By: Schofield, Thompson of Harris   H.J.R. No. 45

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the legislature
2 to require a court to provide notice to the attorney general of a
3 challenge to the constitutionality of a state statute and
4 authorizing the legislature to prescribe a waiting period before
5 the court may enter a judgment holding the statute
6 unconstitutional.
7   BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:
8   SECTION 1. Article V, Texas Constitution, is amended by
9 adding Section 32 to read as follows:
10   Sec. 32. Notwithstanding Section 1, Article II, the
11 legislature may:
12   (1) require a court to provide notice to the attorney
13 general of a challenge to the constitutionality of a statute of this
14 state; and
15   (2) prescribe a reasonable period after the provision
16 of that notice during which the court may not enter a judgment
17 holding the statute unconstitutional.
18   SECTION 2. The following temporary provision is added to
19 the Texas Constitution:
20   TEMPORARY PROVISION. (a) This temporary provision applies
21 with respect to the constitutional amendment proposed by the 85th
22 Legislature, Regular Session, 2017, authorizing the legislature to
23 require a court to provide notice to the attorney general of a
24 challenge to the constitutionality of a state statute and

1 authorizing the legislature to prescribe a waiting period before
2 the   court   may   enter   a   judgment   holding   the   statute
3 unconstitutional.

4   (b)   Section 402.010, Government Code, as added by Chapter
5 808 (H.B. 2425), Acts of the 82nd Legislature, Regular Session,
6 2011, and amended by Chapter 1162 (S.B. 392) and Chapter 1276 (H.B.
7 1435), Acts of the 83rd Legislature, Regular Session, 2013, is
8 validated and effective on approval of the constitutional amendment
9 described by Subsection (a) of this temporary provision and applies
10 only to a petition, motion, or other pleading filed on or after
11 January 1, 2018.

12   (c)   This temporary provision expires January 2, 2018.

13   SECTION 3.   This proposed constitutional amendment shall be
14 submitted to the voters at an election to be held November 7, 2017.
15 The ballot shall be printed to permit voting for or against the
16 proposition: "The   constitutional   amendment   authorizing   the
17 legislature to require a court to provide notice to the attorney
18 general of a challenge to the constitutionality of a state statute
19 and authorizing the legislature to prescribe a waiting period
20 before   the   court   may   enter   a   judgment   holding   the   statute
21 unconstitutional."