

By: Chisum

H.J.R. No. 75

Substitute the following for H.J.R. No. 75:

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C.S.H.J.R. No. 75

A JOINT RESOLUTION

1 proposing a constitutional amendment to allow the creation, by
2 local option election, of the office of county senior citizens
3 advisor.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article IX, Texas Constitution, is amended by
6 adding Section 15 to read as follows:

7 Sec. 15. (a) The commissioners court of a county shall
8 call an election to be held in the county on the creation of the
9 office of senior citizens advisor if the commissioners court
10 receives a petition requesting the election signed by a number of
11 registered voters of the county equal to five percent of the total
12 number of votes cast for all candidates in the most recent
13 gubernatorial election held in the county.

14 (b) An election required by Subsection (a) shall be held on
15 the date of the first general election for state and county officers
16 held in the county that occurs after the 90th day after the date the
17 petition is submitted to the commissioners court.

18 (c) At the election the ballot shall be prepared to permit
19 voting for or against the following proposition: "The creation of
20 the office of senior citizens advisor for (name of county) County."

21 (d) The office of senior citizens advisor is created only if
22 a majority of the votes cast on the proposition at the election
23 favor the proposition.

24 (e) The office of senior citizens advisor is elected by the

1 voters of a county for a term of four years in the same manner as
2 other officers who are elected countywide.

3 (f) Following an election creating the office under this
4 section, the commissioners court shall appoint a person to serve as
5 senior citizens advisor until the end of the year in which the next
6 general election for state and county officers is held. Subsequent
7 terms of the office are filled by election as required by Subsection
8 (e).

9 (g) The commissioners court shall fill a vacancy in the
10 office of senior citizens advisor.

11 (h) The commissioners court shall set the duties of the
12 office of senior citizens advisor in a manner that protects the
13 integrity of other county offices and state or federal regulatory
14 agencies.

15 (i) The duties must include:

16 (1) making findings of fact about a matter that
17 affects a senior citizen and on which assistance is requested on
18 behalf of the senior citizen and, in appropriate cases:

19 (A) filing a complaint with an appropriate state
20 or federal agency on behalf of the affected senior citizen;

21 (B) referring the findings to a prosecuting
22 attorney; or

23 (C) negotiating on behalf of the affected senior
24 citizen with a public or private entity; and

25 (2) conducting training and educational seminars for
26 senior citizens to:

27 (A) promote their personal safety;

1 (B) help them recognize fraudulent business
2 schemes that target senior citizens; and

3 (C) raise other issues affecting senior citizens
4 for the purpose of enhancing community awareness of those issues
5 and benefiting the senior citizens.

6 (j) Unless authorized by the commissioners court, a senior
7 citizens advisor may not make policy for the county.

8 (k) The commissioners court may allocate funds or other
9 resources for the office of senior citizens advisor, including
10 gifts or grants the commissioners court may accept on behalf of the
11 office.

12 (l) The senior citizens advisor is not entitled to
13 compensation for service. The commissioners court may provide for
14 reimbursement for expenses incurred while serving in office.

15 (m) Except to the extent that funds or other resources are
16 made available under Subsection (k), the senior citizens advisor
17 has no authority to perform a duty that involves the commitment of
18 county funds or other resources.

19 (n) The senior citizens advisor is not liable for an act or
20 omission made in good faith.

21 (o) The commissioners court, on receipt of a petition signed
22 by a number of registered voters of the county equal to five percent
23 of the total number of votes cast for all candidates in the most
24 recent gubernatorial election held in the county, shall call an
25 election on the abolition of the office of senior citizens advisor.

26 (p) The election shall be held on the date of the first
27 general election for state and county officers held in the county

1 that occurs after the 90th day after the date the petition is
2 submitted to the commissioners court.

3 (q) At the election the ballot shall be prepared to permit
4 voting for or against the following proposition: "The abolition of
5 the office of senior citizens advisor for (name of county) County."

6 (r) The office of senior citizens advisor is abolished on
7 the first day of the year following the year of the election if a
8 majority of the votes cast on the proposition at the election favor
9 the proposition.

10 SECTION 2. This proposed constitutional amendment shall be
11 submitted to the voters at an election to be held on November 4,
12 2003. The ballot shall be printed to permit voting for or against
13 the proposition: "The constitutional amendment to allow the
14 creation, by local option election, of the office of county senior
15 citizens advisor."