

1-1 By: Hartnett, et al. (Senate Sponsor - Wentworth) H.B. No. 764
1-2 (In the Senate - Received from the House April 22, 2009;
1-3 May 12, 2009, read first time and referred to Committee on
1-4 Administration; May 21, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 21, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 764 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to eligibility for assignment as a visiting judge.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (t), Section 25.0022, Government
1-13 Code, is amended to read as follows:

1-14 (t) To be eligible for assignment under this section, a
1-15 former or retired judge of a statutory probate court must:

1-16 (1) not have been removed from office; ~~and~~

1-17 (2) certify under oath to the presiding judge, on a
1-18 form prescribed by the state board of regional judges, that:

1-19 (A) the judge has never been publicly reprimanded
1-20 or censured by the State Commission on Judicial Conduct; and

1-21 (B) the judge:

1-22 (i) did not resign or retire from office
1-23 after the State Commission on Judicial Conduct notified the judge
1-24 of the commencement of a full investigation into an allegation or
1-25 appearance of misconduct or disability of the judge [having
1-26 received notice that formal proceedings by the State Commission on
1-27 Judicial Conduct had been instituted] as provided in Section 33.022
1-28 and before the final disposition of that investigation; or

1-29 (ii) if the judge did resign from office
1-30 under circumstances described by Subparagraph (i), was not publicly
1-31 reprimanded or censured as a result of the investigation;

1-32 (3) annually demonstrate that the judge has completed
1-33 in the past state fiscal year the educational requirements for an
1-34 active statutory probate court judge;

1-35 (4) have served as an active judge for at least 96
1-36 months in a district, statutory probate, statutory county, or
1-37 appellate court; and

1-38 (5) have developed substantial experience in the
1-39 judge's area of specialty [the proceedings].

1-40 SECTION 2. (a) The change in law made by this Act by
1-41 amending Subdivision (2), Subsection (t), Section 25.0022,
1-42 Government Code, and by adding Subdivisions (4) and (5), Subsection
1-43 (t), Section 25.0022, Government Code, applies only to an
1-44 assignment of a visiting judge appointed under Chapter 25,
1-45 Government Code, made on or after September 1, 2009. An assignment
1-46 made before September 1, 2009, is governed by Subsection (t),
1-47 Section 25.0022, Government Code, as it exists on the date of the
1-48 assignment, and that law is continued in effect for that purpose.

1-49 (b) The change in law made by this Act by amending
1-50 Subdivision (2), Subsection (t), Section 25.0022, Government Code,
1-51 and by adding Subdivisions (4) and (5), Subsection (t), Section
1-52 25.0022, Government Code, does not apply to a person who
1-53 immediately before the effective date of this Act meets the
1-54 eligibility requirements to be assigned by the presiding judge
1-55 under Subsection (h), Section 25.0022, Government Code, and the
1-56 former law is continued in effect for determining that person's
1-57 eligibility for that purpose.

1-58 SECTION 3. This Act takes effect September 1, 2009.

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