

BILL ANALYSIS

Senate Research Center
84R17500 JRJ-D

C.S.S.J.R. 66
By: Huffman
State Affairs
4/14/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Constitution currently requires the governor and lieutenant governor to be sworn in to office on the first Tuesday after the organization of the legislature. Thus, in a legislative session that directly follows a gubernatorial election, the legislature will have already conducted a week's worth of business before the governor and lieutenant governor have taken office. Should a new governor or lieutenant governor be elected for the first time, the delay in taking office can cause disruption to the continuity of the legislative session.

C.S.S.J.R. 66 allows future governors and lieutenant governors to be sworn in at 10 a.m. on the day before the regular session of the legislature convenes.

C.S.S.J.R. 66 proposes a constitutional amendment to provide for the governor's and lieutenant governor's terms of office to begin at 10 a.m. on the day preceding the day the regular legislative session convenes.

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 4, Article IV, Texas Constitution, as follows:

Sec. 4. Requires the Governor elected at the general election in 2018, rather than 1974, and thereafter, to be installed at 10 a.m. on the day preceding the day set by law for the convening of the regular session of the legislature, rather than on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and to hold office for the term of four years, or until a successor shall be duly installed. Requires the Governor to be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding the election. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 16(a), Article IV, Texas Constitution, as follows:

(a) Provides that there shall also be a Lieutenant Governor, who shall be chosen at every election for Governor by the same voters, in the same manner, and possess the same qualifications. Requires the voters to distinguish for whom they vote as Governor and for whom as Lieutenant Governor. Requires the Lieutenant Governor to hold office for a term of four years. Requires the Lieutenant Governor to take office following the election, at 10 a.m. on the day preceding the day set by law for the convening of the regular session of the legislature, and to serve thereafter for the full term of years to which elected.

Deletes existing text providing that there shall also be a Lieutenant Governor who shall continue in office for the same time as the Governor.

SECTION 3. Adds the following temporary provision to the Texas Constitution:

TEMPORARY PROVISION. (a) Provides that this temporary provision applies to the constitutional amendment proposed by the 84th Legislature, Regular Session, 2015, providing for the governor's and lieutenant governor's terms of office to begin the day preceding the day the regular legislative session convenes.

(b) Provides that the amendments to Sections 4 and 16(a), Article IV, of this constitution apply to a person elected to the office of governor or lieutenant governor for a term beginning on or after January 1, 2019.

(c) Provides that this temporary provision expires January 1, 2020.

SECTION 4. (a) Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2015, only if the secretary of state certifies that an enactment of the 84th Legislature, Regular Session:

(1) provides for the canvass of election returns for the offices of governor and lieutenant governor by the attorney general; and

(2) was not vetoed by the governor and becomes law contingent on adoption of this constitutional amendment by the voters.

(b) Provides that, if the secretary of state does not make a certification under Subsection (a), this resolution has no effect.

(c) Requires that the ballot, if the election on this amendment is held, be printed to permit voting for or against the proposition set forth in this subsection.