

By: Ellis

S.J.R. No. 39

A JOINT RESOLUTION

1 proposing a constitutional amendment to clarify the circumstances  
2 in which the governor and legislature may take certain actions to  
3 ensure the continuity of state and local government in the event of  
4 an enemy attack or threat of enemy attack and authorizing the  
5 legislature to meet by telecommunications in that event.

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

7 SECTION 1. Sections 62(a) and (c), Article III, Texas  
8 Constitution, are amended to read as follows:

9 (a) The Legislature, in order to insure continuity of state  
10 and local governmental operations in periods of emergency resulting  
11 from disasters caused by enemy attack, including an attack by a  
12 person or group other than a foreign government, shall have the  
13 power and the immediate duty to provide for prompt and temporary  
14 succession to the powers and duties of public offices, of whatever  
15 nature and whether filled by election or appointment, the  
16 incumbents of which may become unavailable for carrying on the  
17 powers and duties of such offices. Provided, however, that Article  
18 I of the Constitution of Texas, known as the "Bill of Rights" shall  
19 not be in any manner affected, amended, impaired, suspended,  
20 repealed or suspended hereby.

21 (c) When such a period of emergency or the immediate threat  
22 of enemy attack exists, the Governor, after consulting with the  
23 Lieutenant Governor and the Speaker of the House of  
24 Representatives, may suspend the constitutional requirement that

1 the Legislature hold its sessions in Austin, the seat of  
2 government. When this requirement has been suspended, the Governor  
3 shall determine a place other than Austin at which the Legislature  
4 will hold its sessions during such period of emergency or immediate  
5 threat of enemy attack and may authorize the Legislature to hold its  
6 sessions by telecommunications so that the members are not required  
7 to assemble in one place to conduct business. The Governor shall  
8 notify the Lieutenant Governor and the Speaker of the House of  
9 Representatives of the place and time at which the Legislature will  
10 meet or that the Legislature may meet by telecommunications. The  
11 Governor may take security precautions, consistent with the state  
12 of emergency, in determining the extent to which that information  
13 may be released.

14 SECTION 2. This proposed constitutional amendment shall be  
15 submitted to the voters at an election to be held November 4, 2003.  
16 The ballot shall be printed to permit voting for or against the  
17 proposition: "The constitutional amendment to clarify the  
18 circumstances in which the governor and legislature may take  
19 certain actions to ensure the continuity of state and local  
20 government in the event of an enemy attack or threat of enemy attack  
21 and authorizing the legislature to meet by telecommunications in  
22 that event."