

BILL ANALYSIS

Senate Research Center
81R16388 SGA-F

H.B. 4818
By: Harper-Brown (West)
Intergovernmental Relations
5/22/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4818 relates to the Dallas County Utility and Reclamation District.

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 628, Acts of the 68th Legislature, Regular Session, 1983, by adding Section 4C, as follows:

Sec. 4C. (a) Defines "city," "FEMA," and "the letter."

(b) Provides that the Dallas County Utility and Reclamation District (district) initially constructed and maintained levees pursuant to a state-approved plan of reclamation consistent with all state and federal requirements. Provides that in 2007 the Federal Emergency Management Agency (FEMA) proposed certain amendments to its Preliminary Digital Flood Insurance Rate Map (flood insurance rate map) and Flood Insurance Study. Provides that the proposed amendments to the flood insurance rate map, if adopted, would have severely limited planned development within the district adjacent to the levees. Provides that the City of Irving, Texas (city), and the district timely protested the proposed amended map and submitted an alternate set of proposed amendments to FEMA prepared by the city. Provides that FEMA reviewed the city's alternate proposed amendments and accepted those amendments, as evidenced by the letter.

(c) Provides that the city, the district, and the affected adjacent landowners accepted and agreed to the map revisions addressed and approved by the letter. Provides that the letter has been relied on and certain actions were taken or will be taken on that reliance.

(d) Provides that because of the governmental actions and the reliance on those actions described by this section, the legislature determines and declares that those governmental actions, including the letter and the actions taken in reliance on the letter, are valid and binding and are prohibited from being revoked, rescinded, or altered by any party, including this state or any local government, without the written consent of all the affected adjacent landowners who executed the easements or their respective heirs, successors, or assigns; the city council of the city; and the board of directors of the district (board).

SECTION 2. Amends Section 5, Chapter 628, Acts of the 68th Legislature, Regular Session, 1983, as follows:

Sec. 5. Provides that Section 49.060 (Fees of Office; Reimbursement), Water Code, relating to the fees of office and reimbursement of expenses to which a district director is entitled, applies to the district, and the board is required to establish fees in accordance with that section. Deletes existing text requiring each member of the board to receive a per diem payment of \$50 for each regular or special board or committee meeting and

requiring each member of the board to be reimbursed for actual expenses approved by the board.

SECTION 3. (a) Provides that all governmental and propriety actions of the district taken before the effective date of this Act are validated, ratified, and confirmed in all respects as if the actions had been taken as authorized by law.

(b) Provides that this section does not apply to any matter that on the effective date of this Act is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

SECTION 4. Effective date: upon passage or September 1, 2009.