

By: Allison

H.B. No. 3061

A BILL TO BE ENTITLED

AN ACT

relating to an interim study 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. INTERIM COMMISSION; STUDY. (a) The Texas Interim 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;

(3) justices of the courts of appeal;

(4) justices of the Court of Criminal Appeals; and

(5) justices of the Supreme Court of Texas.

(b) The Commission must consider:

(1) the fairness, effectiveness, and desirability of selecting a judicial officer described in Subsection (a) of this section through appointment elections or other means;

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

(A) maintaining the current system;

(B) lifetime appointment by the Governor or statewide or local judicial selection commission, and consent by

1 the senate;

2 (C) appointment for a term by the Governor or
3 statewide or local judicial selection commission, and consent by
4 the senate;

5 (D) appointment for a term by the Governor or
6 statewide or local judicial selection commission, and consent by
7 the senate, followed by a partisan election;

8 (E) appointment for a term by the Governor or
9 statewide or local judicial selection commission, and consent by
10 the senate, followed by a nonpartisan election;

11 (F) appointment for a term by the Governor or
12 statewide or local judicial selection commission, and consent by
13 the senate, followed by a retention election;

14 (G) partisan election in judicial-only election;

15 (H) non-partisan election in judicial-only
16 election; and

17 (I) any other method or combination of methods
18 for selecting a judicial officer described in Subsection (a) of
19 this section; and

20 (3) other factors concerning selection of a judicial
21 officer, including:

22 (A) qualifications;

23 (B) campaign finance and other cost factors; and

24 (C) conflict of interest and other judicial
25 ethics considerations.

26 (c) The Interim Commission shall be composed of thirteen
27 members, consisting of the following:

1 (1) four members appointed by the Governor;

2 (2) three senators appointed by the Lieutenant
3 Governor;

4 (3) three members of the House of Representatives
5 appointed by the Speaker of the House of Representatives;

6 (4) two members appointed by the Chief Justice of the
7 Supreme Court of Texas; and

8 (5) one member appointed by the president of the State
9 Bar of Texas.

10 (d) The members appointed by the Governor must be
11 knowledgeable of and interested in the judicial system in Texas and
12 include at least:

13 (1) one person who is a member of the business or
14 industry community;

15 (2) one person who is a member of the civic community;
16 and

17 (3) one person who represents rural interests.

18 (e) The appointments made by the Lieutenant Governor and
19 Speaker of the House of Representatives must each consist of at
20 least one member of the Democratic Party and one member of the
21 Republican Party in both the Senate and the House of
22 Representatives.

23 (f) In making appointments under subsections (c)(1), (2),
24 (3), and (4), the Governor, Lieutenant Governor, Speaker of the
25 House of Representatives, and Chief Justice of the Supreme Court of
26 Texas shall coordinate to ensure that the membership of the Interim
27 Commission reflects, to the extent possible, the ethnic and

1 geographic diversity of Texas.

2 (g) PRESIDING OFFICER. The Governor shall designate the
3 presiding officer from among the Interim Commission members.

4 (h) The Interim Commission shall convene at the call of the
5 presiding officer.

6 (i) The Interim Commission has all other powers and duties
7 provided to a special or select committee by the rules of the Senate
8 and House of Representatives, by Subchapter B, Chapter 301,
9 Government Code, and by policies of the Senate and House of
10 Representatives committees on administration.

11 (j) REPORT. Not later than January 11, 2021, the Interim
12 Commission shall report the Interim Commission's findings and
13 recommendations to the Lieutenant Governor, Governor, and the
14 Speaker of the House of Representative. The Interim Commission
15 shall include in its recommendations specific constitutional and
16 statutory changes that appear necessary from the results of the
17 Interims Commission's study.

18 (k) COMPENSATION AND REIMBURSEMENT. A member of the Interim
19 Commission is not entitled to compensation for service on the
20 Interim Commission but is entitled to reimbursement of the actual
21 and necessary expenses incurred in performing duties of the Interim
22 Commission. All such reimbursements, and other necessary expenses
23 of operation of the Interim Commission shall be paid from the
24 contingent expense fund of the Senate and the contingent expense
25 fund of the House of Representatives equally.

26 (l) PUBLIC MEETINGS AND PUBLIC INFORMATION.

27 (1) The Interim Commission may hold public meetings

1 and receive public information as needed to fulfill its duties.

2 (2) The Interim Commission is subject to chapters 551
3 and 552, Government Code.

4 SECTION 2. ABOLITION OF Commission. The Interim Commission
5 is abolished and this Act expires January 18, 2021.

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