

# Proposition 12

(H.J.R. 134, 88th Leg., R.S.)

The constitutional amendment providing for the abolition of the office of county treasurer in Galveston County.

## SUMMARY ANALYSIS

The constitutional amendment proposing to add Section 44(d), Article XVI, Texas Constitution, if approved by the voters, would abolish the office of county treasurer in Galveston County and authorize the commissioners court of that county to employ or contract with a qualified person, or designate a county officer, to perform any of the functions that would have been performed by the county treasurer if the office had not been abolished. The amendment also provides that the amendment takes effect only if, in addition to approval by voters across the state, a majority of the voters in Galveston County voting on the question also approve the amendment.

## BACKGROUND AND DETAILED ANALYSIS

Section 44, Article XVI, Texas Constitution, requires in part that the legislature prescribe the duties and provide for the election of a county treasurer in each county. Section 44 also provides that each county treasurer shall have an office at the county seat, hold their office for four years, and be compensated as provided by law. Section 44 also provides that the office of county treasurer does not exist in a county in which the office has been abolished pursuant to a constitutional amendment.

The constitutional amendment proposed by H.J.R. 134, if approved by the voters, would add Section 44(d), Article XVI, Texas Constitution, to abolish the office of county treasurer in Galveston County. The amendment would allow the commissioners court of Galveston County to employ or contract with a qualified person, or to designate a county officer, to perform the functions that would have been performed by the county treasurer if the office had not been abolished. The amendment also provides that the amendment takes effect only if, in addition to approval by voters across the state, a majority of the voters in Galveston County voting on the question also approve the amendment. Similar constitutional amendments

have previously been approved by the voters to abolish the office of treasurer in a number of other counties.

## **SUMMARY OF COMMENTS**

The following comments supporting or opposing the proposed constitutional amendment reflect positions that were presented in committee proceedings, during house or senate floor debate, or in the analysis of the resolution proposing the amendment prepared by the House Research Organization (HRO) when the resolution was considered by the House of Representatives.

### **Comments by Supporters**

- The Galveston County Treasurer's Office does not provide a sufficient level of added protection for taxpayers to justify the amount of county funds needed to operate the office.
- The duties of the office of county treasurer could and would be absorbed by other county departments and done at a cost savings to taxpayers.
- Galveston County is well suited to successfully operate without a county treasurer as the county has a number of other officers, including an auditor, CFO, and purchasing agent, who perform duties that are performed by the county treasurer in other counties.
- Elimination of the treasurer's office is supported by the current Galveston County treasurer, all members of the Galveston County Commissioners Court, and all municipalities in the county.
- Galveston County voters have already tacitly approved of abolishing the office of county treasurer by voting for the current county treasurer, who ran on the platform of abolishing the office.
- Nine other counties have eliminated their county treasurer position and have been able to continue operating efficient county governments.

- Voters statewide have previously recognized that an official treasurer position is not necessary by voting to abolish the office of state treasurer in 1995.
- Eliminating a constitutionally elected office is not unprecedented as other such offices, like county land surveyor or animal control officer, have been eliminated in the past.

### **Comments by Opponents**

- A stand-alone office of county treasurer that is headed by a person directly elected by county voters provides essential checks and balances in the operation of county government.
- Eliminating the office of county treasurer would not provide any real cost savings as the duties undertaken by the office would still be necessary and additional employees would need to be hired in other county departments to carry out those duties.
- Eliminating one county office and absorbing its functions into other departments sets a bad precedent and could lead to the concentration of power within the county.
- Since the office of county treasurer is a constitutionally elected office, it is important to maintain the office.

**Text of H.J.R. 134**

**A JOINT RESOLUTION**

proposing a constitutional amendment to abolish the office of county treasurer of Galveston County.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 44, Article XVI, Texas Constitution, is amended by adding Subsection (d) to read as follows:

(d) The office of County Treasurer in Galveston County is abolished. The Commissioners Court of Galveston County may employ or contract with a qualified person or may designate another county officer to perform any of the functions that would have been performed by the County Treasurer if the office had not been abolished.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) The constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, abolishing the office of County Treasurer in Galveston County takes effect only if, at the statewide election at which the amendment is submitted to and approved by the voters, a majority of the voters of Galveston County voting on the question at that election also favor the amendment. The amendment takes effect January 1, 2024, if the conditions of this subsection are met.

(b) This temporary provision expires January 2, 2024.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 7, 2023. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the abolition of the office of county treasurer in Galveston County."

House Author: Bonnen et al.

Senate Sponsor: Middleton