

CHAPTER 136

S.B. No. 1174

AN ACT

relating to the validation of the adoption of a charter, certain incorporation proceedings, elections, annexations, and governmental proceedings of municipalities.

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

SECTION 1. This Act applies to any incorporated city, town, or village operating under general law or under a home-rule charter.

SECTION 2. (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 the municipality since adoption or attempted adoption of the charter are validated as of the dates on which they occurred.

SECTION 3. (a) The incorporation proceedings of all cities and towns in this state that were incorporated or attempted to be incorporated under the General Laws of the State of Texas, whether under the aldermanic or commission form of government, and which have functioned or attempted to function as incorporated cities or towns since the date of such incorporation or attempted incorporation, are validated as of the date of such incorporation or attempted incorporation; and the incorporation of such cities and towns shall not be held invalid by reason of the fact that the election proceedings or incorporation proceedings may not have been in accordance with law.

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

SECTION 4. (a) The governmental acts and proceedings of a city or town relating to the annexation or attempted annexation of adjacent territory by the city or town before March 1, 1987, 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 procedural or other requirements of the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes) or another law. The boundaries fixed by the annexation or attempted annexation are validated.

(b) The governmental acts and proceedings of the city or town occurring after the 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.

SECTION 5. This Act does not validate governmental acts or proceedings relating to a city's or town's annexation or attempted annexation of:

(1) territory in the extraterritorial jurisdiction of another city or town without the consent of that city or town in violation of the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes); or

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

SECTION 6. The governmental acts and proceedings of a city or town relating to the creation or attempted creation of a tax increment financing zone or the compliance or attempted compliance with the provisions of the Texas Tax Increment Financing Act of 1981 (Article 1066e, Vernon's Texas Civil Statutes) with respect to the creation or operation of a tax increment financing zone are validated as of the dates they occurred. Said acts and proceedings may not be held invalid because they were not performed in accordance with the procedural or other requirements of the Tax Increment Financing Act or another 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 9, 1987, by the following vote: Yeas 31, Nays 0. Passed the House on May 8, 1987, by the following vote: Yeas 134, Nays 0, one present not voting.

Approved May 20, 1987.

Effective May 20, 1987.