

BILL ANALYSIS

Senate Research Center
81R28894 JD-D

S.J.R. 55
By: Carona
Transportation & Homeland Security
5/1/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Appointees to state boards and commissions require the advice and consent of the senate to take office. Appointees are presented to the senate each session via the nominations process. Under current law, however, commissioners whose terms have expired are not required to vacate the office. This oversight inadvertently authorizes holdover service without the consent of the senate and enables recess appointments that are then not subject to senate confirmation until the legislature next convenes. This scenario occurred during the 80th Legislature in 2007, regarding the Texas Transportation Commission (TTC).

S.J.R. 55 proposes a constitutional amendment requiring that members of TTC specifically vacate their office upon the expiration of their term.

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) Creates this subsection from existing text. Requires all officers within this state, other than a member of the Texas Transportation Commission (TTC) whose term has expired, to continue to perform the duties of their offices until their successors shall be duly qualified.

(b) Prohibits a member of TTC whose term has expired from continuing to perform the duties of a member of TTC, and provides that a vacancy is created in the member's position.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2009. Sets forth the required language of the ballot.