

BILL ANALYSIS

Senate Research Center
83R2365 YDB-D

S.J.R. 13
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Term limits for elected officials encourage new ideas and fresh perspectives in government. Texas places no limits on the number of terms an individual may serve in state offices, although some cities limit terms for mayors and city council members.

S.J.R. 13 provides that, absent certain limited circumstances, no person may serve in an office of the executive department as defined in Section 1 (Officers Constituting the Executive Department), Article IV of the Texas Constitution, or in any other non-judicial state office normally filled by voters at a statewide election for more than two consecutive terms.

These offices include the governor, lieutenant governor, secretary of state, comptroller of public accounts, commissioner of the general land office, commissioner of agriculture, railroad commissioner, and attorney general. All of these offices have a term of four years, with the exception of railroad commissioners, who serve six-year terms.

According to the Council of State Governments *Book of States (2012)*, 36 states have some form of term limits for governors and 27 states have term limits for lieutenant governor. Of the 44 states that have attorneys general, 17 have term limits. Of the 39 states with secretaries of state, 18 have term limits, and of the 44 states with treasurers, 20 have term limits.

As proposed, S.J.R. 13 proposes a constitutional amendment limiting to two the number of consecutive terms for which a person may be elected or appointed to hold certain state offices.

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 Article IV, Texas Constitution, by adding Section 2a, as follows:

Sec. 2a. (a) Prohibits a person who has been elected or appointed to serve two consecutive terms in an office listed in Section 1 (Officers Constituting the Executive Department), Article IV, Texas Constitution, or any other state office normally filled by the voters at a statewide election, other than statewide judicial office, from being eligible for election or appointment to serve a third consecutive term. Provides that this provision does not limit a person's eligibility for election or appointment to serve nonconsecutive terms.

(b) Provides that nothing in this section prohibits a person from continuing to serve in an office covered by this section after the end of a term as a holdover under Section 17 (Officers to Serve Until Successors Qualified), Article XVI, Texas Constitution, until a successor is qualified.

(c) Provides that the term of a person appointed to serve for the remainder of a term to fill a vacancy in a statewide office is not counted in determining whether a person is eligible to serve under Subsection (a) of this section.

SECTION 2. 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 83rd Legislature, Regular Session, 2013, limiting to two the number of consecutive terms for which a person may be elected or appointed to hold certain state offices.

(b) Provides that a term of office beginning before January 1, 2014 is not counted in determining whether a person is eligible to serve under Section 2a, Article IV, of this constitution.

(c) Provides that this temporary provision expires February 1, 2031.

SECTION 3. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 5, 2013. Sets forth the required language of the ballot.