

BILL ANALYSIS

H.B. 2082
By: Lozano
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

H.B.2082 would validate the home-rule charter adoption election of the Town of South Padre Island. Recent litigation has challenged elections relating to the extra-territorial jurisdiction of municipalities. For clarification and certainty, the Town of South Padre Island seeks legislative validation of its home-rule election which was held on November 3, 2009.

H.B.2082 is bracketed to apply to a municipality which 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 this time frame. The City of Horseshoe Bay is the only other city to hold a home-rule charter adoption election during 2009; the city held the election on March 9, 2009.

As proposed, H.B.2082 amends current law relating to the validation of a home-rule charter for certain municipalities.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B.2082 sets certain parameters for validation of a home-rule charter. The bill provides validation for the home-rule charter of a general-law municipality to the municipality which adopted a home-rule charter after June 1, 2009 and before December 31, 2009.

H.B.2082 further sets out additional limitations. The bill does not apply to an 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.

H.B.2082 does not apply to 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 which occurred without the consent of the other municipality in violation of Chapter 42 (Extraterritorial Jurisdiction of Municipalities) or 43 (Municipal Annexation), Local Government Code.

H.B.2082 does not apply to an action which 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 Govern) or 109.57 (Application of Code; Other Jurisdictions), Alcoholic Code.

H.B.2082 does not apply to a matter that on the effective date of this session is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or has been held invalid by a final judgment of a court.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2011.