By:  Meza H.J.R. No. 73

A JOINT RESOLUTION

proposing a constitutional amendment to reserve to the people the powers of initiative and referendum; authorizing new fees.

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

SECTION 1.  Article III, Texas Constitution, is amended by amending Section 1 and adding Sections 1A, 1B, and 1C to read as follows:

Sec. 1.  Subject to Sections 1A and 1B of this article, the [~~The~~] Legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled "The Legislature of the State of Texas."

Sec. 1A.  (a) The people reserve to themselves the power to propose statutory and constitutional measures by petition for submission to the electorate and to have those measures enacted as provided by this section. This power is known as the initiative.

(b)  A proposed statutory or constitutional measure and a good faith filing fee established by the secretary of state to reasonably cover administrative costs must be submitted to the Texas Legislative Council. A proposed measure may not contain more than one subject. The Texas Legislative Council shall advise the petitioner as to proper form and language and, with the consent of the petitioner, may redraft the text of the measure as necessary or desirable to achieve its purposes. If the Texas Legislative Council determines that any provision of a proposed statutory measure would be invalid under this constitution, or if the measure requires funding but does not contain a new source of revenue, the Texas Legislative Council shall return the measure to the petitioner accompanied by written reasons for that determination. A measure determined to be unconstitutional or that does not include the required source of revenue may not be forwarded to other state officers under Subsection (c) of this section.

(c)  If the Texas Legislative Council determines that the proposed measure authorizes or requires the expenditure or diversion of any state funds, the Texas Legislative Council shall forward the measure to the comptroller of public accounts for the preparation of a fiscal note. Otherwise, the Texas Legislative Council shall forward the measure to the secretary of state.

(d)  After receipt of a proposed measure from the Texas Legislative Council, the comptroller shall prepare and sign the fiscal note, attach it to the measure, and forward the measure to the secretary of state. In the fiscal note, the comptroller shall outline the fiscal implications and probable cost of the measure each year for the first five years after its effective date and include a statement as to whether there will be costs involved thereafter.

(e)  Not later than the 15th day after receipt of a proposed measure from the Texas Legislative Council or comptroller, the secretary of state shall issue to the petitioner approved copies of an initiative petition proposing the measure in the number requested. The secretary may charge for each copy a reasonable fee to cover the cost of reproduction. The secretary shall prescribe standards of form and design for a petition. Each part of a petition must include the full text of the proposed measure.

(f)  An initiative petition that proposes a measure must be signed by a number of registered voters equal to at least five percent of the total number of votes received by all candidates for governor in the most recent gubernatorial general election in each of the state senate districts as well as statewide.

(g)  To be certified as valid, the petition containing the required number of signatures must be filed with the secretary of state not later than the second anniversary of the date the approved copies are issued by the secretary. Not later than the 60th day after the date a petition is filed, the secretary shall review the petition and determine whether it is valid. The secretary may use any reasonable statistical sampling method as the basis for verification. If the secretary determines that the petition does not contain the required number of signatures, the petitioners have 60 days after the date of that determination to obtain additional signatures. On determining that the petition complies with this section, the secretary shall certify it as valid.

(h)  If a certified petition proposes a statutory measure, the secretary of state shall submit the question of approval or disapproval of the measure to the voters of the state at an election to be held on the first Tuesday after the first Monday in November of an even-numbered year that occurs on or after the 150th day after the date the petition is submitted to the secretary of state for certification. If the measure is approved by a majority of those voting on the question, the statutory change proposed by the measure takes effect according to its terms.

(i)  Except as provided by Section 1C of this article, a statutory measure proposed by petition that becomes law may be amended or repealed only by another statutory measure proposed under this section.

(j)  If a certified petition proposes a constitutional measure, the secretary of state shall submit the question of approval or disapproval of the measure to the voters at an election to be held on the first Tuesday after the first Monday in November of an even-numbered year that occurs on or after the 150th day after the date the petition is submitted to the secretary of state for certification. If the measure is approved by a majority of those voting on the question, the amendment proposed by the measure becomes a part of the constitution.

(k)  The secretary of state shall prepare the ballot proposition for a measure proposed by initiative. The proposition must be descriptive but not argumentative or prejudicial. The provisions of this constitution and of law that apply to publication of constitutional amendments proposed under Section 1, Article XVII, of this constitution apply to the publication of measures proposed under this section.

(l)  A person circulating a petition for signatures under this section may receive compensation for that activity.

(m)  This section is self-executing, but laws may be enacted to facilitate its operation. However, no law may be enacted to hamper, restrict, or impair the exercise of the power of initiative.

(n)  To the extent of any conflict between two proposed statutory measures approved at the same election, the measure receiving the greatest number of votes in favor of the measure controls. To the extent of any conflict between two proposed constitutional measures approved at the same election, the measure receiving the greatest number of votes in favor of the measure controls.

Sec. 1B.  (a) The people reserve to themselves the power by petition and election to repeal statutes enacted by the legislature as provided by this section. This power is known as the referendum.

(b)  The referendum power extends, as provided by this section, to any bill enacted during a regular or special session of the legislature. It extends to each bill in its entirety and not to a part of the bill.

(c)  A written request for a petition proposing the repeal of a bill enacted by the legislature must be submitted to the secretary of state in a form prescribed by the secretary with a good faith filing fee established by the secretary of state to reasonably cover administrative costs. The request must be filed not later than the 180th day after the date of final adjournment of the session in which the bill is enacted.

(d)  The secretary of state shall prepare and issue, in the number requested, approved copies of a petition proposing repeal of the bill. The secretary may charge for each copy a reasonable fee to cover the cost of reproduction. The petition must include a citation of the bill, citations of any laws amended or repealed by the bill, and a statement, not argumentative or prejudicial, briefly describing the effect of the bill.

(e)  To be certified as valid, a referendum petition must be filed with the secretary of state not later than the 180th day after the date of its issuance and must be signed by a number of registered voters equal to at least five percent of the total number of votes received by all candidates for president in the most recent presidential general election in each of the state senate districts as well as statewide.

(f)  Not later than the 60th day after the date a petition is filed, the secretary of state shall review the petition and determine whether it is valid. The secretary may use any reasonable statistical sampling method as the basis for verification. If the secretary determines that the petition does not contain the required number of signatures, the petitioners have 60 days after the date of that determination to obtain additional signatures. On determining that the petition complies with this section, the secretary shall certify it as valid and shall submit the proposal to the voters at an election to be held on the first Tuesday after the first Monday in November of an even-numbered year that occurs on or after the 45th day after the date the petition is submitted. The ballot shall be printed to permit voting for or against the proposition: "Repeal of .B. No. , which (brief statement of effect of bill)."

(g)  The provisions of this constitution and of law that apply to publication of constitutional amendments proposed under Section 1, Article XVII, of this constitution apply to the publication of a referendum proposal.

(h)  If a referendum proposal is approved by a majority of those voting on the question, the repeal is effective immediately on official declaration of the result of the election, whether or not the bill repealed took effect before the date of the election.

(i)  A person circulating a petition for signatures under this section may receive compensation for that activity.

(j)  This section is self-executing, but laws may be enacted to facilitate its operation. However, no law may be enacted to hamper, restrict, or impair the exercise of the power of referendum.

Sec. 1C.  The legislature may consider any measure approved at an election held under Section 1A of this article or any referendum proposal approved under Section 1B of this article. If, on consideration, the measure or proposal is disapproved by two-thirds of the membership of each house and by the governor, the measure or proposal is repealed.

SECTION 2.  Article XVII, Texas Constitution, is amended by adding Section 1A to read as follows:

Sec. 1A.  In addition to the mode of amendment provided by Section 1 of this article, the constitution may be amended by the initiative procedure authorized by Section 1A, Article III, of this constitution.

SECTION 3.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2019. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment reserving to the people the powers of initiative and referendum."