

BILL ANALYSIS

Senate Research Center
79R5889 QS-D

S.J.R. 42
By: Fraser
Jurisprudence
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

All four justices of the peace in Llano County will be leaving office at the end of 2006. Beginning in 2007, the terms of all four justices of the peace will run concurrently and potentially Llano County could not only have four new justices in 2007, but at the end of every four-year term. There is currently no provision in the Texas Constitution addressing staggered terms of office for justices of the peace.

S.J.R. 42 proposes a constitutional amendment to require that justices of the peace serve staggered terms. It sets out a procedure over the next election cycle that would require the justices of the peace serving in odd-numbered precincts to be elected to serve for a two-year term and the justices of the peace serving in even-numbered precincts to be elected to serve a four-year term. At subsequent elections, the justices of the peace shall be elected for four-year terms.

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 Section 18, Article V, Texas Constitution, by adding Subsections (g) and (i), as follows:

(g) Requires the justices of the peace elected in a county to serve staggered terms.

(i) Requires that, notwithstanding Subsection (a), in the first election held after January 1, 2006, in which all of the justices of the peace in a county are elected, certain justices of the peace be elected to serve two-year terms, while other certain justices of the peace are required to be elected to four-year terms. Requires that, at subsequent elections, the justices of the peace be elected for terms of four years. Provides that this subsection expires January 1, 2009.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Requires the ballot to be printed to permit voting for or against the proposition: "The constitutional amendment providing for staggered terms for justices of the peace."