

BILL ANALYSIS

Senate Research Center
82R3848 MXM-F

S.B. 509
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International Relations & Trade
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 509 would validate the home-rule charter adoption election of the Town of South Padre Island. As a result of recent litigation challenging elections relating to the extraterritorial jurisdiction of municipalities, the Town of South Padre Island is interested in having legislative validation of its home-rule election held on November 3, 2009.

The bill is bracketed to apply to a municipality that held a home-rule charter election between June 1, 2009, and December 31, 2009. The Town of South Padre Island is the only municipality known to have held a home-rule charter adoption election during that time frame. The only other city to hold a home-rule charter adoption election in 2009, was the City of Horseshoe Bay, which held its election on March 9, 2009.

As proposed, S.B. 509 amends current law relating to the validation of a home-rule charter for certain municipalities.

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. (a) Provides that the home-rule charter of a general-law municipality that by an election adopted a home-rule charter after June 1, 2009, and before December 31, 2009, is validated as of the date of the election.

(b) Provides that this section does not apply to:

- (1) the adoption of a home-rule charter or the attempted adoption of a home-rule charter that, under a statute of this state, was a misdemeanor or felony at the time the act or proceeding occurred;
- (2) the adoption of a home-rule charter by a municipality that was incorporated or attempted to incorporate within the incorporated boundaries or extraterritorial jurisdiction of another municipality that occurred without the consent of the other municipality in violation of Chapter 42 (Extraterritorial Jurisdiction of Municipalities) or 43 (Municipal Annexation), Local Government Code;
- (3) an action that was premised on an ordinance that, at the time it was passed, was preempted by a statute of this state or the United States, including Section 1.06 (Code Exclusively Governs) or 109.57 (Application of Code; Other Jurisdictions), Alcoholic Beverage Code; or
- (4) a matter that on the effective date of this section:
 - (A) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(B) has been held invalid by a final judgment of a court.

SECTION 2. Effective date: upon passage or September 1, 2011.