

BILL ANALYSIS

H.J.R. 65
By: Crownover
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The ability of the governor to perform the duties of office while traveling outside Texas is no longer seriously impeded, due to technological advances that permit the governor to conduct state duties effectively and remain accessible while outside Texas' borders. 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.

H.J.R. 65 proposes an amendment to the Texas Constitution allowing the governor, or the person acting as governor, to maintain powers of the governor's office while absent from Texas under certain circumstances.

RULEMAKING AUTHORITY

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

ANALYSIS

H.J.R. 65 proposes an amendment to the Texas Constitution to provide that, in addition to other circumstances in which the lieutenant governor is required to exercise the powers and authority of the office of governor, the lieutenant governor is required to exercise such powers and authority when the governor is unavailable as provided by law, rather than when the governor is absent from Texas, and to make conforming changes. The resolution clarifies that, if the governor becomes permanently unable to serve, the lieutenant governor becomes governor for the remainder of the governor's term. The resolution makes the requirement for the president pro tempore of the senate to exercise the powers and authority of the office of governor conditioned on the lieutenant governor, while exercising the powers and authority of that office, being unavailable as provided by law, rather than being absent from Texas. The resolution establishes that for purposes of these succession provisions, the governor or lieutenant governor is unavailable if the governor or lieutenant governor is absent from Texas, unless the legislature provides otherwise by statute. The resolution sets out the required ballot language.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 8, 2011.