

1-1 By: Escobar (Senate Sponsor - Lucio) H.B. No. 3262
1-2 (In the Senate - Received from the House May 2, 2005;
1-3 May 3, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 20, 2005, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3262 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 Relating to the validation of a governmental act or proceeding of
1-11 the Town of South Padre Island.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 1, Title 28, Revised Statutes, is
1-14 amended by adding Article 974d-45 to read as follows:

1-15 Art. 974d.45. MUNICIPAL VALIDATION FOR VOLUNTARY
1-16 ANNEXATION BY A GENERAL LAW MUNICIPALITY

1-17 Sec. 1. An annexation or attempted annexation by a general
1-18 law municipality that occurred after May 1, 2004 and before January
1-19 1, 2005, and that was initiated by means of a petition signed by all
1-20 property owners within the annexed area, is validated as of the date
1-21 it occurred.

1-22 Sec. 2. This article does not apply to:

1-23 (1) an annexation or attempted annexation that, under
1-24 a statute of this state, was a misdemeanor or felony at the time the
1-25 act or proceeding occurred;

1-26 (2) an incorporation or attempted incorporation of a
1-27 municipality within the incorporated boundaries or
1-28 extraterritorial jurisdiction of another municipality that
1-29 occurred without the consent of the other municipality in violation
1-30 of Chapter 42 or 43, Local Government Code;

1-31 (3) an ordinance that, at the time it was passed, was
1-32 preempted by a statute of this state or the United States, including
1-33 Section 1.06 or 109.57, Alcoholic Beverage Code; or

1-34 (4) a matter that on the effective date of this
1-35 article:

1-36 (A) is involved in litigation if the litigation
1-37 ultimately results in the matter being held invalid by a final
1-38 judgment of a court; or

1-39 (B) has been held invalid by a final judgment of a
1-40 court.

1-41 SECTION 2. This Act takes effect immediately if it receives
1-42 a vote of two-thirds of all the members elected to each house, as
1-43 provided by Section 39, Article III, Texas Constitution. If this
1-44 Act does not receive the vote necessary for immediately effect,
1-45 this Act takes effect September 1, 2005.

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