

By: Uresti

H.J.R. No. 84

Substitute the following for H.J.R. No. 84:

By: Uresti

C.S.H.J.R. No. 84

A JOINT RESOLUTION

1 proposing a constitutional amendment providing for the filling of a  
2 temporary vacancy in a public office created by the activation for  
3 military service of a public officer.

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

5 SECTION 1. Article XVI, Texas Constitution, is amended by  
6 adding Section 72 to read as follows:

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

14 (b) For an officer other than a member of the legislature,  
15 the authority who has the power to appoint a person to fill a  
16 vacancy in that office may appoint a temporary acting officer. If a  
17 vacancy would normally be filled by special election, the governor  
18 may appoint the temporary acting officer for a state or district  
19 office, and the governing body of a political subdivision may  
20 appoint the temporary acting officer for an office of that  
21 political subdivision.

22 (c) For an officer who is a member of the legislature, the  
23 committee that is established by law to fill, under certain other  
24 circumstances, a vacancy in a nomination for that office and that

1 represents the same political party as that member of the  
2 legislature shall appoint a temporary acting representative or  
3 senator who is:

4 (1) a member of the same political party as the member  
5 being temporarily replaced; and

6 (2) qualified for office under Section 6, Article III,  
7 of this constitution for a senator, or Section 7, Article III, of  
8 this constitution for a representative.

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

12 (e) The appropriate authority shall appoint the temporary  
13 acting officer to begin service on:

14 (1) the date specified in writing by the officer being  
15 temporarily replaced as the date the officer will enter active  
16 military service; or

17 (2) if the officer being temporarily replaced does not  
18 specify a date in writing, a date not later than the 30th day after  
19 the officer's entry into active military service.

20 (f) A temporary acting officer has all the powers,  
21 privileges, and duties of the office and is entitled to the same  
22 compensation, payable in the same manner and from the same source,  
23 as the officer who is temporarily replaced.

24 (g) A temporary acting officer appointed under this section  
25 shall perform the duties of office for the shorter period of:

26 (1) the term of the active military service of the  
27 officer who is temporarily replaced; or

1           (2) the term of office of the officer who is  
2 temporarily replaced.

3           (h) In this section, "armed forces of the United States,"  
4 means the United States Army, the United States Navy, the United  
5 States Air Force, the United States Marine Corps, the United States  
6 Coast Guard, any reserve or auxiliary component of any of those  
7 services, or the National Guard.

8           SECTION 2. This proposed constitutional amendment shall be  
9 submitted to the voters at an election to be held November 4, 2003.  
10 The ballot shall be printed to permit voting for or against the  
11 proposition: "The constitutional amendment authorizing the  
12 appointment of a temporary replacement officer to fill a vacancy  
13 created when a public officer enters active duty in the United  
14 States armed forces."