

BILL ANALYSIS

Senate Research Center
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S.B. 71
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Finance
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DIGEST

After evaluating the judicial system in Texas, the Commission on Judicial Efficiency recommended the establishment of a commission responsible for making judicial salary recommendations, as there is currently no such review system. S.B. 71 establishes the Judicial Compensation Commission (commission) to make recommendations to the legislature on certain judicial salaries, and provides that commission recommendations are binding if accepted by a certain date.

PURPOSE

As proposed, S.B. 71 creates the Judicial Compensation Commission (commission), authorizes the governor to appoint the nine commission members, and requires the commission to make a report of the proper salaries of all judges of the supreme court, courts of criminal appeals, courts of appeal, and the district courts. S.B. 71 also provides that if the salary recommendations are accepted by a certain date, they are binding.

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 nine members appointed by the governor, and sets forth provisions of their terms.

Sec. 35.003. VACANCY. Authorizes the governor to appoint a replacement to fill an unexpired term in the case of a commission vacancy.

Sec. 35.004. PRESIDING OFFICER. Authorizes the governor to designate a presiding officer of the commission who votes on all matters before the commission.

Sec. 35.005. QUALIFICATIONS. Requires commission members to be registered voters of the state. Prohibits commission members from holding another public office, and prohibits lobbyists from being commission members.

Sec. 35.006. REMOVAL. Establishes guidelines for removal of commission members including ineligibility under Section 35.005, and attendance specifications. Provides that when a ground for removal of a commission member exists, it does not affect the validity of commission actions.

Sec. 35.007. ADMINISTRATIVE SUPPORT. Requires the Office of Court Administration (office) to grant requests for staff and administration support for the commission, including work facilities and data.

Sec. 35.008. COMPENSATION AND REIMBURSEMENT. Prohibits members from receiving compensation for serving on the commission. Requires the office to reimburse members for expenses incurred in the exercise of powers and performance of duties.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 35.101. MEETINGS. Requires the commission to meet at the request of the presiding officer or a majority of the members.

Sec. 35.102. BIENNIAL REPORTS. Requires the commission to make a biennial report of the proper salaries to be paid by the state to all judges, not later than December 1 of even-numbered years. Sets forth considerations to assist the commission in determining judges' salaries including: skill, experience, and time required of the judgeship at issue; salary comparisons with other public officials and attorneys; and changes in the cost of living. Establishes that the most important salary consideration is that it is adequate to attract the most diverse and qualified individuals.

Sec. 35.103. BINDING NATURE OF REPORT. Provides that commission recommendations in the biennial report have full force of law on September 1 after delivery of the report, provided that the recommendations are accepted before the enactment of the General Appropriations Act for the subsequent biennium. Provides that the comptroller pay the recommended salaries.

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

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

SECTION 4. Provides that the nine initial commission members appointed by the governor be split into three groups of three with respect to the expiration date of their terms.

SECTION 5. Effective date: Provides that this Act takes effect concurrently with passage of the proposed companion constitutional amendment.

SECTION 6. Emergency clause.