

**SUBJECT:** Amending the Texas Constitution regarding offices of municipal judge

**COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended

**VOTE:** 8 ayes — Leach, Farrar, Y. Davis, Krause, Meyer, Neave, Smith, White

0 nays

1 absent — Julie Johnson

**WITNESSES:** For —Kevin Madison, Texas Municipal Courts Association; Randy Smith; (*Registered, but did not testify:* Lee Parsley, Texans for Lawsuit Reform)

Against — None

**BACKGROUND:** Texas Constitution Art. 16, sec. 40 generally prohibits a person from holding more than one paid public office at the same time. There are numerous exceptions for certain offices, such as justice of the peace, county commissioner, or notary public, as well as for members of the military, the reserves, and military retirees. An exception also is provided for an appointed state officer within certain limitations.

Government Code sec. 574.001 allows a person to be appointed to the office of municipal judge for more than one municipality at the same time.

**DIGEST:** CSHJR 72 would amend the Texas Constitution to allow a person to hold more than one office as municipal judge in more than one municipality at the same time, regardless of whether the person was elected or appointed to each office.

The ballot proposal would be presented to voters at an election on November 5, 2019, and would read: "The constitutional amendment permitting a person to hold more than one office as a municipal judge at the same time."

SUPPORTERS  
SAY:

CSHJR 72 would make it easier for smaller municipalities to have qualified municipal judges by allowing a person to be elected as a municipal judge in more than one municipality at the same time.

Municipal judges play an important role in the state's court system. However, many smaller municipalities do not have municipal judges or even attorneys qualified to serve as municipal judges. This lack of qualified municipal judges impedes the ability of smaller municipalities to deal with cases such as ordinance violations, domestic cases, and misdemeanor offenses, and could impact public safety by making it more difficult to obtain such things as blood search warrants.

Texas law already permits a person to be appointed as a municipal judge in more than one municipality at the same time. CSHJR 72 merely would extend this treatment to allow a person to be elected as a municipal judge in more than one municipality. This would make it easier for smaller municipalities to fill these judgeships with qualified members of their communities.

OPPONENTS  
SAY:

No concerns identified.

NOTES:

HB 1717 by White, the enabling legislation for HJR 72, is set for second-reading consideration today on the General State Calendar.

According to the Legislative Budget Board, HJR 72 would have no fiscal implication to the state other than the cost for publication of the resolution, which would be \$177,289.