88R5860 MCK-D

By:  Zaffirini S.B. No. 1297

A BILL TO BE ENTITLED

AN ACT

relating to observing standard time year-round and authorizing a statewide referendum allowing voters to indicate a preference for observing standard time year-round or observing daylight saving time year-round.

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

SECTION 1.  (a) 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.

(b)  This section takes effect November 6, 2023, to coincide with the end of daylight saving time for 2023.

SECTION 2.  (a) 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.

(b)  Section 312.016(d), Government Code, as added by this section, becomes law only if a majority of the votes cast in the statewide referendum authorized by Section 3 of this Act are in favor of "Observing daylight saving time year-round." If a majority of the votes cast in the statewide referendum authorized by Section 3 of this Act are not in favor of "Observing daylight saving time year-round," this section has no effect.

SECTION 3.  (a) If the United States Congress enacts legislation that becomes law that authorizes this state to observe daylight saving time year-round, 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."

(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.

(g)  Except as provided by Subsection (h) of this section, the statewide referendum under this section shall be held during the first general election for state and county officers following the date the United States Congress enacts legislation that becomes law that authorizes this state to observe daylight saving time year-round.

(h)  If the date the United States Congress enacts legislation that becomes law that authorizes this state to observe daylight saving time year-round is less than 74 days before the date of the next general election for state and county officers, the statewide referendum under this section shall be held during the second general election for state and county officers following the date the United States Congress enacts legislation that becomes law that authorizes this state to observe daylight saving time year-round.

SECTION 4.  (a) If the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, authorizing the statewide referendum under Section 3 of this Act is approved by the voters and if a majority of the votes cast in the statewide referendum are in favor of "Observing standard time year-round," Section 312.016(d), Government Code, as added by this Act, remains in effect and Section 2 of this Act does not take effect.

(b)  If the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, authorizing the statewide referendum under Section 3 of this Act is approved by the voters and if a majority of the votes cast in the statewide referendum are in favor of "Observing daylight saving time year-round," Section 312.016(d), Government Code, as added by this Act, is repealed and Section 2 of this Act takes effect on the date daylight saving time begins after the statewide referendum under Section 3 of this Act.

SECTION 5.  (a) Except as otherwise provided by this Act, this Act takes effect September 1, 2023.

(b)  Sections 2, 3, and 4 of this Act take effect only if the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, authorizing a referendum election on the issue of daylight saving time is approved by the voters. If that amendment is not approved by the voters, Sections 2, 3, and 4 of this Act have no effect.