

## **BILL ANALYSIS**

Senate Research Center  
79R9159 DLF-F

H.B. 2795  
By: Hartnett (Averitt)  
Jurisprudence  
5/9/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The governor, with the advice and consent of the senate, currently appoints one judge in each of the nine administrative judicial regions to serve as presiding judge of the region. On the death, resignation, or expiration of the term of office of a presiding judge, the governor appoints or reappoints a presiding judge. A presiding judge serves a term of four years from the date of qualification of which the presiding judge must be: (1) a regularly elected or retired district judge; (2) a former judge with at least 12 years of service as a district judge; or (3) a retired appellate judge with judicial experience on a district court. If the judge is retired, he must have voluntarily retired from office, must reside within the administrative region, and must have certified his willingness to serve.

The duties of the presiding judge include: (1) ensuring the promulgation of regional rules of administration within policies and guidelines set by the Supreme Court of Texas; (2) advise local judges on case flow management and auxiliary court services; (3) recommend to the chief justice of the Supreme Court of Texas any needs for judicial assignments from outside the region; (4) recommend any changes in the organization, jurisdiction, operation, or procedure of the region necessary or desirable for the improvement of the administration of justice; (5) act for a local administrative judge when the local administrative judge does not perform the duties required by Subchapter D, Government Code; (6) implement and execute any rules adopted by the Supreme Court of Texas under Chapter 74, Government Code; (7) provide the Supreme Court or the Office of Court Administration statistical information requested; and (8) perform the duties assigned by the chief justice of the Supreme Court.

The Employees Retirement System Board of Trustees is composed of six members. Three members are appointed with the advice and consent of the Senate, one by each the governor, the chief justice of the Supreme Court of Texas, and the speaker of the house of representatives, and three members are nominated and elected by members of the retirement system and retirees under rules adopted by the board. Both appointed and elected trustees hold office for staggered terms of six years. The board of trustees is responsible for the general administration and operation of the retirement system.

H.B. 2795 provides that the chief justice of Supreme Court, rather than the governor appoints the presiding judges of the nine administrative judicial regions. The bill also amends the Government Code relating to appointment provisions for three Employees Retirement System trustee positions. The bill provides for two appointments by the governor and one by the speaker of the house of representatives. The chief justice of the supreme court would no longer have an appointee on the board of trustees.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 74.005, Government Code, as follows:

Sec. 74.005. APPOINTMENT OF REGIONAL PRESIDING JUDGES. (a) Requires the chief justice of the supreme court, rather than the governor with the advice and

consent of the senate, to appoint one judge in each administrative region as presiding judge of the region.

(b) Makes a conforming change.

SECTION 2. Amends Section 815.002(a), Government Code, to provide that of the three members of the board of trustees of the Employees Retirement System appointed with the advice and consent of the senate, two members appointed by the governor and one member is appointed by the speaker of the house of representative. Deletes existing text requiring that one of the three members be appointed by the chief justice of the Supreme Court of Texas.

SECTION 3. Provides that the amendment by this Act of Sections 74.005 and 815.002, Government Code, does not affect the term of a person appointed under those sections before the effective date of this Act.

SECTION 4. Effective date: September 1, 2005.