

**SUBJECT:** Validation of actions by municipal governments

**COMMITTEE:** Urban Affairs — committee substitute recommended

**VOTE:** 7 ayes — Hill, Bailey, Clark, Ehrhardt, Garcia, Hodge, Shields  
0 nays  
1 present, not voting — Burnam  
1 absent — Wohlgemuth

**SENATE VOTE:** On final passage, Local and Uncontested Calendar, April 17 — 31-0

**WITNESSES:** (*On House companion, HB 1409*)  
For — Susan Horton, Texas Municipal League  
Against — None

**BACKGROUND :** The Legislature periodically enacts legislation retroactively validating certain municipal actions, such as annexations or incorporations, that may have violated procedural requirements.

**DIGEST:** CSSB 1454 would validate governmental acts or proceedings of a municipality taken prior to June 1, 1997, including charter adoptions, amendments, annexations, attempted annexations, disannexations and attempted disannexations. The acts or proceedings would be validated as of the date on which they occurred.

The bill would not validate:

- any governmental act or proceeding that was void or that was a misdemeanor or felony under Texas statutes at the time the action or proceeding occurred;
- any incorporation or attempted incorporation by a municipality of territory within the extraterritorial jurisdiction of or within the

incorporated boundaries of another municipality without the consent of that municipality in violation of the Local Government Code; and

- any ordinance that at the time of passage was preempted by any Texas or federal statute.

The bill would not apply to any matter that, as of the bill's effective date, was involved in litigation ultimately resulting in the matter being held invalid by a final court judgment.

CSSB 1454 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

NOTES:

The committee substitute changed the action date from March 1 to June 1, 1997, and specified that the bill would not validate void or criminal acts, municipal incorporations within the extraterritorial jurisdiction of another city without the latter's consent, or municipal acts preempted by state or federal law. The substitute also deleted a provision that a subsequent act could be held invalid on the ground that a prior act was once invalid but had been validated.