

1-1 By: Hunter, Allison, Minjarez H.B. No. 3040  
 1-2 (Senate Sponsor - Huffman)  
 1-3 (In the Senate - Received from the House May 9, 2019;  
 1-4 May 14, 2019, read first time and referred to Committee on State  
 1-5 Affairs; May 19, 2019, reported favorably by the following vote:  
 1-6 Yeas 6, Nays 3; May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

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

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to an interim study by the Texas Commission on Judicial  
 1-21 Selection regarding the method by which certain trial and appellate  
 1-22 judges are selected.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. COMMISSION; STUDY. (a) The Texas Commission on  
 1-25 Judicial Selection is established to study and review the method by  
 1-26 which the following judges and justices are selected for office in  
 1-27 this state:

- 1-28 (1) statutory county court judges, including probate
- 1-29 court judges;
- 1-30 (2) district judges;
- 1-31 (3) justices of the courts of appeals;
- 1-32 (4) judges of the court of criminal appeals; and
- 1-33 (5) justices of the supreme court.

1-34 (b) The study conducted under this section must consider:

1-35 (1) the fairness, effectiveness, and desirability of  
 1-36 selecting a judicial officer described in Subsection (a) of this  
 1-37 section through partisan elections;

1-38 (2) the fairness, effectiveness, and desirability of  
 1-39 judicial selection methods proposed or adopted by other states;

1-40 (3) the relative merits of alternative methods for  
 1-41 selecting a judicial officer described in Subsection (a) of this  
 1-42 section, including:

- 1-43 (A) lifetime appointment;
- 1-44 (B) appointment for a term;
- 1-45 (C) appointment for a term, followed by a
- 1-46 partisan election;
- 1-47 (D) appointment for a term, followed by a
- 1-48 nonpartisan election;
- 1-49 (E) appointment for a term, followed by a
- 1-50 nonpartisan retention election;
- 1-51 (F) partisan election for an open seat, followed
- 1-52 by a nonpartisan retention election for incumbents; and
- 1-53 (G) any other method or combination of methods

1-54 for selecting a judicial officer described in Subsection (a) of  
 1-55 this section; and

1-56 (4) the merits of using a public member board to  
 1-57 nominate or assess the qualifications of candidates for judicial  
 1-58 office.

1-59 (c) The Texas Commission on Judicial Selection consists of  
 1-60 15 members appointed as follows:

- 1-61 (1) four members appointed by the governor;

2-1 (2) four members appointed by the lieutenant governor,  
2-2 including three senators, with at least:  
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 appointed by the speaker of the house  
2-9 of representatives, including three members of the house of  
2-10 representatives, with at least:  
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 representative 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. IMPLEMENTATION TRANSITION. The Office of Court  
2-53 Administration of the Texas Judicial System is required to  
2-54 implement a provision of this Act only if the legislature  
2-55 appropriates money specifically for that purpose. If the  
2-56 legislature does not appropriate money specifically for that  
2-57 purpose, the Office of Court Administration of the Texas Judicial  
2-58 System may, but is not required to, implement a provision of this  
2-59 Act using other appropriations available for that purpose.  
2-60 SECTION 4. EFFECTIVE DATE. This Act takes effect  
2-61 immediately if it receives a vote of two-thirds of all the members  
2-62 elected to each house, as provided by Section 39, Article III, Texas  
2-63 Constitution. If this Act does not receive the vote necessary for  
2-64 immediate effect, this Act takes effect September 1, 2019.

2-65

\* \* \* \* \*