

BILL ANALYSIS

H.B. 829
By: Thompson, Senfronia
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In the event of a sudden catastrophic disaster in Texas, state officials must quickly determine who will be the acting governor in case the governor is temporarily unavailable. In recent years, interested parties have observed that the transfer of authority between the current governor and lieutenant governor works well due to their experience and familiarity with the process. However, this process is not as clear regarding the role of the president pro tempore of the senate. Concerned parties assert that the current disaster protocol system is missing procedures to ensure the constant continuation of authority, which can be solved only by changing the constitution and statutes.

There is also a concern that more than one person could potentially act as governor in the execution process. Concerned parties contend that the confusion in authority can introduce detrimental communication failures prior to an execution. H.B. 829 seeks to authorize the legislature to determine by law when the governor is considered unavailable to exercise the powers of the office and avoid such confusion.

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

H.B. 829 amends the Government Code to require 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 expands the definition of "unavailable" with respect to the governor or a person authorized to act as governor for purposes of the act to include, in addition to being unable to exercise the powers and discharge the duties of the office of governor for any reason specified in the Texas Constitution, the following alternate conditions: being physically located outside the territorial boundaries of the contiguous 48 states of the continental United States; being physically located outside Texas 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 under the act that the governor or person authorized to act as governor will not rely on electronic communication while absent from Texas; or being physically located outside Texas for more than seven consecutive days.

H.B. 829 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 the Emergency Interim Executive Succession Act.

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.