

BILL ANALYSIS

Senate Research Center

H.J.R. 29
By: Elkins et al. (Wentworth)
State Affairs
4/29/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 14 (Approval or Disapproval of Bills; Return and Reconsideration; Failure to Return; Disapproval of Items of Appropriation), Article IV (Executive Department), Texas Constitution, provides that the governor must return vetoed legislation to the legislature within 10 days of receiving the legislation or it becomes law. However, this provision also exempts the governor from such action if he is unable to return the objectionable legislation due to the adjournment of the legislature. Many bills are sent to the governor in the final days of the legislative session when a gubernatorial veto cannot be reviewed by the members of the legislature given the timeframe established by the Texas Constitution.

H.J.R. 29 proposes a constitutional amendment to authorize the legislature to override a veto of the governor following a legislative session.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 14, Article IV, Texas Constitution, as follows:

Sec. 14. (a) Creates this subsection from existing text.

(b) Creates this subsection from existing text.

(c) Creates this subsection from existing text.

(d) Requires the Legislature, on the call of the presiding officer of either House of the Legislature as provided by Subsection (e) of this section, to convene to reconsider any bill disapproved by the Governor under Subsection (a) (regarding the protocol for every bill passed in both houses of the legislature) of this section or any item of appropriation in a bill to which the Governor objects under Subsection (c) (regarding the Governor's ability to object to one or more items of appropriation on any bill) of this section if the bill or statement of objection to the item of appropriation is returned to the House in which the bill originated on or after the third day before the date of adjournment of the session at which the bill was passed; or filed in the office of the Secretary of State (SOS) after the adjournment of the session at which the bill was passed.

(e) Authorizes a member of either House in writing filed with the chief clerk or secretary of that House, not later than the fifth day following the last day on which the Governor is authorized to file a disapproval of a bill or objection to an item of appropriation with SOS under this section after adjournment of the Legislature, to request the presiding officer of that House to call the Legislature into session as provided by Subsection (f) of this section to reconsider one or more bills or items of appropriation described by Subsection (d) of this section. Requires the presiding officer of either House to call the Legislature into session for purposes of Subsection (d) if a majority of the members of that House file requests with the applicable chief clerk or secretary within that period.

(f) Provides that the period for reconsideration under Subsection (d) of this section begins at 10 a.m. on the second Tuesday following the last day on which the Governor is authorized to file a disapproval or objection with SOS and is prohibited from exceeding three consecutive days. Prohibits the legislature during this period, unless the legislature has been called into special session by the Governor, from considering any subject other than the reconsideration of bills or items of appropriation described by Subsection (d) of this section. Provides that reconsideration of a bill or item of appropriation during this period is conducted in the manner provided by Subsection (a) or (c) of this section, as applicable.

SECTION 2. Requires that the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2009. Sets forth the required language of the ballot.