

By: Uresti

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.

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

21 (c) For a member of the legislature, the applicable house by  
22 majority vote shall appoint a temporary acting representative or  
23 senator.

24 (d) The officer who is temporarily replaced under this

1 section may recommend to the appropriate appointing authority the  
2 name of a person to temporarily fill the office.

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

5 (1) the date specified in writing by the officer being  
6 temporarily replaced as the date the officer will enter active  
7 military service; or

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

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

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

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

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

21 (h) In this section, "armed forces of the United States,"  
22 means the United States Army, the United States Navy, the United  
23 States Air Force, the United States Marine Corps, the United States  
24 Coast Guard, any reserve or auxiliary component of any of those  
25 services, or the National Guard.

26 SECTION 2. This proposed constitutional amendment shall be  
27 submitted to the voters at an election to be held November 4, 2003.

1 The ballot shall be printed to permit voting for or against the  
2 proposition: "The constitutional amendment authorizing the  
3 appointment of a temporary replacement officer to fill a vacancy  
4 created when a public officer enters active duty in the United  
5 States armed forces."