

BILL ANALYSIS

Senate Research Center
83R3788 JSA-F

S.B. 292
By: Huffman
State Affairs
3/21/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the governor is not allowed to retain executive authority while outside of the state. Due to technological advances, the governor has the ability to perform his duties effectively and remain accessible while traveling outside Texas.

S.B. 292 amends the Government Code to allow the governor to retain executive authority while traveling in the 48 contiguous states by redefining "unavailable." The governor would be considered unavailable and not have executive authority if the governor is physically outside the territorial boundaries of the contiguous 48 states of the continental United States, gives notice that he will not rely on electronic communication while absent from the state, or is physically located outside the state for more than seven consecutive days. S.B. 292 also requires the governor to reasonably notify the next person in the line of succession under the Texas Constitution when he will be unavailable.

As proposed, S.B. 292 amends current law relating to the governor's executive authority while traveling outside of the state.

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. Provides that 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) Creates this subdivision from existing text and makes a nonsubstantive change;
- (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. Amends Subchapter B, Chapter 401, Government Code, by adding Section 401.0225, as follows:

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

SECTION 3. Amends Section 401.025, Government Code, to authorize 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 4. Provides that this Act takes effect on the date on which the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, providing that the governor, and the lieutenant governor when acting as governor, retain executive authority unless unavailable as provided by law is approved by the voters. Provides that if that amendment is not approved by the voters, this Act has no effect.