

1-1 By: Rodriguez of Bexar (Senate Sponsor - Duncan) H.B. No. 2772
1-2 (In the Senate - Received from the House May 6, 2013;
1-3 May 8, 2013, read first time and referred to Committee on State
1-4 Affairs; May 14, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 1;
1-6 May 14, 2013, sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Duncan	X			
1-10	Deuell	X			
1-11	Ellis	X			
1-12	Fraser	X			
1-13	Huffman	X			
1-14	Lucio	X			
1-15	Nichols		X		
1-16	Van de Putte	X			
1-17	Williams			X	

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2772 By: Duncan

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to an interim study regarding the method by which certain
1-22 judicial officers are selected.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. INTERIM COMMITTEE; STUDY. (a) The joint
1-25 interim committee on judicial selection is established to study and
1-26 review the method by which the following judicial officers are
1-27 selected in this state:

1-28 (1) statutory county court judges, including
1-29 statutory probate court judges;

1-30 (2) district judges; and

1-31 (3) appellate justices and judges.

1-32 (b) The study must consider:

1-33 (1) the fairness, effectiveness, and desirability of
1-34 selecting a judicial officer described in Subsection (a) of this
1-35 section through partisan elections;

1-36 (2) the fairness, effectiveness, and desirability of
1-37 judicial selection methods proposed or adopted by other states; and

1-38 (3) the relative merits of alternative methods for
1-39 selecting a judicial officer described in Subsection (a) of this
1-40 section, including:

1-41 (A) lifetime appointment;

1-42 (B) appointment for a term;

1-43 (C) appointment for a term, followed by a
1-44 partisan election;

1-45 (D) appointment for a term, followed by a
1-46 nonpartisan election;

1-47 (E) appointment for a term, followed by a
1-48 nonpartisan retention election;

1-49 (F) partisan election for an open seat, followed
1-50 by a nonpartisan retention election for incumbents; and

1-51 (G) any other method or combination of methods
1-52 for selecting a judicial officer described by Subsection (a) of
1-53 this section.

1-54 (c) The joint interim committee shall be composed of six
1-55 senators and six members of the house of representatives as
1-56 follows:

1-57 (1) the chair of the senate jurisprudence committee,
1-58 the chair of the senate criminal justice committee, and four
1-59 senators appointed by the lieutenant governor; and

1-60 (2) the chair of the judiciary and civil jurisprudence

2-1 committee of the house of representatives, the chair of the
2-2 criminal jurisprudence committee of the house of representatives,
2-3 and four members of the house of representatives appointed by the
2-4 speaker of the house of representatives.

2-5 (d) When making appointments under Subsection (c) of this
2-6 section, the lieutenant governor shall ensure that three senators
2-7 from the majority party of the senate are appointed to the committee
2-8 and three senators from the minority party of the senate are
2-9 appointed to the committee. When making appointments under
2-10 Subsection (c) of this section, the speaker of the house of
2-11 representatives shall ensure that three members from the majority
2-12 party of the house of representatives are appointed to the
2-13 committee and three members from the minority party of the house of
2-14 representatives are appointed to the committee.

2-15 (e) The lieutenant governor and speaker of the house of
2-16 representatives shall each designate a co-chair from among the
2-17 committee members.

2-18 (f) The joint interim committee shall convene at the joint
2-19 call of the co-chairs.

2-20 (g) The joint interim committee has all other powers and
2-21 duties provided to a special or select committee by the rules of the
2-22 senate and house of representatives, by Subchapter B, Chapter 301,
2-23 Government Code, and by policies of the senate and house committees
2-24 on administration.

2-25 (h) Not later than January 6, 2015, the joint interim
2-26 committee shall report the committee's findings and
2-27 recommendations to the lieutenant governor, the speaker of the
2-28 house of representatives, and the governor. The committee shall
2-29 include in its recommendations specific constitutional and
2-30 statutory changes that appear necessary from the results of the
2-31 committee's study.

2-32 (i) From the contingent expense fund of the senate and the
2-33 contingent expense fund of the house of representatives equally,
2-34 the members of the joint interim committee shall be reimbursed for
2-35 expenses incurred in carrying out the provisions of this Act in
2-36 accordance with the senate and house of representatives rules of
2-37 procedure and the policies of the committees on administration.
2-38 Other necessary expenses of operation shall be paid from the
2-39 contingent expense fund of the senate and the contingent expense
2-40 fund of the house of representatives equally.

2-41 (j) The Texas Legislative Council shall provide legal and
2-42 policy research, bill drafting, and statistical analysis services
2-43 to the committee created under this section.

2-44 SECTION 2. ABOLITION OF COMMITTEE. The committee is
2-45 abolished and this Act expires January 12, 2015.

2-46 SECTION 3. EFFECTIVE DATE. This Act takes effect
2-47 immediately if it receives a vote of two-thirds of all the members
2-48 elected to each house, as provided by Section 39, Article III, Texas
2-49 Constitution. If this Act does not receive the vote necessary for
2-50 immediate effect, this Act takes effect September 1, 2013.

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