

SUBJECT: Eliminating duplicate and obsolete provisions from the Texas Constitution

COMMITTEE: Select Committee on Constitutional Revision — committee substitute recommended

VOTE: 8 ayes — Driver, Puente, Allen, Bailey, G. Lewis, Mowery, Solomons, Tillery
0 nays
1 absent — Dutton

WITNESSES: For — None
Against — None
On — Steve Collins, Texas Legislative Council; M. Paul Martinez, Veterans’ Land Board; Suzanne Schwartz, Texas Water Development Board

BACKGROUND: The current Texas Constitution, originally was adopted in 1876. Since the Constitution was adopted, the Legislature has proposed 547 amendments, and Texas voters have approved 377 of those amendments.

DIGEST: CSHJR would remove or reword numerous obsolete, duplicate, and ineffective provisions of the Texas constitution including:

- ! consolidating provisions relating to the Veterans’ Land Board and Water Development Board,
- ! removing language authorizing the execution of bonds that have already been executed;
- ! changing “electors” to “voters,”
- ! removing requirements that voters own property;
- ! removing the requirement that voters be 18 years of age;
- ! removing provisions that officers hold office until a successor is qualified;
- ! removing a provision allowing for aid to indigent or disabled Confederate soldiers and sailors;
- ! removing the authority of the governor to protect the frontier from hostile incursions by Indians and other predatory bands;

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- ! removing the provision providing for a poll tax;
- ! removing provisions relating to the creation of certain hospital districts that have been created;
- ! removing provisions relating to taxation of personal property;
- ! removing provisions relating to county education districts;
- ! removing provisions relating to the creation of counties in territories where no counties exist;
- ! removing references to county poor houses;
- ! consolidating abolished county treasurer and county surveyor provisions;
- ! removing provisions providing for the original staggering of county offices when the terms of such offices were extended in 1954;
- ! removing dates that already have passed;
- ! dividing long sections into subsections and longer sentences into shorter ones;
- ! repealing provisions relating to:
 - ! restricting the number of representative per county;
 - ! providing for already executed student loans;
 - ! prohibiting the Legislature from releasing liens of railroads;
 - ! allowing for the taxation of railroad property;
 - ! abolishing the Lamar county hospital district;
 - ! allowing the creation of county and city sinking funds;
 - ! property rights before the adoption of the Constitution;
 - ! compelling people to bear arms;
 - ! process of writs at the execution of the Constitution;
 - ! providing pensions for Texas Rangers not eligible to be in the Employees Retirement System;
 - ! requiring disclosure of investment in South Africa or Namibia for the Texas Growth Fund; and
 - ! providing for the 1973 constitutional convention.

Temporary provisions of CSHJR 62 would:

- ! ensure CSHJR 62 would not impair the issuance of bonds or existing indebtedness;
- ! allow the issuance of unissued bond authority from the Veterans' Land Board, the Water Development Board, and the Higher Education Coordinating Board;
- ! ensure that the amendment would not affect the property tax exemptions effective January 1, 1979, or the taxation of personal property before

April 1, 1990;

- ! not affect the authority of a municipality to impose or collect taxes on railroad property;
- ! not affect the disposition of assets of the Lamar County hospital district;
- ! not affect the power of a county to abolish the office of county treasurer or surveyor;
- ! not affect current pensions payable to Texas rangers; and
- ! not affect vested rights.

The proposal would be presented to the voters at an election on November 2, 1999. The ballot proposal would read: "The constitutional amendment to eliminate duplicative, executed, obsolete, archaic, and ineffective provisions of the Texas Constitution."

**SUPPORTERS
SAY:**

CSHJR 62 would make several changes to the Texas Constitution by deleting obsolete and unconstitutional provisions to reflect federal law, removing moot provisions no longer needed, and renumbering provisions with duplicate numbering. It would make no substantive change but merely update the fundamental law of Texas.

While a complete rewrite of the Texas Constitution may result in an improved constitution, that rewrite will not be ready to submit to the voters this year. Rather than wait for that rewrite to be thoroughly examined, this proposal would allow the current constitution to be updated and remove much of the unnecessary provisions that make the current document difficult to use.

**OPPONENTS
SAY:**

Rather than amend and repeal sections of this out-of-date constitution, it would make more sense to overhaul the document to make it a leaner, more responsive document that will serve Texas as a blueprint of government for years to come. The sheer volume of unnecessary provisions being removed in CSHJR 62 shows the need for a complete overhaul of the Constitution.

NOTES:

The committee substitute to HJR 62 removed a section of the original version that would have deleted a provision prohibiting a single county to be entitled to more than one Senator. The committee substitute also would make corrective changes to provisions relating to bonds issued by the Veterans' Land Board, Water Development Board, and Higher Education Coordinating Board.

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The companion proposal, SJR 32 by Shapiro, has been referred to the Senate State Affairs Committee.

HJR 1 by Junell and SJR 1 by Ratliff, propose a complete revision of the Texas Constitution. HJR 1 currently is pending before the House Select Committee on Constitutional Revision, and SJR 1 is pending before the Senate State Affairs Committee.