

SUBJECT: Validation of municipal government actions

COMMITTEE: Urban Affairs — favorable, with amendment

VOTE: 6 ayes — Hill, Bailey, Ehrhardt, Staples, Thompson, Tillery
0 nays
3 absent — Conley, Davila, Woolley

SENATE VOTE: On final passage, May 1 — 31-0

WITNESSES: None

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

DIGEST: SB 1671, as amended, would validate governmental acts or proceedings, prior to March 1, 1995, that may otherwise be invalid or void because of procedural defects. The bill would apply to adoption or amendment of home-rule charters, incorporations and annexations, except annexation of territory within the extraterritorial jurisdiction of another city or town without its consent. It would also apply to creation by a city of a local government corporation for the purpose of operating a licensed racetrack. Any actions of a city dependent on the validity of actions validated by SB 1671 would themselves be validated.

The bill would not apply to any matter that, as of the bill's effective date, are involved in litigation that ultimately results in, or has resulted in, a matter being held invalid by a final court judgment. The bill would not validate city ordinances or regulations violating Alcoholic Beverage Code provisions barring local regulation of alcoholic beverages more strictly than state law.

The bill would take immediate effect if approved by two thirds of the membership of each house.

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NOTES: The committee amendment would delete a provision validating a city industrial development sales tax election held on a nonuniform date prior to January 1, 1995.