

By: Thompson of Harris

H.J.R. No. 71

A JOINT RESOLUTION

1 proposing a constitutional amendment to provide that the governor,  
2 and the lieutenant governor when acting as governor, retain  
3 executive authority unless unavailable as provided by law.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 16(c) and (d), Article IV, Texas  
6 Constitution, are amended to read as follows:

7 (c) In the case of the temporary inability or temporary  
8 disqualification of the Governor to serve or ~~[r]~~ the impeachment of  
9 the Governor, or when the ~~[absence of the]~~ Governor is unavailable  
10 as provided by law ~~[from the State]~~, the Lieutenant Governor shall  
11 exercise the powers and authority appertaining to the office of  
12 Governor until the Governor becomes able or qualified to resume  
13 serving, is acquitted, or is available ~~[returns to the State]~~. For  
14 purposes of this subsection, unless the legislature provides  
15 otherwise by statute, the Governor is unavailable if the Governor  
16 is absent from the state.

17 (d) If the Governor refuses to serve or becomes permanently  
18 unable to serve, or if the office of Governor becomes vacant, the  
19 Lieutenant Governor becomes Governor for the remainder of the term  
20 being served by the Governor who refused or became permanently  
21 unable to serve or vacated the office. On becoming Governor, the  
22 person vacates the office of Lieutenant Governor, and the resulting  
23 vacancy in the office of Lieutenant Governor shall be filled in the  
24 manner provided by Section 9, Article III, of this Constitution.

1 SECTION 2. Section 17(a), Article IV, Texas Constitution,  
2 is amended to read as follows:

3 (a) If, while exercising the powers and authority  
4 appertaining to the office of Governor under Section 16(c) of this  
5 article, the Lieutenant Governor becomes temporarily unable or  
6 disqualified to serve, is impeached, or is unavailable as provided  
7 by law [~~is absent from the State~~], the President pro tempore of the  
8 Senate, for the time being, shall exercise the powers and authority  
9 appertaining to the office of Governor until the Governor or  
10 Lieutenant Governor reassumes those powers and duties. For  
11 purposes of this subsection, unless the legislature provides  
12 otherwise by statute, the Lieutenant Governor is unavailable if the  
13 Lieutenant Governor is absent from the state.

14 SECTION 3. This proposed constitutional amendment shall be  
15 submitted to the voters at an election to be held November 5, 2013.  
16 The ballot shall be printed to permit voting for or against the  
17 proposition: "The constitutional amendment providing that the  
18 governor, and the lieutenant governor when acting as governor,  
19 retain executive authority unless unavailable as provided by law."