

AN ACT

relating to the validation of a governmental act or proceeding of the Town of South Padre Island.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1, Title 28, Revised Statutes, is amended by adding Article 974d-45 to read as follows:

Art. 974d-45. MUNICIPAL VALIDATION FOR VOLUNTARY ANNEXATION BY A GENERAL-LAW MUNICIPALITY

Sec. 1. An annexation or attempted annexation by a general-law municipality that occurred after May 1, 2004, and before January 1, 2005, and that was initiated by means of a petition signed by all property owners within the annexed area, is validated as of the date it occurred.

Sec. 2. This article does not apply to:

(1) an annexation or attempted annexation that, under a statute of this state, was a misdemeanor or felony at the time the act or proceeding occurred;

(2) an incorporation or attempted incorporation of a municipality within the incorporated boundaries or extraterritorial jurisdiction of another municipality that occurred without the consent of the other municipality in violation of Chapter 42 or 43, Local Government Code;

(3) an ordinance that, at the time it was passed, was preempted by a statute of this state or the United States, including

1 Section 1.06 or 109.57, Alcoholic Beverage Code; or

2 (4) a matter that on the effective date of this
3 article:

4 (A) is involved in litigation if the litigation
5 ultimately results in the matter being held invalid by a final
6 judgment of a court; or

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

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 3262 was passed by the House on April 29, 2005, by the following vote: Yeas 142, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3262 on May 27, 2005, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3262 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor