

BILL ANALYSIS

S.B. 1059
By: Parker
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, cities derive their power from the state, but home-rule municipalities, which are cities with a population of more than 5,000 that adopt their own charters, have broad authority unless limited by state law. In 2024, Dallas passed a charter amendment that decriminalized marijuana possession up to four ounces and prohibited police from using its smell as probable cause. The bill sponsor has informed the committee that this amendment directly contradicts state law and that while charter amendments may be struck down, it wastes time and state resources to do so. S.B. 1059 seeks to directly address conflict between state and local authority by prohibiting the governing body of a home-rule municipality from submitting a proposed charter amendment to the voters if the amendment contradicts state law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1059 amends the Local Government Code to prohibit the governing body of a home-rule municipality from submitting a proposed charter amendment to the voters for approval if application of the provisions of the amendment would be contrary to state law.

EFFECTIVE DATE

September 1, 2025.