

BILL ANALYSIS

Senate Research Center

H.J.R. 104
By: Mowery (Ogden)
State Affairs
5-17-97
Engrossed

DIGEST

Currently, the Texas Constitution has duplicate numbering in many of its provisions which have no relation to the other, and many provisions have either been made unconstitutional by the federal government or have not been changed even though they are moot. H.J.R. 104 makes technical changes to the Texas Constitution to renumber duplicated provisions and remove obsolete or moot provisions.

PURPOSE

As proposed, H.J.R. 104 proposes a constitutional amendment which eliminates duplicate numbering in and certain obsolete provisions of the Texas Constitution.

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 48-e, Article III, Texas Constitution, as proposed by H.J.R. No. 18, 70th Legislature, Regular Session, 1987, by redesignating as Section 48-f.

SECTION 2. Amends Section 52e, Article III, Texas Constitution, as proposed by S.J.R. No. 37, 60th Legislature, Regular Session, 1967, by redesignating as Section 52g, to authorize bonds to be issued by Dallas County under Section 52 of Article III of this Constitution, without the necessity of further or amendatory legislation, to be issued upon a vote of the majority of the residents, rather than the resident property taxpayers, voting thereon.

SECTION 3. Amends Section 61, Article III, Texas Constitution, as proposed by S.J.R. No. 5, 53rd Legislature, Regular Session, 1953, by redesignating as Section 61-a.

SECTION 4. Amends Section 1, Article VI, Texas Constitution, to prohibit certain classes of persons from being allowed to vote in this State, including persons under 18, rather than 21 years of age; and all persons who have been determined mentally incompetent by a court, subject to such exceptions as the Legislature may make. Deletes the inclusion of idiots, lunatics, and all paupers supported by any county among the classes of prohibited persons.

SECTION 5. Amends Section 2, Article VI, Texas Constitution, to delete the provision making every person who meets certain qualifications, including having resided in this State one year next preceding an election and the last six months within the district or county in which such person offers to vote, a qualified elector. Deletes the requirement that a voter have registered annually before offering to vote at an election. Deletes the provision prohibiting any legislation enacted in anticipation of the adoption of this Amendment from being invalid because of its anticipatory nature; and the provision requiring this provision of the Constitution to be self-enacting without the necessity of further legislation.

SECTION 6. Amends Section 3, Article VI, Texas Constitution, to require all qualified electors of the State, as herein described, who reside within the limits of any city or corporate town, to have the right to vote for Mayor and all other elective officers. Deletes existing text regarding the right to vote

for Mayor, all elected officers, and all elections to determine expenditure of money or assumption of debt.

SECTION 7. Amends Section 3, Article VII, Texas Constitution, to require one-fourth of the revenue derived from the State occupation taxes to be set apart annually for the benefit of the public free schools. Deletes existing text regarding a poll tax and an annual ad valorem State tax. Authorizes the Legislature to authorize an ad valorem tax to be levied and collected within all school districts for the maintenance of public free schools, provided that a majority of the qualified voters of the district voting at an election to be held for that purpose approve the tax. Deletes existing text regarding a school district tax.

SECTION 8. Amends Section 16, Article VII, Texas Constitution, as proposed by H.J.R. No. 14, 40th Legislature, Regular Session, 1927, by redesignating as Section 16-a.

SECTION 9. Repealer: S.J.R. No. 5, 49th Legislature, Regular Session, 1945, relating to an appropriation to John Tarleton Agricultural College; Section 49-g, Article III, Texas Constitution, as proposed by H.J.R. No. 88, 70th Legislature, Regular Session, 1987; and Section 44(h), Article XVI, Texas Constitution, as proposed by H.J.R. No. 21, 73rd Legislature, Regular Session, 1993.

SECTION 10. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 1997. Sets forth the required language of the ballot.