87S30155 MCK-D

By:  Larson H.B. No. 123

A BILL TO BE ENTITLED

AN ACT

relating to observing standard time year-round or observing daylight saving time year-round based on the results of a statewide referendum.

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

SECTION 1.  Section 312.016, Government Code, is amended by adding Subsection (d) to read as follows:

(d)  The state, acting under the exemption provisions of Section 3(a), Uniform Time Act of 1966 (15 U.S.C. Section 260a(a)), is exempt from the provisions of that law that establish daylight saving time. The exemption provided by this subsection applies to both the portion of the state using central standard time as the official standard time and the portion of the state using mountain standard time as the official standard time.

SECTION 2.  Section 312.016, Government Code, is amended by adding Subsection (d) to read as follows:

(d)  The state, acting as authorized under federal law, shall observe daylight saving time year-round. This subsection applies to both the portion of the state using central standard time as the official standard time and the portion of the state using mountain standard time as the official standard time.

SECTION 3.  (a) At the general election to be held on May 7, 2022, a statewide referendum shall be conducted to allow the voters of this state to indicate a preference for either:

(1)  observing standard time year-round; or

(2)  observing daylight saving time year-round.

(b)  The ballot for the referendum shall be printed to state as follows: "Which of the following do you prefer?

"Observing standard time year-round."

"Observing daylight saving time year-round."

(c)  The secretary of state shall design the ballot for the referendum to enable a voter to select either of the statements set out in Subsection (b) of this section as the voter's preference.

(d)  The proposition for the referendum shall be printed on the ballot under the heading: "Referendum Proposition" immediately following the proposed constitutional amendment authorizing a statewide referendum to allow the voters to choose between observing standard time year-round and observing daylight saving time year-round and authorizing the legislature to enact legislation giving effect to the option preferred by a majority of voters.

(e)  Notice of the election shall be given in the same manner that notice of proposed constitutional amendments is given.

(f)  Returns of the votes cast on the proposition shall be prepared and canvassed in the same manner as the returns on the proposed constitutional amendments. Immediately after the results of the election are certified, the secretary of state shall transmit a copy of the certification to the lieutenant governor and the speaker of the house of representatives.

SECTION 4.  (a) Except as provided by Subsection (c) of this section, if a majority of the votes cast in the statewide referendum under Section 3 of this Act are in favor of "Observing standard time year-round," Section 1 of this Act takes effect November 7, 2022, and Section 2 of this Act does not take effect.

(b)  Except as provided by Subsection (c) of this section, if a majority of the votes cast in the referendum under Section 3 of this Act are in favor of "Observing daylight saving time year-round," Section 1 of this Act does not take effect and Section 2 of this Act takes effect only if the United States Congress enacts legislation that becomes law that authorizes the State of Texas to observe daylight saving time year-round. If the United States Congress does not enact legislation that becomes law described by this subsection, Section 2 of this Act has no effect.

(c)  If the constitutional amendment proposed by the 87th Legislature, 3rd Called Session, 2021, authorizing a statewide referendum allowing voters to choose between observing standard time year-round and observing daylight saving time year-round and authorizing the legislature to enact legislation giving effect to the option preferred by a majority of voters is not approved by the voters, Sections 1 and 2 of this Act have no effect.

SECTION 5.  Sections 3 and 4 of this Act and this section take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Sections 3 and 4 of this Act and this section take effect on the 91st day after the last day of the legislative session.