

SUBJECT: Prohibiting municipalities from restricting certain property rights

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 5 ayes — Alvarado, R. Anderson, Bernal, Elkins, Schaefer

0 nays

2 absent — Hunter, M. White

WITNESSES: For — Bill Stevens, Texas Alliance of Energy Producers; Jess Fields and Bill Peacock, Texas Public Policy Foundation; Tricia Davis, Texas Royalty Council; Stephanie Simpson, TX Association of Manufacturers; (*Registered, but did not testify*: Adrian Acevedo, Anadarko Petroleum Corp; Matthew Thompson, Apache Corporation; Margo Cardwell, Chesapeake Energy; Julie Williams, Chevron; Steve Perry, Chevron USA; Stan Casey, Concho Resources, Inc.; Teddy Carter, Devon Energy; Dan Hinkle, EOG Resources; Hugo Gutierrez, Marathon Oil Corp.; Amy Maxwell, Marathon Oil Corporation; Annie Spilman, National Federation of Independent Business/TX; Mark Gipson, Pioneer Natural Resources; Laramie Adams, Texas and Southwestern Cattle Raisers Association; David Mintz, Texas Apartment Association; Stephen Minick, Texas Association of Business; Patrick Tarlton, Texas Chemical Council; Marissa Patton, Texas Farm Bureau; Ronald Hufford, Texas Forestry Association; Lindsey Miller, Texas Independent Producers and Royalty Owners Association; Laura Buchanan, Texas Land and Mineral Owners Association; Jim Reaves, Texas Nursery and Landscape Association; Shannon Rusing, Texas Oil and Gas Association; Thure Cannon, Texas Pipeline Association; Robert Turner, Texas Poultry Association; Joe Morris, Texas Sheep and Goat Raisers Association)

Against — John Steiner, City of Austin; (*Registered, but did not testify*: TJ Patterson, City of Fort Worth; Luke Metzger, Environment Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Megan Randall, Texas Appleseed)

On — Bennett Sandlin, Texas Municipal League

**BACKGROUND:** Under Local Government Code, sec. 51.072, home-rule municipalities have full power of local self-government. The courts of this state have defined that to mean full authority to do anything the Legislature could have authorized. The Legislature can limit the power of home rule municipalities, but home-rule municipalities do not need to be granted power by the Legislature in order to act.

**DIGEST:** HB 2595 would 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 it would restrict the right of any person to use or access the person's private property for economic gain; or
- holding an election proposed by a petition on such an ordinance or charter provision.

Any enactment or repeal of an ordinance or charter provision prohibited by this bill would have no effect, and an election held on such an ordinance or provision would be void.

Any person whose rights were affected by a violation of the provisions of this bill could sue for injunctive relief.

This bill would take effect September 1, 2015, and would apply only to petitions submitted on or after that date.