

BILL ANALYSIS

H.J.R. 71
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.J.R. 71 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 resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.J.R. 71 proposes an amendment to the Texas Constitution to establish that, in addition to other circumstances in which the lieutenant governor is required to exercise the powers and authority of the office of the 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. The resolution clarifies that the lieutenant governor becomes governor for the remainder of the governor's term if the governor becomes permanently unable to serve.

H.J.R. 71 conditions the requirement for the president pro tempore of the senate to exercise the powers and authority of the office of the governor on the lieutenant governor's unavailability, as provided by law, while exercising the powers and authority of the office of the governor, rather than on the lieutenant governor's being absent from Texas.

H.J.R. 71 establishes that, for the 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.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 5, 2013.