

By: Birdwell

S.J.R. No. 40

A JOINT RESOLUTION

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

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

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

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

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

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

18 (3) affects at least two-thirds of the counties in
19 each of three or more trauma service areas in this state, as
20 designated by 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 declared state of disaster or
24 emergency;

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

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

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

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

10 (e) Except as provided by Subsection (f) of this section, a
11 state of disaster or emergency declared by the Governor that is
12 subject to Subsection (c) of this section may not continue for more
13 than 30 days unless the Legislature renews or extends the declared
14 state of disaster or emergency under Subsection (d) of this
15 section.

16 (f) A state of disaster or emergency declared by the
17 Governor that is subject to Subsection (c) of this section and that
18 is related to a nuclear or radiological event recognized by the
19 federal agency with primary authority for federal response to that
20 event may not continue for more than 90 days unless the Legislature
21 renews or extends the declared state of disaster or emergency under
22 Subsection (d) of this section.

23 (g) A vote under Subsection (d) of this section to modify or
24 terminate a proclamation or order the Governor issues declaring a
25 state of disaster or emergency is not subject to Section 15 of this
26 article.

27 SECTION 2. Section 3, Article V, Texas Constitution, is

1 amended by amending Subsection (a) and adding Subsections (a-1) and
2 (a-2) to read as follows:

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

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

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

25 SECTION 3. This proposed constitutional amendment shall be
26 submitted to the voters at an election to be held November 4, 2025.
27 The ballot shall be printed to provide for voting for or against the

1 proposition: "The constitutional amendment regarding the powers of
2 the governor, the legislature, and the supreme court following
3 certain disaster or emergency declarations."