

BILL ANALYSIS

C.S.H.J.R. 42
By: Larson
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many believe that career politicians prevent government from achieving its mission and that each elected official at every level of government should only be allowed to serve for a finite amount of time. Interested parties assert that term limits can bring new blood and fresh ideas into the legislative process, reduce the power of special interests over elected officials, and ensure more judicious lawmaking. They point to the example of the Founding Fathers: farmers and shopkeepers who travelled to Philadelphia and Washington, D.C., crafted the first laws of the nation, and then promptly returned home. C.S.H.J.R. 42 seeks to advance governance and make officeholders more accountable to their constituents by establishing term limits for the offices of governor, lieutenant governor, secretary of state, comptroller of public accounts, commissioner of the general land office, attorney general, or any other state office normally filled by the voters at a statewide election, other than a statewide judicial office.

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

C.S.H.J.R. 42 proposes an amendment to the Texas Constitution to make a person who has been elected or appointed to serve two consecutive terms as governor, lieutenant governor, secretary of state, comptroller of public accounts, commissioner of the general land office, attorney general, or any other state office normally filled by the voters at a statewide election, other than a statewide judicial office, ineligible for election or appointment to serve a third consecutive term. The resolution does not limit a person's eligibility for election or appointment to serve nonconsecutive terms and does not prohibit a person from continuing to serve in an office after the end of a term as a holdover until a successor is qualified. The resolution establishes that the term of a person appointed to serve for the remainder of a term to fill a vacancy in a statewide office is not counted in determining whether a person is eligible to serve. The resolution adds a temporary provision, set to expire February 1, 2031, establishing that a term of office that begins before January 1, 2014, is not counted in determining whether a person is eligible to serve as provided under the resolution.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 5, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.J.R. 42 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the resolution.

INTRODUCED

SECTION 1. Article III, Texas Constitution, is amended by adding Section 7a to read as follows:

Sec. 7a. (a) A person is not eligible to be elected to the house of representatives if, before the date of the election, the person has served as a member of the house during all or part of six regular sessions of the legislature.

(b) A person is not eligible to be elected to the senate if, before the date of the election, the person has served as a member of the senate during all or part of six regular sessions of the legislature. This subsection does not prohibit a person who has served as a member of the senate during all or part of five regular sessions of the legislature from being elected to or serving a four-year term in the senate even though at the end of that term the person will have served during all or part of more than six regular sessions.

(c) Legislative service before the legislature convenes in regular session in 2015 is not counted in determining whether a person is disqualified from election to office under this section.

SECTION 2. Article IV, Texas Constitution, is amended by adding Section 2a to read as follows:

Sec. 2a. (a) A person is not eligible for election or appointment to an elective office listed in Section 1 of this article or to any other state office elected by the voters at a statewide election, other than a judicial office, if on the date of the election or appointment the person has served in that office during any part of each of 12 or more calendar years.

(b) Nothing in this section prohibits a person from continuing to serve in an office covered by this section after the end of a term as a holdover under Section 17, Article XVI, of this constitution until a successor is qualified.

(c) For purposes of this section, a calendar year begins January 1 and ends December

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. Article IV, Texas Constitution, is amended by adding Section 2a to read as follows:

Sec. 2a. (a) A person who has been elected or appointed to serve two consecutive terms in an office listed in Section 1 of this article or any other state office normally filled by the voters at a statewide election, other than a statewide judicial office, is not eligible for election or appointment to serve a third consecutive term. This provision does not limit a person's eligibility for election or appointment to serve nonconsecutive terms.

(b) Nothing in this section prohibits a person from continuing to serve in an office covered by this section after the end of a term as a holdover under Section 17, Article XVI, of this constitution until a successor is qualified.

No equivalent provision.

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(d) Service in office before January 1, 2015, does not count for purposes of determining whether a person is disqualified from office under this section.

No equivalent provision.

No equivalent provision.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to provide for voting for or against the following proposition: "The constitutional amendment to limit the time that a person may serve as a member of the Texas Legislature or as a statewide elected officer in the executive branch."

No equivalent provision.

(c) The term of a person appointed to serve for the remainder of a term to fill a vacancy in a statewide office is not counted in determining whether a person is eligible to serve under Subsection (a) of this section.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, limiting to two the number of consecutive terms for which a person may be elected or appointed to hold certain state offices.

(b) A term of office that begins before January 1, 2014, is not counted in determining whether a person is eligible to serve under Section 2a, Article IV, of this constitution.

(c) This temporary provision expires February 1, 2031.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment limiting to two the number of consecutive terms for which a person may be elected or appointed to hold the office of governor, lieutenant governor, secretary of state, comptroller of public accounts, commissioner of the General Land Office, attorney general, commissioner of agriculture, or railroad commissioner."