

BILL ANALYSIS

Senate Research Center

H.J.R. 2
By: Chisum (Madla)
Intergovernmental Relations
5/5/2001
Engrossed

DIGEST AND PURPOSE

Under current law, a commissioners court of a county is not required to fill a vacancy in the office of constable. However, according to Attorney General Opinion JC-0140, it may be possible for a county to be held liable for not filling the office. H.J.R. 2 requires the submission to the voters of a constitutional amendment authorizing the commissioners court of a county to declare the office of constable in a precinct to be dormant and provides a procedure for the reinstatement of the office.

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 18, Article V, Texas Constitution, by adding Subsection (h), as follows:

(h) Authorizes the commissioners court of a county to declare the office of constable in a precinct dormant under certain conditions. Prohibits the office of constable, if declared dormant, from being filled by election or appointment and provides that the previous officeholder does not continue to hold the office under Subsection (a) of this section or Section 17, Article XVI, of this constitution. Provides that the records of an office of constable declared dormant are transferred to the county clerk of the county. Authorizes the commissioners court to reinstate an office of constable declared dormant by vote of the commissioners court or by calling an election in the precinct to reinstate the office. Requires the commissioners court to call an election to reinstate the office under certain conditions and sets forth guidelines regarding such an election.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 5, 2002. Requires the ballot to be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the commissioners court of a county to declare the office of constable in a precinct to be dormant if the office has not been filled by election or appointment for a lengthy period and providing a procedure for the reinstatement of the office."