

By: Birdwell, et al.

S.J.R. No. 45

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment regarding the powers of the  
3 governor and the legislature following certain disaster or  
4 emergency declarations.

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

6 SECTION 1. Section 8, Article IV, Texas Constitution, is  
7 amended by adding Subsections (c), (d), (e), and (f) to read as  
8 follows:

9 (c) The Governor shall convene the Legislature in special  
10 session for the purposes described by Subsection (d) of this  
11 section when the Governor proposes to renew an order or  
12 proclamation declaring a state of disaster or emergency or issue a  
13 new order regarding the same state of disaster or emergency that:

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

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

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

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

23 (1) renew or extend the state of disaster or  
24 emergency;

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

3                   (A) passing laws and resolutions the Legislature  
4 determines are related to the state of disaster or emergency; and

5                   (B) exercising the powers reserved to the  
6 Legislature under Section 28, Article I, of this constitution; and

7           (3) consider any other subject stated in the  
8 Governor's proclamation convening the Legislature.

9           (e) A state of disaster or emergency declared by the  
10 Governor may not continue for more than 30 days unless it is renewed  
11 or extended by the Legislature under Subsection (d) of this section  
12 and the declared state of disaster or emergency:

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

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

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

20           (f) A vote under Subsection (d) of this section to modify or  
21 terminate a proclamation or order issued by the Governor declaring  
22 a state of disaster or emergency is not subject to Section 15 of  
23 this article.

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

27           (a) The Supreme Court shall exercise the judicial power of

1 the state except as otherwise provided in this Constitution. Its  
2 jurisdiction shall be co-extensive with the limits of the State and  
3 its determinations shall be final except in criminal law matters.  
4 Its appellate jurisdiction shall be final and shall extend to all  
5 cases except in criminal law matters and as otherwise provided in  
6 this Constitution or by law. The Supreme Court and the Justices  
7 thereof shall have power to issue writs of habeas corpus, as may be  
8 prescribed by law, and under such regulations as may be prescribed  
9 by law, the [~~said~~] courts and the Justices thereof may issue the  
10 writs of mandamus, procedendo, certiorari and such other writs, as  
11 may be necessary to enforce its jurisdiction.

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

17 (a-2) A member of the Legislature has standing to  
18 participate as a party in a suit against the Governor for a  
19 violation of the duty imposed by Section 8(c), Article IV, of this  
20 constitution. The Supreme Court has original jurisdiction of a  
21 suit brought under this subsection.

22 SECTION 3. This proposed constitutional amendment shall be  
23 submitted to the voters at an election to be held November 2, 2021.  
24 The ballot shall be printed to provide for voting for or against the  
25 proposition: "The constitutional amendment regarding the powers of  
26 the governor and the legislature following certain disaster or  
27 emergency declarations."