

BILL ANALYSIS

C.S.H.J.R. 128
By: Bonnen, Greg
Government Efficiency & Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Short biennial legislative sessions combined with the large number of bills filed and considered in each of those sessions often creates an atmosphere in which the house and senate expedite the legislative process in an effort to complete the legislature's business prior to sine die. Interested parties point out that occasionally legislation is passed that has an unintended effect not discovered during the session or that includes typographical errors that alter the intended meaning of the adopted legislation. These parties suggest that a brief legislative session could be held shortly after the date of final adjournment of the regular session for the purposes of correcting typographical errors or repealing acts discovered to have unintended effects. C.S.H.J.R. 128 seeks to establish such a legislative session.

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. 128 proposes an amendment to the Texas Constitution to require the legislature to convene to consider the repeal of, or the correction of typographical errors in, laws passed during the preceding regular session if a petition calling for the legislature to convene for those purposes, signed by at least 76 members of the house of representatives and 21 members of the senate, is filed with the presiding officers of both houses not later than the 30th day after the last day that the governor may file objections to bills. The resolution requires the legislature to convene at 10 a.m. on the first Tuesday following the 30th day after the date the petition is filed with the presiding officers, for a period not to exceed three consecutive days. The resolution prohibits the governor from calling the legislature into special session during this period and prohibits the legislature from considering any subject other than the repeal of, or the correction of typographical errors in, laws passed during the preceding regular session.

C.S.H.J.R. 128 authorizes a member of either house to introduce a bill to repeal a law, or to repeal an item of appropriation in an appropriation act, or to correct a typographical error in an act, passed during the preceding regular session or subsequent special session that would not otherwise change existing law or create new law.

C.S.H.J.R. 128 requires a bill, when introduced, to include the signatures of at least 76 members of the house of representatives if the author of the bill is a representative, or at least 21 members of the senate if the author of the bill is a senator. The resolution prohibits the bill from being referred to a committee of either house but requires the bill to be considered directly by the house in which the bill was introduced and then, if passed by that house, by the other house. The resolution prohibits the legislature from amending the bill, except to correct typographical errors in the bill, and requires a bill, if passed by both houses, to be sent to the governor for approval or disapproval.

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. 128 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. Section 5(a), Article III, Texas Constitution, is amended to read as follows:

(a) The Legislature shall meet in regular session every two years at such time as may be provided by law, in a session to repeal recently enacted laws as provided by Section 40(b) of this article, and at other times when convened by the Governor.

SECTION 2. Section 40, Article III, Texas Constitution, is amended to read as follows:

Sec. 40. (a) When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.

(b) The Legislature shall convene at 10 a.m. on the first Tuesday following the 60th day after the date of final adjournment of a regular session, for a period not to exceed three consecutive days, to consider the repeal of laws passed during that regular session or during a subsequent special session. During this period the Governor may not call the Legislature into special session and the Legislature may not

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 5(a), Article III, Texas Constitution, is amended to read as follows:

(a) The Legislature shall meet in regular session every two years at such time as may be provided by law, in a session to repeal or correct recently enacted laws as provided by Section 40(b) of this article, and at other times when convened by the Governor.

SECTION 2. Section 40, Article III, Texas Constitution, is amended to read as follows:

Sec. 40. (a) When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.

(b) The Legislature shall convene to consider the repeal of, or the correction of typographical errors in, laws passed during the preceding regular session if a petition calling for the Legislature to convene for those purposes, signed by at least 76 members of the house of representatives and 21 members of the senate, is filed with the presiding officers of both houses not later than the 30th day after the last day that the governor may file objections to bills under Section 14, Article IV, of this constitution. The Legislature shall convene at 10 a.m. on the first Tuesday following the 30th day after the date the petition is filed with the presiding officers for a period not to exceed three consecutive days. During this period the Governor may not call the Legislature into special session and the Legislature may not consider any subject other than the repeal of, or the correction of typographical errors in, laws passed during the preceding

consider any subject other than the repeal of laws passed during the preceding regular session or subsequent special session or emergency matters submitted by the Governor. A member of either house may introduce a bill to repeal a law, or to repeal an item of appropriation in an appropriation act, passed during the preceding regular session or subsequent special session that would not otherwise change existing law or create new law. Acts may only be considered during this session for the purposes of correcting typographical errors in the original act that are clearly contrary to the intent of the act, as determined exclusively by each house, or to void the act, or in the case of a general appropriations act that limits consideration to certain items of appropriation, to void one or more items of appropriation identified in the petition. The bill when introduced must include the signatures of at least 76 members of the house of representatives if the author of the bill is a representative, or at least 21 members of the senate if the author of the bill is a senator. The bill may not be referred to a committee of either house but shall be considered directly by the house in which the bill was introduced and then, if passed by that house, by the other house. The Legislature may not amend the bill. If passed by both houses in the manner provided by Section 32 of this article, the bill shall be sent to the Governor for approval or disapproval as provided by Section 14, Article IV, of this constitution.

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 to require the legislature to convene following each regular session of the legislature to consider the repeal of laws enacted during that regular session or during a special session immediately following that regular session."

regular session. A member of either house may introduce a bill to repeal a law, to repeal an item of appropriation in an appropriation act, or to correct a typographical error in an act, passed during the preceding regular session that would not otherwise change existing law or create new law.

The bill when introduced must include the signatures of at least 76 members of the house of representatives if the author of the bill is a representative, or at least 21 members of the senate if the author of the bill is a senator. The bill may not be referred to a committee of either house but shall be considered directly by the house in which the bill was introduced and then, if passed by that house, by the other house. The Legislature may not amend the bill except to correct typographical errors in the bill. If passed by both houses in the manner provided by Section 32 of this article, the bill shall be sent to the Governor for approval or disapproval as provided by Section 14, Article IV, of this constitution.

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 to authorize the legislature on petition of its members to convene following each regular session of the legislature to consider the repeal of or correction of recently enacted laws."