

By: Larson

H.B. No. 123

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to observing standard time year-round or observing  
3 daylight saving time year-round based on the results of a statewide  
4 referendum.

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

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

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

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

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

22 SECTION 3. (a) At the general election to be held on May 7,  
23 2022, a statewide referendum shall be conducted to allow the voters  
24 of this state to indicate a preference for either:

- 1           (1) observing standard time year-round; or  
2           (2) observing daylight saving time year-round.

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

5           "Observing standard time year-round."

6           "Observing daylight saving time year-round."

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

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

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

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

26          SECTION 4. (a) Except as provided by Subsection (c) of this  
27 section, if a majority of the votes cast in the statewide referendum

1 under Section 3 of this Act are in favor of "Observing standard time  
2 year-round," Section 1 of this Act takes effect November 7, 2022,  
3 and Section 2 of this Act does not take effect.

4 (b) Except as provided by Subsection (c) of this section, if  
5 a majority of the votes cast in the referendum under Section 3 of  
6 this Act are in favor of "Observing daylight saving time  
7 year-round," Section 1 of this Act does not take effect and Section  
8 2 of this Act takes effect only if the United States Congress enacts  
9 legislation that becomes law that authorizes the State of Texas to  
10 observe daylight saving time year-round. If the United States  
11 Congress does not enact legislation that becomes law described by  
12 this subsection, Section 2 of this Act has no effect.

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

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