

## **BILL ANALYSIS**

Senate Research Center

H.J.R. 62  
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Engrossed

### **DIGEST**

Currently, some individuals believe that the Texas Constitution is an unnecessarily large, convoluted, complicated, and lengthy document. There are several simplifying and clarifying revisions that can be made without affecting any substantive provisions. H.J.R. 62 requires the submission to the voters of a constitutional amendment to eliminate duplicative, executed, obsolete, archaic, and ineffective constitutional provisions.

### **PURPOSE**

As proposed, H.J.R. 62 requires the submission to the voters of a constitutional amendment to eliminate duplicative, executed, obsolete, archaic, and ineffective constitutional provisions.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2, Article III, Texas Constitution, to increase the number of representatives in the House of Representatives from 93 to 150. Deletes text regarding reapportionments and member prohibitions.

SECTION 2. Amends Section 3, Article III, Texas Constitution, to require Senators to be chosen by qualified voters, rather than electors. Deletes text regarding successors.

SECTION 3. Amends Section 4, Article III, Texas Constitution, to make conforming changes.

SECTION 4. Amends Section 5, Article III, Texas Constitution, to require the legislature to act on certain bills and resolutions during the remainder of the session, rather than within another certain deadline. Makes conforming changes.

SECTION 5. Amends Section 6, Article III, Texas Constitution, to make a conforming change.

SECTION 6. Amends Section 7, Article III, Texas Constitution, to make a conforming change.

SECTION 7. Amends Section 14, Article III, Texas Constitution, to delete text regarding a legislator's distance from the capitol.

SECTION 8. Amends Section 33, Article III, Texas Constitution, to delete text regarding the Senate's authorization to amend or reject certain bills.

SECTION 9. Amends Section 32, Article III, Texas Constitution, to delete text regarding imperative public necessity.

SECTION 10. Amends Section 39, Article III, Texas Constitution, to delete text regarding an emergency.

SECTION 11. Amends Section 48-e, Article III, Texas Constitution, to make a conforming change.

SECTION 12. Amends Section 48-f, Article III, Texas Constitution, to make a conforming change.

SECTION 13. Amends Section 49a, Article III, Texas Constitution, to delete text regarding dates and outstanding obligations, and make conforming changes.

SECTION 14. Amends Sections 49-b, 49-b-1, 49-b-2, and 49-b-3, Article III, Texas Constitution, to combine and reenact them as Section 49-b. Authorizes the Veterans' Land Board to take certain actions as authorized by constitutional amendment or by a debt proposition under Section 49 of this article. Authorizes certain payments to be made for the benefit of the Veterans' Housing Assistance Fund, Veterans' Land Fund, and Veterans' Housing Assistance Fund II. Deletes text regarding prior amendments, certain amounts of money, procedures for selling certain bonds or obligations, Veterans' Land Fund, a series of bonds, enabling laws, Veterans' Housing Assistance Fund, receipts, Veterans' Housing Assistance Fund II, revenue bonds, and a definition for "veteran." Makes conforming changes.

SECTION 15. Amends Sections 49-c, 49-d, 49-d-1, 49-d-2, 49-d-5 through 49-d-8, Article III, Texas Constitution, to require the Texas Water Development Board (TWDB) to exercise certain powers and duties. Grants certain powers to TWDB as authorized by constitutional amendment or by a debt proposition under Section 49 of this article. Sets forth provisions for Texas Water Development Board Bonds, rather than other bonds. Requires an applicant to have a valid permit from the state, rather than the Texas Water Commission or its successor. Authorizes the legislature to require review an approval of Texas Water Development Board Bonds, rather than the bonds. Prohibits the principal amount of certain bonds from exceeding \$250, rather than 50 percent of the total amount of bonds authorized by this section. Sets forth provisions for the augmentation of the Texas Water Development Fund II. Authorizes TWDB to transfer certain funds to augment the Texas Water Development Fund. Deletes text regarding bonds, dates, financial assistance grants, enabling laws, aggregates of bonds, Texas Water Quality Board, Texas Water Development Fund, Texas Water Development Bonds, and TWDB. Makes nonsubstantive and conforming changes.

SECTION 16. Section 49-e, Article III, Texas Constitution, to prohibit certain rates of interest from exceeding the maximum prescribed by Section 65 of this article. Deletes text regarding an interest rate. Makes conforming and nonsubstantive changes.

SECTION 17. Amends Section 49-h, Article III, Texas Constitution, to delete text regarding certain institutions, approval of bonds, issuance of general obligation bonds, and to make conforming changes.

SECTION 18. Amends Section 50b-4(a), Article III, Texas Constitution, to make conforming changes.

SECTION 19. Amends Section 51, Article III, Texas Constitution, to delete text regarding aid to Confederate soldiers and sailors.

SECTION 20. Amends Section 51-a, Article III, Texas Constitution, to delete text regarding funds for medical care for needy persons. Makes conforming changes.

SECTION 21. Amends Sections 52(b) and (c), Article III, Texas Constitution, to delete text regarding resident property taxpayers, and make conforming changes.

SECTION 22. Amends Section 52d, Article III, Texas Constitution, to provide that certain action takes place upon the vote of qualified voters, rather than resident electors owning rendered taxable property. Makes conforming changes.

SECTION 23. Amends Section 52g, Article III, Texas Constitution, to delete text regarding road maintenance and to make conforming and nonsubstantive changes.

SECTION 24. Amends Section 7, Article IV, Texas Constitution, to delete text regarding the protection of the frontier from incursions by Indians or other predatory bands.

SECTION 25. Amends Section 16, Article IV, Texas Constitution, to make conforming changes.

SECTION 26. Amends Section 22, Article IV, Texas Constitution, to delete specifics regarding the attorney general's term and salary.

SECTION 27. Amends Section 23, Article IV, Texas Constitution, to require the attorney general to hold office for four years. Deletes text regarding officers elected in 1974.

SECTION 28. Amends Section 9, Article V, Texas Constitution, to delete text regarding state and county officers.

SECTION 29. Amends Section 2, Article VI, Texas Constitution, to delete text regarding a minimum age and make conforming changes.

SECTION 30. Amends Sections 2a(a) and (b), Article VI, Texas Constitution, to make conforming changes.

SECTION 31. Amends Section 3, Article VI, Texas Constitution, to make a conforming change.

SECTION 32. Amends Section 3a, Article VI, Texas Constitution, to delete text regarding voting in the precinct of residence.

SECTION 33. Amends Section 3, Article VII, Texas Constitution, to require certain voters to approve a certain tax, and to delete text regarding a poll tax, an annual ad valorem state tax, formation of school districts, and a school district tax.

SECTION 34. Amends Section 1-a, Article VIII, Texas Constitution, to delete text regarding dates and tax donations.

SECTION 35. Amends Section 1-b(b), Article VIII, Texas Constitution, to delete text regarding a county education district and an exemption.

SECTION 36. Amends Section 1-j(b), Article VIII, Texas Constitution, to set forth provisions for certain entities which tax property while acting under previous constitutional authority. Deletes text regarding exempted tangible personal property, and makes conforming changes.

SECTION 37. Amends Section 6, Article VIII, Texas Constitution, to delete text regarding the first legislature.

SECTION 38. Amends Section 9, Article VIII, Texas Constitution, to prohibit certain entities from levying a certain tax rate. Deletes text regarding property taxes, and makes conforming changes.

SECTION 39. Amends Section 16a, Article VIII, Texas Constitution, to delete text regarding property taxpaying.

SECTION 40. Amends Section 20, Article VIII, Texas Constitution, to delete an effective date.

SECTION 41. Amends Section 1, Article IX, Texas Constitution, to delete text regarding the creation of counties and to make conforming changes.

SECTION 42. Amends Section 2, Article IX, Texas Constitution, to make conforming changes.

SECTION 43. Amends Section 4, Article IX, Texas Constitution, to delete text regarding property taxpaying and enabling laws.

SECTION 44. Amends Sections 5(a), (c), and (e), Article IX, Texas Constitution, to delete text regarding dual rendering for property taxpaying, confirmation, and the creation of a hospital district.

SECTION 45. Amends Section 8(a), Article IX, Texas Constitution, to make conforming changes.

SECTION 46. Amends Section 11, Article IX, Texas Constitution, to make conforming changes.

SECTION 47. Amends Section 12, Article IX, Texas Constitution, to specify that the legislature is required to take certain actions regarding airport facilities. Makes conforming and nonsubstantive changes.

SECTION 48. Amends Section 2, Article XI, Texas Constitution, to delete text regarding the establishment of county poor houses and farms.

SECTION 49. Amends Section 30(b), Article XVI, Texas Constitution, to delete text regarding Railroad Commissioners and to make conforming changes.

SECTION 50. Amends Section 44, Article XVI, Texas Constitution, to specify that the office of County Treasurer or County Surveyor does not exist in counties where the office has been abolished. Deletes text regarding specific counties in which the office of county treasurer and county surveyor is abolished and limitations to the application of this subsection. Makes conforming changes.

SECTION 51. Amends Section 59(c), Article XVI, Texas Constitution, to make conforming and nonsubstantive changes.

SECTION 52. Amends Section 61, Article XVI, Texas Constitution, to delete text regarding dates.

SECTION 53. Amends Section 65, Article XVI, Texas Constitution, to provide that this section applies to certain offices. Deletes text regarding certain precincts, officer terms, and officer elections. Makes conforming and nonsubstantive changes.

SECTION 54. Amends Section 1, Article XVII, Texas Constitution, to make conforming changes.

SECTION 55. Repealers:

(1) Article III, Sections 26a, 50b, 50b-1, 50b-2, 50b-3, and 54, Texas Constitution (Counties With More Than Seven Representatives, Additional Student Loans, and Liens on Railroad; Release, Alienation, or Change).

(2) Article VIII, Sections 1-b-1, 1-c, and 5, Texas Constitution (References to County Education Districts, Effectiveness of Resolution, and Railroad Property; Liability to Municipal Taxation).

(3) Article IX, Section 6, Texas Constitution (Lamar County Hospital District; Abolition; Transfer of Assets).

(4) Article XI, Section 6, Texas Constitution (Taxes to Pay Interest and Create Sinking Fund to Satisfy Indebtedness).

(5) Article XVI, Sections 18, 47, 53, 66, and 70(r), Texas Constitution (Existing Rights of Property and of Action; Rights or Actions not Revived, Conscientious Scruples as to Bearing Arms, Processes and Writs not Executed or Returned at Adoption of Constitution, Texas Rangers; Retirement and Disability Pension System for Rangers Ineligible for Membership in Employees Retirement System, and Texas Growth Fund).

(6) Article XVII, Section 2, Texas Constitution (Constitutional Revision Commission; Constitutional Convention).

SECTION 56. Sets forth a temporary provision to the Texas Constitution, as follows:

**TEMPORARY TRANSITION PROVISIONS.** Provides that this section applies to amendments proposed by H.J.R. No. 62, 76th Legislature, Regular Session, 1999. Provides that the amendments do not impair any obligation created by the issuance of certain bonds or evidences of indebtedness, and requires such bonds to be paid from sources pledged. Sets forth provisions for the issuance of certain bonds. Sets forth provisions regarding the issuance of bonds for the Veterans' Land Board, TWDB, and the Texas Higher Education Coordinating Board, and their purposes. Provides that certain provisions and repealers do not affect the amount of an exemption, taxation of personal property, the validity of confirmation, the power of a municipality to impose and collect certain taxes on railroad company property, the disposition of assets of the Lamar County Hospital District, the power to abolish certain offices, and pensions. Provides that the reenactment of any provision for purposes of amendment does not revive certain provisions. Provides that the amendment of any provision does not affect vested rights.

SECTION 57. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held on November 2, 1999. Sets forth the required language for the ballot.

