

By: Janek

S.B. No. 797

A BILL TO BE ENTITLED

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AN ACT

relating to the validity of an act or proceeding by a navigation district or port authority.

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

SECTION 1. Subchapter D, Chapter 60, Water Code, is amended by adding Section 60.080 to read as follows:

Sec. 60.080. PORT COMMISSION ACT OR PROCEEDING PRESUMED VALID. (a) In this section, "district" means a navigation district or port authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, a local government corporation or port development corporation of such a navigation district or port authority, or any other public port authority.

(b) An act or proceeding of a district or its port commission or board of directors or another governing body of the district is conclusively presumed to be valid, as of the date it occurred, 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 the second anniversary.

(c) This section does not apply to:

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

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

4 (3) a matter that on the effective date of this
5 section:

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

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

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