

By: Wentworth

S.B. No. 1361

A BILL TO BE ENTITLED

AN ACT

relating to requiring a majority vote of the governing body of a municipality to take certain actions.

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

SECTION 1. Subchapter A, Chapter 51, Local Government Code, is amended by adding Section 51.002 to read as follows:

Sec. 51.002. SUPER MAJORITY PROHIBITED IN CERTAIN CIRCUMSTANCES. (a) A municipality may not require the approval of more than a simple majority of the governing body of the municipality to:

(1) adopt or amend an ordinance or resolution authorized under:

(A) Section 401.002; or

(B) Section 26.177, Water Code;

(2) execute an agreement under Section 212.172; or

(3) compromise and settle an action with a property owner authorized under Section 245.006.

(b) A municipal ordinance or charter provision is void to the extent it violates Subsection (a).

(c) The act of a municipality described by Subsections (a)(1)-(3) taken before September 1, 2005, with the approval of a simple majority, is valid unless the act has been determined invalid by a final judgment of a court that is not subject to appeal.

1 SECTION 2. This Act takes effect September 1, 2005.