

By: Hegar

S.J.R. No. 40

A JOINT RESOLUTION

1 proposing a constitutional amendment affecting the methods by which  
2 an appointed member of a multimember state board, commission, or  
3 other governing body may be removed from office and providing that  
4 the holdover provision of the Texas Constitution does not apply to  
5 the member.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 9(a), Article XV, Texas Constitution, is  
8 amended to read as follows:

9 (a) In addition to the other procedures provided by law for  
10 removal of public officers, the governor who appoints an officer  
11 may remove the officer with the advice and consent of a majority  
12 [~~two-thirds~~] of the members of the senate [~~present~~].

13 SECTION 2. Article XV, Texas Constitution, is amended by  
14 adding Section 10 to read as follows:

15 Sec. 10. In addition to the other procedures provided by law  
16 for removal of public officers, a person appointed by the governor  
17 to a multimember state board, commission, or other governing body  
18 of a state agency or institution whose appointment has been  
19 confirmed by the senate may be removed from office by the senate  
20 during a regular or special session of the legislature on the  
21 affirmative vote of two-thirds of the members of the senate.

22 SECTION 3. Section 17, Article XVI, Texas Constitution, is  
23 amended to read as follows:

24 Sec. 17. (a) All officers within this State, other than an

1 appointed member of a multimember state board, commission, or other  
2 governing body of a state agency or institution whose term has  
3 expired, shall continue to perform the duties of their offices  
4 until their successors shall be duly qualified.

5 (b) An appointed member of a multimember state board,  
6 commission, or other governing body of a state agency or  
7 institution whose term has expired may not continue to perform the  
8 duties of a member of the board, commission, or other governing  
9 body, and a vacancy is created in the member's position unless the  
10 person is reappointed to the office in accordance with applicable  
11 law.

12 SECTION 4. This proposed constitutional amendment shall be  
13 submitted to the voters at an election to be held November 6, 2007.  
14 The ballot shall be printed to permit voting for or against the  
15 proposition: "The constitutional amendment affecting the methods  
16 by which an appointed member of a multimember state board,  
17 commission, or other governing body may be removed from office and  
18 providing that the holdover provision of the Texas Constitution  
19 does not apply to such a member."