

By: Toth

H.J.R. No. 42

A JOINT RESOLUTION

1 proposing a constitutional amendment regarding certain powers of
2 the governor in issuing orders or proclamations and specifying the
3 powers of the legislature in special sessions called following
4 certain disaster or emergency declarations.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 28, Article I, Texas Constitution, is
7 amended to read as follows:

8 Sec. 28. (a) No power of suspending laws in this State
9 shall be exercised except by the Legislature.

10 (b) No order or proclamation issued by the Governor may
11 violate or suspend constitutional rights.

12 SECTION 2. Section 8, Article IV, Texas Constitution, is
13 amended by adding Subsections (c), (d), and (e) to read as follows:

14 (c) The Governor shall convene the Legislature in special
15 session for the purposes described by Subsection (d) of this
16 section when the Governor proposes to renew an order or
17 proclamation declaring a state of disaster or emergency.

18 (d) In a special session convened under Subsection (c) of
19 this section, the Legislature may:

20 (1) renew or extend the state of disaster or
21 emergency;

22 (2) respond to the state of disaster or emergency,
23 including by:

24 (A) passing laws and resolutions the Legislature

1 determines are related to the state of disaster or emergency; and

2 (B) exercising the powers reserved to the

3 Legislature under Section 28(a), Article I, of this Constitution;

4 and

5 (3) consider any other subjects stated in the

6 Governor's proclamation convening the Legislature.

7 (e) A state of disaster or emergency declared by the

8 Governor may not continue for more than 30 days unless it is renewed

9 or extended by the Legislature under Subsection (d) of this

10 section.

11 SECTION 3. This proposed constitutional amendment shall be

12 submitted to the voters at an election to be held November 2, 2021.

13 The ballot shall be printed to provide for voting for or against the

14 proposition: "The constitutional amendment regarding certain

15 powers of the governor in issuing orders or proclamations and

16 specifying the powers of the legislature in special sessions called

17 following certain disaster or emergency declarations."