

BILL ANALYSIS

Senate Research Center
76R6442 MI-D

H.B. 1847
By: Hill (Madla)
Intergovernmental Relations
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Engrossed

DIGEST

From 1934 to 1997, the Texas Legislature regularly passed statutes that validated certain actions taken by cities. Some validation statutes have been very specific and validated particular actions of cities, such as bond elections or incorporations, while most are general validating statutes pertaining to all cities. The purpose of this type of legislation is to provide some defense to governmental actions that are valid and within the entity's authority to act, but that were enacted incorrectly from a procedural or clerical standpoint. H.B. 1847 would provide this same type of protection to districts operating under Chapters 36 or 49 of the Water Code such as groundwater conservation districts, municipal utility districts, irrigation districts, river authorities, or drainage districts.

PURPOSE

As proposed, H.B. 1847 would provide certain types of protection to districts operating under the Water Code.

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 36D, Water Code, by adding Section 36.123, as follows:

Sec. 36.123. DISTRICT ACT OR PROCEEDING PRESUMED VALID. Provides that a governmental act or proceeding of a district is conclusively presumed valid and to have occurred in accordance with all applicable statutes and rules if one year has passed since the act occurred and there has not been a lawsuit filed to annul or invalidate the act within that year. Provides that this section does not apply to specified acts, rules, or proceedings, including matters involved in certain litigation or that have been held invalid by a final judgment of a court.

SECTION 2. Amends Chapter 49H, Water Code, by adding Section 49.233, as follows:

Sec. 49.233. DISTRICT ACT OR PROCEEDING PRESUMED VALID. Defines "district." Provides that a governmental act or proceeding of a district is conclusively presumed valid and to have occurred in accordance with all applicable statutes and rules if one year has passed since the act occurred and there has not been a lawsuit filed to annul or invalidate the act within that year. Provides that this section does not apply to specified acts, rules, or proceedings, including matters involved, which on the effective date of this section are in litigation or that have been held invalid by a final judgment of a court.

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