

# H.B. 5334

2023

88R19258 ANG-F

By: Harless

H.B. No. 5334

A BILL TO BE ENTITLED  
AN ACT

relating to the creation of the Cypress Creek Drainage Improvement District.

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

SECTION 1. Subtitle A, Title 6, Special District Local Laws Code, is amended by adding Chapter 6608 to read as follows:

CHAPTER 6608. CYPRESS CREEK DRAINAGE IMPROVEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6608.0101. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Cypress Creek Drainage Improvement District.

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

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

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

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

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

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

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

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

Sec. 6608.0106. INITIAL DISTRICT TERRITORY. (a) The

district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

- (1) organization, existence, or validity; or
- (2) legality or operation.

#### SUBCHAPTER B. BOARD OF DIRECTORS

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

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

Sec. 6608.0202. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Mark Adam;
- (2) Calvin Cobb;
- (3) Clara Lewis;
- (4) Joe Myers; and
- (5) Barbara Schlattman.

(b) Temporary directors serve until the either of:

- (1) the date permanent directors are elected under Section 6608.0103; or
- (2) September 1, 2027.

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

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

#### SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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

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

#### SUBCHAPTER D. DISSOLUTION

Sec. 6608.0401. DISSOLUTION. (a) If permanent directors have not been elected under Section 6608.0103 by September 1, 2027,

the district is dissolved.

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

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

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, 2023.