

By: Cunningham

H.B. No. 5341

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.

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

SECTION 1. The heading to Subtitle L, Title 6, Special District Local Laws Code, is amended to read as follows:

SUBTITLE L. MUNICIPAL AND COUNTY WATER DISTRICTS

SECTION 2. 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.

1       (b) All land and other property in the boundaries of the  
2 district will benefit from the works and projects accomplished by  
3 the district under the powers conferred by Section 59, Article XVI,  
4 Texas Constitution.

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

9                   SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

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

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

20                   SUBCHAPTER C. POWERS AND DUTIES

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

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

27               (1) sediment and debris that accumulates under and

1 above the water; and

2 (2) floating debris.

3 (b) The district may form voluntary interlocal agreements  
4 with political subdivisions, corporate entities, or other persons  
5 to perform dredging and maintenance operations in areas on Lake  
6 Houston and its tributaries located within the district controlled  
7 or maintained by the party to the interlocal agreement. The  
8 district may not require payment from the other party to the  
9 interlocal agreement for dredging and maintenance operations  
10 performed under an interlocal agreement entered into under this  
11 section.

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

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

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

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

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

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

25 (a) Notwithstanding any other law, the district may take sand,  
26 gravel, marl, shell, and mudshell from Lake Houston and its  
27 tributaries to restore, maintain, or expand the capacity of the

1 lake and its tributaries to convey storm flows.

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

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

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

8 (c) The district may:

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

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

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

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

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

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

23 SUBCHAPTER D. FINANCIAL PROVISIONS

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

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

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

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

8        Sec. 9602.0403. PROHIBITION ON TAXATION AND FEES. The  
9 district may not impose a tax or charge a fee.

10       Sec. 9602.0404. STATE FUNDING. (a) Except as provided by  
11 Subsection (b), the legislature may appropriate money from the  
12 state treasury to the district to fund the district's activities  
13 under this chapter. Legislative appropriations to the district for  
14 a state fiscal year may not exceed \$25 million.

15       (b) The legislature may not appropriate money to the  
16 district for a state fiscal year that begins on or after September  
17 1, 2025.

18       SECTION 3. (a) Not later than September 1, 2024, the Harris  
19 County Commissioners Court, the city council of the City of  
20 Houston, the county judge of Harris County, and the mayor of the  
21 City of Houston shall appoint the initial members of the board of  
22 directors of the Lake Houston Dredging and Maintenance District as  
23 required by Section 9602.0201, Special District Local Laws Code, as  
24 added by this Act.

25       (b) At the first meeting of the board of directors of the  
26 Lake Houston Dredging and Maintenance District, the directors shall  
27 draw lots to determine which four directors serve a term of four

1 years and which three directors serve a term of two years.

2 SECTION 4. (a) The legal notice of the intention to  
3 introduce this Act, setting forth the general substance of this  
4 Act, has been published as provided by law, and the notice and a  
5 copy of this Act have been furnished to all persons, agencies,  
6 officials, or entities to which they are required to be furnished  
7 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
8 Government Code.

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

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

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

20 SECTION 5. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2023.