

BILL ANALYSIS

Senate Research Center
76R11405 JSA-D

H.J.R. 44
By: Ramsay (Truan)
Committee of the Whole
5/7/1999
Engrossed

DIGEST

Under the Texas Constitution, if the Governor is unable to discharge the duties of the office, or resigns, the Lieutenant Governor acts as Governor without resigning from the office of Lieutenant Governor. The Senate is required to appoint one of its members to serve in the office of the Lieutenant Governor without resigning the member's Senate seat, if there is a vacancy in the office of Lieutenant Governor. In addition, the Senate is required to appoint another member to fill the remainder of the Lieutenant Governor's term, if the term of the senator who is acting as Lieutenant Governor expires before the Lieutenant Governor's term expires. H.J.R. 44 would provide the rules for filling a permanent or temporary vacancy in the offices of Governor or Lieutenant Governor, and requires the Lieutenant Governor filling the vacancy in the office of Governor to forfeit the office of Lieutenant Governor upon becoming Governor. H.J.R. 44 would require the submission to the voters of a constitutional amendment providing for clear succession to the offices of Governor and Lieutenant Governor.

PURPOSE

As proposed, H.J.R. 44 requires the submission to the voters of a constitutional amendment to provide for, in case of a vacancy of office, clear succession from the offices of Lieutenant Governor and senator to the offices of Governor and Lieutenant Governor.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 3a, 16, 17, and 18, Article IV, Texas Constitution, as follows:

Sec. 3a. Requires the person receiving the highest number of votes for the office of Lieutenant Governor to become, rather than act as, Governor for the full term to which the person was elected as Governor, rather than until after the next general election, if, at the time the Legislature shall canvass the election returns for the offices of Governor and Lieutenant Governor, the person receiving the highest number of votes for the office of Governor fails to qualify, or for any other reason is unable to assume the office of Governor. Requires the person to forfeit the office of Lieutenant Governor, by becoming the Governor, and the resulting vacancy in the office of Lieutenant Governor to be filled as provided by Section 9, Article III, of this Constitution. Requires the Lieutenant Governor to act as Governor until the person with the highest number of votes for the office of Governor becomes able to assume the office of Governor, if the person with the highest number of votes for the office of Governor becomes temporarily unable to take office, rather than become disabled, or fail to qualify. Makes conforming changes.

Sec. 16. Requires the Lieutenant Governor to exercise the powers and authority appertaining to the office of Governor until the Governor becomes able or qualified to resume serving, is acquitted, or returns to the state, in the case of the temporary inability or temporary disqualification, rather than death, resignation, removal of office, of the Governor to serve, the impeachment of the Governor, or the absence of the Governor from the state. Provides that the Lieutenant Governor becomes Governor for the remainder of the term being served by the Governor who refused or became unable to serve or vacated the office, if the Governor refuses to serve or becomes permanently unable to serve, or if the office of Governor becomes vacant. Provides that, on becoming Governor, the person vacates the office of Lieutenant Governor, and the resulting vacancy in the office of Lieutenant Governor shall be filled in the manner provided by Section 9, Article III, of this Constitution. Deletes text regarding until another Governor is chosen at the periodical election and duly qualified. Makes conforming changes.

Sec. 17. Provides that if, while exercising the powers and authority appertaining to the office of

Governor under Section 16(c) of this article, rather than during the vacancy in the office of Governor, the Lieutenant Governor becomes temporarily unable or disqualified to serve, is impeached, or is absent from the state, the President pro tempore of the Senate, for the time being, shall exercise the powers and authority appertaining to the office of Governor until the Governor or Lieutenant Governor reassumes those powers and duties. Requires the Lieutenant Governor, while acting as President of the Senate, to receive for his or her services the same compensation and mileage which shall be allowed to the members of the Senate; and during the time the Lieutenant Governor exercises the powers and authority appertaining to the office of Governor, the Lieutenant Governor shall receive the same compensation which the Governor would have received had the Governor been employed in the duties of that office. Requires the President pro tempore of the Senate, during the time that officer exercises the powers and authority appertaining to the office of Governor, to receive the same compensation which the Governor would have received had the Governor been employed in the duties of that office. Makes conforming and nonsubstantive changes.

Sec. 18. Requires the Lieutenant Governor or President pro tempore of the Senate, rather than succeeding to the office of Governor, during the time the Lieutenant Governor or President pro tempore exercises the powers and authority appertaining to the office of Governor, to be under the restrictions imposed in the Constitution. Deletes text regarding the entire term to which he may succeed.

SECTION 2. Amends Section 9(a), Article III, Texas Constitution, to require the Senate to elect one of its members President pro tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or temporary disability of that officer. Requires the Committee of the Whole to elect one of its members to perform the duties of the Lieutenant Governor in addition to the member's duties as Senator until the next general election. Makes a conforming change.

SECTION 3. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 2, 1999. Sets forth the required language for the ballot.