

BILL ANALYSIS

S.B. 1086
By: Carona
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law provides that the governing body of a municipality may submit a proposed charter amendment to the municipality's qualified voters for their approval at an election. A proposed amendment must be submitted to a vote if it is supported by a petition containing 20,000 signatures or if it is signed by at least five percent of the municipality's qualified voters, whichever is less.

The law further requires that the voters receive notice in connection with such an election, which must include a copy of the proposed amendment. However, there is no requirement that the voters be informed of the cost of the proposed amendment to the municipality.

S.B. 1086 adds a requirement that the notice of election include an estimate of the anticipated fiscal impact to the municipality of the proposed amendment and provides that the requirement does not waive governmental immunity for any purpose.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 9.004, Local Government Code, by amending Subsection (c) and adding Subsection (f), as follows:

(c) Requires the notice of an election to include certain information, including an estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the election.

(f) Provides that the requirement imposed by Subsection (c)(2) does not waive governmental immunity for any purpose and prohibits a person from seeking injunctive relief or any other judicial remedy to enforce the estimate of the anticipated fiscal impact on the municipality.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date

EFFECTIVE DATE

September 1, 2007.