

BILL ANALYSIS

C.S.H.B. 1532
By: Cunningham
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that Lake Houston is the major water supply for the Houston region and the health of this asset is vital for many entities, but there continues to be frequent sediment buildup and flooding in communities near the lake and its tributaries, most notably the San Jacinto River. The bill author has further informed the committee that while there has been progress in recent years regarding dredging in the lake and its tributaries, there is a need for a long-term plan and an ongoing maintenance program. C.S.H.B. 1532 seeks to address this issue by creating the Lake Houston Dredging and Maintenance District, which will allow for the oversight of dredging and maintenance operations in the area in order to improve water flow and reduce sediment buildup.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1532 amends the Special District Local Laws Code to create the Lake Houston Dredging and Maintenance District, a conservation and reclamation district whose boundaries are coextensive with the boundaries of Harris County. The bill sets out findings of benefit and public purpose and, except as otherwise provided, grants the district the powers and duties generally applicable to a water district.

C.S.H.B. 1532 establishes that the district is governed by a board of five directors who serve staggered four-year terms and who are appointed as follows:

- one director appointed by the city council of the City of Houston;
- two directors appointed by the director of the City of Houston Public Works;
- one director appointed by the governing body of the Harris County Flood Control District; and
- one director appointed by the mayor of the City of Houston.

The director appointed by the mayor of the City of Houston serves as the board's presiding officer. The bill sets out provisions relating to the appointment and terms of the initial board.

C.S.H.B. 1532 authorizes the district to form voluntary interlocal agreements with political subdivisions, corporate entities, or other persons to perform dredging and maintenance operations in areas of the service area controlled or maintained by the party to the interlocal agreement. The bill prohibits the district from requiring payment from the other party to the

interlocal agreement for dredging and maintenance operations performed under the agreement. The bill defines "service area" as the area in which the district may perform dredging and maintenance operations, which is composed of the following territory:

- Lake Houston;
- the East and West Forks of the San Jacinto River between the Harris County line and Lake Houston;
- Luce Bayou downstream from Trent Road; and
- Caney Creek between the Harris County line and Lake Houston.

The bill specifies that "dredging and maintenance operations" includes the removal of floating debris and of sediment and debris that accumulates under and above the water.

C.S.H.B. 1532 authorizes the district to seek from any source a grant of money or another resource to assist the district's dredging and maintenance operations. The bill prohibits dredging and maintenance operations performed by or caused to be performed by the district from doing the following:

- negatively affecting the quality of water in Lake Houston; or
- degrading the quality of water to be treated by the City of Houston's Northeast Water Purification Plant or any other surface water treatment plant or to be transported by the West Canal or another water conveyance system.

The district must obtain approval from the City of Houston Public Works before performing or causing to be performed dredging and maintenance operations in Lake Houston and must exercise due diligence when performing dredging and maintenance operations in Lake Houston. The bill grants the City of Houston Public Works immunity from liability for any damages resulting from direct or indirect dredging and maintenance operations performed in Lake Houston, regardless of whether the operations are performed by or caused to be performed by the district.

C.S.H.B. 1532 authorizes the district to take sand, gravel, marl, shell, and mudshell from areas of the service area to restore, maintain, or expand the capacity of the service area to convey storm flows and sets out related provisions.

C.S.H.B. 1532 prohibits the district from doing the following:

- financing, developing, or maintaining a recreational facility;
- exercising the power of eminent domain; or
- performing the same function as another conservation and reclamation district whose territory overlaps with the district's territory, except the district may perform dredging operations if other conservation and reclamation districts are performing dredging operations in the district's territory.

C.S.H.B. 1532 authorizes the district to issue bonds payable from and secured by district revenue to carry out any power conferred by the bill's provisions. The bonds must be authorized by a board resolution and must be issued in the manner and under the terms of the resolution. The bill requires the district to study methods of financing the services provided by and improvements constructed by the district and to make the study's results available to the public. The bill prohibits the district from imposing a tax or charging a fee.

C.S.H.B. 1532 authorizes the legislature to appropriate money from the state treasury to the district to fund the district's activities but caps such an appropriation for a state fiscal year at \$25 million and prohibits such an appropriation for a state fiscal year that begins on or after September 1, 2027.

C.S.H.B. 1532 establishes that all applicable requirements relating to the following have been fulfilled and accomplished with respect to the bill:

- the legal notice of intention to introduce;
- governor action;

- Texas Commission on Environmental Quality recommendations; and
- the state constitution and laws and legislative rules and procedures.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1532 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The introduced and the substitute differ with respect to the district's board as follows:

- the substitute decreases the number of directors from seven, as in the introduced, to five;
- the substitute decreases the number of directors appointed by the city council of the City of Houston from three, as in the introduced, to one;
- the substitute does not include three directors appointed by the Harris County Commissioners Court, who were included in the introduced;
- the substitute includes the following directors who were not included in the introduced:
 - two directors appointed by the director of the City of Houston Public Works; and
 - one director appointed by the governing body of the Harris County Flood Control District; and
- whereas the introduced provided for the joint appointment of the director who serves as the board's presiding officer by both the county judge of Harris County and the mayor of the City of Houston, the substitute instead provides for such appointment only by the mayor.

The introduced and the substitute accordingly differ with respect to the appointment and terms of the initial board.

The substitute changes the areas in which the district may perform dredging and maintenance operations under an interlocal agreement and from which the district may take sand, gravel, marl, shell, and mudshell to restore, maintain, or expand capacity to convey storm flows from Lake Houston and its tributaries located within the district, as in the introduced, to areas of a defined service area that is composed of the following territory:

- Lake Houston;
- the East and West Forks of the San Jacinto River between the Harris County line and Lake Houston;
- Luce Bayou downstream from Trent Road; and
- Caney Creek between the Harris County line and Lake Houston.

The substitute expands the provision of the introduced prohibiting dredging and maintenance operations performed by or caused to be performed by the district from degrading the quality of water to be treated by the City of Houston's Northeast Water Purification Plant by also prohibiting the degradation of the quality of water to be treated by any other surface water treatment plant and the degradation of the quality of water to be transported by the West Canal or another water conveyance system.

The substitute changes the entity whose approval the district must obtain before performing dredging and maintenance operations in Lake Houston from specifically the City of Houston Public Works--Engineering Department to generally the City of Houston Public Works. The substitute includes language that was not in the introduced requiring the district to obtain such entity's approval before causing to be performed dredging and maintenance operations in Lake Houston. The substitute includes a requirement that was not in the introduced for the district to exercise due diligence when performing dredging and maintenance operations in Lake Houston.

The substitute includes a provision that was not in the introduced granting the City of Houston Public Works immunity from liability for any damages resulting from direct or indirect dredging and maintenance operations performed in Lake Houston, regardless of whether the operations are performed by or caused to be performed by the district.