APPENDIX. Notes on Temporary Provisions for Adopted Amendments

A temporary provision may be included in a joint resolution to amend the Texas Constitution for a variety of reasons. A temporary provision can provide that the proposed constitutional amendment have a limited duration, but this is an exceedingly rare occurrence. The more common uses of temporary provisions are as saving provisions or transition provisions. A temporary saving provision "saves" from the application of a new or amended constitutional provision certain conduct or legal relationships that occurred before or existed on the effective date of the constitutional amendment. A temporary transition provision provides for the orderly implementation of the constitutional amendment. The most common type of temporary transition provision is one that provides an effective date for a constitutional amendment that is later in time than the effective date that would otherwise occur by operation of law. Most temporary provisions include an expiration date; those with no expiration date remain in the constitution in perpetuity unless removed by a subsequent amendment to the constitution.

1. H.J.R. No. 62, Section 56, 76th Legislature, Regular Session, 1999.

TEMPORARY TRANSITION PROVISIONS. (a) This section applies to amendments proposed by H.J.R. No. 62, 76th Legislature, Regular Session, 1999.

(b) The amendments do not impair any obligation created by the issuance of bonds or other evidences of indebtedness in accordance with prior law, and all bonds or other evidences of indebtedness validly issued under provisions amended or repealed remain valid, enforceable, and binding according to their terms and shall be paid from the sources pledged. Bonds or other evidences of indebtedness authorized but unissued on the effective date of the

amendments may be issued in compliance with and subject to the provisions of the prior law. The amendments do not reduce or expand the authority to provide for, issue, or sell bonds or other evidences of indebtedness previously authorized.

(c) As of the date of adoption of H.J.R. No. 62 by the 76th Legislature, Regular Session, 1999, the Veterans' Land Board has authorized but unissued bonds in the aggregate principal amount of $190,002,225 for the purpose of providing funds for the Veterans' Land Fund, $1,309,997,775 having previously been issued for that purpose, and $615,000,000 for the purpose of providing funds for the Veterans' Housing Assistance Fund II, $385,000,000 having previously been issued for that purpose. The amendments do not in any manner impair the authority of the Veterans' Land Board hereafter to issue bonds or incur other evidences of indebtedness, provided that any bonds or other evidences of indebtedness issued or incurred by the Veterans' Land Board prior to adoption of the amendments shall cause the amount of authorized but unissued bonds described in this subsection to be reduced by the amount of the bonds so issued or other evidences of indebtedness so incurred.

(d) As of the date of adoption of H.J.R. No. 62 by the 76th Legislature, Regular Session, 1999, the Texas Water Development Board has authorized but unissued bonds in the aggregate principal amount of $945,765,000, and as of that date that board has issued $113,300,000 in bonds for the purpose of providing wholesale and retail water and wastewater facilities to economically distressed areas of the state, as defined by law. The amendments do not in any manner impair the authority of the Texas Water Development Board hereafter to issue bonds or incur other evidences of indebtedness, provided that any bonds or other evidences of indebtedness issued or incurred by the Texas Water Development Board prior to adoption of the amendments shall cause the amount of authorized but unissued bonds described in this subsection to be reduced by the amount of the bonds so issued or other evidences of indebtedness so incurred.

(e) As of the date of adoption of H.J.R. No. 62 by the 76th Legislature, Regular Session, 1999, the Texas Higher Education Coordinating Board has authorized but unissued bonds in the aggregate principal amount of $150,000,000, and as of that date the

board has issued $810,000,000 in bonds for the purpose of educational loans to students. The amendments do not in any manner impair the authority of the Texas Higher Education Coordinating Board hereafter to issue bonds or incur other evidences of indebtedness, provided that any bonds or other evidences of indebtedness issued or incurred by the Texas Higher Education Coordinating Board prior to adoption of the amendments shall cause the amount of authorized but unissued bonds described in this subsection to be reduced by the amount of the bonds so issued or other evidences of indebtedness so incurred.

(f) The amendment of Subsection (b), Section 1-b, Article VIII, does not affect the increase in the amount of an exemption effective January 1, 1979, under that subsection, and that increase is preserved and given effect in accordance with the prior law.

(g) The amendment of Subsection (b), Section 1-j, Article VIII, does not affect the taxation of personal property in accordance with action taken under that section before April 1, 1990, and that authority to tax personal property is preserved and given effect in accordance with the prior law.

(h) The amendment of Subsection (c), Section 5, Article IX, does not affect the validity of a confirmation election held in accordance with that section.

(i) The repeal of Section 5, Article VIII, does not affect the power of a municipality to impose and collect taxes on the property of railroad companies in accordance with the general authority of municipalities under this constitution to impose and collect those taxes.

(j) The repeal of Section 6, Article IX, does not affect the disposition of assets of the Lamar County Hospital District in accordance with that section.

(k) The amendment of Section 44, Article XVI, does not affect the power of a county to abolish the office of county treasurer or county surveyor in accordance with previously adopted amendments of that section, and the power is preserved in accordance with the prior law.

(l) The repeal of Section 66, Article XVI, does not affect the pensions payable under that section and those pensions shall be

paid in accordance with the prior law.

(m) The reenactment of any provision for purposes of amendment does not revive a provision that may have been impliedly repealed by the adoption of a later amendment.

(n) The amendment of any provision does not affect vested rights.

2. H.J.R. No. 58, Section 3, 76th Legislature, Regular Session, 1999.

TEMPORARY PROVISION. (a) The amendment of Section 18, Article VII, of this constitution adopted in 1999 does not impair any obligation created by the issuance of bonds or notes in accordance with that section before January 1, 2000, and all outstanding bonds and notes validly issued under that section remain valid, enforceable, and binding and shall be paid in full, both principal and interest, in accordance with their terms and from the sources pledged to their payment. In order to ensure that the amendment of that section does not impair any obligation created by the issuance of those bonds and notes, there shall be distributed from the income, investment returns, or other assets of the permanent university fund to the available university fund during each fiscal year an amount at least equal to the amount necessary to pay the principal and interest due and owing during the fiscal year on those bonds and notes.

(b) This section expires January 1, 2030.

3. H.J.R. No. 75, Section 9.01, 77th Legislature, Regular Session, 2001.

TEMPORARY TRANSITION PROVISION. (a) This section applies to the amendments to this constitution proposed by H.J.R. No. 75, 77th Legislature, Regular Session, 2001.

(b) The reenactment of any provision of this constitution for purposes of amendment does not revive a provision that may have been impliedly repealed by the adoption of a later amendment.

(c) The amendment of any provision of this constitution does

not affect vested rights.

4. S.J.R. No. 47, Section 3, 87th Legislature, Regular Session, 2021.

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, changing the eligibility requirements for a justice of the supreme court, a judge of the court of criminal appeals, a justice of a court of appeals, and a district judge.

(b) The amendment to Section 2(b), Article V, of this constitution takes effect January 1, 2022, and applies only to a chief justice or other justice of the supreme court, a presiding judge or other judge of the court of criminal appeals, or a chief justice or other justice of a court of appeals who is first elected for a term that begins on or after January 1, 2025, or who is appointed on or after that date.

(c) The amendment to Section 7, Article V, of this constitution takes effect January 1, 2022, and applies only to a district judge who is first elected for a term that begins on or after January 1, 2025, or who is appointed on or after that date.

(d) This temporary provision expires January 1, 2026.

5. H.J.R. No. 125, Section 2, 88th Legislature, Regular Session, 2023.

TEMPORARY PROVISION. (a) This temporary provision applies to the amendment to Article III of this constitution as proposed by the 88th Legislature, Regular Session, 2023, creating the broadband infrastructure fund to expand high-speed broadband access and assist in the financing of connectivity projects.

(b) The change made to Article III of this constitution by the amendment described in Subsection (a) of this section takes effect January 1, 2024.

(c) This temporary provision expires January 1, 2025.

6. H.J.R. No. 134, Section 2, 88th Legislature, Regular Session, 2023.

TEMPORARY PROVISION. (a) The constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, abolishing the office of County Treasurer in Galveston County takes effect only if, at the statewide election at which the amendment is submitted to and approved by the voters, a majority of the voters of Galveston County voting on the question at that election also favor the amendment. The amendment takes effect January 1, 2024, if the conditions of this subsection are met.

(b) This temporary provision expires January 2, 2024.

7. H.J.R. No. 2, Section 5, 88th Legislature, 2nd Called Session, 2023.

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by H.J.R. 2, 88th Legislature, 2nd Called Session, 2023.

(b) The amendments to Section 1-b, Article VIII, of this constitution take effect for the tax year beginning January 1, 2023.

(c) The amendment to Section 22, Article VIII, of this constitution applies to appropriations made for the state fiscal biennium beginning September 1, 2023, and subsequent state fiscal bienniums.

(d) This temporary provision expires January 1, 2025.