

## **BILL ANALYSIS**

C.S.H.B. 671  
By: Crownover  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

As a result of technological advances that permit the governor to conduct state duties effectively and remain accessible while outside Texas' borders, the ability of the governor to perform the duties of office while traveling outside Texas is no longer seriously impeded. The continuous shifting of authority from the governor to the lieutenant governor to the president pro tempore of the senate solely for reasons of travel unnecessarily jeopardizes the efficient and lawful conduct of state business.

C.S.H.B. 671 redefines "unavailable" and removes the restriction that the president pro tempore of the senate may act as governor only if that person holds that office when the governor and lieutenant governor first become unavailable.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 671 amends the Government Code to redefine "unavailable," for purposes of the Emergency Interim Executive Succession Act, to add, with respect to the governor or person authorized to act as governor, being physically located outside the territorial boundaries of the contiguous 48 states of the continental United States, being physically located outside the state but inside the territorial boundaries of the contiguous 48 states of the continental United States if the governor or person authorized to act as governor gives notice that the governor or person authorized to act as governor will not rely on electronic communication while absent from the state, or being physically located outside the state for more than 14 consecutive days as alternate conditions of unavailability besides not being able to exercise the powers and discharge the duties of the office of governor for any reason specified in the Texas Constitution. The bill requires the governor or a person authorized to act as governor to reasonably notify the next person in the line of succession under the Texas Constitution or the Emergency Interim Executive Succession Act when the governor or person authorized to act as governor will become unavailable. The bill removes the requirement that the president pro tempore of the senate have held that office when the governor and lieutenant governor first become unavailable in order to act as governor under these succession provisions.

### **EFFECTIVE DATE**

The date on which the constitutional amendment providing that the governor, and the lieutenant governor when acting as governor, retain executive authority unless unavailable as provided by law takes effect, if approved by the voters.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 671 differs from the original by applying its provisions to a person authorized to act as governor, rather than to a person acting as governor as in the original. The substitute differs from the original by including, as additional conditions of unavailability, being physically located outside the state but inside the territorial boundaries of the contiguous 48 states of the continental United States if the governor or person authorized to act as governor gives notice that the governor or person authorized to act as governor will not rely on electronic communication while absent from the state and being physically located outside this state for more than 14 consecutive days. The substitute contains a provision not included in the original requiring the governor or a person authorized to act as governor to reasonably notify the next person in the line of succession under the Texas Constitution or the Emergency Interim Executive Succession Act when the governor or person authorized to act as governor will become unavailable. The substitute differs from the original in a grammatical construction in the effective date provision.