

By: Thompson of Harris

H.B. No. 829

A BILL TO BE ENTITLED

AN ACT

relating to the governor's executive authority while traveling outside of the state.

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

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

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

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

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

(3) 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 under Section 401.0225 that the governor or person authorized to act as governor will not rely on electronic communication while absent from the state; or

(4) being physically located outside this state for more than seven consecutive days.

SECTION 2. Subchapter B, Chapter 401, Government Code, is

1 amended by adding Section 401.0225 to read as follows:

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

8 SECTION 3. Section 401.025, Government Code, is amended to  
9 read as follows:

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

14 SECTION 4. This Act takes effect on the date on which the  
15 constitutional amendment proposed by the 83rd Legislature, Regular  
16 Session, 2013, providing that the governor, and the lieutenant  
17 governor when acting as governor, retain executive authority unless  
18 unavailable as provided by law is approved by the voters. If that  
19 amendment is not approved by the voters, this Act has no effect.