

BILL ANALYSIS

S.B. 509
By: Lucio
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

As a result of recent litigation relating to the extraterritorial jurisdictions of numerous municipalities challenging home-rule elections, certain Texas towns have expressed interest in having a legislative validation of the home-rule election. S.B. 509 provides for the validation of a home rule charter adoption election in a certain municipality.

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

S.B. 509 validates 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, as of the date of the election.

S.B. 509 makes the validation inapplicable 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 that occurred without the consent of the other municipality in violation of Local Government Code provisions for extraterritorial jurisdiction of municipalities and municipal annexation; an action that was premised on an ordinance that, at the time it was passed, was preempted by a statute of the state or the United States, including the exclusive governance and application of the Alcoholic Beverage Code; or a matter that on the effective date of the bill's provisions 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

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.