87S10181 CJC-D

By:  Martinez H.J.R. No. 20

A JOINT RESOLUTION

proposing a constitutional amendment prohibiting the governor from vetoing an item of appropriation made to the legislative or judicial branch of state government, including to an agency the primary purpose of which is to assist those branches of government.

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

SECTION 1.  Section 14, Article IV, Texas Constitution, is amended to read as follows:

Sec. 14.  (a) Every bill which shall have passed both houses of the Legislature shall be presented to the Governor for [~~his~~] approval. If the Governor approves of the bill, the Governor [~~he approve he~~] shall sign it. If the Governor disapproves of the bill, the Governor [~~; but if he disapprove it, he~~] shall return it, with [~~his~~] objections, to the House in which it originated. The House to which the bill is returned [~~, which House~~] shall enter the objections at large upon its journal, and proceed to reconsider the bill [~~it~~]. If after [~~such~~] reconsideration [~~,~~] two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other House, by which likewise it shall be reconsidered. If [~~; and, if~~] approved by two-thirds of the members of that House, the bill [~~it~~] shall become a law. In [~~; but in~~] such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor with [~~his~~] objections within ten days (Sundays excepted) after it shall have been presented to the Governor [~~him~~], the same shall be a law, in like manner as if [~~he had~~] signed by the Governor [~~it~~], unless the Legislature, by its adjournment, prevent its return, in which case it shall be a law, unless the Governor [~~he~~] shall file the bill [~~same~~], with [~~his~~] objections, in the office of the Secretary of State and give notice thereof by public proclamation within twenty days after such adjournment.

(b)  If any bill presented to the Governor contains several items of appropriation, the Governor [~~he~~] may object to one or more of such items, and approve the other portion of the bill. In such case the Governor [~~he~~] shall append to the bill, at the time of signing it, a statement of the items to which the Governor [~~he~~] objects, and no item so objected to shall take effect. If the Legislature be in session, the Governor [~~he~~] shall transmit to the House in which the bill originated a copy of such statement and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each House, the same shall be part of the law, notwithstanding the objections of the Governor. If any such bill, containing several items of appropriation, not having been presented to the Governor ten days (Sundays excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, the Governor [~~he~~] shall have twenty days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect.

(c)  Notwithstanding Subsection (b) of this section, in order to give effect to the division of the powers of the government of this state into three distinct departments as provided in Section 1, Article II, of this constitution, the Governor may not object in any bill presented to the Governor that contains several items of appropriation to an item of appropriation made to the Legislative or Judicial department of government, including an item of appropriation made to an agency the primary purpose of which is to assist the Legislative or Judicial department of government in the exercise of the powers properly attached to either department.

SECTION 2.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment prohibiting the governor from vetoing an item of appropriation made to the legislative or judicial branch of state government, including to an agency the primary purpose of which is to assist the legislative or judicial branch in the exercise of its powers."