

By: Rodriguez of Bexar

H.B. No. 958

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

9 (1) statutory county court judges, including probate
10 court judges;

11 (2) district judges; and

12 (3) appellate justices and judges.

13 (b) The study must consider:

14 (1) the fairness, effectiveness, and desirability of
15 selecting a judicial officer described in Subsection (a) of this
16 section through partisan elections;

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

19 (3) the relative merits of alternative methods for
20 selecting a judicial officer described in Subsection (a) of this
21 section, including:

22 (A) lifetime appointment;

23 (B) appointment for a term;

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

1 partisan election;

2 (D) appointment for a term, followed by a
3 nonpartisan election;

4 (E) appointment for a term, followed by a
5 nonpartisan retention election;

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

8 (G) any other method or combination of methods
9 for selecting a judicial officer described in Subsection (a) of
10 this section.

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

14 (1) the chair of the senate state affairs committee,
15 the chair of the senate criminal justice committee, and four
16 senators appointed by the lieutenant governor; and

17 (2) the chair of the judiciary and civil jurisprudence
18 committee of the house of representatives, the chair of the
19 criminal jurisprudence committee of the house of representatives,
20 and four members of the house of representatives appointed by the
21 speaker of the house of representatives.

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

1 representatives shall ensure that three members from the majority
2 party of the house of representatives are appointed to the
3 committee and three members from the minority party of the house of
4 representatives are appointed to the committee.

5 (e) The lieutenant governor and speaker of the house of
6 representatives shall each designate a co-chair from among the
7 committee members.

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

10 (g) The joint interim committee has all other powers and
11 duties provided to a special or select committee by the rules of the
12 senate and house of representatives, by Subchapter B, Chapter 301,
13 Government Code, and by policies of the senate and house committees
14 on administration.

15 (h) Not later than January 6, 2019, the joint interim
16 committee shall report the committee's findings and
17 recommendations to the lieutenant governor, the speaker of the
18 house of representatives, and the governor. The committee shall
19 include in its recommendations specific constitutional and
20 statutory changes that appear necessary from the results of the
21 committee's study.

22 (i) From the contingent expense fund of the senate and the
23 contingent expense fund of the house of representatives equally,
24 the members of the joint interim committee shall be reimbursed for
25 expenses incurred in carrying out the provisions of this Act in
26 accordance with the senate and house of representatives rules of
27 procedure and the policies of the committees on administration.

1 Other necessary expenses of operation shall be paid from the
2 contingent expense fund of the senate and the contingent expense
3 fund of the house of representatives equally.

4 (j) The Texas Legislative Council shall provide legal and
5 policy research, bill drafting, and statistical analysis services
6 to the committee created under this section.

7 SECTION 2. ABOLITION OF COMMITTEE. The committee is
8 abolished and this Act expires January 12, 2019.

9 SECTION 3. EFFECTIVE DATE. This Act takes effect
10 immediately if it receives a vote of two-thirds of all the members
11 elected to each house, as provided by Section 39, Article III, Texas
12 Constitution. If this Act does not receive the vote necessary for
13 immediate effect, this Act takes effect September 1, 2017.