

1-1 By: Bonnen (Senate Sponsor - Williams) H.B. No. 1097
1-2 (In the Senate - Received from the House April 4, 2005;
1-3 April 6, 2005, read first time and referred to Committee on Natural
1-4 Resources; May 6, 2005, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 6, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the validation of any act, governmental proceeding,
1-9 official, bond, or obligation of a navigation district or port
1-10 authority or a corporation of the district or authority.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. DEFINITION. In this Act, "district" means a
1-13 navigation district or port authority created under Section 52,
1-14 Article III, or Section 59, Article XVI, Texas Constitution, a
1-15 local government corporation or port development corporation of a
1-16 district or port authority, or other public port authority.

1-17 SECTION 2. VALIDATION. The following are validated and
1-18 confirmed in all respects:

1-19 (1) any act or governmental proceeding of a district
1-20 not excepted in this Act taken before March 1, 2005, as of the date
1-21 on which it occurred;

1-22 (2) any commissioner or other official of a district,
1-23 whether elected or appointed, who took office before the effective
1-24 date of this Act; and

1-25 (3) any bond or other obligation of a district
1-26 authorized before the effective date of this Act, including any
1-27 proceeding taken before the effective date of this Act that is
1-28 related to that bond or other obligation, regardless of whether the
1-29 bond or obligation is:

1-30 (A) payable from tax revenue or otherwise; or

1-31 (B) issued on or before the effective date of
1-32 this Act.

1-33 SECTION 3. APPLICABILITY. (a) Section 2 of this Act does
1-34 not apply to:

1-35 (1) an act, proceeding, commissioner, other official,
1-36 bond, or other obligation the validity of which or of whom is the
1-37 subject of litigation that is pending on the effective date of this
1-38 Act;

1-39 (2) an act or proceeding relating to the conveyance by
1-40 a district of any interest in real property that had originally been
1-41 patented or otherwise conveyed to the district by the state if the
1-42 act or proceeding by the district violated a restriction or
1-43 condition of the patent or other conveyance from the state; or

1-44 (3) an act or proceeding that violated Section 61.117,
1-45 Water Code.

1-46 (b) This Act does not validate any governmental act or
1-47 proceeding that, under the law of this state at the time the act or
1-48 proceeding occurred, was a misdemeanor or a felony.

1-49 SECTION 4. EFFECTIVE DATE. This Act takes effect
1-50 September 1, 2005.

1-51 * * * * *