

## **BILL ANALYSIS**

Senate Research Center

S.J.R. 6  
By: Nelson  
State Affairs  
2-25-97  
As Filed

### **DIGEST**

Currently, the powers of initiative and referendum are reserved as legislative powers. Initiative and referendum are terms often used interchangeably but they have significantly different meanings. The power of initiative enables citizens to bypass the legislation by placing proposed statutes and, in some states, constitutional amendments on the ballot. The power of referendum provides for a popular vote on laws that have been enacted by the legislature. S.J.R. 6 reserves to the people the powers of initiative and referendum.

### **PURPOSE**

As proposed, S.J.R. 6 requires the submission to the voters of a constitutional amendment to reserve to the people the powers of initiative and referendum.

### **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 amending Section 1 and adding Sections 1A and 1B, as follows:

Sec. 1. Requires the legislative power of the state, subject to Sections 1A and 1B of this article, to be vested in a Senate and House of Representatives and titled "The Legislature of the State of Texas."

Sec. 1A. (a) Provides that the people reserve to themselves the power to propose statutory and constitutional measures by petition for submission to the electorate and to have those measures enacted as provided by this section. Provides that this power is known as the initiative.

(b) Requires a proposed statutory or constitutional measure and a filing fee is to be submitted to the attorney general. Prohibits a proposed measure from containing more than one subject. Requires the attorney general to advise the petitioner regarding the proposed measure. Prohibits a measure determined unconstitutional from being forwarded to other state officers.

(c) Requires the attorney general to forward the measure to the comptroller of public accounts for the preparation of a fiscal note, if the measure authorizes or requires the expenditure or diversion of any state funds. provides that otherwise the attorney general shall forward the measure to the secretary of state (secretary).

(d) Requires the comptroller to prepare and sign the fiscal note, attach it to the measure, and forward the measure to the secretary. Requires the comptroller to outline the fiscal implications and probable cost of the measure each year for a certain period of time and a statement as to whether there will be costs involved.

(e) Requires the secretary to issue to the petitioner approved copies of the initiative

petition proposing the measure in the number requested. Authorizes the secretary to charge for the copies. Requires the secretary to prescribe standards of form and design for a petition, which must include the full text of the proposed measure.

(f) Requires the initiative petition to be signed by a specific number of registered voters in each of at least two-thirds of the congressional districts and statewide. Requires an initiative petition that proposes a constitutional measure to be signed by a certain number of registered voters in certain congressional district and statewide.

(g) Requires the petition to be filed with the secretary not later than the 365th day after the date the approved copies are issued by the secretary, requires the secretary to determine whether the petition is valid, and sets forth the conditions for the secretary to determine the validity of the petition.

(h) Requires the secretary to submit the question of approval or disapproval of the measure to the voters of the state at an election held on a specified date. Provides that if the measure is approved by a majority of those voting on the question, the statutory change proposed takes effects according to its terms.

(i) Authorizes a statutory measure that had become law to be amended or repealed within five years after it takes effect only on the record vote of two-thirds of the members elected to each chamber.

(j) Requires the secretary to submit the question of approval or disapproval of a certified petition proposed as a constitutional measure to the voters at an election held on a specified date. Provides that if the measure is approved by a 60 percent majority of those voting on the question the amendment becomes part of the constitution.

(k) Requires the secretary to prepare the ballot proposition for a measure proposed by initiative. Prohibits the proposition from being argumentative or prejudicial. Provides that the provisions of this constitution and of law that apply to publication of constitutional amendments proposed under Section 1, Article XVII, of this constitution apply to the publication of measures proposed under this section.

(l) Provides that this section is self-executing, but laws may be enacted to facilitate its operation. Prohibits any law from being enacted that will hamper, restrict, or impair the exercise of the power of initiative.

Sec. 1B. (a) Provides that the people reserve the power by petition and election to repeal statutes enacted by the legislature and that this power is known as referendum.

(b) Provides that the referendum power extends to any bill enacted during a regular or special session of the legislature, and to each bill in its entirety and not to part of a bill.

(c) Requires a written request for a petition proposing the repeal of a bill to be submitted to the secretary in a prescribed form with a filing fee in an amount set by general law not later than the 180th day after the date of the final adjournment of the session in which the bill was enacted.

(d) Requires the secretary to prepare and issue approved copies of a petition proposing repeal of the bill and authorizes the secretary to charge a reasonable fee for each copy. Sets forth the requirements for the petition.

(e) Requires a referendum petition to be filed with the secretary not later than the 180th day after the date of its issuance and to be signed by a certain number of the registered voters of the congressional districts as well as statewide.

(f) Requires the secretary to review the petition to determine validity. Authorizes the secretary to use any reasonable statistical sampling method for verification. Requires the

secretary to certify the petition as valid and submit the proposal to the voters at an election. Sets forth the requirements for the ballot.

(g) Provides that the provisions of this constitution and of law that apply to publication of constitutional amendments proposed under Section 1, Article XVII, of this constitution apply to the publication of a referendum proposal.

(h) Provides that if a referendum proposal is approved by a majority of those voting on the question, the repeal is effective immediately on official declaration of the result of the election, whether or not the bill repealed took effect before the date of the election.

(i) Authorizes laws to be enacted to facilitate the referendum's operation. Prohibits a law from being enacted to hamper, restrict, or impair the exercise of the power of referendum.

SECTION 2. Amends Article XVII, Texas Constitution, by adding Section 1A, as follows:

Sec. 1A. Provides that the constitution may be amended by the initiative procedure authorized by Section 1A, Article III, of this constitution.

SECTION 3. 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.