

BILL ANALYSIS

Senate Research Center

S.B. 1728
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State Affairs
3/28/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The current judicial selection process in Texas requires partisan elections for most judicial positions. S.B. 1728 seeks to form an interim committee to conduct a study to vet and consider exhaustively the current judicial selection system in Texas, as well as alternatives for judicial selection and retention.

As proposed, S.B. 1728 amends current law relating to an interim study regarding the method by which certain trial and appellate judges are selected.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. INTERIM COMMITTEE; STUDY. (a) Provides that the joint interim committee 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; and
- (3) appellate justices and judges.

(b) Requires the study to consider:

- (1) the fairness, effectiveness, and desirability of selecting a judicial officer described in Subsection (a) of this section through partisan elections;
- (2) the fairness, effectiveness, and desirability of judicial selection methods proposed or adopted by other states; and
- (3) the relative merits of alternative methods for selecting a judicial officer described in Subsection (a) of this section, including:
 - (A) lifetime appointment;
 - (B) appointment for a term;
 - (C) appointment for a term, followed by a partisan election;
 - (D) appointment for a term, followed by a nonpartisan election;
 - (E) appointment for a term, followed by a nonpartisan retention election;

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

(G) any other method or combination of methods for selecting a judicial officer described in Subsection (a) of this section.

(c) Requires the joint interim committee to be composed of six senators appointed by the lieutenant governor and six members of the house of representatives appointed by the speaker of the house of representatives.

(d) Requires the lieutenant governor and speaker of the house of representatives to each designate a co-chair from among the committee members.

(e) Requires the joint interim committee to convene at the call of the co-chairs.

(f) Provides that the joint interim committee has all other powers and duties provided to a special or select committee by the rules of the senate and house of representatives, by Subchapter B (Legislative Reorganization Act), Chapter 301, Government Code, and by policies of the senate and house committees on administration.

(g) Requires the joint interim committee, not later than December 31, 2020, to report the committee's findings and recommendations to the lieutenant governor, the speaker of the house of representatives, and the governor. Requires the committee to include in its recommendations specific constitutional and statutory changes that appear necessary from the results of the committee's study.

(h) Requires the members of the joint interim committee, from the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally, to be reimbursed for expenses incurred in carrying out the provisions of this Act in accordance with the senate and house of representatives rules of procedure and the policies of the committees on administration. Requires other necessary expenses of operation to be paid from the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally.

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

SECTION 2. ABOLITION OF COMMITTEE. Provides that the committee is abolished and this Act expires January 17, 2021.

SECTION 3. Effective date: upon passage or September 1, 2019.