

BILL ANALYSIS

H.B. 2595
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that although home-rule cities in Texas can add initiative and referendum procedures to their charters, Texas has voted down direct initiative and referendum procedures at the state level. Recently, some cities have begun to reform these procedures because critics argue that it undermines representative government. These reform efforts focus on fears that initiative and referendum procedures can create a tyranny of the majority and undermine minority interests while also allowing outside interests to influence policies without respect for Texas election laws. H.B. 2595 seeks to address this issue by ensuring that private property rights cannot be trumped via an initiative and referendum process at the municipal level.

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

H.B. 2595 amends the Local Government Code to prohibit a home-rule municipality from accepting for verification, certification, or other approval a petition requesting the enactment or repeal of an ordinance or charter provision if the proposed enactment or repeal would restrict the right of any person to use or access the person's private property for economic gain or from holding an election proposed by a petition on the proposed enactment or repeal of such an ordinance or charter provision. The bill establishes that the purported enactment or repeal of such ordinance or charter provision has no effect and that such an election is void. The bill authorizes a person whose rights are affected by a violation of these provisions to sue for injunctive relief to enforce the provisions. The bill does not apply to a petition or local option election on the sale of alcoholic beverages.

EFFECTIVE DATE

September 1, 2015.