

By: Tepper

H.B. No. 162

A BILL TO BE ENTITLED

AN ACT

relating to the review and approval of certain proposed municipal initiatives and referenda.

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. PROVISIONS APPLICABLE TO PROPOSED INITIATIVES AND REFERENDA. (a) This section applies only to a home-rule municipality that provides in its charter for the proposal by petition and voter approval of a measure to:

(1) adopt a new ordinance, regulation, or other measure; or

(2) amend or repeal an existing ordinance, regulation, or other measure.

(b) Before ordering an election on a measure described by Subsection (a), a municipality shall, not later than the fifth day after the date the municipality receives the petition on the measure, submit the measure to the attorney general. Except as provided by Subsection (c), the attorney general shall, not later than the 30th day after the date the municipality submits the measure to the attorney general:

(1) determine whether any portion of the measure would violate state law; and

(2) advise the municipality in writing of the attorney

1 general's determination.

2 (c) The attorney general may extend the time for advising
3 the municipality under Subsection (b) by two weeks if, as soon as
4 practicable after the attorney general receives the measure from
5 the municipality, the attorney general provides written notice of
6 the extension to the municipality.

7 (d) Subject to Subsection (e), a municipality may not hold
8 an election on a measure described by Subsection (a) if the attorney
9 general determines that any portion of the measure would violate
10 state law.

11 (e) A municipality shall order an election on a measure if
12 the attorney general does not comply with any applicable
13 requirements of Subsections (b) and (c) in the time and manner
14 prescribed by those subsections.

15 (f) A municipality must hold an election on a measure
16 described by Subsection (a) on a uniform election date.

17 (g) To the extent that the requirements of this section
18 conflict with a municipal charter provision requiring the
19 municipality to order an election within a period following receipt
20 of a petition, this section controls and the period during which the
21 municipality must order the election is extended to the extent
22 necessary to comply with this section.

23 SECTION 2. Section 51.079, Local Government Code, is
24 repealed.

25 SECTION 3. The changes in law made by this Act apply only to
26 a petition requesting an election on a measure submitted to a
27 municipality on or after the effective date of this Act.

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1 SECTION 3. This Act takes effect on the 91st day after the
2 last day of the legislative session.