

1-1 By: Huffman, Lucio S.B. No. 1728
 1-2 (In the Senate - Filed March 6, 2019; March 14, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 4, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2; April 4, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10				
1-11		X		
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1728 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to an interim study by the Texas Commission on Judicial
 1-22 Selection regarding the method by which certain trial and appellate
 1-23 judges are selected.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. COMMISSION; STUDY. (a) The Texas Commission on
 1-26 Judicial Selection is established to study and review the method by
 1-27 which the following judges and justices are selected for office in
 1-28 this state:

1-29 (1) statutory county court judges, including probate
 1-30 court judges;

1-31 (2) district judges; and

1-32 (3) appellate justices and judges.

1-33 (b) The study conducted under this section must consider:

1-34 (1) the fairness, effectiveness, and desirability of
 1-35 selecting a judicial officer described in Subsection (a) of this
 1-36 section through partisan elections;

1-37 (2) the fairness, effectiveness, and desirability of
 1-38 judicial selection methods proposed or adopted by other states;

1-39 (3) the relative merits of alternative methods for
 1-40 selecting a judicial officer described in Subsection (a) of this
 1-41 section, including:

1-42 (A) lifetime appointment;

1-43 (B) appointment for a term;

1-44 (C) appointment for a term, followed by a
 1-45 partisan election;

1-46 (D) appointment for a term, followed by a
 1-47 nonpartisan election;

1-48 (E) appointment for a term, followed by a
 1-49 nonpartisan retention election;

1-50 (F) partisan election for an open seat, followed
 1-51 by a nonpartisan retention election for incumbents; and

1-52 (G) any other method or combination of methods
 1-53 for selecting a judicial officer described in Subsection (a) of
 1-54 this section; and

1-55 (4) the merits of using a public member board to
 1-56 nominate or assess the qualifications of candidates for judicial
 1-57 office.

1-58 (c) The Texas Commission on Judicial Selection consists of
 1-59 15 members appointed as follows:

1-60 (1) four members appointed by the governor;

2-1 (2) four senators appointed by the lieutenant
2-2 governor, including:

2-3 (A) one senator who is a member of the political
2-4 party with which the lieutenant governor is affiliated; and

2-5 (B) one senator who is a member of a political
2-6 party other than the political party with which the lieutenant
2-7 governor is affiliated;

2-8 (3) four members of the house of representatives
2-9 appointed by the speaker of the house of representatives,
2-10 including:

2-11 (A) one representative who is a member of the
2-12 political party with which the speaker of the house is affiliated;
2-13 and

2-14 (B) one representatives who is a member of a
2-15 political party other than the political party with which the
2-16 speaker of the house is affiliated;

2-17 (4) one member appointed by the chief justice of the
2-18 Supreme Court of Texas;

2-19 (5) one member appointed by the presiding judge of the
2-20 Texas Court of Criminal Appeals; and

2-21 (6) one member appointed by the board of directors of
2-22 the State Bar of Texas.

2-23 (d) The governor, lieutenant governor, and speaker of the
2-24 house of representatives shall coordinate to ensure that the
2-25 members appointed to the Texas Commission on Judicial Selection
2-26 reflect, to the extent practicable, the racial, ethnic, and
2-27 geographic diversity of this state and include individuals who are
2-28 attorneys and individuals who are not attorneys.

2-29 (e) The governor shall designate the presiding officer of
2-30 the Texas Commission on Judicial Selection.

2-31 (f) The Texas Commission on Judicial Selection shall
2-32 convene at the call of the presiding officer.

2-33 (g) A member of the Texas Commission on Judicial Selection
2-34 is not entitled to compensation but is entitled to reimbursement
2-35 for actual and necessary expenses incurred in serving as a member of
2-36 the commission.

2-37 (h) The Office of Court Administration of the Texas Judicial
2-38 System shall provide necessary administrative support to the Texas
2-39 Commission on Judicial Selection.

2-40 (i) Not later than December 31, 2020, the Texas Commission
2-41 on Judicial Selection shall submit to the governor and the
2-42 legislature a report on the commission's findings and
2-43 recommendations on a method or methods for selecting for office
2-44 judges listed in Subsection (a) of this section that ensure a fair,
2-45 impartial, qualified, competent, and stable judiciary. The
2-46 commission shall include in its recommendations specific
2-47 constitutional and statutory changes that appear necessary from the
2-48 results of the commission's study.

2-49 SECTION 2. ABOLITION OF COMMISSION. The Texas Commission
2-50 on Judicial Selection is abolished and this Act expires January 2,
2-51 2021.

2-52 SECTION 3. EFFECTIVE DATE. This Act takes effect
2-53 immediately if it receives a vote of two-thirds of all the members
2-54 elected to each house, as provided by Section 39, Article III, Texas
2-55 Constitution. If this Act does not receive the vote necessary for
2-56 immediate effect, this Act takes effect September 1, 2019.

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