

- SUBJECT:** Allowing federal administrative law judges to receive official license plates
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 7 ayes — Krusee, Phillips, Edwards, Garza, Harper-Brown, Hill, Mercer
0 nays
2 absent — Hamric, Laney
- WITNESSES:** For — Judge Paul W. Schwarz, Association of Administrative Law Judges
Against — None
- BACKGROUND:** Transportation Code, sec. 502.297 allows state and federal judges to obtain official license plates. The statute defines “federal judge” as a judge of the Fifth U.S. Circuit Court of Appeals, a judge or magistrate of a U.S. district court, or a judge of a U.S. bankruptcy court.
- Congress established federal administrative law judges (ALJs) in 1966. ALJs, like other federal judges, are appointed for life. A federal ALJ exclusively hears cases that involve federal agencies and disputes about federal regulations, including those that relate to labor relations, prices of interstate natural gas and electricity, securities regulation, immigration, discrimination in housing, and other matters.
- DIGEST:** HB 510 would expand the definition of federal judge in Transportation Code, sec. 502.297 to include federal ALJs, thus making them eligible to receive specially designed U.S. Judge license plates issued by the state.
- The bill would take effect September 1, 2003.
- SUPPORTERS SAY:** HB 510 would allow federal ALJs to obtain official license plates in recognition of the importance of their duties and their support for the cause of justice. ALJs deserve access to these plates because ALJs perform the same duties as judges perform and have equivalent power. About 10 to 12 ALJs in the state would seek to acquire these official license plates.

Before the enactment of SB 1630 in 1997, the Texas Department of Transportation used its discretion under authority of House and Senate resolutions to issue official plates to ALJs and federal judges. Amendments to the 1997 statute omitted ALJs from the section authorizing federal judges to receive these license plates. HB 510 would correct this omission.

There is no reason to exclude ALJs from receiving these plates, since their duties are comparable to those of other federal judges. Before being hired by the U.S. Office of Personnel Management, ALJs must undergo a thorough selection process that includes a background check by the Federal Bureau of Investigation and national security clearances.

ALJs, unlike many other federal judges, ride a circuit. In many cases, they travel to their litigants rather than vice versa. ALJs spend countless hours on the road, often traveling to places with heightened security, such as prisons. Official license plates help drivers pass through security more efficiently, saving both time and money.

ALJs, like other judges, often receive threats. Two ALJs were killed in Louisiana a few years ago, and ALJs in Houston have been subject to attempted assault and death threats. An official license plate alerts authorities that the owner of the vehicle may need special assistance or protection. These plates are an important security safeguard. In a period of heightened security, ALJs are entitled to that protection.

**OPPONENTS
SAY:**

SB 1630 defined “federal judge” narrowly for a reason. All judges so defined go through a rigorous selection process involving a thorough background check and the consent of either the U.S. Senate or a federal court of appeals. ALJs are not approved by the Senate nor by the courts but are hired by a federal agency. They are not required to undergo as strict a screening process before they are appointed and do not warrant the extra protection and status that official plates would confer.

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NOTES: During the 77th Legislature in 2001, HB 388 by Woolley, identical to HB 510, was reported favorably by the House Transportation Committee but died in the Local and Consent Calendars Committee.