

## CHAPTER 280

H.B. No. 1450

## AN ACT

relating to the validation of governmental acts and proceedings by certain municipalities.

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

SECTION 1. Title 28, Revised Statutes, is amended by adding Article 974d-43 to read as follows:

*Art. 974d-43*

*Sec. 1. APPLICATION. This article applies to a municipality with a population of 17,900 or more, according to the most recent federal census, operating under a home-rule charter that:*

- (1) is not a member of a regional transportation authority;*
- (2) is located wholly or partly in a county that contains territory within the boundaries of a regional transportation authority created under Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), and its subsequent amendments; and*
- (3) is located in a county that had fewer than 800 persons who were residents of both the county and the authority under the 1990 federal census.*

*Sec. 2. PROCEEDINGS VALIDATED. (a) A municipal sales and use tax adopted at an election held before January 18, 1993, that had the result of raising the combined rate of all sales and use taxes imposed by the municipality and other political subdivisions of this state having territory in the municipality to two percent or less in the municipality is validated as of the date of the election.*

*(b) The acts or proceedings performed as authorized by the municipality in ordering the election or since the passage of the sales and use tax are validated and may not be held invalid because they were not performed in accordance with the requirements of Chapter 321, Tax Code, and its subsequent amendments, or other law.*

*Sec. 3. EFFECT ON LITIGATION. This article does not apply to any matter that on the effective date of this article:*

- (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 2. 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 by the House on April 15, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1450 on May 18, 1993: Yeas 138, Nays 1, 2 present, not voting; passed by the Senate, with amendments, on May 13, 1993: Yeas 30, Nays 0.

Approved May 24, 1993.

Effective May 24, 1993.