

By: Duncan

S.J.R. No. 36

A JOINT RESOLUTION

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

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

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

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

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

24 SECTION 2. Section 17(a), Article IV, Texas Constitution,

1 is amended to read as follows:

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

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