By:  Huffman, Lucio S.B. No. 1728

(In the Senate - Filed March 6, 2019; March 14, 2019, read first time and referred to Committee on State Affairs; April 4, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 2; April 4, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell            X

Creighton       X

Fallon              X

Hall            X

Lucio           X

Nelson          X

Zaffirini       X

COMMITTEE SUBSTITUTE FOR S.B. No. 1728 By:  Huffman

A BILL TO BE ENTITLED

AN ACT

relating to an interim study by the Texas Commission on Judicial Selection regarding the method by which certain trial and appellate judges are selected.

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

SECTION 1.  COMMISSION; STUDY. (a)  The Texas Commission on Judicial Selection is established to study and review the method by which the following judges and justices are selected for office in this state:

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

(2)  district judges; and

(3)  appellate justices and judges.

(b)  The study conducted under this section 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;

(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 in Subsection (a) of this section; and

(4)  the merits of using a public member board to nominate or assess the qualifications of candidates for judicial office.

(c)  The Texas Commission on Judicial Selection consists of 15 members appointed as follows:

(1)  four members appointed by the governor;

(2)  four senators appointed by the lieutenant governor, including:

(A)  one senator who is a member of the political party with which the lieutenant governor is affiliated; and

(B)  one senator who is a member of a political party other than the political party with which the lieutenant governor is affiliated;

(3)  four members of the house of representatives appointed by the speaker of the house of representatives, including:

(A)  one representative who is a member of the political party with which the speaker of the house is affiliated; and

(B)  one representatives who is a member of a political party other than the political party with which the speaker of the house is affiliated;

(4)  one member appointed by the chief justice of the Supreme Court of Texas;

(5)  one member appointed by the presiding judge of the Texas Court of Criminal Appeals; and

(6)  one member appointed by the board of directors of the State Bar of Texas.

(d)  The governor, lieutenant governor, and speaker of the house of representatives shall coordinate to ensure that the members appointed to the Texas Commission on Judicial Selection reflect, to the extent practicable, the racial, ethnic, and geographic diversity of this state and include individuals who are attorneys and individuals who are not attorneys.

(e)  The governor shall designate the presiding officer of the Texas Commission on Judicial Selection.

(f)  The Texas Commission on Judicial Selection shall convene at the call of the presiding officer.

(g)  A member of the Texas Commission on Judicial Selection is not entitled to compensation but is entitled to reimbursement for actual and necessary expenses incurred in serving as a member of the commission.

(h)  The Office of Court Administration of the Texas Judicial System shall provide necessary administrative support to the Texas Commission on Judicial Selection.

(i)  Not later than December 31, 2020, the Texas Commission on Judicial Selection shall submit to the governor and the legislature a report on the commission's findings and recommendations on a method or methods for selecting for office judges listed in Subsection (a) of this section that ensure a fair, impartial, qualified, competent, and stable judiciary. The commission shall include in its recommendations specific constitutional and statutory changes that appear necessary from the results of the commission's study.

SECTION 2.  ABOLITION OF COMMISSION. The Texas Commission on Judicial Selection is abolished and this Act expires January 2, 2021.

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, 2019.

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