this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on May 15, 2009: Yeas 144, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 4817 on May 31, 2009: Yeas 143, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 27, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 1099
H.B. No. 4818

AN ACT
relating to the Dallas County Utility and Reclamation District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 628, Acts of the 68th Legislature, Regular Session, 1983, is amended by adding Section 4C to read as follows:

Sec. 4C. (a) In this section:
(1) “City” means the City of Irving, Texas.
(2) “FEMA” means the Federal Emergency Management Agency.
(3) “The letter” means the letter dated July 31, 2008, and executed by mitigation director Frank Pagano from FEMA to Mayor Herbert Gears approving the city’s proposed amendments to FEMA’s proposed amendments to the 2007 Preliminary Digital Flood Insurance Rate Map and Flood Insurance Study.

(b) The district initially constructed and maintained levees pursuant to a state-approved plan of reclamation consistent with all state and federal requirements. In 2007 FEMA proposed certain amendments to its Preliminary Digital Flood Insurance Rate Map and Flood Insurance Study. The proposed amendments to the flood insurance rate map, if adopted, would have severely limited planned development within the district adjacent to the levees. The city and the district timely protested the proposed amended map and submitted an alternate set of proposed amendments to FEMA prepared by the city. FEMA reviewed the city’s alternate proposed amendments and accepted those amendments, as evidenced by the letter.

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

(1) levee protection easements were executed, or will be executed, and filed by all of the affected landowners;
(2) financing was obtained, or will be obtained, for development in the area of the levees; and
(3) development in the area of the levees has begun and will continue.

(d) 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 may not be revoked, rescinded, or altered by any party, including this state or any local government, without the written consent of:

(1) all the affected adjacent landowners who executed the easements or their respective heirs, successors, or assigns;
(2) the city council of the city; and
(3) the board of directors of the district.
SECTION 2. Section 5, Chapter 628, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

Sec. 5. All powers of the district shall be exercised by a board of five directors. Each director shall serve for his term of office as herein provided and thereafter until his successor shall be appointed and qualified. If any director ceases to possess the qualifications prescribed herein, his office shall be declared vacant by the board of directors and his successor shall be appointed by the City Council of the City of Irving. Each director shall be at least 18 years of age and possess one of the following qualifications: own land within the district subject to taxation; be a qualified voter residing within the district at the time of his qualification as a director; be an agent, employee, officer, or director of any individual, corporation, trust, or partnership that owns or leases real property within the district; or be a resident of the City of Irving and shall qualify by subscribing the constitutional oath of office and by giving bond in the amount of $5,000 for the faithful performance of his duties. At least three of the five directors shall be qualified as directors under Section 49.052(a), Water Code, without consideration of any exceptions from that subsection provided by other provisions of Section 49.052, Water Code. Section 49.052, Water Code, applies to the extent of this section and for no other purpose. All directors’ bonds shall be approved by the district’s board of directors and recorded in the official bond records of the County Clerk of Dallas County. The five directors serving on the effective date of this Act shall continue as directors of the district and shall remain as directors until their successors are duly appointed and take office on October 1, 1999. Beginning with the first day of October, 1999, the City Council of the City of Irving shall appoint three directors for terms of four years and two directors for terms of two years. On the first day of October of each odd-numbered year thereafter, the directors whose terms expire shall be appointed by the City Council of the City of Irving and shall serve for a term of four years and until their successors are appointed and take office. All vacancies on the board of directors shall be filled by appointment to the unexpired term by the City Council of the City of Irving. The city by its appointment of directors and any other action taken, except the action to dissolve the district under state law or any other specific action taken by the city, which action must be evidenced in writing, directly relating to any bond, note, financial obligation, or contractual obligation of the district, does not assume, agree to pay, or guarantee the payment of any bond, note, or other financial obligation or undertaking of the district, whether in the form of securities or in other contractual forms, including the district’s bonds. The directors shall establish in the district’s bylaws what shall constitute a quorum for any meeting, and a concurrence of a majority of the quorum shall be necessary in all district matters. The board of directors shall prescribe the method of execution of all contracts, the signing of checks, and the handling of any other matters approved by the board of directors as shown in the official minutes of the district. Annually in the month of October, the board shall reorganize and elect new officers as soon as practicable. The board of directors may designate one or more assistant secretaries and an assistant treasurer, who may but need not be a member of the board of directors. The secretary of the board of directors or one of the assistant secretaries shall be responsible for keeping the minutes of the meetings of the board of directors and all official records of the board and may certify to any action taken by the board of directors. Section 49.060, 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 of directors shall establish fees in accordance with that section. [Each member of the board of directors shall receive a per diem payment of $50 for each regular or special board or committee meeting and shall be reimbursed for actual expenses approved by the board of directors.] The board of directors shall hold regular and special meetings at such times and on such dates as the board shall determine upon giving of notice as required by the district’s bylaws.

SECTION 3. (a) All governmental and proprietary actions of the Dallas County Utility and Reclamation 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) This section does not apply to any matter that on the effective date of this Act:

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

(2) has been held invalid by a final court judgment.
SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on May 15, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 26, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 1100

H.B. No. 4827

AN ACT
relating to the creation of Harris County Improvement District No. 20; providing authority to impose a tax and issue bonds.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 20. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3893 to read as follows:

CHAPTER 3893. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 20

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3893.001. DEFINITIONS. In this chapter:
(1) "Board" means the board of directors of the district.
(2) "Director" means a board member.
(3) "District" means the Harris County Improvement District No. 20.

Sec. 3893.002. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 20. The Harris County Improvement District No. 20 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3893.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing Harris County, the City of Houston, the Metropolitan Transit Authority of Harris County, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the area of the district.

(c) This chapter and the creation of the district may not be interpreted to relieve Harris County or the City of Houston from providing the level of services provided as of the effective date of the Act creating this chapter to the area in the district or to release the county or the city from the obligations of each entity to provide services to that area. The district is created to supplement and not to supplant the county or city services provided in the area in the district.

Sec. 3893.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a,