

BILL ANALYSIS

H.J.R. 59
By: Elkins
Government Reform
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Constitution gives the Governor ten days after receiving legislation to either sign it or veto it. Signing the legislation passes it into law, vetoing it returns it to the Legislature with a veto message explaining the governor's reasons for rejecting the measure. If the Legislature is in session at the time of the veto, legislators may attempt to reverse the veto or perhaps pass modified legislation that responds to the governor's objections.

However, many bills are sent to the Governor within ten days of the legislative session ending, allowing the Governor to cast vetoes after the end of the session. Procedurally, when the Legislature is out of session, it cannot meet to vote on overrides, so any vetoes the Governor casts after the end of the session become final. The purpose of H.J.R. 59 is to allow members of the Legislature to return to Austin in order to reconsider those bills vetoed by the Governor.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The resolution would amend the Texas Constitution to require the Legislature to reconsider any measure disapproved by the Governor that was returned to the Legislature on or after the third day before the date of adjournment of the session, at which the measure was passed. Likewise, the resolution would amend the constitution by requiring the Legislature to reconsider any measure disapproved by the Governor that was filed with the Secretary of State after the adjournment of the session at which the bill was passed.

The period of reconsideration by the Legislature, under the resolution, would begin at 10:00AM on the day following the last day on which the Governor can disapprove a measure and would not exceed three consecutive days. During this time the Legislature, unless called into special session by the Governor, would be unable to consider any subject other than the reconsideration of measures disapproved by the Governor.

Provided the resolution receives the necessary votes, the resolution requires the measure to be submitted to the voters as, for or against, "The constitutional amendment to allow the legislature to override a veto of the governor following legislative session."

Lastly, the resolution makes non-substantive, conforming changes.

EFFECTIVE DATE

November 6, 2007 or on the date the votes are canvassed, if approved by the voters.