

CHAPTER 676

S.B. No. 785

AN ACT

relating to the validation of certain annexations and other related governmental acts and proceedings of home-rule municipalities.

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

SECTION 1. HOME-RULE MUNICIPALITY COVERED. This Act applies only to a home-rule municipality.

SECTION 2. VALIDATION. (a) The governmental acts and proceedings of a municipality relating to the annexation or attempted annexation of territory by the municipality before March 1, 1987, may not be held invalid because they were not performed in accordance with the procedural or other requirements, including the requirement that the territory to be annexed be adjacent or contiguous to the boundaries of the municipality, of the municipal charter, the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), or another law. Those governmental acts and proceedings are validated for this purpose as of the dates they occurred, and the boundaries fixed by the annexations or attempted annexations are validated.

(b) The governmental acts and proceedings of a municipality occurring after an annexation or attempted annexation validated by this Act but before the effective date of this Act may not be held invalid on the ground that the annexation or attempted annexation, in the absence of this Act, was invalid. Those governmental acts and proceedings are validated for this purpose as of the dates they occurred.

SECTION 3. EXEMPTIONS. This Act does not validate governmental acts or proceedings relating to a municipality's annexation or attempted annexation of 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).

SECTION 4. EFFECT ON LITIGATION. 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 5. EMERGENCY. 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 30, 1987, by a non-record vote.

Approved June 18, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.