

By: Lozano

H.B. No. 2082

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the validation of a home-rule charter for certain  
3 municipalities.

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

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

9 (b) This section does not apply to:

10 (1) the adoption of a home-rule charter or the  
11 attempted adoption of a home-rule charter that, under a statute of  
12 this state, was a misdemeanor or felony at the time the act or  
13 proceeding occurred;

14 (2) the adoption of a home-rule charter by a  
15 municipality that was incorporated or attempted to incorporate  
16 within the incorporated boundaries or extraterritorial  
17 jurisdiction of another municipality that occurred without the  
18 consent of the other municipality in violation of Chapter 42 or 43,  
19 Local Government Code;

20 (3) an action that was premised on an ordinance that,  
21 at the time it was passed, was preempted by a statute of this state  
22 or the United States, including Section 1.06 or 109.57, Alcoholic  
23 Beverage Code; or

24 (4) a matter that on the effective date of this

1 section:

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

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

7 SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2011.