

By: Birdwell

S.J.R. No. 60

A JOINT RESOLUTION

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

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

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

7 Sec. 3. (a) When the Senate is sitting as a Court of
8 Impeachment, the Senators shall be on oath [7] or affirmation
9 impartially to try the party impeached, and no person shall be
10 convicted without the concurrence of two-thirds of the Senators
11 present.

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

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

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

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

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

23 (3) a county officer; or

24 (4) a municipal officer.

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

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

5 (2) wilfully neglects the duties of office; or

6 (3) is finally convicted of a felony.

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

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

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

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

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

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

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

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

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

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