

BILL ANALYSIS

Senate Research Center
77R4344 MI-D

H.B. 742
By: Walker (Staples)
Natural Resources
4/19/2001
Engrossed

DIGEST AND PURPOSE

Currently, validation statutes are limited where state courts will not validate an action with substantive defects that go beyond procedural irregularities. As proposed, H.B. 742 validates an act or proceeding of a water district if a lawsuit challenging the action has not been filed by the third anniversary of the effective date of the action or proceeding.

RULEMAKING AUTHORITY

This bill does not expressly 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 36.124, as follows:

Sec. 36.124. DISTRICT ACT OR PROCEEDING PRESUMED VALID. (a) Provides that a governmental act or proceeding of a district is conclusively presumed, as of the date it occurred, valid and to have occurred in accordance with all applicable statutes and rules if certain conditions are met.

(b) Provides that this section does not apply to certain acts, proceedings, and matters.

SECTION 2. Amends Chapter 49H, Water Code, by adding Section 49.234, to make conforming changes.

SECTION 3. Effective date: upon passage or September 1, 2001.