

By: Bonnen (Senate Sponsor - Janek) H.B. No. 1841
(In the Senate - Received from the House April 10, 2007;
April 11, 2007, read first time and referred to Committee on
Natural Resources; May 18, 2007, reported favorably by the
following vote: Yeas 8, Nays 0; May 18, 2007, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the presumption of validity of an act or proceeding of a
navigation district, its governing body, or certain corporations of
the district.

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

SECTION 1. Subchapter A, Chapter 60, Water Code, is amended
by adding Section 60.004 to read as follows:

Sec. 60.004. ACT OR PROCEEDING OF DISTRICT PRESUMED VALID.

(a) An act or proceeding of a district, its governing body, or any
local government corporation, development corporation, or
nonprofit corporation of the district is conclusively presumed, as
of the date it occurred, to be valid and to have occurred in
accordance with all applicable statutes and ordinances if:

(1) the second anniversary of the effective date of
the act or proceeding has expired; and

(2) a lawsuit to annul or invalidate the act or
proceeding has not been filed on or before that second anniversary.

(b) This section does not apply to:

(1) an act or proceeding that was void at the time it
occurred;

(2) an act or proceeding that, under a statute of this
state or the United States, was a misdemeanor or felony at the time
the act or proceeding occurred; or

(3) a matter that on the second anniversary of the
effective date of the act or proceeding:

(A) is involved in litigation if the litigation
ultimately results in the matter being held invalid by a final court
judgment; or

(B) has been held invalid by a final court
judgment.

SECTION 2. This Act takes effect September 1, 2007.

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