

CHAPTER 815

S.B. No. 830

An Act relating to the validation of government proceedings, including the adoption of a charter and subsequent proceedings, incorporation proceedings, elections, annexations, issuance of municipal airport notes and deeds of trust, and extensions or attempted extensions of extraterritorial jurisdiction.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. "Municipality" means an incorporated town, village, or city, including a home-rule city.

SECTION 2. This Act applies to any municipality operating under general law or under a home-rule charter.

SECTION 3. (a) All governmental acts and proceedings of a municipality covered by this Act regarding the adoption of a home-rule charter are validated as of the dates on which they occurred.

(b) All governmental acts and proceedings of a municipality since adoption or attempted adoption of the charter of such city are validated as of the dates on which they occurred.

SECTION 4. (a) The incorporation proceedings of all municipalities in this state that incorporated or attempted to be incorporated under the general laws of this state and that have functioned or attempted to function as incorporated municipalities since the date of incorporation or attempted incorporation are validated as of the date of incorporation or attempted incorporation, and the incorporation of such municipalities may not be held invalid because the election proceedings or incorporation proceedings were not performed in accordance with law.

(b) All governmental proceedings performed by the governing bodies of all municipalities and their officers since the incorporation or attempted incorporation of such municipalities are validated as of the date of the proceedings, including extensions or attempted extensions of extraterritorial jurisdiction undertaken at the request of owners of territory.

SECTION 5. (a) The governmental acts and proceedings of a municipality relating to the annexation or attempted annexation of adjacent territory by the municipality before March 15, 1985, are validated as of the dates they occurred, and the boundaries fixed by such annexations or attempted annexations are validated. The acts and proceedings of a municipality may not be held invalid because they were not performed in accordance with the procedural requirements or other requirements of the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes) or another law, and the governmental acts and proceedings of a municipality occurring after an annexation but before the effective date of this Act may not be held invalid on the ground that the annexation, in the absence of this Act, was invalid.

(b) This section does not validate governmental acts or proceedings relating to a municipality's annexation or attempted annexation of:

(1) territory in the extraterritorial jurisdiction of another municipality without the consent of that municipality in violation of the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), unless the annexation was undertaken at the request of landowners in such territory in order to obtain water or sewer services; or

(2) an area extending from the coastline into the Gulf of Mexico.

SECTION 6. All governmental acts and proceedings of municipalities and municipal airport boards occurring before the effective date of this Act and relating to the authorization and issuance of notes and deeds of trust for municipal airport improvements, including the adoption of any ordinances or resolutions authorizing a note or deed of trust, are validated as of the dates they occurred. The acts and proceedings may not be held invalid because they were not performed in accordance with the law.

SECTION 7. This Act does not apply to any matter that on the effective date of this Act:

- (1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction; or
- (2) has been held invalid by a final judgment of a court of competent jurisdiction.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 25, 1985, by the following vote: Yeas 30, Nays 0; Senate concurred in House amendments on May 27, 1985, by the following vote: Yeas 31, Nays 0; passed the House, with amendments, on May 21, 1985, by the following vote: Yeas 143, Nays 0, two present not voting.

Approved: June 15, 1985

Effective: Immediately