

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 1, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SJR45 by Birdwell (proposing a constitutional amendment regarding the powers of the governor, the legislature, and the supreme court following certain disaster or emergency declarations.), **Committee Report 1st House, Substituted**

The provisions of the proposed Constitutional amendment requiring the the Governor to convene the Legislature in a special session would result in an indeterminate cost to the state. The cost would be dependent upon whether a state of disaster is declared and a proposal from the Governor to renew an order or proclamation declaring a state of disaster or emergency.

The cost to the state for publication of the resolution is \$178,333.

The bill would amend the Texas Constitution regarding powers of the governor and legislature following certain disasters or emergency declarations. The bill would require the Governor to convene the legislature in a special session in the event that the Governor proposes to renew an order or proclamation declaring a state of disaster or emergency or issue a new order regarding the same state of disaster or emergency that meets certain criteria.

The bill would amend the Texas Constitution by adding a subsection that provides a member of the legislature standing to participate as a party in a suit against the governor for a violation of a duty imposed by Article IV, Section 8(c).

According to the Office of Court Administration, any work resulting from the passage of the bill could be reasonably absorbed within current resources.

According to the Office of the Governor, the fiscal impact of the bill, including potential impacts on federal disaster reimbursements, are unknown.

According to the Legislative Council, a fiscal impact cannot be determined. It is unknown how often and when the governor would call a special session in order to ratify the extension of an emergency or disaster declaration.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time.

Source Agencies: 103 Legislative Council, 212 Office of Court Admin, 300 Trusteed Programs - Gov

LBB Staff: JMc, SMAT, HGR, LCO