

1-1 By: Farabee (Senate Sponsor - Lindsay) H.J.R. No. 87
1-2 (In the Senate - Received from the House April 26, 2005;
1-3 April 27, 2005, read first time and referred to Committee on
1-4 Jurisprudence; May 16, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 16, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.J.R. No. 87 By: Wentworth

1-8 HOUSE JOINT RESOLUTION

1-9 proposing a constitutional amendment relating to the membership of
1-10 the State Commission on Judicial Conduct.

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

1-12 SECTION 1. Sections 1-a(2) and (5), Article V, Texas
1-13 Constitution, are amended to read as follows:

1-14 (2) The State Commission on Judicial Conduct consists of
1-15 thirteen (13) [~~eleven (11)~~] members, to wit: (i) one (1) Justice of
1-16 a Court of Appeals; (ii) one (1) District Judge; (iii) two (2)
1-17 members of the State Bar, who have respectively practiced as such
1-18 for over ten (10) consecutive years next preceding their selection;
1-19 (iv) five (5) [~~(iiii) four (4)~~] citizens, at least thirty (30) years
1-20 of age, not licensed to practice law nor holding any salaried public
1-21 office or employment; (v) one (1) Justice of the Peace; (vi) one (1)
1-22 Judge of a Municipal Court; [~~and,~~] (vii) one (1) Judge of a County
1-23 Court at Law; and (viii) one (1) Judge of a Constitutional County
1-24 Court; provided that no person shall be or remain a member of the
1-25 Commission, who does not maintain physical residence within this
1-26 State, [~~or who resides in, or holds a judgeship within or for, the~~
1-27 ~~same Supreme Judicial District as another member of the~~
1-28 ~~Commission,~~] or who shall have ceased to retain the qualifications
1-29 above specified for that person's [~~his~~] respective class of
1-30 membership, and provided that a Commissioner of class (i), (ii),
1-31 (iii), (vii), or (viii) may not [~~except that the Justice of the~~
1-32 ~~Peace and the Judges of a Municipal Court and or a County Court at~~
1-33 ~~Law shall be selected at large without regard to whether they~~]
1-34 reside or hold a judgeship in the same court of appeals district
1-35 [Supreme Judicial District] as another member of the Commission.
1-36 Commissioners of classes (i), (ii), [~~and~~] (vii), and (viii) above
1-37 shall be chosen by the Supreme Court with advice and consent of the
1-38 Senate, those of class (iii) by the Board of Directors of the State
1-39 Bar under regulations to be prescribed by the Supreme Court with
1-40 advice and consent of the Senate, those of class (iv) [~~(iiii)~~] by
1-41 appointment of the Governor with advice and consent of the Senate,
1-42 and the commissioners of classes (v) and (vi) by appointment of the
1-43 Supreme Court as provided by law, with the advice and consent of the
1-44 Senate.

1-45 (5) The Commission may hold its meetings, hearings and other
1-46 proceedings at such times and places as it shall determine but shall
1-47 meet at Austin at least once each year. It shall annually select
1-48 one of its members as Chairman. A quorum shall consist of seven (7)
1-49 [~~six (6)~~] members. Proceedings shall be by majority vote of those
1-50 present, except that recommendations for retirement, censure,
1-51 suspension, or removal of any person holding an office named in
1-52 Paragraph A of Subsection (6) of this Section shall be by
1-53 affirmative vote of at least seven (7) [~~six (6)~~] members.

1-54 SECTION 2. This proposed constitutional amendment shall be
1-55 submitted to the voters at an election to be held November 8, 2005.
1-56 The ballot shall be printed to provide for voting for or against the
1-57 proposition: "The constitutional amendment to include one
1-58 additional public member and a constitutional county court judge in
1-59 the membership of the State Commission on Judicial Conduct."

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