

By: Meza

H.J.R. No. 73

A JOINT RESOLUTION

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

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

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

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

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

15 (b) A proposed statutory or constitutional measure and a
16 good faith filing fee established by the secretary of state to
17 reasonably cover administrative costs must be submitted to the
18 Texas Legislative Council. A proposed measure may not contain more
19 than one subject. The Texas Legislative Council shall advise the
20 petitioner as to proper form and language and, with the consent of
21 the petitioner, may redraft the text of the measure as necessary or
22 desirable to achieve its purposes. If the Texas Legislative
23 Council determines that any provision of a proposed statutory
24 measure would be invalid under this constitution, or if the measure

1 requires funding but does not contain a new source of revenue, the
2 Texas Legislative Council shall return the measure to the
3 petitioner accompanied by written reasons for that determination.
4 A measure determined to be unconstitutional or that does not
5 include the required source of revenue may not be forwarded to other
6 state officers under Subsection (c) of this section.

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

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

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

1 petition must include the full text of the proposed measure.

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

7 (g) To be certified as valid, the petition containing the
8 required number of signatures must be filed with the secretary of
9 state not later than the second anniversary of the date the approved
10 copies are issued by the secretary. Not later than the 60th day
11 after the date a petition is filed, the secretary shall review the
12 petition and determine whether it is valid. The secretary may use
13 any reasonable statistical sampling method as the basis for
14 verification. If the secretary determines that the petition does
15 not contain the required number of signatures, the petitioners have
16 60 days after the date of that determination to obtain additional
17 signatures. On determining that the petition complies with this
18 section, the secretary shall certify it as valid.

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

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

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

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

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

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

27 (n) To the extent of any conflict between two proposed

1 statutory measures approved at the same election, the measure
2 receiving the greatest number of votes in favor of the measure
3 controls. To the extent of any conflict between two proposed
4 constitutional measures approved at the same election, the measure
5 receiving the greatest number of votes in favor of the measure
6 controls.

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

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

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

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

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

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

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

27 (h) If a referendum proposal is approved by a majority of

1 those voting on the question, the repeal is effective immediately
2 on official declaration of the result of the election, whether or
3 not the bill repealed took effect before the date of the election.

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

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

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

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

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

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