

BILL ANALYSIS

Senate Research Center

S.J.R. 8
By: Cain
State Affairs
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As Filed

DIGEST

Currently, the legislature is not permitted to submit proposed statutes to the voters. S.J.R. 8 requires the submission to the voters of a constitutional amendment that addresses the process of submitting certain legislation to the voters for their approval. The proposal would require a two-thirds vote in both chambers on the question of submitting a measure to the voters, but not necessarily a two-thirds vote by the public on the measure itself.

PURPOSE

As proposed, S.J.R. 8 requires the submission to the voters of a constitutional amendment that addresses the process of submitting certain legislation to the voters for their approval.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article III, Texas Constitution, by adding Section 39a, as follows:

Sec. 39a. (a) Authorizes the legislature to submit a proposed statute to the voters and make the enactment of the statute into law subject to the approval of the voters.

(b) Authorizes the legislature to submit alternative proposals for a statute and provide that the measure receiving the highest number of votes in the election held on the issue shall prevail over any other, provided that a measure must receive at least a majority of votes cast to be adopted in all cases.

(c) Provides that a statute to be submitted to the voters must be approved by a vote of two-thirds of all the members elected to each chamber of the legislature and entered in the journals.

(d) Prohibits a measure submitted to the voters from being subject to veto by the governor.

(e) Requires certain information regarding the proposed statute to be published in the same manner as the statements required for proposed amendments to this constitution.

(f) Requires the election on proposed statutes submitted to the voters to be held on the first Tuesday of November, in accordance with certain procedures established by the legislature. Provides that if it appears from the returns that a majority of the votes cast have been in favor of the statute, proclamation shall be made by the governor, and the statute shall become law under its own terms.

(g) Requires a two-thirds vote of the members of both chambers of the legislature to amend or repeal the statute during the first five years after the adoption of the statute.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 1997. Sets forth the required language for the ballot.