88R5790 BEF-D

By:  Birdwell S.J.R. No. 60

A JOINT RESOLUTION

proposing a constitutional amendment providing for the suspension of certain public officers by the governor and the trial, removal, and reinstatement of certain public officers by the senate.

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

SECTION 1.  Section 3, Article XV, Texas Constitution, is amended to read as follows:

Sec. 3.  (a) When the Senate is sitting as a Court of Impeachment, the Senators shall be on oath [~~,~~] or affirmation impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

(b)  The Chief Justice of the Supreme Court shall preside when the Senate is sitting as a Court of Impeachment, except the Lieutenant Governor shall preside when the Chief Justice is the subject of the impeachment.

SECTION 2.  Article XV, Texas Constitution, is amended by adding Section 10 to read as follows:

Sec. 10.  (a) This section applies to:

(1)  a state officer, other than a member of the legislature or an officer listed in Section 2 of this article;

(2)  an officer of the military forces of this state not called into actual service of the United States;

(3)  a county officer; or

(4)  a municipal officer.

(b)  The governor shall by executive order suspend an officer listed in Subsection (a) of this section from office if the officer:

(1)  publicly declares that the officer will not enforce the laws of this state;

(2)  wilfully neglects the duties of office; or

(3)  is finally convicted of a felony.

(c)  The governor shall make a provisional appointment to fill the vacancy created by the suspension of an officer under this section.  The governor may reinstate a suspended officer before the date the senate conducts a vote under Subsection (d) of this section on the question of removing the suspended officer.

(d)  The senate shall, not later than the 30th day after the date a suspension under this section takes effect, vote on the question of removing the suspended officer. If a majority of the members of the senate present vote to remove the officer, the officer is permanently removed from office and disqualified from holding any office of honor, trust, or profit under this state. If the senate does not remove the officer during the time provided by this subsection, the suspension expires and the officer is reinstated to office. The senate shall convene to conduct a vote required under this subsection if the legislature is not in session.

(e)  The governor shall appoint a person to fill the vacancy created by the removal of an elected officer by the senate under this section until the next general election.

(f)  The legislature by general law shall provide procedures for the suspension and removal of officers under this section.

(g)  The procedures provided by this section are in addition to other procedures provided by law for suspension or removal of public officers.

SECTION 3.  The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION.  (a) This temporary provision applies to the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, providing for the suspension of certain public officers by the governor and the trial, removal, and reinstatement of certain public officers by the senate.

(b)  Section 10, Article XV, Texas Constitution, as added by this amendment, takes effect January 1, 2024.

(c)  This temporary provision expires January 1, 2025.

SECTION 4.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2023. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the suspension of certain public officers by the governor and the trial, removal, and reinstatement of certain public officers by the senate."