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H.B. No. 3040

A BILL TO BE ENTITLED

1 AN ACT
2 relating to an interim study by the Texas Commission on Judicial
3 Selection regarding the method by which certain trial and appellate
4 judges are selected.

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

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

- 10 (1) statutory county court judges, including probate
11 court judges;
12 (2) district judges;
13 (3) justices of the courts of appeals;
14 (4) judges of the court of criminal appeals; and
15 (5) justices of the supreme court.

16 (b) The study conducted under this section must consider:

17 (1) the fairness, effectiveness, and desirability of
18 selecting a judicial officer described in Subsection (a) of this
19 section through partisan elections;

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

22 (3) the relative merits of alternative methods for
23 selecting a judicial officer described in Subsection (a) of this
24 section, including:

- 1 (A) lifetime appointment;
- 2 (B) appointment for a term;
- 3 (C) appointment for a term, followed by a
4 partisan election;
- 5 (D) appointment for a term, followed by a
6 nonpartisan election;
- 7 (E) appointment for a term, followed by a
8 nonpartisan retention election;
- 9 (F) partisan election for an open seat, followed
10 by a nonpartisan retention election for incumbents; and
- 11 (G) any other method or combination of methods
12 for selecting a judicial officer described in Subsection (a) of
13 this section; and
- 14 (4) the merits of using a public member board to
15 nominate or assess the qualifications of candidates for judicial
16 office.

17 (c) The Texas Commission on Judicial Selection consists of
18 15 members appointed as follows:

- 19 (1) four members appointed by the governor;
- 20 (2) four members appointed by the lieutenant governor,
21 including three senators, with at least:
- 22 (A) one senator who is a member of the political
23 party with which the lieutenant governor is affiliated; and
- 24 (B) one senator who is a member of a political
25 party other than the political party with which the lieutenant
26 governor is affiliated;
- 27 (3) four members appointed by the speaker of the house

1 of representatives, including three members of the house of
2 representatives, with at least:

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

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

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

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

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

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

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

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

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

1 the commission.

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

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

14 SECTION 2. ABOLITION OF COMMISSION. The Texas Commission
15 on Judicial Selection is abolished and this Act expires January 2,
16 2021.

17 SECTION 3. IMPLEMENTATION TRANSITION. The Office of Court
18 Administration of the Texas Judicial System is required to
19 implement a provision of this Act only if the legislature
20 appropriates money specifically for that purpose. If the
21 legislature does not appropriate money specifically for that
22 purpose, the Office of Court Administration of the Texas Judicial
23 System may, but is not required to, implement a provision of this
24 Act using other appropriations available for that purpose.

25 SECTION 4. EFFECTIVE DATE. This Act takes effect
26 immediately if it receives a vote of two-thirds of all the members
27 elected to each house, as provided by Section 39, Article III, Texas

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1 Constitution. If this Act does not receive the vote necessary for
2 immediate effect, this Act takes effect September 1, 2019.