

## **BILL ANALYSIS**

Senate Research Center

S.B. 328  
By: Brown  
Finance  
2-17-97  
Committee Report (Amended)

### **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 nine 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 three members 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.

Sec. 35.009. OPEN MEETINGS AND OPEN RECORDS. Provides that the commission is subject to Chapters 551 and 552, Government Code.

#### SUBCHAPTER B. POWERS AND DUTIES

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

Sec. 35.102. 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. 35.103. 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.

#### **SUMMARY OF COMMITTEE CHANGES**

Amends SECTION 1, Section 35.002, Government Code, to provide that the commission consists of nine members, rather than three. Provides that members serve for staggered terms of six years with the term of three members, rather than one member, expiring on February 1 of each odd-numbered year.

Amends SECTION 1 by adding Section 35.009, Government Code, regarding open meetings and open records laws.

Amends SECTION 1, Section 35.101, to delete a requirement that the commission meet either in person or by teleconference.

Amends SECTION 1 by deleting Section 35.102 and renumbering subsequent sections.

Amends SECTION 1, Section 35.103, by requiring the commission to require, among other factors, the compensation from the state presently received by other public officials in the state, rather than the overall compensation presently received by other public officials of the state.