

By: Alvarado

H.B. No. 2917

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of certain municipalities to impose term
3 limits on certain elected officials.

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

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

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

10 (b) In this section:

11 (1) "Governing body of a municipality" means the mayor
12 and the council members of the municipality.

13 (2) "Municipal term limit" means a provision in a
14 municipal charter or ordinance that imposes a limit on the number of
15 terms or otherwise restricts the length of service a member of the
16 governing body of a municipality may serve on the governing body or
17 an elected controller of the municipality may serve as a
18 controller.

19 (c) The governing body of a municipality shall order an
20 election in the municipality on the question of imposing term
21 limits of a maximum of two four-year terms on the members of the
22 governing body of the municipality and the controller of the
23 municipality.

24 (d) The ballot at the election must be printed to permit

1 voting for or against the proposition: "Authorizing term limits
2 consisting of not more than two four-year terms on a person's
3 service as the mayor, a council member, or the controller of the
4 City of (insert name of municipality)."

5 (e) If a majority of the votes received at the election
6 favor the proposition, the number and length of terms a person may
7 serve on the governing body or as the controller is limited to a
8 maximum of two four-year terms. The municipality shall amend the
9 municipality's charter or ordinance to adjust the number and length
10 of the terms of the members of the governing body and the controller
11 as necessary to comply with the proposition.

12 (f) If less than a majority of the votes received at the
13 election favor the proposition, municipal term limits and the
14 length of the terms of the members of the governing body and the
15 controller that existed before the election are not affected.

16 (g) A term limit authorized by this section applies only to
17 members of the governing body of a municipality or a controller of a
18 municipality elected at a general election held on or after
19 November 5, 2019.

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

21 (1) a member of the governing body of a municipality or
22 a controller of a municipality is eligible for election to another
23 municipal office that the member of the governing body or
24 controller has not previously held;

25 (2) the office of council member of the municipality,
26 whether elected by district or at-large, is considered to be the
27 same office;

1 (3) a person who was barred from election to a certain
2 office by the municipality's charter or ordinance before November
3 5, 2019, continues to be barred from election to the same office;

4 (4) a member of the governing body or a controller who
5 is serving a first or second term as a member of the governing body
6 or as the controller is eligible for election to serve one
7 additional four-year term in the same office;

8 (5) a member of the governing body or a controller who
9 is serving a third term as a member of the governing body or as the
10 controller is not eligible for election to the same office;

11 (6) a term to which a member of the governing body or a
12 controller was elected or appointed before the election held under
13 Subsection (c) is counted only if the member or controller served
14 one-half or more of the term; and

15 (7) a partial term to which a member of the governing
16 body or a controller is elected or appointed on or after the date of
17 the election held under Subsection (c) is counted only if the member
18 or controller serves one-half or more of the term.

19 (i) This section expires January 1, 2020.

20 SECTION 2. If this Act takes effect immediately, the
21 governing body of a municipality shall order an election as
22 provided by Section 26.048, Local Government Code, as added by this
23 Act, to be held on November 3, 2015. If this Act takes effect
24 September 1, 2015, the governing body shall order an election as
25 provided by that section to be held on November 7, 2017.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2015.