

By: Keffer, Fallon

H.B. No. 2595

A BILL TO BE ENTITLED

AN ACT

relating to the use of municipal initiative and referendum to restrict property rights.

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. INITIATIVE AND REFERENDUM TO RESTRICT PROPERTY RIGHTS PROHIBITED. (a) This section does not apply to a petition or election to which Chapter 501, Election Code, applies.

(b) Notwithstanding any municipal charter provision, a municipality may not:

(1) accept for verification, certification, or other approval a petition requesting the enactment or repeal of an ordinance or charter provision, if the proposed enactment or repeal would restrict the right of any person to use or access the person's private property that would limit the use of real property for economic gain; or

(2) hold an election proposed by a petition on the proposed enactment or repeal of an ordinance or charter provision described by Subdivision (1).

(c) The purported enactment or repeal of an ordinance or charter provision prohibited by Subsection (b) has no effect. An election held in violation of Subsection (b) is void.

(d) A person whose rights are affected by a violation of

1 this section may sue for injunctive relief to enforce this section.

2 SECTION 2. Section 51.080, Local Government Code, as added
3 by this Act, applies only to a petition submitted on or after the
4 effective date of this Act. A petition submitted before the
5 effective date of this Act is governed by the law in effect when the
6 petition was submitted, and the former law is continued in effect
7 for that purpose.

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