

House Bill 2772
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. INTERIM COMMITTEE; STUDY. (a) The joint interim committee on judicial selection is established to study and review the method by which district judges and appellate justices and judges are selected for office in this state.

(b) The study must consider:

- (1) the fairness, effectiveness, and desirability of selecting district judges and appellate justices and judges through partisan elections;
- (2) the fairness, effectiveness, and desirability of judicial selection methods proposed or adopted by other states; and
- (3) the relative merits of alternative methods for selecting district judges and appellate justices and judges, including:

- (A) lifetime appointment;
- (B) appointment for a term;
- (C) appointment for a term, followed by a partisan election;
- (D) appointment for a term, followed by a nonpartisan election;
- (E) appointment for a term, followed by a nonpartisan retention election;
- (F) partisan election for an open seat, followed by a nonpartisan retention election for incumbents; and
- (G) any other method or combination of methods for selecting district judges and appellate judges and justices.

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

SENATE VERSION (CS)

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

- (1) statutory county court judges, including statutory probate court judges;
- (2) district judges; and
- (3) appellate justices and judges.

(b) The study must consider:

- (1) the fairness, effectiveness, and desirability of selecting a judicial officer described in Subsection (a) of this section through partisan elections;
- (2) the fairness, effectiveness, and desirability of judicial selection methods proposed or adopted by other states; and
- (3) the relative merits of alternative methods for selecting a judicial officer described in Subsection (a) of this section, including:

- (A) lifetime appointment;
- (B) appointment for a term;
- (C) appointment for a term, followed by a partisan election;
- (D) appointment for a term, followed by a nonpartisan election;
- (E) appointment for a term, followed by a nonpartisan retention election;
- (F) partisan election for an open seat, followed by a nonpartisan retention election for incumbents; and
- (G) any other method or combination of methods for selecting a judicial officer described by Subsection (a) of this section.

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

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- (1) the chair of the senate jurisprudence committee, the chair of the senate criminal justice committee, and four senators appointed by the lieutenant governor; and
- (2) the chair of the judiciary and civil jurisprudence committee of the house of representatives, the chair of the criminal jurisprudence committee of the house of representatives, and four members of the house of representatives appointed by the speaker of the house of representatives.
- (d) When making appointments under Subsection (c) of this section, the lieutenant governor shall ensure that three senators from the majority party of the senate are appointed to the committee and three senators from the minority party of the senate are appointed to the committee. When making appointments under Subsection (c) of this section, the speaker of the house of representatives shall ensure that three members from the majority party of the house of representatives are appointed to the committee and three members from the minority party of the house of representatives are appointed to the committee.
- (e) The lieutenant governor and speaker of the house of representatives shall each designate a co-chair from among the committee members.
- (f) The joint interim committee shall convene at the joint call of the co-chairs.
- (g) The joint interim committee has all other powers and duties provided to a special or select committee by the rules of the senate and house of representatives, by Subchapter B, Chapter 301, Government Code, and by policies of the senate and house committees on administration.
- (h) Not later than January 6, 2015, the joint interim committee shall report the committee's findings and

SENATE VERSION (CS)

- (1) the chair of the senate jurisprudence committee, the chair of the senate criminal justice committee, and four senators appointed by the lieutenant governor; and
- (2) the chair of the judiciary and civil jurisprudence committee of the house of representatives, the chair of the criminal jurisprudence committee of the house of representatives, and four members of the house of representatives appointed by the speaker of the house of representatives.
- (d) When making appointments under Subsection (c) of this section, the lieutenant governor shall ensure that three senators from the majority party of the senate are appointed to the committee and three senators from the minority party of the senate are appointed to the committee. When making appointments under Subsection (c) of this section, the speaker of the house of representatives shall ensure that three members from the majority party of the house of representatives are appointed to the committee and three members from the minority party of the house of representatives are appointed to the committee.
- (e) The lieutenant governor and speaker of the house of representatives shall each designate a co-chair from among the committee members.
- (f) The joint interim committee shall convene at the joint call of the co-chairs.
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- (h) Not later than January 6, 2015, the joint interim committee shall report the committee's findings and

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<p>recommendations to the lieutenant governor, the speaker of the house of representatives, and the governor. The committee shall include in its recommendations specific constitutional and statutory changes that appear necessary from the results of the committee's study.</p> <p>(i) From the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally, the members of the joint interim committee shall be reimbursed for expenses incurred in carrying out the provisions of this Act in accordance with the senate and house of representatives rules of procedure and the policies of the committees on administration. Other necessary expenses of operation shall be paid from the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally.</p> <p>(j) The Texas Legislative Council shall provide legal and policy research, bill drafting, and statistical analysis services to the committee created under this section.</p>	<p>recommendations to the lieutenant governor, the speaker of the house of representatives, and the governor. The committee shall include in its recommendations specific constitutional and statutory changes that appear necessary from the results of the committee's study.</p> <p>(i) From the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally, the members of the joint interim committee shall be reimbursed for expenses incurred in carrying out the provisions of this Act in accordance with the senate and house of representatives rules of procedure and the policies of the committees on administration. Other necessary expenses of operation shall be paid from the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally.</p> <p>(j) The Texas Legislative Council shall provide legal and policy research, bill drafting, and statistical analysis services to the committee created under this section.</p>	
<p>SECTION 2. ABOLITION OF COMMITTEE. The committee is abolished and this Act expires January 12, 2015.</p>	<p>SECTION 2. Same as House version.</p>	
<p>SECTION 3. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.</p>	<p>SECTION 3. Same as House version.</p>	