

1-1 By: West S.B. No. 392
 1-2 (In the Senate - Filed February 5, 2013; February 13, 2013,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 24, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 24, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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 COMMITTEE SUBSTITUTE FOR S.B. No. 392 By: Deuell

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to notice to the attorney general of challenges to the
 1-22 constitutionality of Texas statutes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 402.010, Government Code, is amended by
 1-25 amending Subsection (a) and adding Subsection (a-1) to read as
 1-26 follows:

1-27 (a) In an action in which a party to the litigation files a
 1-28 petition, motion, or other pleading challenging the
 1-29 constitutionality of a statute of this state, the party shall file
 1-30 the form required by Subsection (a-1). The court shall, if the
 1-31 attorney general is not a party to or counsel involved in the
 1-32 litigation, serve notice of the constitutional challenge
 1-33 [~~question~~] and a copy of the petition, motion, or other pleading
 1-34 that raises the challenge on the attorney general either by
 1-35 certified or registered mail or electronically to an e-mail address
 1-36 designated by the attorney general for the purposes of this
 1-37 section[. Notice under this section must identify the statute in
 1-38 question, state the basis for the challenge, and specify the
 1-39 petition, motion, or other pleading that raises the challenge].

1-40 (a-1) The Office of Court Administration of the Texas
 1-41 Judicial System shall adopt the form that a party challenging the
 1-42 constitutionality of a statute of this state must file with the
 1-43 court in which the action is pending indicating which pleading
 1-44 should be served on the attorney general in accordance with this
 1-45 section.

1-46 SECTION 2. Section 402.010, Government Code, as amended by
 1-47 this Act, applies only to a petition, motion, or other pleading
 1-48 filed in litigation on or after the effective date of this Act. A
 1-49 pleading filed in litigation before the effective date of this Act
 1-50 is governed by the law applicable to the pleading immediately
 1-51 before the effective date of this Act, and that law is continued in
 1-52 effect for that purpose.

1-53 SECTION 3. This Act takes effect immediately if it receives
 1-54 a vote of two-thirds of all the members elected to each house, as
 1-55 provided by Section 39, Article III, Texas Constitution. If this
 1-56 Act does not receive the vote necessary for immediate effect, this
 1-57 Act takes effect September 1, 2013.

1-58 * * * * *