86R5255 BEF-D

By:  Hinojosa H.J.R. No. 57

A JOINT RESOLUTION

proposing a constitutional amendment to set the salaries of members of the legislature and the lieutenant governor based on the average public school teacher salary in this state.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Sections 24(a) and (c), Article III, Texas Constitution, are amended to read as follows:

(a)  Members of the Legislature shall receive from the Public Treasury a salary in an amount determined [~~of Six Hundred Dollars ($600) per month, unless a greater amount is recommended~~] by the Texas Ethics Commission under Section 24a(g) of this article [~~and approved by the voters of this State in which case the salary is that amount. Each member shall also receive a per diem set by the Texas Ethics Commission for each day during each Regular and Special Session of the Legislature~~].

(c)  In addition to a salary [~~the per diem~~] the Members of each House shall be entitled to mileage at the same rate as prescribed by law for employees of the State of Texas.

SECTION 2.  Section 24a, Article III, Texas Constitution, is amended by adding Subsection (g) to read as follows:

(g)  The commission shall set the annual salary of the members of the legislature, including the speaker of the house of representatives, in an amount equal to the average salary paid to a full-time certified classroom teacher in the public free schools of this state for the preceding school year as determined by the commission from available information and shall establish the date on which the annual change in salary takes effect each year.

SECTION 3.  Section 28, Article III, Texas Constitution, is amended to read as follows:

Sec. 28.  The Legislature shall, at its first regular session after the publication of each United States decennial census, apportion the state into senatorial and representative districts, agreeable to the provisions of Sections 25 and 26 of this Article. In the event the Legislature shall at any such first regular session following the publication of a United States decennial census, fail to make such apportionment, same shall be done by the Legislative Redistricting Board of Texas, which is hereby created, and shall be composed of five (5) members, as follows: The Lieutenant Governor, the Speaker of the House of Representatives, the Attorney General, the Comptroller of Public Accounts and the Commissioner of the General Land Office, a majority of whom shall constitute a quorum. Said Board shall assemble in the City of Austin within ninety (90) days after the final adjournment of such regular session. The Board shall, within sixty (60) days after assembling, apportion the state into senatorial and representative districts, or into senatorial or representative districts, as the failure of action of such Legislature may make necessary. Such apportionment shall be in writing and signed by three (3) or more of the members of the Board duly acknowledged as the act and deed of such Board, and, when so executed and filed with the Secretary of State, shall have force and effect of law. Such apportionment shall become effective at the next succeeding statewide general election. The Supreme Court of Texas shall have jurisdiction to compel such Board to perform its duties in accordance with the provisions of this section by writ of mandamus or other extraordinary writs conformable to the usages of law. The Legislature shall provide necessary funds for clerical and technical aid and for other expenses incidental to the work of the Board, and the Lieutenant Governor and the Speaker of the House of Representatives shall be entitled to receive [~~per diem and~~] travel expense during the Board's session in the same manner and amount as they would receive while attending a special session of the Legislature.

SECTION 4.  Section 17(b), Article IV, Texas Constitution, is amended to read as follows:

(b)  The Lieutenant Governor shall, while acting as President of the Senate, receive for his or her services the same compensation and mileage which shall be allowed to the members of the Senate[~~, and no more unless the Texas Ethics Commission recommends and the voters approve a higher salary, in which case the salary is that amount~~]; and during the time the Lieutenant Governor exercises the powers and authority appertaining to the office of Governor, the Lieutenant Governor shall receive in like manner the same compensation which the Governor would have received had the Governor been employed in the duties of that office, and no more. An increase in the emoluments of the office of Lieutenant Governor does not make a member of the Legislature ineligible to serve in the office of Lieutenant Governor.

SECTION 5.  Sections 24a(e) and (f), Article III, Texas Constitution, are repealed.

SECTION 6.  The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, setting the salaries of members of the legislature and the lieutenant governor based on the average public school teacher salary in this state.

(b)  Except as otherwise provided by Subsections (c) and (d) of this temporary provision, the amendments to Sections 24, 24a, and 28, Article III, and Section 17, Article IV, of this constitution take effect September 1, 2020, and apply to salaries on and after that date.

(c)  Except as otherwise provided by Subsection (d) of this temporary provision, Section 24a(g), Article III, of this constitution takes effect January 1, 2020, and applies to salaries on and after September 1, 2020.

(d)  The constitutional amendment described by Subsection (a) of this temporary provision does not apply to an individual who was a member of the legislature, including the speaker of the house of representatives, or the lieutenant governor during all or part of the 86th Legislature, Regular Session, 2019. The salary and per diem for any future service as a member of the legislature, as the speaker of the house of representatives, or as the lieutenant governor, including service on the Legislative Redistricting Board of Texas, by an individual to whom this subsection applies shall be determined in accordance with Sections 24, 24a, and 28, Article III, and Section 17, Article IV, of this constitution, as those provisions existed on November 4, 2019.

SECTION 7.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2019. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment setting the salaries of members of the legislature and the lieutenant governor based on the average public school teacher salary in this state."