

## **BILL ANALYSIS**

Senate Research Center  
85R21666 TJB-D

C.S.S.J.R. 34  
By: Birdwell  
State Affairs  
4/10/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Article XVI, Section 17, Texas Constitution, allows for all officers within the state to continue to perform the duties of their offices until their successors are duly qualified. This provision is also known as the holdover provision. The holdover provision is a safeguard preventing vacancies and ensuring continuation of functions, but has been used in the past to serve as an undue extension of terms in office.

S.J.R. 34 proposes a constitutional amendment to modify the holdover provisions to make it clear that if an officer's term expires when the legislature is not convened in regular session, that the officer will continue to serve until the last day of the next regular session of the legislature. If the officer is not re-appointed or if someone new is not appointed before the last day of the next legislative session, the position will be vacant.

S.J.R. 34 also seeks to make it clear that if a term expires when the legislature is convened in regular session, the officer will continue to serve until the last day of that regular session and the position will be vacant if no action is taken before the last day of the legislative session.

These provisions will only apply to an appointive office that is filled by appointment of the governor with the advice and consent of the senate. (Original Author's / Sponsor's Statement of Intent)

C.S.S.J.R. 34 proposes a constitutional amendment limiting the service of certain officeholders after the expiration of the person's term of office.

### **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) Requires, except as provided by Subsection (b) of this section, all officers of this State, rather than all officers within this State, to continue to perform the duties of their offices until their successors are duly qualified. Makes nonsubstantive changes.

(b) Provides that, following the expiration of a term of an appointive office that is filled by appointment of the Governor with the advice and consent of the Senate and that is not an office for which the officer receives a salary, the period for which the officer will continue to perform the duties of office under Subsection (a) of this section ends on the last day of the first regular session of the Legislature that begins after the expiration of the term.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 7, 2017. Sets forth the required language of the ballot.