

By: Rodriguez of Bexar

H.B. No. 2088

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an interim study regarding the method by which district
3 judges and appellate justices and judges are selected.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

9 (b) The study must consider:

10 (1) the fairness, effectiveness, and desirability of
11 selecting district judges and appellate justices and judges through
12 partisan elections;

13 (2) the fairness, effectiveness, and desirability of
14 judicial selection methods proposed or adopted by other states; and

15 (3) the relative merits of alternative methods for
16 selecting district judges and appellate justices and judges,
17 including:

18 (A) lifetime appointment;

19 (B) appointment for a term;

20 (C) appointment for a term, followed by a
21 partisan election;

22 (D) appointment for a term, followed by a
23 nonpartisan election;

24 (E) appointment for a term, followed by a

1 nonpartisan retention election;

2 (F) partisan election for an open seat, followed
3 by a nonpartisan retention election for incumbents; and

4 (G) any other method or combination of methods
5 for selecting district judges and appellate judges and justices.

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

9 (1) the chair of the senate state affairs committee,
10 the chair of the senate criminal justice committee, and four
11 senators appointed by the lieutenant governor; and

12 (2) the chair of the judiciary and civil jurisprudence
13 committee of the house of representatives, the chair of the
14 criminal jurisprudence committee of the house of representatives,
15 and four members of the house of representatives appointed by the
16 speaker of the house of representatives.

17 (d) When making appointments under Subsection (c) of this
18 section, the lieutenant governor shall ensure that three senators
19 from the majority party of the senate are appointed to the committee
20 and three senators from the minority party of the senate are
21 appointed to the committee. When making appointments under
22 Subsection (c) of this section, the speaker of the house of
23 representatives shall ensure that three members from the majority
24 party of the house of representatives are appointed to the
25 committee and three members from the minority party of the house of
26 representatives are appointed to the committee.

27 (e) The lieutenant governor and speaker of the house of

1 representatives shall each designate a co-chair from among the
2 committee members.

3 (f) The joint interim committee shall convene at the call of
4 one of the co-chairs.

5 (g) The joint interim committee has all other powers and
6 duties provided to a special or select committee by the rules of the
7 senate and house of representatives, by Subchapter B, Chapter 301,
8 Government Code, and by policies of the senate and house committees
9 on administration.

10 (h) Not later than January 6, 2017, the joint interim
11 committee shall report the committee's findings and
12 recommendations to the lieutenant governor, the speaker of the
13 house of representatives, and the governor. The committee shall
14 include in its recommendations specific constitutional and
15 statutory changes that appear necessary from the results of the
16 committee's study.

17 (i) From the contingent expense fund of the senate and the
18 contingent expense fund of the house of representatives equally,
19 the members of the joint interim committee shall be reimbursed for
20 expenses incurred in carrying out the provisions of this Act in
21 accordance with the senate and house of representatives rules of
22 procedure and the policies of the committees on administration.
23 Other necessary expenses of operation shall be paid from the
24 contingent expense fund of the senate and the contingent expense
25 fund of the house of representatives equally.

26 (j) The Texas Legislative Council shall provide legal and
27 policy research, bill drafting, and statistical analysis services

1 to the committee created under this section.

2 SECTION 2. ABOLITION OF COMMITTEE. The committee is
3 abolished and this Act expires January 12, 2017.

4 SECTION 3. EFFECTIVE DATE. This Act takes effect
5 immediately if it receives a vote of two-thirds of all the members
6 elected to each house, as provided by Section 39, Article III, Texas
7 Constitution. If this Act does not receive the vote necessary for
8 immediate effect, this Act takes effect September 1, 2015.