

By: Bonnen

H.B. No. 1097

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the validation of any act, governmental proceeding,
3 official, bond, or obligation of a navigation district or port
4 authority or a corporation of the district or authority.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. DEFINITION. In this Act, "district" means a
7 navigation district or port authority created under Section 52,
8 Article III, or Section 59, Article XVI, Texas Constitution, a
9 local government corporation or port development corporation of a
10 district or port authority, or other public port authority.

11 SECTION 2. VALIDATION. The following are validated and
12 confirmed in all respects:

13 (1) any act or governmental proceeding of a district
14 not excepted in this Act taken before March 1, 2005, as of the date
15 on which it occurred;

16 (2) any commissioner or other official of a district,
17 whether elected or appointed, who took office before the effective
18 date of this Act; and

19 (3) any bond or other obligation of a district
20 authorized before the effective date of this Act, including any
21 proceeding taken before the effective date of this Act that is
22 related to that bond or other obligation, regardless of whether the
23 bond or obligation is:

24 (A) payable from tax revenue or otherwise; or

1 (B) issued on or before the effective date of
2 this Act.

3 SECTION 3. APPLICABILITY. (a) Section 2 of this Act does
4 not apply to:

5 (1) an act, proceeding, commissioner, other official,
6 bond, or other obligation the validity of which or of whom is the
7 subject of litigation that is pending on the effective date of this
8 Act;

9 (2) an act or proceeding relating to the conveyance by
10 a district of any interest in real property that had originally been
11 patented or otherwise conveyed to the district by the state if the
12 act or proceeding by the district violated a restriction or
13 condition of the patent or other conveyance from the state; or

14 (3) an act or proceeding that violated Section 61.117,
15 Water Code.

16 (b) This Act does not validate any governmental act or
17 proceeding that, under the law of this state at the time the act or
18 proceeding occurred, was a misdemeanor or a felony.

19 SECTION 4. EFFECTIVE DATE. This Act takes effect
20 September 1, 2005.