

1-1 By: Duncan S.J.R. No. 36
1-2 (In the Senate - Filed March 11, 2009; March 31, 2009, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 7, 2009, reported favorably by the following vote: Yeas 8,
1-5 Nays 1; April 7, 2009, sent to printer.)

1-6 SENATE JOINT RESOLUTION

1-7 proposing a constitutional amendment to provide that the governor,
1-8 and the lieutenant governor when acting as governor, retain
1-9 executive authority unless the person becomes unavailable as
1-10 provided by law.

1-11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsections (c) and (d), Section 16, Article IV,
1-13 Texas Constitution, are amended to read as follows:

1-14 (c) In the case of the temporary inability or temporary
1-15 disqualification of the Governor to serve or ~~[7]~~ the impeachment of
1-16 the Governor, or when the ~~[absence of the]~~ Governor becomes
1-17 unavailable as provided by law ~~[from the State]~~, the Lieutenant
1-18 Governor shall exercise the powers and authority appertaining to
1-19 the office of Governor until the Governor becomes able or qualified
1-20 to resume serving, is acquitted, or becomes available ~~[returns to~~
1-21 ~~the State]~~.

1-22 (d) If the Governor refuses to serve or becomes permanently
1-23 unable to serve, or if the office of Governor becomes vacant, the
1-24 Lieutenant Governor becomes Governor for the remainder of the term
1-25 being served by the Governor who refused or became permanently
1-26 unable to serve or vacated the office. On becoming Governor, the
1-27 person vacates the office of Lieutenant Governor, and the resulting
1-28 vacancy in the office of Lieutenant Governor shall be filled in the
1-29 manner provided by Section 9, Article III, of this Constitution.

1-30 SECTION 2. Subsection (a), Section 17, Article IV, Texas
1-31 Constitution, is amended to read as follows:

1-32 (a) If, while exercising the powers and authority
1-33 appertaining to the office of Governor under Section 16(c) of this
1-34 article, the Lieutenant Governor becomes temporarily unable or
1-35 disqualified to serve, is impeached, or becomes unavailable as
1-36 provided by law ~~[is absent from the State]~~, the President pro
1-37 tempore of the Senate, for the time being, shall exercise the powers
1-38 and authority appertaining to the office of Governor until the
1-39 Governor or Lieutenant Governor reassumes those powers and duties.

1-40 SECTION 3. This proposed constitutional amendment shall be
1-41 submitted to the voters at an election to be held November 3, 2009.
1-42 The ballot shall be printed to permit voting for or against the
1-43 proposition: "The constitutional amendment providing that the
1-44 governor, and the lieutenant governor when acting as governor,
1-45 retain executive authority unless the person becomes unavailable as
1-46 provided by law."

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