

CHAPTER 849

H.B. No. 2083

AN ACT

relating to the validation of governmental acts and proceedings related to certain annexations and certain extensions of extraterritorial boundaries by municipalities.

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

SECTION 1. Title 28, Revised Statutes, is amended by adding Article 974d-42 to read as follows:

Art. 974d-42

Sec. 1. MUNICIPALITY COVERED. This article applies only to a municipality operating under the general laws or a home-rule charter with a population of 10,000 or less, according to the most recent federal census, that has:

(1) extended or attempted to extend, in response to a petition of the owner of land in the area or by the municipality's own motion, the corporate limits or the extraterritorial jurisdiction of the municipality to encompass an area a part of which is within one or more municipal utility districts created under Article XVI, Section 59, of the Texas Constitution and Chapter 54, Water Code;

(2) passed an ordinance describing the territory annexed or included in the extraterritorial jurisdiction; and

(3) caused a certified copy of the ordinance to be recorded in the deed records of the county in which the municipality is located.

Sec. 2. ANNEXATION PROCEEDINGS. (a) The governmental acts and proceedings of a municipality relating to the annexation or attempted annexation of territory or the extension or attempted extension of the municipality's extraterritorial jurisdiction before December 15, 1992, 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 requirements of Chapters 42 and 43, Local Government Code, or any other law. The boundaries fixed by the annexation or attempted annexation or the extension or attempted extension of the extraterritorial jurisdiction are validated.

(b) The governmental acts and proceedings of the municipality occurring after the annexation or extension of extraterritorial jurisdiction may not be held invalid on the ground that the annexation or the extension of extraterritorial jurisdiction, in the absence of this article, was invalid.

Sec. 3. EFFECT OF 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 May 14, 1993: Yeas 106, Nays 0, 1 present, not voting; passed by the Senate on May 29, 1993: Yeas 31, Nays 0.

Approved June 19, 1993.

Effective June 19, 1993.