

BILL ANALYSIS

H.J.R. 127
By: King, Phil
Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Article XVI, Texas Constitution, allows civil officials to hold more than one office of emolument only in certain circumstances, mainly when that official is also serving as an officer of a branch of the military, including the National Guard. At the time these provisions were added to constitution, the Texas State Guard and other branches of the Texas Military Forces were not very active and were overlooked during the writing of this section. Over the past several years the Texas State Guard and other branches of the Texas Military Forces have become much more active and are providing vital services to Texas in times of disaster. Many civil officials are active or would like to become active in the Texas Military Forces.

H.J.R. 127 proposes an amendment to the Texas Constitution to add officers and enlisted members of the Texas State Guard and any other active militia or military force organized under Texas law to the list of civil offices of emolument exempt from the prohibition against holding or exercising more than one civil office of emolument at the same time.

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

H.J.R. 127 proposes an amendment to the Texas Constitution to add officers and enlisted members of the Texas State Guard and any other active militia or military force organized under Texas law to the list of civil offices of emolument exempt from the prohibition against holding or exercising more than one civil office of emolument at the same time. The resolution requires that nothing in the Texas Constitution be construed to prohibit an officer or enlisted man of the Texas State Guard and any other active militia or military force organized under state law from holding at the same time any other office or position of honor, trust or profit, under Texas or the United States, or from voting at any election, general, special or primary in Texas when otherwise qualified. The resolution sets forth the required language for the ballot.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 3, 2009.