

By: Crownover

H.B. No. 671

Substitute the following for H.B. No. 671:

By: Geren

C.S.H.B. No. 671

A BILL TO BE ENTITLED

1 AN ACT

2 relating to allowing the governor, and the lieutenant governor or  
3 another person when acting as governor, to retain executive  
4 authority while traveling within the contiguous 48 states of the  
5 continental United States.

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

7 SECTION 1. Section 401.022, Government Code, is amended to  
8 read as follows:

9 Sec. 401.022. DEFINITION. In this chapter, "unavailable"  
10 means, with respect to the governor or a person authorized to act as  
11 governor under the Texas Constitution or this subchapter:

12 (1) not able to exercise the powers and discharge the  
13 duties of the office of governor for any reason specified in the  
14 Texas Constitution;

15 (2) being physically located outside the territorial  
16 boundaries of the contiguous 48 states of the continental United  
17 States;

18 (3) being physically located outside the state but  
19 inside the territorial boundaries of the contiguous 48 states of  
20 the continental United States if the governor or person authorized  
21 to act as governor gives notice that the governor or person  
22 authorized to act as governor will not rely on electronic  
23 communication while absent from the state; or

24 (4) being physically located outside this state for

1 more than 14 consecutive days.

2 SECTION 2. Subchapter B, Chapter 401, Government Code, is  
3 amended by adding Section 401.0225 to read as follows:

4 Sec. 401.0225. NOTICE OF UNAVAILABILITY. The governor or a  
5 person authorized to act as governor shall reasonably notify the  
6 next person in the line of succession under the Texas Constitution  
7 or this subchapter when the governor or person authorized to act as  
8 governor will become unavailable as described by Section  
9 401.022(2), (3), or (4).

10 SECTION 3. Section 401.025, Government Code, is amended to  
11 read as follows:

12 Sec. 401.025. EXCEPTION. The [~~president pro tempore of the~~  
13 ~~senate or~~] speaker of the house of representatives may act as  
14 governor under this subchapter only if the person holds that office  
15 when the governor and lieutenant governor first become unavailable.

16 SECTION 4. This Act takes effect on the date on which the  
17 constitutional amendment proposed by the 82nd Legislature, Regular  
18 Session, 2011, providing that the governor, and the lieutenant  
19 governor when acting as governor, retain executive authority unless  
20 unavailable as provided by law is approved by the voters. If that  
21 amendment is not approved by the voters, this Act has no effect.