

## **BILL ANALYSIS**

Senate Research Center  
84R23830 SRS-F

H.B. 4103  
By: Guillen (Garcia)  
State Affairs  
5/18/2015  
Engrossed

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

Interested parties have noticed that state law provides insufficient guidance as to whether a judge reappointed by operation of law is required to retake and retain the oath of office. The parties contend that if this confusion remains unresolved and is litigated, the state and its cities could be responsible for a considerable amount of money. H.B. 4103 seeks to clarify the issue.

H.B. 4103 amends current law relating to oaths and affirmations of certain judges of municipal courts.

### **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 29.005, Government Code, as follows:

Sec. 29.005. TERM OF OFFICE. (a) Creates this subsection from existing text. Provides that the judge of a municipal court serves for a term of office of two years unless the municipality provides for a longer term pursuant to Section 11 (Term of Office Exceeding Two Years in Home Rule and General Law Cities; Vacancies), Article XI, Texas Constitution, rather than Article XI, Section 11, of the Texas Constitution.

(b) Creates this subsection from existing text. Requires a municipal court judge who is not reappointed by the 91st day following the expiration of a term of office, absent action by the appointing authority, to continue to serve for another term of office beginning on the date the previous term of office expired.

(c) Authorizes a judge of a municipal court who continues to serve for another term of office under Subsection (b) to continue to perform the duties of the office without taking an additional oath or affirmation required under Section 1 (Official Oath), Article XVI, Texas Constitution.

SECTION 2. Provides that the changes in law made by this Act apply to a judge of a municipal court who serves in the office before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2015.