

BILL ANALYSIS

Senate Research Center
79R8189 DRH-D

C.S.S.J.R. 14
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Intergovernmental Relations
3/22/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Constitution provides for a county commissioners court to declare the office of constable dormant only if it is vacant for a period of seven years. C.S.S.J.R. 14 would allow the commissioners court of a county with a population of less than 250,000 to call for an election in which voters would choose whether to abolish the office of constable in a particular precinct or county. The commissioners court could call an election to reinstate the office at the end of five years on its own initiative. Before the end of the five-year period, the court could call an election to reinstate the office of constable upon presentation of a petition signed by at least 10 percent of the registered voters of the precinct or county. Upon the abolition of an office of constable, all of the powers and duties of that constable would transfer to the county sheriff on the 91st day after the election.

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 V, Texas Constitution, by adding Section 18A, as follows:

Sec 18A. (a) Authorizes the commissioners court of a county with a population of less than 250,000 to call an election in a county to abolish the office of constable countywide or in a specific precinct.

(b) Authorizes any voter of the county to vote in an election to abolish the office countywide. Requires the commissioners court, at an election to abolish the office countywide, to prepare ballots to permit voting for or against the proposition: "Abolishing the office of constable in _____(name of county) County."

(c) Authorizes, at an election to abolish the office in a specified precinct, only voters of the specified precinct to vote in the election. Requires the commissioners court, at an election to abolish the office in a specified precinct, to prepare ballots to permit voting for or against the proposition: "Abolishing the office of constable in Precinct ____ (number of precinct), _____ (name of county) County."

(d) Provides that if a majority of the votes cast approve a proposition under Subsection (b) or (c), the office of constable is abolished in the county or precinct on the 91st day after the date of the election and all powers, duties, records of the office are transferred to the county sheriff.

(e) Authorizes a county that abolishes the office of constable under Subsection (b) or (c) to reinstate that office at an election called by the commissioners court to reinstate the office. Authorizes the commissioners court, if the office of constable has been abolished for five years or more, to call the election on its own initiative. Requires the commissioners court, if the office of constable has been abolished for less than five years, to call the election only if the court receives a

petition that requests that the office of constable be reinstated and that is signed by the requisite number of qualified voters.

(f) Authorizes any voter of the county to vote at an election to reinstate the office countywide. Requires the commissioners court, at an election to reinstate the office countywide, prepare ballots to permit voting for or against the proposition: "Reinstating the office of constable in _____ (name of county) County."

(g) Authorizes, at an election to reinstate the office in a specified precinct, only voters of the specified precinct to vote in the election. Requires the commissioners court, at an election to reinstate the office in a specified precinct, to prepare ballots to permit voting for or against the proposition: "Reinstating the office of constable in Precinct _____(number of precinct), _____ (name of county) County."

(h) Provides that if a majority of the votes cast approve a proposition under Subsection (f) or (g), the office of constable is reinstated in the county on the 91st day after the date of the election. Provides that on reinstatement of the office following a countywide election on the proposition, the office exists in each precinct established under Subsection (a), Section 18, of this article.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Sets forth the required language for the ballot.