

1-1 By: Birdwell, et al. S.J.R. No. 45
1-2 (In the Senate - Filed March 4, 2021; March 18, 2021, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 6, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 6, 2021,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Campbell	X		
1-12	Hall	X		
1-13	Lucio	X		
1-14	Nelson	X		
1-15	Powell	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.J.R. No. 45 By: Birdwell

1-19 SENATE JOINT RESOLUTION

1-20 proposing a constitutional amendment regarding the powers of the
1-21 governor, the legislature, and the supreme court following certain
1-22 disaster or emergency declarations.

1-23 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 8, Article IV, Texas Constitution, is
1-25 amended by adding Subsections (c), (d), (e), (f), and (g) to read as
1-26 follows:

1-27 (c) The Governor shall convene the Legislature in special
1-28 session for the purposes described by Subsection (d) of this
1-29 section when the Governor proposes to renew an order or
1-30 proclamation declaring a state of disaster or emergency or issue a
1-31 new order or proclamation regarding the same state of disaster or
1-32 emergency that:

1-33 (1) exists in at least two-fifths of the counties in
1-34 this state;

1-35 (2) affects at least half of the population of this
1-36 state, according to the most recent federal decennial census; or

1-37 (3) affects at least two-thirds of the counties in
1-38 each of three or more trauma service areas in this state, as
1-39 designated by the appropriate state agency.

1-40 (d) In a special session convened under Subsection (c) of
1-41 this section, the Legislature may:

1-42 (1) renew or extend the state of disaster or
1-43 emergency;

1-44 (2) respond to the state of disaster or emergency,
1-45 including by:

1-46 (A) passing laws and resolutions the Legislature
1-47 determines are related to the state of disaster or emergency; and

1-48 (B) exercising the powers reserved to the
1-49 Legislature under Section 28, Article I, of this constitution; and

1-50 (3) consider any other subject stated in the
1-51 Governor's proclamation convening the Legislature.

1-52 (e) Except as provided by Subsection (f) of this section, a
1-53 state of disaster or emergency declared by the Governor may not
1-54 continue for more than 30 days unless it is renewed or extended by
1-55 the Legislature under Subsection (d) of this section if the
1-56 declared state of disaster or emergency:

1-57 (1) exists in at least two-fifths of the counties in
1-58 this state;

1-59 (2) affects at least half of the population of this
1-60 state, according to the most recent federal decennial census; or

2-1 (3) affects at least two-thirds of the counties in
2-2 each of three or more trauma service areas in this state, as
2-3 designated by the appropriate state agency.

2-4 (f) A state of disaster or emergency declared by the
2-5 Governor and related to a nuclear or radiological event recognized
2-6 by the federal agency with primary authority for federal response
2-7 to that event may not continue for more than 90 days unless it is
2-8 renewed or extended by the Legislature under Subsection (d) of this
2-9 section if the declared state of disaster or emergency:

2-10 (1) exists in at least two-fifths of the counties in
2-11 this state;

2-12 (2) affects at least half of the population of this
2-13 state, according to the most recent federal decennial census; or

2-14 (3) affects at least two-thirds of the counties in
2-15 each of three or more trauma service areas in this state, as
2-16 designated by the appropriate state agency.

2-17 (g) A vote under Subsection (d) of this section to modify or
2-18 terminate a proclamation or order issued by the Governor declaring
2-19 a state of disaster or emergency is not subject to Section 15 of
2-20 this article.

2-21 SECTION 2. Section 3, Article V, Texas Constitution, is
2-22 amended by amending Subsection (a) and adding Subsections (a-1) and
2-23 (a-2) to read as follows:

2-24 (a) The Supreme Court shall exercise the judicial power of
2-25 the state except as otherwise provided in this Constitution. Its
2-26 jurisdiction shall be co-extensive with the limits of the State and
2-27 its determinations shall be final except in criminal law matters.
2-28 Its appellate jurisdiction shall be final and shall extend to all
2-29 cases except in criminal law matters and as otherwise provided in
2-30 this Constitution or by law. The Supreme Court and the Justices
2-31 thereof shall have power to issue writs of habeas corpus, as may be
2-32 prescribed by law, and under such regulations as may be prescribed
2-33 by law, the ~~said~~ courts and the Justices thereof may issue the
2-34 writs of mandamus, procedendo, certiorari and such other writs, as
2-35 may be necessary to enforce its jurisdiction.

2-36 (a-1) Except as provided by Subsection (a-2) of this
2-37 section, the [The] Legislature may confer original jurisdiction on
2-38 the Supreme Court to issue writs of quo warranto and mandamus in
2-39 such cases as may be specified, except as against the Governor [~~of~~
2-40 the State].

2-41 (a-2) A member of the Legislature has standing to
2-42 participate as a party in a suit against the Governor for a
2-43 violation of the duty imposed by Section 8(c), Article IV, of this
2-44 constitution. The Supreme Court has original jurisdiction of a
2-45 suit described by this subsection.

2-46 SECTION 3. This proposed constitutional amendment shall be
2-47 submitted to the voters at an election to be held November 2, 2021.
2-48 The ballot shall be printed to provide for voting for or against the
2-49 proposition: "The constitutional amendment regarding the powers of
2-50 the governor, the legislature, and the supreme court following
2-51 certain disaster or emergency declarations."

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