

## **BILL ANALYSIS**

Senate Research Center  
79R7727 PAM-F

S.B. 1361  
By: Wentworth  
Intergovernmental Relations  
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As Filed

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

Certain cities have passed highly restrictive land use regulations by ordinance, charter amendment, or initiative and referendum, which by their terms, require a large supermajority of the city governing body to amend or vary. The supermajority requirement can needlessly tie the hands of future governing bodies to make adjustments when a majority of the elected representatives sees fit.

As proposed, S.B. 1361 prohibits a municipality from requiring the approval of more than a simple majority of the governing body of the municipality to adopt or amend certain ordinances or resolutions, to execute agreements, or compromises and settlements with a property owner.

### **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 A, Chapter 51, Local Government Code, by adding Section 51.002, as follows:

Sec. 51.002. SUPER MAJORITY PROHIBITED IN CERTAIN CIRCUMSTANCES.

(a) Prohibits a municipality from requiring the approval of more than a simple majority of the governing body of the municipality to take certain actions.

(b) Provides a municipal ordinance or charter provision is void to the extent it violates Subsection (a).

(c) Provides that the Act of a municipality described by Subsections (a)(1)-(3) taken before September 1, 2005, with the approval of a simple majority, is valid unless the act has been determined invalid by a final judgment of a court that is not subject to appeal.

SECTION 2. Effective date: September 1, 2005.