BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Background:

In Texas, general-law municipalities operate according to specific state statutes prescribing their powers and duties. They are limited to doing what the state authorizes or permits them to do. If state law does not grant general-law municipalities the express or implied power to initiate a particular action, none may be taken.

Currently, general-law municipalities do not have authority to enact term limits for their governing bodies. S.B. 452 seeks to change this and allow general-law municipalities the ability to enact or remove term limits if they so choose.

Bill Purpose:

S.B. 452 gives authority to general-law municipalities to order an election to impose, amend, or repeal municipal term limits. The bill gives strict guidelines for the language to be used on the ballot. A majority of votes must be in favor of the initiative for it to go into effect.

If municipal term limits are enacted, it would not apply to a term that a member of the governing body is serving on or before the date the election was held. S.B. 452 does not require general-law municipalities to have term limits, rather allowing them and their voters greater local control to do so if they want.

As proposed, S.B. 452 amends current law relating to the authority of general-law municipalities to impose term limits on the members of their governing bodies.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 21, Local Government Code, by adding Section 21.006, as follows:

> Sec. 21.006. TERM LIMITS FOR GOVERNING BODY OF GENERAL-LAW MUNICIPALITY. (a) Defines "governing body" and "municipal term limit" for the purposes of this section.

>> (b) Authorizes the governing body of a general-law municipality to order an election to impose, amend, or repeal municipal term limits.

>> (c) Requires the ballot at an election for imposing municipal term limits to be printed to permit voting for or against the proposition. Sets forth required language for the ballot. Provides that if a majority of the votes received at the election favor the proposition, the number of terms a person may serve on the governing body is limited as provided in the proposition.

(d) Requires the ballot at an election for amending municipal term limits to be printed to permit voting for or against the proposition. Sets forth required language for the ballot. Provides that if a majority of the votes received at the election favor the proposition, the number of terms a person may serve on the governing body is limited as amended.

(e) Requires the ballot at an election for repealing municipal term limits to be printed to permit voting for or against the proposition. Sets forth required language for the ballot. Provides that if a majority of the votes received at the election favor the proposition, the municipal term limits are repealed.

(f) Provides that if less than a majority of the votes received at an election under Subsection (d) or (e) favor the applicable proposition, municipal term limits that existed before the election are not affected.

(g) Provides that a municipal term limit imposed or amended by an election held under this section does not apply to a term that a member of the governing body is serving or was elected or appointed to serve on or before the date the election was held.

SECTION 2. Effective date: upon passage or September 1, 2019.