

BILL ANALYSIS

Senate Research Center
81R17377 JRD-D

C.S.S.B. 1810
By: Duncan
State Affairs
4/6/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The ability of the governor to perform his duties while traveling outside Texas is no longer seriously impeded due to technological advances that permit the governor to effectively conduct state duties and remain accessible to the state while outside its borders. The continuous shifting of authority from the governor to the lieutenant governor to the president pro tempore of the senate unnecessarily jeopardizes the efficient and lawful conduct of state business.

By narrowly amending the statute to accommodate travel within the 48 U.S. states and not to Hawaii, Alaska, or foreign destinations, the governor would not be required to fly over foreign territory or international waters while retaining controlling authority over the Texas state government. The geographic restriction of this bill also guarantees a maximum air travel time in order for the governor to return to the state in case of emergency.

C.S.S.B. 1810 redefines "unavailable" to mean, with respect to the governor or a person acting as governor, being physically outside the territorial boundaries of the contiguous 48 states of the continental United States, or being physically outside this state while failing to maintain effective communication links with this state, without regard to whether the person remains within the territorial boundaries of the contiguous 48 states of the continental United States. The bill authorizes the speaker of the house of representatives, rather than the president pro tempore of the senate or the speaker of the house, to act as governor under certain circumstances.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 401.022, Government Code, as follows:

Sec. 401.022. DEFINITION. Redefines "unavailable" to mean, with respect to the governor or a person acting as governor, being physically outside the territorial boundaries of the contiguous 48 states of the continental United States, or being physically outside this state while failing to maintain effective communication links with this state, without regard to whether the person remains within the territorial boundaries of the contiguous 48 states of the continental United States. Makes a nonsubstantive change.

SECTION 2. Amends Section 401.025, Government Code, as follows:

Sec. 401.025. EXCEPTION. Authorizes the speaker of the house of representatives, rather than the president pro tempore of the senate or the speaker of the house of representatives, to act as governor under this subchapter only if the person holds that office when the governor and lieutenant governor first become unavailable.

SECTION 3. Makes application of this Act contingent upon approval by the voters of the constitutional amendment providing that the governor, and the lieutenant governor when acting as governor, retain executive authority unless the person becomes unavailable as provided by law.