

By: Burrows

H.B. No. 235

A BILL TO BE ENTITLED

AN ACT

relating to the date on which a home rule municipality may order an election for proposed charter amendments.

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

SECTION 1. Section 9.004, Local Government Code, is amended to read as follows:

Sec. 9.004. CHARTER AMENDMENTS. (a) The governing body of a municipality on its own motion may submit a proposed charter amendment to the municipality's qualified voters for their approval at an election. The governing body shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of qualified voters of the municipality equal to at least five percent of the number of qualified voters of the municipality or 20,000, whichever number is the smaller.

(b) The ordinance ordering the election shall provide for the election to be held on earlier of the first authorized uniform election date prescribed by the Election Code, ~~or on the earlier of~~ the date of the next municipal general election, or the date of the next presidential general election. The election date must allow sufficient time to comply with other requirements of law and must occur on or after the 30th day after the date the ordinance is adopted.

(c) Notice of the election shall be published in a newspaper

1 of general circulation published in the municipality. The notice  
2 must:

3 (1) include a substantial copy of the proposed  
4 amendment;

5 (2) include an estimate of the anticipated fiscal  
6 impact to the municipality if the proposed amendment is approved at  
7 the election; and

8 (3) be published on the same day in each of two  
9 successive weeks, with the first publication occurring before the  
10 14th day before the date of the election.

11 (d) An amendment may not contain more than one subject.

12 (e) The ballot shall be prepared so that a voter may approve  
13 or disapprove any one or more amendments without having to approve  
14 or disapprove all of the amendments.

15 (f) The requirement imposed by Subsection (c)(2) does not  
16 waive governmental immunity for any purpose and a person may not  
17 seek injunctive relief or any other judicial remedy to enforce the  
18 estimate of the anticipated fiscal impact on the municipality.

19 SECTION 2. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect on the 91st day after the last day of the  
24 legislative session.