SENATE JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature
to require a court to provide notice to the attorney general of a
challenge to the constitutionality of a state statute and
authorizing the legislature to prescribe a waiting period before
the court may enter a judgment holding the statute
unconstitutional.

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

SECTION 1. Article V, Texas Constitution, is amended by
adding Section 32 to read as follows:

Sec. 32. Notwithstanding Section 1, Article II, of this
constitution, the legislature may:

(1) require a court in which a party to litigation
files a petition, motion, or other pleading challenging the
constitutionality of a statute of this state to provide notice to
the attorney general of the challenge if the party raising the
challenge notifies the court that the party is challenging the
constitutionality of the statute; and

(2) prescribe a reasonable period, which may not
exceed 45 days, after the provision of that notice during which the
court may not enter a judgment holding the statute
unconstitutional.

SECTION 2. The following temporary provision is added to
the Texas Constitution:
TEMPORARY PROVISION. (a) This temporary provision applies with respect to the constitutional amendment proposed by the 85th Legislature, Regular Session, 2017, authorizing the legislature to require a court to provide notice to the attorney general of a challenge to the constitutionality of a state statute and authorizing the legislature to prescribe a waiting period, not to exceed 45 days, before the court may enter a judgment holding the statute unconstitutional.

(b) Section 402.010, Government Code, as added by Chapter 808 (H.B. 2425), Acts of the 82nd Legislature, Regular Session, 2011, and amended by Chapter 1162 (S.B. 392) and Chapter 1276 (H.B. 1435), Acts of the 83rd Legislature, Regular Session, 2013, is validated and effective on approval of the constitutional amendment described by Subsection (a) of this temporary provision and applies only to a petition, motion, or other pleading filed on or after January 1, 2018.

(c) This temporary provision expires January 2, 2018.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2017. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to require a court to provide notice to the attorney general of a challenge to the constitutionality of a state statute and authorizing the legislature to prescribe a waiting period before the court may enter a judgment holding the statute unconstitutional."