

By: Huffman, Lucio

S.B. No. 1728

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
6 interim committee on judicial selection is established to study and
7 review the method by which the following judges and justices are
8 selected 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 appointed by the lieutenant governor and six members of
13 the house of representatives appointed by the speaker of the house
14 of representatives.

15 (d) The lieutenant governor and speaker of the house of
16 representatives shall each designate a co-chair from among the
17 committee members.

18 (e) The joint interim committee shall convene at the call of
19 the co-chairs.

20 (f) The joint interim committee has all other powers and
21 duties provided to a special or select committee by the rules of the
22 senate and house of representatives, by Subchapter B, Chapter 301,
23 Government Code, and by policies of the senate and house committees
24 on administration.

25 (g) Not later than December 31, 2020, the joint interim
26 committee shall report the committee's findings and
27 recommendations to the lieutenant governor, the speaker of the

1 house of representatives, and the governor. The committee shall
2 include in its recommendations specific constitutional and
3 statutory changes that appear necessary from the results of the
4 committee's study.

5 (h) From the contingent expense fund of the senate and the
6 contingent expense fund of the house of representatives equally,
7 the members of the joint interim committee shall be reimbursed for
8 expenses incurred in carrying out the provisions of this Act in
9 accordance with the senate and house of representatives rules of
10 procedure and the policies of the committees on administration.
11 Other necessary expenses of operation shall be paid from the
12 contingent expense fund of the senate and the contingent expense
13 fund of the house of representatives equally.

14 (i) The Texas Legislative Council shall provide legal and
15 policy research, bill drafting, and statistical analysis services
16 to the committee created under this section.

17 SECTION 2. ABOLITION OF COMMITTEE. The committee is
18 abolished and this Act expires January 17, 2021.

19 SECTION 3. EFFECTIVE DATE. This Act takes effect
20 immediately if it receives a vote of two-thirds of all the members
21 elected to each house, as provided by Section 39, Article III, Texas
22 Constitution. If this Act does not receive the vote necessary for
23 immediate effect, this Act takes effect September 1, 2019.