

By: Huberty

H.B. No. 75

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Lake Houston Dredging and Maintenance District; providing the authority to issue bonds; providing authority to impose assessments and fees.

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

SECTION 1. Subtitle L, Title 6, Special District Local Laws Code, is amended by adding Chapter 9602 to read as follows:

CHAPTER 9602. LAKE HOUSTON DREDGING AND MAINTENANCE DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9602.0101. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board of directors of the district.

(3) "District" means the Lake Houston Dredging and Maintenance District.

Sec. 9602.0102. NATURE OF DISTRICT. The district is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9602.0103. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) The district is created to serve a public use and benefit.

(b) All land and other property in the boundaries of the district will benefit from the works and projects accomplished by

1 the district under the powers conferred by Section 59, Article XVI,  
2 Texas Constitution.

3 Sec. 9602.0104. DISTRICT TERRITORY. Unless the district  
4 territory has been modified under Subchapter J, Chapter 49, Water  
5 Code, or other law, the boundaries of the district are coextensive  
6 with the boundaries of Harris County.

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 9602.0201. GOVERNING BODY; TERMS. (a) The district is  
9 governed by a board of directors appointed as follows:

10 (1) three directors appointed by the Harris County  
11 Commissioners Court;

12 (2) three directors appointed by the city council of  
13 the City of Houston; and

14 (3) the board's presiding officer, appointed jointly  
15 by the county judge of Harris County and the mayor of the City of  
16 Houston.

17 (b) Directors serve staggered four-year terms.

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 9602.0301. GENERAL POWERS AND DUTIES. Except as  
20 provided by this chapter, the district has the powers and duties  
21 applicable to a district under Chapter 49, Water Code.

22 Sec. 9602.0302. SPECIFIC POWERS AND DUTIES. (a) In this  
23 section, "dredging and maintenance operations" includes the  
24 removal of:

25 (1) sediment and debris that accumulates under and  
26 above the water; and

27 (2) floating debris.

1       (b) The district may form voluntary interlocal agreements  
2 with political subdivisions, corporate entities, or other persons  
3 to perform dredging and maintenance operations in areas on Lake  
4 Houston and its tributaries located within the district controlled  
5 or maintained by the party to the interlocal agreement. The  
6 district may require payment from the other party to the interlocal  
7 agreement for dredging and maintenance operations performed under  
8 an interlocal agreement entered into under this section.

9       (c) The district may seek from any source a grant of money or  
10 another resource to assist the district's dredging and maintenance  
11 operations.

12       (d) Dredging and maintenance operations performed by or  
13 caused to be performed by the district may not:

14             (1) negatively affect the quality of water in Lake  
15 Houston; or

16             (2) degrade the quality of water to be treated by the  
17 City of Houston's Northeast Water Purification Plant.

18       (e) The district must obtain approval before performing  
19 dredging and maintenance operations in Lake Houston from the City  
20 of Houston Public Works--Engineering Department.

21       Sec. 9602.0303. SAND, GRAVEL, MARL, SHELL, AND MUDSHELL.

22       (a) Notwithstanding any other law, the district may take sand,  
23 gravel, marl, shell, and mudshell from Lake Houston and its  
24 tributaries to restore, maintain, or expand the capacity of the  
25 lake and its tributaries to convey storm flows.

26       (b) For purposes of this section, the district is not  
27 required to:

1           (1) obtain a permit or pay a fee to take sand, gravel,  
2 marl, shell, or mudshell under Subsection (a); or

3           (2) purchase sand, gravel, marl, shell, or mudshell  
4 taken under Subsection (a).

5           (c) The district may:

6           (1) deposit sand, gravel, marl, shell, or mudshell  
7 taken under Subsection (a) on private land; and

8           (2) sell sand, gravel, marl, shell, or mudshell taken  
9 under Subsection (a).

10          Sec. 9602.0304. LIMITATION ON POWERS. The district may  
11 not:

12           (1) finance, develop, or maintain a recreational  
13 facility under Subchapter N, Chapter 49, Water Code;

14           (2) exercise the power of eminent domain; or

15           (3) perform the same function as another conservation  
16 and reclamation district whose territory overlaps with the  
17 territory of the district, except the district may perform dredging  
18 operations if other conservation and reclamation districts are  
19 performing dredging operations in the territory of the district.

20                   SUBCHAPTER D. FINANCIAL PROVISIONS

21          Sec. 9602.0401. AUTHORITY TO ISSUE REVENUE BONDS. (a) The  
22 district may issue bonds payable from and secured by district  
23 revenue to carry out any power conferred by this chapter. The bonds  
24 must be authorized by a board resolution.

25           (b) The bonds must be issued in the manner and under the  
26 terms of the resolution authorizing the issuance of the bonds.

27          Sec. 9602.0402. PLAN OF FINANCING. (a) The district shall

1 study methods of financing the services provided by and  
2 improvements constructed by the district.

3 (b) The district shall make the results of the study  
4 conducted under this section available to the public.

5 Sec. 9602.0403. PROHIBITION ON TAXATION AND CERTAIN FEES.

6 (a) The district may not impose an ad valorem tax.

7 (b) Except as provided by Section 9602.0302, the district  
8 may not charge a fee.

9 SECTION 2. (a) Not later than September 1, 2022, the Harris  
10 County Commissioners Court, the city council of the City of  
11 Houston, the county judge of Harris County, and the mayor of the  
12 City of Houston shall appoint the initial members of the board of  
13 the Lake Houston Dredging and Maintenance District as required by  
14 Section 9602.0201, Special District Local Laws Code, as added by  
15 this Act.

16 (b) At the first meeting of the board of directors of the  
17 Lake Houston Dredging and Maintenance District, the directors shall  
18 draw lots to determine which four directors serve a term of four  
19 years and which three directors serve a term of two years.

20 SECTION 3. (a) The legal notice of the intention to  
21 introduce this Act, setting forth the general substance of this  
22 Act, has been published as provided by law, and the notice and a  
23 copy of this Act have been furnished to all persons, agencies,  
24 officials, or entities to which they are required to be furnished  
25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
26 Government Code.

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on  
2 Environmental Quality.

3 (c) The Texas Commission on Environmental Quality has filed  
4 its recommendations relating to this Act with the governor, the  
5 lieutenant governor, and the speaker of the house of  
6 representatives within the required time.

7 (d) All requirements of the constitution and laws of this  
8 state and the rules and procedures of the legislature with respect  
9 to the notice, introduction, and passage of this Act are fulfilled  
10 and accomplished.

11 SECTION 4. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect on the 91st day after the last day of the  
16 legislative session.