87R21520 SLB-D

By:  Huberty, Murphy, Dutton, Harless, Walle, H.B. No. 2525

     et al.

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

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

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

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

(b)  Directors serve staggered four-year terms.

SUBCHAPTER C. POWERS AND DUTIES

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

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

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

(2)  floating debris.

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

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

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

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

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

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

Sec. 9602.0303.  SAND, GRAVEL, MARL, SHELL, AND MUDSHELL. (a) Notwithstanding any other law, the district may take sand, gravel, marl, shell, and mudshell from Lake Houston and its tributaries to restore, maintain, or expand the capacity of the lake and its tributaries to convey storm flows.

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

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

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

(c)  The district may:

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

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

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

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

(2)  exercise the power of eminent domain; or

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

SUBCHAPTER D. FINANCIAL PROVISIONS

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

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

Sec. 9602.0402.  PLAN OF FINANCING. (a) The district shall study methods of financing the services provided by and improvements constructed by the district.

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

Sec. 9602.0403.  PROHIBITION ON TAXATION AND CERTAIN FEES. (a) The district may not impose an ad valorem tax.

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

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

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

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

(b)  The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

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

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

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, 2021.