

## **BILL ANALYSIS**

Senate Research Center

H.B. 2595  
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Natural Resources & Economic Development  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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.

H.B. 2595 amends current law relating to the use of municipal initiative and referendum to restrict property rights.

### **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 E, Chapter 51, Local Government Code, by adding Section 51.080, as follows:

Sec. 51.080. INITIATIVE AND REFERENDUM TO RESTRICT PROPERTY RIGHTS PROHIBITED. (a) Provides that this section does not apply to a petition or election to which Chapter 501 (Local Option Elections on Sale of Alcoholic Beverages), Election Code, applies.

(b) Prohibits a municipality, notwithstanding any municipal charter provision, from:

(1) 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 that would limit the use of real property for economic gain; or

(2) holding an election proposed by a petition on the proposed enactment or repeal of an ordinance or charter provision described by Subdivision (1).

(c) Provides that the purported enactment or repeal of an ordinance or charter provision prohibited by Subsection (b) has no effect. Provides that an election held in violation of Subsection (b) is void.

(d) Authorizes a person whose rights are affected by a violation of this section to sue for injunctive relief to enforce this section.

SECTION 2. Provides that Section 51.080, Local Government Code, as added by this Act, applies only to a petition submitted on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.