

BILL ANALYSIS

S.J.R. 49
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State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Texas Constitution allows for a "hold over," which authorizes an appointee of the governor to serve indefinitely until the governor makes a new appointment. In addition, if a reappointment is made while the legislature is not in session, the Senate Nominations Committee must take up the confirmation process upon commencement of the next legislative session or in a special session, if such a session is called by the governor.

S.J.R. 49 proposes a constitutional amendment to limit the service of a gubernatorial appointee whose term of office expires.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 17, Article XVI, Texas Constitution, as follows:

Sec. 17. Except as provided by Subsection (b) of the bill, all officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified. Following the expiration of a term of an appointive office that is filled by appointment by the Governor and subject to the advice and consent of the Senate, the period for which the officer shall continue to perform the duties of office under Subsection (a) of this bill ends when and if, during a regular or special session of the legislature, the Senate by a vote of two-thirds of the members present adopts a resolution declaring an end to the officer's service. A person whose service ends under this subsection may not be appointed by the Governor before the next regular session following the adoption of the resolution to fill a vacancy in either the office for which service is ended under this subsection; or if the office for which service is ended under this subsection is a position on a board, commission, or similar state entity composed of multiple members, any other membership position on that board, commission, or entity.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 6, 2007. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment limiting the holdover period an officeholder appointed by the governor may continue to perform the duties of the office after the expiration of the person's term."

EFFECTIVE DATE

This proposed constitutional amendment shall be submitted to the voters at an election to be held November 6, 2007.