

CHAPTER 777

H.B. No. 1675

AN ACT

relating to the circumstances under which a home-rule municipality may hold a nonbinding referendum.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. RESTRICTIONS APPLYING TO NONBINDING REFERENDUM. A nonbinding referendum held by a home-rule municipality as a result of a petition by the voters of the municipality must be held on the same date of an election called by the governing body of the municipality on another question or for the election of one or more municipal officers.

SECTION 2. EXCEPTIONS. (a) The referendum may be held on a date other than one described by Section 1 of this Act if:

(1) one or more of the persons signing the petition agrees in a writing filed with the governing body of the municipality to pay, before the 60th day after the date of the referendum, all costs incurred by the municipality in holding the referendum; and

(2) the persons agreeing to pay the costs execute a bond complying with Subsection (b) of this section.

(b) The bond executed under Subsection (a)(2) of this section must be:

(1) payable to, approved by, and filed with the governing body of the municipality;

(2) executed with a corporate surety authorized to do business in this state;

(3) in an amount the governing body estimates is necessary to cover the costs the municipality will incur in holding the referendum; and

(4) conditioned that the persons executing the bond will pay, before the 60th day after the date of the referendum, all costs incurred by the municipality in holding the referendum.

SECTION 3. OTHER AUTHORIZED REFERENDUM NOT AFFECTED. This Act does not apply to a referendum that is expressly authorized by the state constitution or a statute.

SECTION 4. PROSPECTIVE APPLICATION OF ACT. This Act applies only to a referendum for which a petition is submitted to the municipality on or after the effective date of this Act. A referendum for which a petition is submitted to the municipality before the effective date of this Act is governed by the law, municipal charters, and ordinances in effect when the petition is submitted.

SECTION 5. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 13, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1675 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by the following vote: Yeas 31, Nays 0.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.