

1-1 By: Birdwell, et al. S.J.R. No. 58  
 1-2 (In the Senate - Filed February 22, 2023; March 9, 2023,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 March 23, 2023, reported favorably by the following vote: Yeas 11,  
 1-5 Nays 0; March 23, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

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 this state's population  
 1-36 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) enacting laws and adopting resolutions the  
 1-47 Legislature determines are related to the state of disaster or  
 1-48 emergency; and

1-49 (B) exercising the powers reserved to the  
 1-50 Legislature under Section 28, Article I, of this constitution; and

1-51 (3) consider any other subject stated in the  
 1-52 Governor's proclamation convening the Legislature.

1-53 (e) Except as provided by Subsection (f) of this section, a  
 1-54 state of disaster or emergency declared by the Governor that is  
 1-55 subject to Subsection (c) of this section may not continue for more  
 1-56 than 30 days unless the Legislature renews or extends the declared  
 1-57 state of disaster or emergency under Subsection (d) of this  
 1-58 section.

1-59 (f) A state of disaster or emergency declared by the  
 1-60 Governor that is subject to Subsection (c) of this section and that  
 1-61 is related to a nuclear or radiological event recognized by the

2-1 federal agency with primary authority for federal response to that  
2-2 event may not continue for more than 90 days unless the Legislature  
2-3 renews or extends the declared state of disaster or emergency under  
2-4 Subsection (d) of this section.

2-5 (g) A vote under Subsection (d) of this section to modify or  
2-6 terminate a proclamation or order issued by the Governor declaring  
2-7 a state of disaster or emergency is not subject to Section 15 of  
2-8 this article.

2-9 SECTION 2. Section 3, Article V, Texas Constitution, is  
2-10 amended by amending Subsection (a) and adding Subsections (a-1) and  
2-11 (a-2) to read as follows:

2-12 (a) The Supreme Court shall exercise the judicial power of  
2-13 the state except as otherwise provided in this Constitution. Its  
2-14 jurisdiction shall be coextensive with the limits of the State and  
2-15 its determinations shall be final except in criminal law matters.  
2-16 Its appellate jurisdiction shall be final and shall extend to all  
2-17 cases except in criminal law matters and as otherwise provided in  
2-18 this Constitution or by law. The Supreme Court and the Justices  
2-19 thereof shall have power to issue writs of habeas corpus, as may be  
2-20 prescribed by law, and under such regulations as may be prescribed  
2-21 by law, the ~~said~~ courts and the Justices thereof may issue the  
2-22 writs of mandamus, procedendo, certiorari and such other writs, as  
2-23 may be necessary to enforce its jurisdiction.

2-24 (a-1) Except as provided by Subsection (a-2) of this  
2-25 section, the ~~The~~ Legislature may confer original jurisdiction on  
2-26 the Supreme Court to issue writs of quo warranto and mandamus in  
2-27 such cases as may be specified, except as against the Governor ~~of~~  
2-28 ~~the State~~].

2-29 (a-2) A member of the Legislature has standing to  
2-30 participate as a party in a suit against the Governor for a  
2-31 violation of the duty imposed by Section 8(c), Article IV, of this  
2-32 constitution. The Supreme Court has original jurisdiction of a  
2-33 suit described by this subsection.

2-34 SECTION 3. This proposed constitutional amendment shall be  
2-35 submitted to the voters at an election to be held November 7, 2023.  
2-36 The ballot shall be printed to provide for voting for or against the  
2-37 proposition: "The constitutional amendment regarding the powers of  
2-38 the governor, the legislature, and the supreme court following  
2-39 certain disaster or emergency declarations."

2-40

\* \* \* \* \*