

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2772
By: Rodriguez, Justin (Duncan)
State Affairs
5/13/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 2772 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 selections and retentions.

C.S.H.B. 2772 amends current law relating to an interim study regarding the method by which certain judicial officers 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) Establishes the joint interim committee on judicial selection (committee) to study and review the method by which the following judicial officers are selected in this state:

- (1) statutory county court judges, including statutory probate court judges;
- (2) district judges; and
- (3) appellate justices and judges.

(b) Requires that the study 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) relative merits of certain alternative methods for selecting a judicial officer described in Subsection (a) of this section.

(c) Requires that the committee be composed of six senators and six members of the house of representatives as follows:

- (1) the chair of the senate jurisprudence committee, the chair of the senate criminal justice committee, and four senators appointed by the lieutenant governor; and
- (2) the chair of the judiciary and civil jurisprudence committee of the house of representatives, the chair of the criminal jurisprudence committee of the house of representatives, and four members of the house of representatives appointed by the speaker of the house of representatives.

(d) Requires the lieutenant governor, when making appointments under Subsection (c) of this section, to ensure that three senators from the majority party of the senate are appointed to the committee and three senators from the minority party of the senate are appointed to the committee. Requires that the speaker of the house of representatives, when making appointments under Subsection (c) of this section, to ensure that three members from the majority party of the house of representatives are appointed to the committee and three members from the minority party of the house of representatives are appointed to the committee.

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

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

(g) Provides that the 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 (Legislative Organization), Government Code, and by policies of the senate and house committees on administration.

(h) Requires the committee, not later than January 6, 2015, 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.

(i) Requires the members of the committee 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 from the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally. Requires that other necessary expenses of operation be paid from the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally.

(j) 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 12, 2015.

SECTION 3. EFFECTIVE DATE. Effective date: upon passage or September 1, 2013.