

BILL ANALYSIS

Senate Research Center
80R9463 JSA-D

S.J.R. 48
By: Ogden
State Affairs
3/28/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Gubernatorial appointees who have been previously confirmed by the senate are authorized to holdover in their appointive offices well after their terms expire, without senate approval, until a new appointment is made by the governor. Under current law, there is not a specific requirement for the vacancy to be filled, allowing the unconfirmed appointee to effectively serve well beyond the end of the person's term. As a result, the senate is unable to undertake its constitutionally required consideration of officers in certain appointed offices.

S.J.R. 48 proposes a constitutional amendment to prohibit an appointee whose prior appointment required confirmation by the senate and whose term expires during a regular legislative session from continuing to perform the duties of office as a holdover after the senate's adjournment. Additionally, this constitutional amendment prohibits a holdover whose term ends during a recess of the senate from continuing to perform the duties of office after the end of the next regular legislative session after that recess.

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 17, Article XVI, Texas Constitution, as follows:

Sec. 17. (a) Requires all officers within this state to continue to perform the duties of their offices until their successors are duly qualified, subject to Subsection (b).

(b) Prohibits a person who holds an appointive position that is subject to confirmation by the senate under Section 12 (Vacancies in Senate or District Office), Article IV, Texas Constitution, on a multimember board, commission, or other governing body of a state agency or institution, and whose term of office expires during a regular session of the legislature, from continuing to perform the duties of the office under Subsection (a) after that regular session ends. Prohibits said person from continuing to perform the duties office under Subsection (a) after the end of the first regular session of the legislature that follows the expiration of the person's term if that term expires during a recess of the senate. Provides that this subsection does not prohibit the person from being reappointed to a new term of the office as provided by law.

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.