

By: King of Parker

H.B. No. 540

A BILL TO BE ENTITLED

AN ACT

relating to the submission to the attorney general of a measure proposing the enactment or repeal of a municipal ordinance.

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

SECTION 1. Subchapter E, Chapter 51, Local Government Code, is amended by adding Section 51.080 to read as follows:

Sec. 51.080. SUBMISSION OF INITIATIVE OR REFERENDUM BALLOT PROPOSALS. (a) This section applies only to a municipality that provides in its charter for the proposal by petition of a measure to enact a new ordinance or repeal an existing ordinance.

(b) Before ordering an election as required by charter, a municipality shall submit a measure proposed by petition to enact a new ordinance or repeal an existing ordinance to the attorney general. The attorney general shall, not later than the 90th day after submission:

(1) determine whether any portion of the proposed measure would violate the Texas or federal constitution, a state statute, or a rule adopted as authorized by state statute;

(2) determine whether passage of the measure would cause a governmental taking of private property for which the Texas or federal constitution would require compensation to be paid to the property owner; and

(3) advise the municipality of its determinations.

(c) A municipality may not hold an election on the proposed

1 measure if the attorney general has determined that any portion of
2 the proposed measure would violate the Texas or federal
3 constitution or a state statute or rule or would cause a
4 governmental taking of private property.

5 (d) To the extent that the requirements of this section
6 conflict with a municipal charter provision requiring the
7 municipality to order an election within a period following receipt
8 of a petition, this section controls and the period during which the
9 municipality must order the election is extended to the extent
10 necessary to comply with this section.

11 SECTION 2. The changes in law made by this Act apply only to
12 a petition requesting an election on the enactment or repeal of a
13 municipal ordinance submitted on or after the effective date of
14 this Act. A petition submitted before the effective date of this
15 Act is governed by the law in effect when the petition is submitted,
16 and the former law is continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2015.