TERMS. Provides that the Judicial Compensation Commission (commission) consists of three members appointed by the governor with the advice and consent of the senate. Provides that members serve for staggered terms of six years with the term of one member expiring on February 1 of each odd-numbered year.

Sec. 35.003. VACANCY. Requires the governor to appoint a replacement to fill the unexpired portion of the term in the event of a vacancy.

Sec. 35.004. PRESIDING OFFICER. Requires the governor to designate a member of the commission as the presiding officer to serve in that capacity at the pleasure of the governor. Authorizes the presiding officer to vote on all matters before the commission.

Sec. 35.005. QUALIFICATIONS. Sets forth the qualifications for membership.

Sec. 35.006. REMOVAL. Sets forth the grounds for removal from the commission.

Sec. 35.007. ADMINISTRATIVE SUPPORT. Requires the Office of Court Administration

to provide administrative support for the commission. Provides that the commission is entitled to receive staff support, meeting facilities, temporary work facilities, and other support and resources from the Office of Court Administration.

Sec. 35.008. COMPENSATION AND REIMBURSEMENT. Prohibits a member of the commission from receiving compensation for the member's service on the commission. Requires the Office of Court Administration to reimburse a member for certain expenses. Requires a member to follow certain reimbursement procedures.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 35.101. MEETINGS. Requires the commission to meet, either in person or by teleconference, at the call of the presiding officer or at the request of a majority of the members.

Sec. 35.102. INVESTIGATIONS. Sets forth the powers of each member of the commission who is a member in good standing of the State Bar of Texas, and each member of the State Bar of Texas who is designated by the commission to serve, on a pro bono basis, as counsel to the commission.

Sec. 35.103. BIENNIAL REPORTS. Requires the commission to make a biennial report to the legislature by December 1 of each even-numbered year. Sets forth guidelines for making recommendations for judicial salaries in the report.

Sec. 35.104. BINDING NATURE OF REPORT. Provides that the recommendations made by the commission in its biennial report to the legislature are binding and have full force of law on September 1 following the delivery of the report to the lieutenant governor, the speaker of the house, and the members and members-elect of the legislature, if neither the senate nor the house of representatives, by majority vote, rejects the recommendations before the 180th day after the date on which the report is delivered. Requires the comptroller to make payments for the recommended salaries unless either the senate or the house rejects the recommendations as provided by Subsection (a).

SECTION 2. Amends Section 659.011, Government Code, to provide that except as provided by Chapter 35, the salaries of all state officers and employees are in the amounts provided by the biennial appropriations act.

SECTION 3. Repealer: Section 659.012, Government Code (Judicial Salaries).

SECTION 4. Requires the governor, in appointing the initial members of the commission, to appoint one person to a term expiring February 1, 1999, one person to a term expiring February 1, 2001, and one person to a term expiring February 1, 2003.

SECTION 5. Effective date: pending voter approval.

SECTION 6. Emergency clause.