

By: Zaffirini, et al.
(Schofield)

S.J.R. No. 6

1 SENATE JOINT RESOLUTION

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

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

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

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

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

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

23 SECTION 2. The following temporary provision is added to
24 the Texas Constitution:

1 TEMPORARY PROVISION. (a) This temporary provision applies
2 with respect to the constitutional amendment proposed by the 85th
3 Legislature, Regular Session, 2017, authorizing the legislature to
4 require a court to provide notice to the attorney general of a
5 challenge to the constitutionality of a state statute and
6 authorizing the legislature to prescribe a waiting period, not to
7 exceed 45 days, before the court may enter a judgment holding the
8 statute unconstitutional.

9 (b) Section 402.010, Government Code, as added by Chapter
10 808 (H.B. 2425), Acts of the 82nd Legislature, Regular Session,
11 2011, and amended by Chapter 1162 (S.B. 392) and Chapter 1276 (H.B.
12 1435), Acts of the 83rd Legislature, Regular Session, 2013, is
13 validated and effective on approval of the constitutional amendment
14 described by Subsection (a) of this temporary provision and applies
15 only to a petition, motion, or other pleading filed on or after
16 January 1, 2018.

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

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