

BILL ANALYSIS

Senate Research Center

H.J.R. 59
By: Elkins et al. (Wentworth)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Constitution requires the governor to return any legislation the governor vetoes to the legislature within 10 days of receiving it in order that the legislature may reconsider the legislation. If the governor does not return the legislation, it becomes a law as if the governor had signed it. The governor is exempted from this requirement if the legislature is adjourned, however, and may file the bill with the secretary of state to prevent it from becoming a law. This is problematic because many bills are sent to the governor late in the legislative session when the legislature cannot review a gubernatorial veto or is about to adjourn.

H.J.R. 59 proposes a constitutional amendment to authorize the members of the legislature to reconsider any bill or item of appropriation in a bill vetoed by the governor if it is returned to the house in which the bill originated or filed with the secretary of state within certain time periods.

RULEMAKING AUTHORITY

This joint resolution does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 14, Article IV, Texas Constitution, as follows:

Sec. 14. (a) Creates this subsection from existing text.

(b) Creates this subsection from existing text.

(c) Creates this subsection from existing text.

(d) Requires the legislature to meet to reconsider any bill disapproved by the governor under Subsection (a) or any item of appropriation in a bill to which the governor objects under Subsection (c) (providing the reconsideration methods for a disapproved bill or item of appropriation, respectively) if the bill or statement of objection to the item of appropriation is returned to the house in which the bill originated on or after the third day before the date of adjournment of the session at which the bill was passed or filed with the secretary of state after the adjournment of such session.

(e) Provides that the period for reconsideration under Subsection (d) of this section begins at 10 a.m. on the day following the last day on which the governor is authorized to file a disapproval or objection with the secretary of state. Prohibits the period for reconsideration from exceeding five consecutive days. Prohibits the legislature from considering any subject other than the reconsideration of bills or items of appropriation described by Subsection (d) during this period, unless the legislature has been called into special session by the governor. Provides that such reconsideration is conducted in the manner provided by Subsection (a) or (c) of this section, as applicable.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 6, 2007. Sets forth the required language for the ballot.