1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment authorizing the legislature

3 to require a court to provide notice to the attorney general of a

4 challenge to the constitutionality of a state statute and

5 authorizing the legislature to prescribe a waiting period before

6 the court may enter a judgment holding the statute

7 unconstitutional.

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

9 SECTION 1. Article V, Texas Constitution, is amended by

10 adding Section 32 to read as follows:

11 Sec. 32. Notwithstanding Section 1, Article II, of this

12 constitution, the legislature may:

13 (1) require a court in which a party to litigation

14 files a petition, motion, or other pleading challenging the

15 constitutionality of a statute of this state to provide notice to

16 the attorney general of the challenge if the party raising the

17 challenge notifies the court that the party is challenging the

18 constitutionality of the statute; and

19 (2) prescribe a reasonable period, which may not

20 exceed 45 days, after the provision of that notice during which the

21 court may not enter a judgment holding the statute

22 unconstitutional.

23 SECTION 2. The following temporary provision is added to

24 the Texas Constitution:

1   TEMPORARY PROVISION. (a) This temporary provision applies

2 with respect to the constitutional amendment proposed by the 85th

3 Legislature, Regular Session, 2017, authorizing the legislature to

4 require a court to provide notice to the attorney general of a

5 challenge to the constitutionality of a state statute and

6 authorizing the legislature to prescribe a waiting period, not to

7 exceed 45 days, before the court may enter a judgment holding the

8 statute unconstitutional.

9   (b) Section 402.010, Government Code, as added by Chapter

10 808 (H.B. 2425), Acts of the 82nd Legislature, Regular Session,

11 2011, and amended by Chapter 1162 (S.B. 392) and Chapter 1276 (H.B.

12 1435), Acts of the 83rd Legislature, Regular Session, 2013, is

13 validated and effective on approval of the constitutional amendment

14 described by Subsection (a) of this temporary provision and applies

15 only to a petition, motion, or other pleading filed on or after

16 January 1, 2018.

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

18   SECTION 3. This proposed constitutional amendment shall be

19 submitted to the voters at an election to be held November 7, 2017.

20 The ballot shall be printed to permit voting for or against the

21 proposition: "The constitutional amendment authorizing the

22 legislature to require a court to provide notice to the attorney

23 general of a challenge to the constitutionality of a state statute

24 and authorizing the legislature to prescribe a waiting period

25 before the court may enter a judgment holding the statute

26 unconstitutional."

_____   _____
    President of the Senate   Speaker of the House

    I hereby certify that S.J.R. No. 6 was adopted by the Senate on May 1, 2017, by the following vote: Yeas 30, Nays 1.

                              _____
                                  Secretary of the Senate

    I hereby certify that S.J.R. No. 6 was adopted by the House on May 23, 2017, by the following vote: Yeas 136, Nays 9, two present not voting.

                              _____
                                  Chief Clerk of the House