

By: Hughes, Kolthorst

S.B. No. 1860

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of a climate policy in a municipal charter.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 9, Local Government Code, is amended by adding Section 9.0015 to read as follows:

Sec. 9.0015. DEFINITION. In this chapter, "climate charter" means a charter provision or charter amendment establishing a comprehensive rule or policy statement that purports to address climate change or the municipality's environmental impact, including water and energy use and air pollution.

SECTION 2. Section 9.003(a), Local Government Code, is amended to read as follows:

(a) Except as provided by Section 9.0045, the [The] charter prepared by the charter commission shall be submitted to the qualified voters of the municipality at an election to be held on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with other requirements of law and that occurs on or after the 40th day after the date the charter commission completes its work. The governing body of the municipality shall provide for the submission of the charter at the election to the extent that the provisions for submission are not prescribed by general law.

SECTION 3. Section 9.004(a), Local Government Code, is amended to read as follows:

1 (a) Except as provided by Section 9.0045, the ~~[The]~~
2 governing body of a municipality on its own motion may submit a
3 proposed charter amendment to the municipality's qualified voters
4 for their approval at an election. The governing body shall submit
5 a proposed charter amendment to the voters for their approval at an
6 election if the submission is supported by a petition signed by a
7 number of qualified voters of the municipality equal to at least
8 five percent of the number of qualified voters of the municipality
9 or 20,000, whichever number is the smaller.

10 SECTION 4. Chapter 9, Local Government Code, is amended by
11 adding Section 9.0045 to read as follows:

12 Sec. 9.0045. APPROVAL OF CLIMATE CHARTER OR AMENDMENT TO
13 CHARTER BY LEGISLATURE REQUIRED. A municipality may not hold an
14 election for voter approval of a proposed climate charter unless
15 the legislature adopts a resolution approving the proposed climate
16 charter.

17 SECTION 5. A climate charter adopted by a municipality
18 before the effective date of this Act remains valid and enforceable
19 until January 1, 2026. Not later than January 1, 2025, a
20 municipality that adopted a climate charter before the effective
21 date of this Act must comply with the approval requirement under
22 Section 9.0045, Local Government Code, as added by this Act.

23 SECTION 6. This Act takes effect September 1, 2023.