

By: Duncan, Carona

S.J.R. No. 36

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment to provide that the governor,  
3 and the lieutenant governor when acting as governor, retain  
4 executive authority unless the person becomes unavailable as  
5 provided by law.

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

7 SECTION 1. Subsections (c) and (d), Section 16, Article IV,  
8 Texas Constitution, are amended to read as follows:

9 (c) In the case of the temporary inability or temporary  
10 disqualification of the Governor to serve or ~~[7]~~ the impeachment of  
11 the Governor, or when the ~~[absence of the]~~ Governor becomes  
12 unavailable as provided by law ~~[from the State]~~, the Lieutenant  
13 Governor shall exercise the powers and authority appertaining to  
14 the office of Governor until the Governor becomes able or qualified  
15 to resume serving, is acquitted, or becomes available ~~[returns to~~  
16 ~~the State]~~.

17 (d) If the Governor refuses to serve or becomes permanently  
18 unable to serve, or if the office of Governor becomes vacant, the  
19 Lieutenant Governor becomes Governor for the remainder of the term  
20 being served by the Governor who refused or became permanently  
21 unable to serve or vacated the office. On becoming Governor, the  
22 person vacates the office of Lieutenant Governor, and the resulting  
23 vacancy in the office of Lieutenant Governor shall be filled in the  
24 manner provided by Section 9, Article III, of this Constitution.

1           SECTION 2. Subsection (a), Section 17, Article IV, Texas  
2 Constitution, is amended to read as follows:

3           (a) If, while exercising the powers and authority  
4 appertaining to the office of Governor under Section 16(c) of this  
5 article, the Lieutenant Governor becomes temporarily unable or  
6 disqualified to serve, is impeached, or becomes unavailable as  
7 provided by law [~~is absent from the State~~], the President pro  
8 tempore of the Senate, for the time being, shall exercise the powers  
9 and authority appertaining to the office of Governor until the  
10 Governor or Lieutenant Governor reassumes those powers and duties.

11           SECTION 3. This proposed constitutional amendment shall be  
12 submitted to the voters at an election to be held November 3, 2009.  
13 The ballot shall be printed to permit voting for or against the  
14 proposition: "The constitutional amendment providing that the  
15 governor, and the lieutenant governor when acting as governor,  
16 retain executive authority unless the person becomes unavailable as  
17 provided by law."