

BILL ANALYSIS

Senate Research Center
81R426 MTB-D

S.B. 318
By: Wentworth
Administration
2/25/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Government Code sets out the order of succession for the office of governor if the governor, lieutenant governor, and president pro tempore of the senate are unavailable. The current order of succession includes the speaker of the house of representatives, the attorney general, and the chief justices of the courts of appeals. The chief justices are members of the judicial branch. Some believe that members of the executive branch should be in the line of succession rather than members of the judicial branch.

As proposed, S.B. 318 replaces the chief justices of the courts of appeals with the comptroller of public accounts, the land commissioner, and the commissioner of agriculture in the order of succession to the office of governor.

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 401.023(a), Government Code, as follows:

- (a) Requires the following officers in succeeding order to exercise the powers and discharge the duties of the office of governor if the governor, lieutenant governor, and president pro tempore of the senate are unavailable: the speaker of the house of representatives, the attorney general, the comptroller of public accounts, the land commissioner, and the commissioner of agriculture. Deletes existing text including the chief justices of the courts of appeals, in the numerical order of the supreme judicial districts the courts serve, in the order of succession to the office of the governor.

SECTION 2. Effective date: upon passage or September 1, 2009.