

BILL ANALYSIS

C.S.H.B. 2525
By: Huberty
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Lake Houston is the major water supply for the Houston region and the health of this asset is vital for many entities. For decades, the maintenance of the lake has been neglected, which has led to an accumulation of sedimentation and siltation, causing a loss of capacity and a decrease in water quality. The entities and individuals who purchase processed water from the lake and those who reside on and around the lake have a shared interest in preserving this asset. 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. 2525 seeks to address this issue by creating the Lake Houston Dredging and Maintenance District, which will serve to create a long-term maintenance plan and permanent dredging program to preserve the lake's capacity and water quality.

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. 2525 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 provides for the district's board of directors, including a deadline for the appointment of the initial board. The bill, except as otherwise provided, grants the district the powers and duties generally applicable to all water districts.

C.S.H.B. 2525 authorizes the district to 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 bill authorizes the district to require payment from the other party to the interlocal agreement for dredging and maintenance operations performed under the agreement. 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. 2525 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.

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

C.S.H.B. 2525 authorizes the district to 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 and sets out related provisions.

C.S.H.B. 2525 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. 2525 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 make the study's results available to the public. The bill prohibits the district from imposing a property tax and, except as provided for dredging and maintenance operations, charging a fee.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2525 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a requirement present in the original for the district itself to perform dredging and maintenance operations on Lake Houston. The substitute does the following with respect to the original's authorization for the district to form interlocal agreements with certain entities to perform dredging and maintenance operations on Lake Houston:

- specifies that the interlocal agreements are voluntary; and
- restricts the areas where the dredging and maintenance operations may be performed to areas on Lake Houston and its tributaries located within the district controlled or maintained by the party to the interlocal agreement.

The substitute includes an authorization not included in the original for the district to require payment from the other party to the interlocal agreement for dredging and maintenance operations performed under the agreement. The substitute specifies that the removal of sediment and debris included in the term "dredging and maintenance operations" is the removal of sediment and debris that accumulates under and above the water, whereas the original specifies the removal of sediment and debris from under the water.

The substitute does not include an authorization present in the original for the district to seek equipment from any source to assist the district's dredging and maintenance operations. The substitute includes provisions not included in the original that do the following:

- prohibit 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;
- require the district to obtain approval before performing dredging and maintenance operations in Lake Houston from the City of Houston Public Works--Engineering Department; and
- set out the district's authority to 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.

The substitute provides an exception to the original's prohibition against the district performing the same function as another conservation and reclamation district whose territory overlaps with the district's territory to authorize the district to perform dredging operations if other conservation and reclamation districts are performing dredging operations in the district's territory.

The substitute includes provisions not included in the original that do the following:

- require the district to study methods of financing the services provided by and improvements constructed by the district and make the study's results available to the public; and
- prohibit the district from charging a fee, except as provided for dredging and maintenance operations.