

1-1 By: Harless (Senate Sponsor - Bettencourt) H.B. No. 5334
 1-2 (In the Senate - Received from the House May 3, 2023;
 1-3 May 5, 2023, read first time and referred to Committee on Local
 1-4 Government; May 19, 2023, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-9 Eckhardt	X			
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Parker	X			
1-14 Paxton	X			
1-15 West	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Cypress Creek Drainage Improvement
 1-20 District.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Subtitle A, Title 6, Special District Local Laws
 1-23 Code, is amended by adding Chapter 6608 to read as follows:

1-24 CHAPTER 6608. CYPRESS CREEK DRAINAGE IMPROVEMENT DISTRICT

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 6608.0101. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on
 1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Cypress Creek Drainage
 1-32 Improvement District.

1-33 Sec. 6608.0102. NATURE OF DISTRICT. The district is a
 1-34 conservation and reclamation district created under Section 59,
 1-35 Article XVI, Texas Constitution.

1-36 Sec. 6608.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-37 REQUIRED. (a) The temporary directors shall hold an election to
 1-38 confirm the creation of the district and to elect five permanent
 1-39 directors as provided by Section 49.102, Water Code.

1-40 (b) If the creation of the district is not confirmed and
 1-41 permanent directors are not elected under this section before
 1-42 September 1, 2027, the district shall be dissolved in accordance
 1-43 with Subchapter D.

1-44 Sec. 6608.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-45 temporary directors may not hold an election under Section
 1-46 6608.0103 until each municipality in whose corporate limits or
 1-47 extraterritorial jurisdiction the district is located has
 1-48 consented by ordinance or resolution to the creation of the
 1-49 district and to the inclusion of land in the district.

1-50 Sec. 6608.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-51 (a) The district is created to serve a public purpose and benefit.

1-52 (b) The district is created to accomplish the purposes of:

1-53 (1) a conservation and reclamation district as
 1-54 provided by general law and Section 59, Article XVI, Texas
 1-55 Constitution; and

1-56 (2) Section 52, Article III, Texas Constitution, that
 1-57 relate to the construction and maintenance of pools, lakes,
 1-58 reservoirs, dams, canals, and waterways for the purposes of
 1-59 irrigation, drainage, or navigation.

1-60 Sec. 6608.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-61 district is initially composed of the territory described by

2-1 Section 2 of the Act enacting this chapter.

2-2 (b) The boundaries and field notes contained in Section 2 of
2-3 the Act enacting this chapter form a closure. A mistake made in the
2-4 field notes or in copying the field notes in the legislative process
2-5 does not affect the district's:

2-6 (1) organization, existence, or validity; or

2-7 (2) legality or operation.

2-8 SUBCHAPTER B. BOARD OF DIRECTORS

2-9 Sec. 6608.0201. GOVERNING BODY; TERMS. (a) The district is
2-10 governed by a board of five elected directors.

2-11 (b) Except as provided by Section 6608.0202, directors
2-12 serve staggered four-year terms.

2-13 Sec. 6608.0202. TEMPORARY DIRECTORS. (a) The temporary
2-14 board consists of:

2-15 (1) Mark Adam;

2-16 (2) Calvin Cobb;

2-17 (3) Clara Lewis;

2-18 (4) Joe Myers; and

2-19 (5) Barbara Schlattman.

2-20 (b) Temporary directors serve until the either of:

2-21 (1) the date permanent directors are elected under
2-22 Section 6608.0103; or

2-23 (2) September 1, 2027.

2-24 (c) If a temporary director is unable or unwilling to
2-25 complete the director's term, the commission shall appoint a
2-26 temporary director to serve the remainder of the director's term.
2-27 In making the appointment, the commission shall consider input from
2-28 the remaining directors, owners of real property in the district,
2-29 the Cypress Creek Flooding Task Force, and the Cypress Creek Flood
2-30 Control Coalition, or a successor organization, as provided by
2-31 Subsection (d).

2-32 (d) Not sooner than the 90th day and not later than the 10th
2-33 day before the date a temporary director's term ends, the Cypress
2-34 Creek Flooding Task Force and the Cypress Creek Flood Control
2-35 Coalition may submit a petition to the commission requesting that
2-36 the commission appoint a successor temporary director from the
2-37 persons named in the petition.

2-38 SUBCHAPTER C. POWERS AND DUTIES

2-39 Sec. 6608.0301. GENERAL POWERS AND DUTIES. The district
2-40 has the powers and duties necessary to accomplish the purposes for
2-41 which the district is created.

2-42 Sec. 6608.0302. WATER CONTROL AND IMPROVEMENT DISTRICT
2-43 POWERS AND DUTIES. (a) The district has the powers and duties
2-44 provided by the general law of this state, including Chapters 49 and
2-45 51, Water Code, applicable to water control and improvement
2-46 districts created under Section 59, Article XVI, Texas
2-47 Constitution.

2-48 (b) The district may seek and use grants, gifts, donations,
2-49 or money from other stormwater or drainage programs.

2-50 (c) The district may not issue bonds or impose a tax, fee, or
2-51 assessment under Chapter 49 or 51, Water Code.

2-52 Sec. 6608.0303. NO EMINENT DOMAIN POWER. The district may
2-53 not exercise the power of eminent domain.

2-54 SUBCHAPTER D. DISSOLUTION

2-55 Sec. 6608.0401. DISSOLUTION. (a) If permanent directors
2-56 have not been elected under Section 6608.0103 by September 1, 2027,
2-57 the district is dissolved.

2-58 (b) On dissolution of the district, the board shall transfer
2-59 all assets, contractual rights, and obligations of the district to
2-60 the Harris County Flood Control District.

2-61 SECTION 2. The Cypress Creek Drainage Improvement District
2-62 initially includes all the territory contained in the Cypress Creek
2-63 Watershed as defined by the Harris County Flood Control District
2-64 Geo-Database file dated June 2007, excluding any territory, as of
2-65 the effective date of this Act, within the boundaries or
2-66 extraterritorial jurisdiction of the Cities of Waller and Prairie
2-67 View.

2-68 SECTION 3. (a) The legal notice of the intention to
2-69 introduce this Act, setting forth the general substance of this

3-1 Act, has been published as provided by law, and the notice and a
3-2 copy of this Act have been furnished to all persons, agencies,
3-3 officials, or entities to which they are required to be furnished
3-4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-5 Government Code.

3-6 (b) The governor, one of the required recipients, has
3-7 submitted the notice and Act to the Texas Commission on
3-8 Environmental Quality.

3-9 (c) The Texas Commission on Environmental Quality has filed
3-10 its recommendations relating to this Act with the governor, the
3-11 lieutenant governor, and the speaker of the house of
3-12 representatives within the required time.

3-13 (d) All requirements of the constitution and laws of this
3-14 state and the rules and procedures of the legislature with respect
3-15 to the notice, introduction, and passage of this Act are fulfilled
3-16 and accomplished.

3-17 SECTION 4. This Act takes effect immediately if it receives
3-18 a vote of two-thirds of all the members elected to each house, as
3-19 provided by Section 39, Article III, Texas Constitution. If this
3-20 Act does not receive the vote necessary for immediate effect, this
3-21 Act takes effect September 1, 2023.

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