

BILL ANALYSIS

Senate Research Center

H.J.R. 84
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Veteran Affairs & Military Installations
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Engrossed

DIGEST AND PURPOSE

Currently, when an elected or appointed officer of the state or of any political subdivision enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated, he or she vacates the office held and the appropriate authority issues writs of election to fill such vacancies. H.J.R. 84 proposes a constitutional amendment to allow a public officer called for active duty to retain office while in the military.

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. Amends Article XVI, Texas Constitution, by adding Section 72, as follows:

Sec. 72. (a) Provides that an elected or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but authorizes the appropriate authority to appoint a replacement to serve as temporary acting officer as provided by this section if the elected or appointed officer will be on active duty for longer than 30 days.

(b) Authorizes the authority who has the power to appoint a person to fill a vacancy in that office, for an officer other than a member of the legislature, to appoint a temporary acting officer. Authorizes the governor, if a vacancy would normally be filled by special election, to appoint the temporary acting officer for a state or district office, and authorizes the governing body of a political subdivision to appoint the temporary acting officer for an office of that political subdivision.

(c) Requires the committee that is established by law to fill, under certain other circumstances, a vacancy in a nomination for that office and that represents the same political party as that member of the legislature, for an officer who is a member of the legislature, to appoint a temporary acting representative or senator who meets certain qualifications.

(d) Authorizes the officer who is temporarily replaced under this section to recommend to the appropriate appointing authority the name of a person to temporarily fill the office.

(e) Requires the appropriate authority to appoint the temporary acting officer to begin service on the date specified in writing by the officer being temporarily replaced as the date the officer will enter active military service, or if the officer being temporarily replaced does not specify a date in writing, a date not later than the 30th day after the officer's entry into active military service.

(f) Provides that a temporary acting officer has all the powers, privileges, and duties of the office and is entitled to the same compensation, payable in the same

manner and from the same source, as the officer who is temporarily replaced.

(g) Requires a temporary acting officer appointed under this section to perform the duties of office for the shorter period of the term of the active military service of the officer who is temporarily replaced or the term of office of the officer who is temporarily replaced.

(h) Defines "armed forces of the United States."

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 2003. Sets forth the required wording of the ballot.