

1-1 By: Uresti, et al. (Senate Sponsor - Van de Putte) H.J.R. No. 84
1-2 (In the Senate - Received from the House May 2, 2003;
1-3 May 7, 2003, read first time and referred to Committee on Veteran
1-4 Affairs and Military Installations; May 22, 2003, reported
1-5 favorably by the following vote: Yeas 4, Nays 0; May 22, 2003, sent
1-6 to printer.)

1-7 HOUSE JOINT RESOLUTION

1-8 proposing a constitutional amendment providing for the filling of a
1-9 temporary vacancy in a public office created by the activation for
1-10 military service of a public officer.

1-11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article XVI, Texas Constitution, is amended by
1-13 adding Section 72 to read as follows:

1-14 Sec. 72. (a) An elected or appointed officer of the state
1-15 or of any political subdivision who enters active duty in the armed
1-16 forces of the United States as a result of being called to duty,
1-17 drafted, or activated does not vacate the office held, but the
1-18 appropriate authority may appoint a replacement to serve as
1-19 temporary acting officer as provided by this section if the elected
1-20 or appointed officer will be on active duty for longer than 30 days.

1-21 (b) For an officer other than a member of the legislature,
1-22 the authority who has the power to appoint a person to fill a
1-23 vacancy in that office may appoint a temporary acting officer. If a
1-24 vacancy would normally be filled by special election, the governor
1-25 may appoint the temporary acting officer for a state or district
1-26 office, and the governing body of a political subdivision may
1-27 appoint the temporary acting officer for an office of that
1-28 political subdivision.

1-29 (c) For an officer who is a member of the legislature, the
1-30 committee that is established by law to fill, under certain other
1-31 circumstances, a vacancy in a nomination for that office and that
1-32 represents the same political party as that member of the
1-33 legislature shall appoint a temporary acting representative or
1-34 senator who is:

1-35 (1) a member of the same political party as the member
1-36 being temporarily replaced; and

1-37 (2) qualified for office under Section 6, Article III,
1-38 of this constitution for a senator, or Section 7, Article III, of
1-39 this constitution for a representative.

1-40 (d) The officer who is temporarily replaced under this
1-41 section may recommend to the appropriate appointing authority the
1-42 name of a person to temporarily fill the office.

1-43 (e) The appropriate authority shall appoint the temporary
1-44 acting officer to begin service on:

1-45 (1) the date specified in writing by the officer being
1-46 temporarily replaced as the date the officer will enter active
1-47 military service; or

1-48 (2) if the officer being temporarily replaced does not
1-49 specify a date in writing, a date not later than the 30th day after
1-50 the officer's entry into active military service.

1-51 (f) A temporary acting officer has all the powers,
1-52 privileges, and duties of the office and is entitled to the same
1-53 compensation, payable in the same manner and from the same source,
1-54 as the officer who is temporarily replaced.

1-55 (g) A temporary acting officer appointed under this section
1-56 shall perform the duties of office for the shorter period of:

1-57 (1) the term of the active military service of the
1-58 officer who is temporarily replaced; or

1-59 (2) the term of office of the officer who is
1-60 temporarily replaced.

1-61 (h) In this section, "armed forces of the United States"
1-62 means the United States Army, the United States Navy, the United
1-63 States Air Force, the United States Marine Corps, the United States
1-64 Coast Guard, any reserve or auxiliary component of any of those

2-1 services, or the National Guard.

2-2 SECTION 2. This proposed constitutional amendment shall be
2-3 submitted to the voters at an election to be held November 4, 2003.
2-4 The ballot shall be printed to permit voting for or against the
2-5 proposition: "The constitutional amendment authorizing the
2-6 appointment of a temporary replacement officer to fill a vacancy
2-7 created when a public officer enters active duty in the United
2-8 States armed forces."

2-9

* * * * *