

By: Farabee

H.J.R. No. 87

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the membership of
2 the State Commission on Judicial Conduct.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Sections 1-a(2) and (5), Article V, Texas
5 Constitution, are amended to read as follows:

6 (2) The State Commission on Judicial Conduct consists of
7 thirteen (13) [~~eleven (11)~~] members, to wit: (i) one (1) Justice of
8 a Court of Appeals; (ii) one (1) District Judge; (iii) two (2)
9 members of the State Bar, who have respectively practiced as such
10 for over ten (10) consecutive years next preceding their selection;
11 (iv) [(~~iiii~~)] four (4) citizens, at least thirty (30) years of age,
12 not licensed to practice law nor holding any salaried public office
13 or employment; (v) one (1) Justice of the Peace; (vi) one (1) Judge
14 of a Municipal Court; [~~and,~~] (vii) one (1) Judge of a County Court
15 at Law; (viii) one (1) Judge of a Statutory Probate Court; and (ix)
16 one (1) Judge of a Constitutional County Court; provided that no
17 person shall be or remain a member of the Commission, who does not
18 maintain physical residence within this State, [~~or who resides in,~~
19 ~~or holds a judgeship within or for, the same Supreme Judicial~~
20 ~~District as another member of the Commission,~~] or who shall have
21 ceased to retain the qualifications above specified for that
22 person's [~~his~~] respective class of membership, and provided that a
23 Commissioner of class (i), (ii), or (iii) may not [~~except that the~~
24 ~~Justice of the Peace and the Judges of a Municipal Court and or a~~

1 ~~County Court at Law shall be selected at large without regard to~~
2 ~~whether they~~] reside or hold a judgeship in the same court of
3 appeals district [~~Supreme Judicial District~~] as another member of
4 the Commission. Commissioners of classes (i), (ii), [~~and~~] (vii),
5 (viii), and (ix) above shall be chosen by the Supreme Court with
6 advice and consent of the Senate, those of class (iii) by the Board
7 of Directors of the State Bar under regulations to be prescribed by
8 the Supreme Court with advice and consent of the Senate, those of
9 class (iv) [~~(iiii)~~] by appointment of the Governor with advice and
10 consent of the Senate, and the commissioners of classes (v) and (vi)
11 by appointment of the Supreme Court as provided by law, with the
12 advice and consent of the Senate.

13 (5) The Commission may hold its meetings, hearings and other
14 proceedings at such times and places as it shall determine but shall
15 meet at Austin at least once each year. It shall annually select
16 one of its members as Chairman. A quorum shall consist of seven (7)
17 [~~six (6)~~] members. Proceedings shall be by majority vote of those
18 present, except that recommendations for retirement, censure,
19 suspension, or removal of any person holding an office named in
20 Paragraph A of Subsection (6) of this Section shall be by
21 affirmative vote of at least seven (7) [~~six (6)~~] members.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 8, 2005.
24 The ballot shall be printed to provide for voting for or against the
25 proposition: "The constitutional amendment to include a statutory
26 probate court judge and a constitutional county court judge on the
27 membership of the State Commission on Judicial Conduct."