

BILL ANALYSIS

Senate Research Center
81R8805 JRD-F

S.J.R. 36
By: Duncan
State Affairs
4/1/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.J.R 36 proposes an amendment to the Texas Constitution that would allow the governor, or the person acting as governor, to maintain powers of the governor's office while absent from the state contingent upon, as specified in S.B. 1810, his travel being within the contiguous 48 continental U.S. states and his ability to maintain effective communication links with the state.

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 and so forth unnecessarily jeopardizes the efficient and lawful conduct of state business.

By narrowly amending the statute to accommodate for travel within the 48 U.S. states and not 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 S.B. 1810 also guarantees a maximum air travel time in order for the governor to return to the state in case of emergency.

S.J.R. 36 proposes a constitutional amendment authorizing the governor to retain power other than when the governor becomes unavailable as provided by law, rather than in the absence of the governor from the state, and provides the required language of the ballot.

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 Sections 16(c) and (d), Article IV, Texas Constitution, as follows:

(c) Provides that in the case of the temporary inability or temporary disqualification of the Governor to serve or the impeachment of the Governor, or when the Governor becomes unavailable as provided by law, rather than [in the case of] the absence of the Governor from the State, the Lieutenant Governor is required to exercise the powers and authority appertaining to the office of the Governor until the Governor becomes able or qualified to resume serving, is acquitted, or becomes available, rather than returns to the state. Makes nonsubstantive changes.

(d) Provides that if the Governor refuses to serve or becomes permanently unable to serve, or if the office of Governor becomes vacant, the Lieutenant Governor becomes Governor for the remainder of the term being served by the Governor who refused or became permanently unable to serve or vacated the office.

SECTION 2. Amends Section 17(a), Article IV, Texas Constitution, as follows:

(a) Provides that if, while exercising the powers and authority appertaining to the office of Governor under Section 16(c) of this article, the Lieutenant Governor becomes temporarily unable or disqualified to serve, is impeached, or becomes unavailable as provided by law, rather than is absent from the State, the President pro tempore of the

Senate, for the time being is required to exercise the powers and authority appertaining to the office of Governor until the Governor or Lieutenant Governor reassumes those powers and duties.

SECTION 3. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2009. Sets forth the required language of the ballot.