By Edwards

S.J.R. No. 2

SENATE
A JOINT RESOLUTION

proposing a constitutional amendment relating to the procedures for filling vacancies in certain state and district offices.

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

SECTION 1. Article IV, Section 12, of the Texas Constitution is amended to read as follows:

Sec. 12. (a) All vacancies in State or district offices, except members of the Legislature, shall be filled unless otherwise provided by law by appointment of the Governor.

(b) An[~~,--which~~] appointment of the Governor[~~,--if~~] made during a [~~its~~] session of the Senate[~~,~~] shall be with the advice and consent of two-thirds of the Senate present.

(c) In accordance with this section, the Senate may give its advice and consent on an appointment of the Governor made during a recess of the Senate. To be confirmed, the appointment must be with the advice and consent of two-thirds of the Senate present. If an appointment of the Governor is made during the recess of the Senate, the Governor shall nominate the [~~said~~] appointee, or some other person to fill the [~~such~~] vacancy, [~~shall--be--nominated~~] to the Senate during the first ten days of its next session following the appointment. If the Senate does not confirm a person under this subsection, the Governor shall nominate in accordance with this section the recess appointee or another person to fill the vacancy during the first ten days of each subsequent session of the Senate until a confirmation occurs. If the Governor does not

6-5-90
6-6-90

nominate a person to the Senate during the first ten days of a session of the Senate as required by this subsection, the Senate at that session may consider the recess appointee as if the Governor had nominated the appointee.

(d) If the Senate, at any special session, does not take final action to confirm or reject a previously unconfirmed recess appointee or another person nominated to fill the vacancy for which the appointment was made:

(1) the Governor after the session may appoint another person to fill the vacancy; and

(2) the appointee, if otherwise qualified and if not removed as provided by law, is entitled to continue in office until the earlier of the following occurs:

(A) the Senate rejects the appointee at a subsequent session; or

(B) the Governor appoints another person to fill the vacancy under Subdivision (1) of this subsection.

(e) If the Senate, at a regular session, does not take final action to confirm or reject a previously unconfirmed recess appointee or another person nominated to fill the vacancy for which the appointment was made, the appointee or other person, as appropriate, is considered to be rejected by the Senate when the Senate session ends.

(f) If an appointee is rejected, the [said] office shall immediately become vacant, and the Governor shall, without delay, make further nominations, until a confirmation takes place. If a person has been rejected by the Senate to fill a vacancy [But

~~should--there-be-no-confirmation-during-the-session-of-the-Senate~~], the Governor may [~~shall~~] not [~~thereafter~~] appoint the [~~any~~] person to fill the [~~such~~] vacancy or, during the term of the vacancy for which the person was rejected, to fill another vacancy in the same office or on the same board, commission, or other body.

(g) [~~who--has--been--rejected-by-the-Senate,-but-may-appoint some-other-person-to-fill-the-vacancy-until-the-next-session-of-the Senate-or-until-the-regular-election--to--said--office,--should--it sooner--occur.~~] Appointments to vacancies in offices elective by the people shall only continue until the next general election.

(h) [~~(b)~~] The Legislature by general law may limit the term to be served by a person appointed by the Governor to fill a vacancy in a state or district office to a period that ends before the vacant term otherwise expires or, for an elective office, before the next election at which the vacancy is to be filled, if the appointment is made on or after November 1 preceding the general election for the succeeding term of the office of Governor and the Governor is not elected at that election to the succeeding term.

(i) For purposes of this section [~~subsection~~], the expiration of a term of office or the creation of a new office constitutes a vacancy.

(j) An action or decision of a state board, commission, or other body or officer that would be invalid if one or more recess appointees of the Governor are considered to be invalidly holding office solely because an appointee's nomination was not confirmed or rejected by final action of the Senate at a special session is

1 validated from the date of the action or decision if the action or
2 decision is not invalid for any other reason. This subsection
3 expires January 1, 1991.
4 SECTION 2. This proposed constitutional amendment shall be
5 submitted to the voters at an election to be held November 6, 1990.
6 The ballot shall be printed to provide for voting for or against
7 the proposition: "The constitutional amendment to clarify the
8 authority of the senate to consider certain nominees to state and
9 district offices and to provide for filling vacancies in those
10 offices."

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

6-5-90 at 12:38 pm
(date)/(time)

Sir:

We, your Committee on STATE AFFAIRS to which was referred SCR 2 (measure) by Edwards (sponsor) have on 6-5 (hearing date), 1990, had the same under consideration and I am instructed to report it back with the recommendation (s) that it

(✓) do pass and be printed

( ) do pass and be ordered not printed

( ) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested.	(✓) yes	( ) no
A revised fiscal note was requested.	( ) yes	(✓) no
An actuarial analysis was requested.	( ) yes	(✓) no
Considered by subcommittee.	( ) yes	(✓) no

Senate Sponsor of House Measure _____

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Montford, Chairman	✓			
Henderson, Vice Chairman	✓			
Armbrister	✓			
Caperton				✓
Edwards	✓			
Glasgow				✓
Green	✓			
Harris	✓			
Leedom				✓
Lyon				✓
McFarland	✓			
Parmer				✓
~~Washington~~ Ellis				✓
TOTAL VOTES	7			6

COMMITTEE CLERK

CHAIRMAN

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

June 4, 1990

TO: Honorable John T. Montford, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

IN RE: Senate Joint Resolution
No. 2,
Sixth Called Session
By: Edwards

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 2, Sixth Called Session (proposing a constitutional amendment relating to the procedures for filling vacancies in certain state and district offices) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would allow a recess appointee nominated by the Governor to continue in office if the Senate, at any session, does not take final action to confirm or reject the appointee. The proposed amendment would be submitted to the voters on November 6, 1990.

The cost of publication of the resolution to the State is estimated to be $60,000.

No additional fiscal implication to the State or units of local government is anticipated.

Source: Secretary of State;
LBB Staff: JO, JWH, SKM, NH

896SJR2

June 5 19 90 Engrossed

Engrossing Clerk

1990 JUN -5 PM 6:55

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct copy of SJR 2 which was received from the Senate on JUN 5 1990 and referred to the Committee on State Affairs

Chief Clerk of the House

By: Edwards (Berlanga) S.J.R. No. 2

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to the procedures for filling vacancies in certain state and district offices.

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

SECTION 1. Article IV, Section 12, of the Texas Constitution is amended to read as follows:

Sec. 12. (a) All vacancies in State or district offices, except members of the Legislature, shall be filled unless otherwise provided by law by appointment of the Governor.

(b) An[~~,--which~~] appointment of the Governor[~~,--if~~] made during a [~~its~~] session of the Senate[~~,~~] shall be with the advice and consent of two-thirds of the Senate present.

(c) In accordance with this section, the Senate may give its advice and consent on an appointment of the Governor made during a recess of the Senate. To be confirmed, the appointment must be with the advice and consent of two-thirds of the Senate present. If an appointment of the Governor is made during the recess of the Senate, the Governor shall nominate the [~~said~~] appointee, or some other person to fill the [~~such~~] vacancy, [~~shall--be--nominated~~] to the Senate during the first ten days of its next session following the appointment. If the Senate does not confirm a person under this subsection, the Governor shall nominate in accordance with this section the recess appointee or another person to fill the vacancy during the first ten days of each subsequent session of the Senate until a confirmation occurs. If the Governor does not nominate a person to the Senate during the first ten days of a

session of the Senate as required by this subsection, the Senate at that session may consider the recess appointee as if the Governor had nominated the appointee.

(d) If the Senate, at any special session, does not take final action to confirm or reject a previously unconfirmed recess appointee or another person nominated to fill the vacancy for which the appointment was made:

(1) the Governor after the session may appoint another person to fill the vacancy; and

(2) the appointee, if otherwise qualified and if not removed as provided by law, is entitled to continue in office until the earlier of the following occurs:

(A) the Senate rejects the appointee at a subsequent session; or

(B) the Governor appoints another person to fill the vacancy under Subdivision (1) of this subsection.

(e) If the Senate, at a regular session, does not take final action to confirm or reject a previously unconfirmed recess appointee or another person nominated to fill the vacancy for which the appointment was made, the appointee or other person, as appropriate, is considered to be rejected by the Senate when the Senate session ends.

(f) If an appointee is rejected, the [said] office shall immediately become vacant, and the Governor shall, without delay, make further nominations, until a confirmation takes place. If a person has been rejected by the Senate to fill a vacancy [But

~~should--there-be-no-confirmation-during-the-session-of-the-Senate~~], the Governor may [~~shall~~] not [~~thereafter~~] appoint the [~~any~~] person to fill the [~~such~~] vacancy or, during the term of the vacancy for which the person was rejected, to fill another vacancy in the same office or on the same board, commission, or other body.

(g) [~~who--has--been--rejected-by-the-Senate,-but-may-appoint some-other-person-to-fill-the-vacancy-until-the-next-session-of-the Senate-or-until-the-regular-election--to--said--office,--should--it sooner--occur.~~] Appointments to vacancies in offices elective by the people shall only continue until the next general election.

(h) [~~(b)~~] The Legislature by general law may limit the term to be served by a person appointed by the Governor to fill a vacancy in a state or district office to a period that ends before the vacant term otherwise expires or, for an elective office, before the next election at which the vacancy is to be filled, if the appointment is made on or after November 1 preceding the general election for the succeeding term of the office of Governor and the Governor is not elected at that election to the succeeding term.

(i) For purposes of this section [~~subsection~~], the expiration of a term of office or the creation of a new office constitutes a vacancy.

(j) An action or decision of a state board, commission, or other body or officer that would be invalid if one or more recess appointees of the Governor are considered to be invalidly holding office solely because an appointee's nomination was not confirmed

1 or rejected by final action of the Senate at a special session is
2 validated from the date of the action or decision if the action or
3 decision is not invalid for any other reason. This subsection
4 expires January 1, 1991.

5 SECTION 2. This proposed constitutional amendment shall be
6 submitted to the voters at an election to be held November 6, 1990.
7 The ballot shall be printed to provide for voting for or against
8 the proposition: "The constitutional amendment to clarify the
9 authority of the senate to consider certain nominees to state and
10 district offices and to provide for filling vacancies in those
11 offices."

HOUSE COMMITTEE REPORT

90 JUN -6 AM 1:58
HOUSE OF REPRESENTATIVES

1st Printing

By: Edwards (Berlanga) S.J.R. No. 2

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to the procedures for filling vacancies in certain state and district offices.

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

SECTION 1. Article IV, Section 12, of the Texas Constitution is amended to read as follows:

Sec. 12. (a) All vacancies in State or district offices, except members of the Legislature, shall be filled unless otherwise provided by law by appointment of the Governor.

(b) An[~~,--which~~] appointment of the Governor[~~,--if~~] made during a [~~its~~] session of the Senate[~~,~~] shall be with the advice and consent of two-thirds of the Senate present.

(c) In accordance with this section, the Senate may give its advice and consent on an appointment of the Governor made during a recess of the Senate. To be confirmed, the appointment must be with the advice and consent of two-thirds of the Senate present. If an appointment of the Governor is made during the recess of the Senate, the Governor shall nominate the [~~said~~] appointee, or some other person to fill the [~~such~~] vacancy, [~~shall--be--nominated~~] to the Senate during the first ten days of its next session following the appointment. If the Senate does not confirm a person under this subsection, the Governor shall nominate in accordance with this section the recess appointee or another person to fill the vacancy during the first ten days of each subsequent session of the Senate until a confirmation occurs. If the Governor does not nominate a person to the Senate during the first ten days of a

session of the Senate as required by this subsection, the Senate at that session may consider the recess appointee as if the Governor had nominated the appointee.

(d) If the Senate, at any special session, does not take final action to confirm or reject a previously unconfirmed recess appointee or another person nominated to fill the vacancy for which the appointment was made:

(1) the Governor after the session may appoint another person to fill the vacancy; and

(2) the appointee, if otherwise qualified and if not removed as provided by law, is entitled to continue in office until the earlier of the following occurs:

(A) the Senate rejects the appointee at a subsequent session; or

(B) the Governor appoints another person to fill the vacancy under Subdivision (1) of this subsection.

(e) If the Senate, at a regular session, does not take final action to confirm or reject a previously unconfirmed recess appointee or another person nominated to fill the vacancy for which the appointment was made, the appointee or other person, as appropriate, is considered to be rejected by the Senate when the Senate session ends.

(f) If an appointee is rejected, the [~~said~~] office shall immediately become vacant, and the Governor shall, without delay, make further nominations, until a confirmation takes place. If a person has been rejected by the Senate to fill a vacancy [~~But~~

~~should--there-be-no-confirmation-during-the-session-of-the-Senate~~], the Governor may [~~shall~~] not [~~thereafter~~] appoint the [~~any~~] person to fill the [~~such~~] vacancy or, during the term of the vacancy for which the person was rejected, to fill another vacancy in the same office or on the same board, commission, or other body.

(g) [~~who--has--been--rejected-by-the-Senate,-but-may-appoint some-other-person-to-fill-the-vacancy-until-the-next-session-of-the Senate-or-until-the-regular-election--to--said--office,--should--it sooner--occur.~~] Appointments to vacancies in offices elective by the people shall only continue until the next general election.

(h) [~~(b)~~] The Legislature by general law may limit the term to be served by a person appointed by the Governor to fill a vacancy in a state or district office to a period that ends before the vacant term otherwise expires or, for an elective office, before the next election at which the vacancy is to be filled, if the appointment is made on or after November 1 preceding the general election for the succeeding term of the office of Governor and the Governor is not elected at that election to the succeeding term.

(i) For purposes of this section [~~subsection~~], the expiration of a term of office or the creation of a new office constitutes a vacancy.

(j) An action or decision of a state board, commission, or other body or officer that would be invalid if one or more recess appointees of the Governor are considered to be invalidly holding office solely because an appointee's nomination was not confirmed

1 or rejected by final action of the Senate at a special session is
2 validated from the date of the action or decision if the action or
3 decision is not invalid for any other reason. This subsection
4 expires January 1, 1991.

5 SECTION 2. This proposed constitutional amendment shall be
6 submitted to the voters at an election to be held November 6, 1990.
7 The ballot shall be printed to provide for voting for or against
8 the proposition: "The constitutional amendment to clarify the
9 authority of the senate to consider certain nominees to state and
10 district offices and to provide for filling vacancies in those
11 offices."

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

6/5/90
(date)

Sir:

We, your COMMITTEE ON State Affairs,

to whom was referred SJR 2 (measure) have had the same under consideration and beg to report back with the recommendation that it

(✓) do pass, without amendment.
( ) do pass, with amendment(s).
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (✓) yes ( ) no

An actuarial analysis was requested. ( ) yes (✓) no

An author's fiscal statement was requested. ( ) yes (✓) no

A criminal justice policy impact statement was prepared. ( ) yes (✓) no

A water development policy impact statement was requested. ( ) yes (✓) no

( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ( ) Local, ( ) Consent, or ( ) Resolutions Calendar.

This measure ( ) proposes new law. (✓) amends existing law.

House Sponsor of Senate Measure Berlanga

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney	✓			
Guerrero	✓			
Tallas	✓			
Cain	✓			
Gibson	✓			
Harrison	✓			
Hilbert				✓
Hury	✓			
Jones		✓		
Oakley	✓			
Perez	✓			
Saunders				✓
Smith	✓			

Total
10 aye
1 nay
0 present, not voting
2 absent

Pete Laney
CHAIRMAN

Deborah K. McCale
COMMITTEE COORDINATOR

SJR 2
By Edwards (Berlanga)

House Committee on State Affairs

BILL ANALYSIS

BACKGROUND

Attorney General Opinion JM-1161, regarding the failure of the senate to act on a recess appointment, has brought to question the constitutional validity of as many as 200 appointed state officials.

Long-standing practice in the senate has been that in special sessions, the senate had to take affirmative action on an interim nominee in order to confirm or reject that nominee. Thus, senate inaction on an interim appointee in a special session, for example, did not render that interim appointee rejected. Therefore, the governor was free to resubmit that appointee to the senate during a subsequent session.

However, Attorney General Opinion JM-1611 would disqualify from office all appointees named after the 71st Regular Session who were not confirmed during the 71st First Called Special Session. Not only would JM-1161 disqualify from office those appointed under the current senate practice, but it also places an impractical workload on the senate by requiring them to review possibly hundreds of appointees in a brief period of time.

PURPOSE

As proposed, S.J.R. 2 proposes a constitutional amendment to provide that if the senate does not confirm or reject a previously unconfirmed recess appointee or another person nominated to fill the vacancy for which the vacancy as made, the governor after the session may appoint another person and the appointee is entitled to continue in office until either the senate rejects the appointee in a subsequent session or the governor appoints another person to fill the vacancy.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article IV, Section 12, Texas Constitution, as follows:

Sec. 12. (a) Restates old language requiring the governor to fill all vacancies in state or district offices.

(b) Creates a new subsection requiring an appointment of the governor during a session of the senate to be made with the advice and consent of two-thirds of the senate present.

(c) An appointment of the Governor during a recess of the Senate must be confirmed by two-thirds of the Senate present. Creates a new subsection requiring the governor to nominate the appointee,or some other person to fill the vacancy, to the senate during the first ten days of its next session following the appointment, if the appointment is made during the recess of the senate. Requires the governor to nominate the recess appointee or another person to fill the vacancy during the first ten days of each subsequent session until a confirmation occurs, if a confirmation does not initially occur. Provides that if the governor does not nominate a person during the first ten days of a session,

the senate may consider at that session the recess appointee if nominated by the governor.

(d) As added, provides that if the senate does not confirm or reject a previously unconfirmed recess appointee or another person nominated to fill the vacancy for which the appointment was made: the governor after the session may appoint another person; and the appointee is entitled to continue in office until either the senate rejects the appointee at a subsequent session, or the governor appoints another person to that vacancy.

(e) Provides that if the Senate does not take final action to confirm or reject a previously unconfirmed recess appointee during a regular session, the person is rejected.

(f) Provides that if a person is rejected for a particular position, the Governor may not re-appoint that person to fill the same vacancy or appoint that person to fill another vacancy in the same office, or on the same board, commission or other body if the re-appointment occurs during the same term for which the person was rejected.

(g) Makes conforming language changes.

(h) Reletters existing language.

(i) Reletters existing language.

(j) Provides that actions taken by boards or commissions that would be invalid if one or more recess appointees of the Governor were considered to be invalidly holding office solely because his/her nomination was not confirmed or rejected by the Senate at a special session are validated from the date of the action if the decision or action is not invalid for any other reason. This section expires on January 1, 1991.

SECTION 2. Provides that this proposed constitutional amendment shall be submitted to the voters on November 6, 1990, and sets forth the ballot language.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill grants no rulemaking authority to any state officer, agency, department or institution.

SUMMARY OF COMMITTEE ACTION

On June 5, 1990 in a formal meeting called in accordance with the rules of the House, the Committee on State Affairs voted to report SJR 2 to the full House without amendment and with the recommendation that it do pass by a record vote of 10 Ayes, 1 Nay, 0 PNV, 2 Absent.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

June 5, 1990

TO: Honorable James E. "Pete" Laney,
Chairman
Committee on State Affairs
House of Representatives
Austin, Texas

IN RE: Senate Joint Resolution
No. 2, as engrossed
Sixth Called Session
By: Edwards

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 2, as engrossed, Sixth Called Session (proposing a constitutional amendment relating to the procedures for filling vacancies in certain state and district offices) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would allow a recess appointee nominated by the Governor to continue in office if the Senate, at any session, does not take final action to confirm or reject the appointee. The proposed amendment would be submitted to the voters on November 6, 1990.

The cost of publication of the resolution to the State is estimated to be $60,000.

No additional fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Secretary of State;
LBB Staff: JO, JWH, SKM, PA

896SJR2.AE

June 6, 1990
Patsy Spaw

S.J.R. No. 2

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to the procedures for filling vacancies in certain state and district offices.

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

SECTION 1. Article IV, Section 12, of the Texas Constitution is amended to read as follows:

Sec. 12. (a) All vacancies in State or district offices, except members of the Legislature, shall be filled unless otherwise provided by law by appointment of the Governor.

(b) An[~~,--which~~] appointment of the Governor[~~,--if~~] made during a [~~its~~] session of the Senate[~~,~~] shall be with the advice and consent of two-thirds of the Senate present.

(c) In accordance with this section, the Senate may give its advice and consent on an appointment of the Governor made during a recess of the Senate. To be confirmed, the appointment must be with the advice and consent of two-thirds of the Senate present. If an appointment of the Governor is made during the recess of the Senate, the Governor shall nominate the [~~said~~] appointee, or some other person to fill the [~~such~~] vacancy, [~~shall--be--nominated~~] to the Senate during the first ten days of its next session following the appointment. If the Senate does not confirm a person under this subsection, the Governor shall nominate in accordance with this section the recess appointee or another person to fill the vacancy during the first ten days of each subsequent session of the Senate until a confirmation occurs. If the Governor does not nominate a person to the Senate during the first ten days of a

session of the Senate as required by this subsection, the Senate at that session may consider the recess appointee as if the Governor had nominated the appointee.

(d) If the Senate, at any special session, does not take final action to confirm or reject a previously unconfirmed recess appointee or another person nominated to fill the vacancy for which the appointment was made:

(1) the Governor after the session may appoint another person to fill the vacancy; and

(2) the appointee, if otherwise qualified and if not removed as provided by law, is entitled to continue in office until the earlier of the following occurs:

(A) the Senate rejects the appointee at a subsequent session; or

(B) the Governor appoints another person to fill the vacancy under Subdivision (1) of this subsection.

(e) If the Senate, at a regular session, does not take final action to confirm or reject a previously unconfirmed recess appointee or another person nominated to fill the vacancy for which the appointment was made, the appointee or other person, as appropriate, is considered to be rejected by the Senate when the Senate session ends.

(f) If an appointee is rejected, the [~~said~~] office shall immediately become vacant, and the Governor shall, without delay, make further nominations, until a confirmation takes place. If a person has been rejected by the Senate to fill a vacancy [~~But~~

~~should--there-be-no-confirmation-during-the-session-of-the-Senate~~], the Governor may [~~shall~~] not [~~thereafter~~] appoint the [~~any~~] person to fill the [~~such~~] vacancy or, during the term of the vacancy for which the person was rejected, to fill another vacancy in the same office or on the same board, commission, or other body.

(g) [~~who--has--been--rejected-by-the-Senate,-but-may-appoint some-other-person-to-fill-the-vacancy-until-the-next-session-of-the Senate-or-until-the-regular-election--to--said--office,--should--it sooner--occur.~~] Appointments to vacancies in offices elective by the people shall only continue until the next general election.

(h) [~~(b)~~] The Legislature by general law may limit the term to be served by a person appointed by the Governor to fill a vacancy in a state or district office to a period that ends before the vacant term otherwise expires or, for an elective office, before the next election at which the vacancy is to be filled, if the appointment is made on or after November 1 preceding the general election for the succeeding term of the office of Governor and the Governor is not elected at that election to the succeeding term.

(i) For purposes of this section [~~subsection~~], the expiration of a term of office or the creation of a new office constitutes a vacancy.

(j) An action or decision of a state board, commission, or other body or officer that would be invalid if one or more recess appointees of the Governor are considered to be invalidly holding office solely because an appointee's nomination was not confirmed

1 or rejected by final action of the Senate at a special session is
2 validated from the date of the action or decision if the action or
3 decision is not invalid for any other reason. This subsection
4 expires January 1, 1991.
5 SECTION 2. This proposed constitutional amendment shall be
6 submitted to the voters at an election to be held November 6, 1990.
7 The ballot shall be printed to provide for voting for or against
8 the proposition: "The constitutional amendment to clarify the
9 authority of the senate to consider certain nominees to state and
10 district offices and to provide for filling vacancies in those
11 offices."

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 2 was adopted by the Senate on June 5, 1990, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 2 was adopted by the House on June 6, 1990, by the following vote: Yeas 146, Nays 0.

Chief Clerk of the House

3/9cert

HCS
C

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 2 was adopted by the Senate on June 5, 1990, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 2 was adopted by the House on June 6, 1990, by the following vote: Yeas 146, Nays 0.

Chief Clerk of the House

5

S. J. R. No. 2

By Chet Edwards

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to the procedures for filling vacancies in certain state and district offices.

6-4-90 Filed with the Secretary of the Senate

JUN 4 1990 Read and referred to Committee on STATE AFFAIRS

JUN 5 1990 Reported favorably _____

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

JUN 5 1990 Ordered not printed

_____ Laid before the Senate

JUN 5 1990 Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent / ____ yeas, ____ nays

JUN 5 1990 Read second time, _____, and ordered engrossed by: { ~~unanimous consent~~ a viva voce vote / ____ yeas, ____ nays

_____ Caption ordered amended to conform to the body of the bill.

JUN 5 1990 Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 0 nays.

JUN 5 1990 Read third time, _____, and passed by 30 yeas, 0 nays.

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

June 5, 1990 Engrossed

June 5, 1990 Sent to House

Patsy Spaw
Engrossing Clerk

JUN 5 1990 Received from the Senate

JUN 5 1990 Read first time and referred to Committee on State Affairs

JUN 5 1990 Reported favorably ~~amended~~, sent to Printer 9:40 pm

JUN 6 1990 Printed and Distributed 1:58 am

JUN 6 1990 Sent to Committee on Calendars 4:38 am

JUN 6 1990 Read second time ~~(amended)~~ and finally adopted ~~failed adoption~~ by Record Vote of 146 yeas, 0 nays, 0 present not voting.

_____ Read third time (amended) and finally adopted failed adoption by a Record Vote of ____ yeas, ____ nays, ____ present not voting.

_____ Caption ordered amended to conform to body of resolution

JUN 6 1990 Returned to Senate.

Betty Murray
CHIEF CLERK OF THE HOUSE

JUN 6 1990 Returned from House without amendment.

_____ Returned from House with ____ amendments.

_____ Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____,

_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;

_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
{ _____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
{ _____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
{ _____ yeas, _____ nays

90 JUN -6 AM 1:58
HOUSE OF REPRESENTATIVES