

By: Coleman

H.B. No. 3794

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain municipalities to impose term limits on the members of their governing bodies.

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

SECTION 1. Subchapter C, Chapter 26, Local Government Code, is amended by adding Section 26.048 to read as follows:

Sec. 26.048. TERM LIMITS IN POPULOUS MUNICIPALITIES. (a) This section applies only to a municipality with a population of 1.8 million or more.

(b) In this section:

(1) "Governing body of a municipality" includes the presiding officer of the municipality.

(2) "Municipal term limit" means a provision in a municipal charter or ordinance that imposes a limit on the number of terms or otherwise restricts the length of service a member of the governing body of a municipality may serve on the governing body.

(c) The governing body of the municipality shall decide whether an election held under this section will authorize term limits for members of the governing body of the municipality consisting of a maximum of:

(1) three four-year terms; or

(2) six two-year terms.

(d) The presiding officer of a municipality shall order an election in the municipality on the first uniform election date in

1 November that occurs in an even-numbered year after this section  
2 becomes applicable to the municipality on the question of imposing  
3 term limits on the members of the governing body of the  
4 municipality.

5 (e) The ballot at the election must be printed to permit  
6 voting for or against the proposition: "Authorizing term limits  
7 consisting of (insert number of terms and length of terms) on a  
8 person's service on the governing body of the City of (insert name  
9 of municipality)."

10 (f) If a majority of the votes received at the election  
11 favor the proposition, the number and length of terms a person may  
12 serve on the governing body is limited as provided in the  
13 proposition. The municipality shall adjust the length of the terms  
14 of the members of the governing body as necessary to comply with the  
15 proposition.

16 (g) If less than a majority of the votes received at the  
17 election favor the proposition, municipal term limits and the  
18 length of the terms of the members of the governing body that  
19 existed before the election are not affected.

20 (h) In applying a term limit authorized by this section:

21 (1) a term to which a member of the governing body was  
22 elected or appointed before the election held under Subsection (d)  
23 is counted only if the member served one-half or more of the term;  
24 and

25 (2) a partial term to which a member of the governing  
26 body is elected or appointed on or after the date of the election  
27 held under Subsection (d) is counted only if the member serves

1 one-half or more of the term.

2 (i) This section expires January 1, 2015.

3 SECTION 2. This Act takes effect September 1, 2013.