

BILL ANALYSIS

Senate Research Center

C.S.H.B. 485
By: Hill (Madla)
Intergovernmental Relations
5/13/1999
Committee Report (Substituted)

DIGEST

The Texas Legislature has often passed statutes for the purpose of validating certain actions taken by cities regarding the adoption of home rule charters, and incorporation and annexation proceedings, but which specifically exclude validation of any illegal act or any transaction in litigation at the time of passage of the statute. C.S.H.B. 485 would establish conditions regarding the presumed validity of a municipal act or proceeding.

PURPOSE

As proposed, C.S.H.B. 485 establishes conditions regarding the presumed validity of a municipal act or proceeding.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1, Title 28, V.T.C.S., by adding Article 974d-45, as follows:

Art. 974d-45. VALIDATION OF MUNICIPAL ACT OR PROCEEDING

Sec. 1. VALIDATION. Provides that a governmental act or proceeding of a municipality that occurred before May 1, 1999, is validated as of the date it occurred.

Sec. 2. SUBSEQUENT ACT OR PROCEEDING. Prohibits that a validated governmental act or proceeding from being held invalid on the ground that the prior act or proceeding was invalid.

Sec. 3. EXEMPTIONS. Sets forth acts or proceedings for which this article does not apply.

SECTION 2. Provides that this Act takes effect only if, and on the date that, Senate Bill 89, Acts of the 76th Legislature, Regular Session, 1999, becomes law as provided by Section 14, Article IV, Texas Constitution. Establishes that if Senate Bill 89 does not become law, this Act has no effect.

SECTION 3. Emergency clause.
Effective date: upon passage.