By: Slawson H.J.R. No. 32

A JOINT RESOLUTION

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

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

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

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

(1) exists in at least three-fifths of the counties in this state;

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

(3) for a public health emergency or disaster, affects at least two-thirds of the counties in each of three or more trauma service areas in this state, as designated by the appropriate state agency.

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

(1) renew or extend the declared state of disaster or

emergency;

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2027.

The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment regarding the powers of the governor, the legislature, and the supreme court following certain disaster or emergency declarations."