

RESOLUTION CALLING FOR TEXAS LEGISLATORS' SPECIAL SESSION

WHEREAS, the first amendment to the US Constitution reads:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

WHEREAS, the Governor of Texas has infringed on our 1st Amendment by prohibiting the free exercise of religion and denied our rights to peaceably assemble by issuing executive orders which suppresses and prohibit citizens from exercising these rights, and we are using this resolution to petition the Government for a redress to these grievances.

WHEREAS, Article 2, Section 1 of the Texas Constitution, titled SEPARATION OF POWERS OF GOVERNMENT AMONG THREE DEPARTMENTS reads:

The powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are Legislative to one; those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

WHEREAS, the Governor of Texas has overreached his powers by passing orders that, according to him, talce effect as laws; recognizing that this is the responsibility of the legislative branch and not the executive branch;

WHEREAS, Article 4 Section 8 of the Texas Constitution titled: CONVENING LEGISLATURE ON EXTRAORDINARY OCCASIONS reads:

(a) The Governor may, on extraordinary occasions, convene the Legislature at the seat of Government, or at a different place, in case that should be in possession of the public enemy or in case of the prevalence of disease threat. His proclamation therefore shall state specifically the purpose for which the Legislature is convened.

WHEREAS, the Governor of Texas believes that the Covid virus is an extraordinary event and has issued a number of executive orders but has failed to call a special session of the legislature to write laws to deal with this virus. And, in doing so, the governor is acting like a king or a dictator, making decree after decree;

WHEREAS, Texas Government Code Sec. 418.014 titled Declaration of State of Disaster Paragraph (c) reads:

A state of disaster may not continue for more than 30 days unless renewed by the governor. The legislature by law may terminate a state of disaster at any time. On termination by the legislature, the governor shall issue an executive order ending the state of disaster.

WHEREAS, the Governor of Texas issued his first executive order concerning the Covid virus on March 13, 2020, and has renewed this executive order several times past the initial 30-days without calling a Special Session, which would allow the Texas Legislature to handle the issue, or even advise, consent, and/or comment on the issue;

WHEREAS, one of the reasons that the governor of Texas has used to implement his executive orders is from **Chapter 81 of the Health and Safety Code** which defines "public health disaster" as when a determination by the governor AND commissioner that there exists an immediate threat from a communicable disease that:

- (i) poses a high risk of death or serious long-term disability to a large number of people; and
- (ii) (ii) creates a substantial risk of public exposure because of the disease's high level of contagion or the method by which the disease is transmitted.

WHEREAS, a high risk of death is not defined with 3,000 deaths from a state with a population of 29 million people, which equates to about one one-hundredth of a percent (0.01%) of the population.

WHEREAS, the Governor is infringing on our constitutional freedom and right to privacy through Contact Tracing. Republican state lawmakers have asked the governor to stop funding of this intrusive measure and a special session would give lawmakers the right to unfund this anti-freedom action;

WHEREAS, the **Texas Constitution** has no mechanism for the State Legislature to call themselves in to a Special Session, but the **Texas Government Code Sec. 665.004** Titled Convening House for Impeachment Purposes When House Is Not in Session:

(a) When the house is not in session it may be convened to conduct an impeachment proceeding:

(1) by proclamation of the governor;

(2) by proclamation of the speaker of the house if the speaker is petitioned in writing by 50 or more members of the house; or

(3) by proclamation in writing signed by a majority of the members of the house.

WHEREAS, if the governor will not call a special session so that "We the People" can be represented by the lawful branch in making our laws, then the only thing for us to do is to impeach the governor. This would be our last resort at saving our constitutional rights.

THEREFORE, BE IT RESOLVED that the Republican Party of Texas calls upon the Governor of Texas to immediately call into special session of the Texas Legislature, to rescind all Executive Orders concerning the Covid virus, and that the Texas Legislature debate and decide what is best for Texas and Texans;

BE IT FURTHER RESOLVED that if the Governor of Texas refuses to call a special session that the Republican Party of Texas calls upon the Speaker of the House to implement Texas Government Code Sec. 665.004 Paragraph (a) Sub Paragraph (2) to begin immediate impeachment procedures against the Texas Governor;

BE IT FURTHER RESOLVED that if the Speaker of the House will not implement Texas Government Code Sec. 665.004 Paragraph (a) Sub Paragraph (2) that every Texas State Representative implement Texas Government Code Sec. 665.004 Paragraph (a) Sub Paragraph (3);

BE IT FURTHER RESOLVED that this resolution be distributed to all Republican members of the Texas House of Representatives and Texas Senate, the governor of Texas, and lieutenant governor;

BE IT FINALLY RESOLVED that this resolution be recognized as a directive from We the People to the Texas government as a redress to the grievances outlined in this resolution and a demand to stop government overreach and dictatorial actions.