

SUBJECT: Allowing an enlisted member of the military to hold other civil offices

COMMITTEE: Defense and Veterans' Affairs — favorable, without amendment

VOTE: 6 ayes — Corte, Vaught, Chavez, Farias, Pickett, C. Turner
0 nays
3 absent — Edwards, Maldonado, Ortiz

WITNESSES: None

BACKGROUND: Texas Constitution, Art. 16, sec. 40 prohibits a civil official from holding more than one civil office of emolument unless that other office is:

- justice of the peace;
- county commissioner;
- notary public and postmaster;
- officer of the National Guard, National Guard Reserve, and Officers Reserve Corps of the United States;
- enlisted men of the National Guard, the National Guard Reserve, the Organized Reserves of the United States;
- retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard;
- retired warrant officers;
- retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard; and
- officers and directors of soil and water conservation districts.

DIGEST: HJR 127 would amend Texas Constitution Art. 16, sec. 40 to add officers and enlisted members of the Texas State Guard and any other active militia or military force organized under state law to the exceptions from the dual-officeholding prohibition.

The proposal would be presented to the voters at an election on Tuesday, November 3, 2009. The ballot proposal would read: “The constitutional amendment to allow an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices.”

HJR 127
House Research Organization
page 2

SUPPORTERS
SAY:

HJR 127 would correct an oversight in the Texas Constitution by adding officers and enlisted members of the Texas State Guard and other Texas military forces to the list of offices civil officials could hold. Current exceptions to the dual-officeholding prohibition allow an official to also hold office in most branches of the military, including the National Guard. The Texas State Guard and other Texas military forces were overlooked during earlier amendments to this section exempting other members of the armed forces.

The State Guard has been very active in recent years and provides vital services to Texas in times of disaster. Many civil officials are active or would like to become active in the Texas State Guard or other Texas military forces. HJR 127 would allow them to do so while still holding another civil office.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

HB 3936 by P. King, the enabling legislation for HJR 127, was reported favorably, without amendment, by the House Defense and Veterans' Affairs Committee on April 29 and placed on the May 11 General State Calendar.