

## **BILL ANALYSIS**

Senate Research Center  
88R21715 SCP-F

H.B. 5395  
By: Lalani (Kolkhorst)  
Local Government  
5/11/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Continuing development and growth in Fort Bend County has created the need for permanent improvements such as drainage and flood control projects, and road and recreational facilities. Pursuant to Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution, and subject to the continuing supervisory jurisdiction of the Texas Commission on Environmental Quality, the bill seeks to create a water control and improvement district to be known as Fort Bend County Water Control and Improvement District No. 11 over an approximate 1,616-acre tract of land located within the extraterritorial jurisdiction of the City of Richmond in Fort Bend County, Texas.

Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution provide for the creation of local governmental districts which are authorized to incur indebtedness to provide such permanent improvements and to levy taxes for the maintenance and operation of such improvements and for the repayment of such indebtedness. The legislation grants the district the power to undertake drainage, recreational, and road projects. The legislation authorizes the district, subject to certain requirements, to issue bonds and other obligations and impose property taxes.

H.B. 5395 amends current law relating to the creation of the Fort Bend County Water Control and Improvement District No. 11, grants a limited power of eminent domain, provides authority to issue bonds, and provides authority to impose assessments, fees, and taxes.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle I, Title 6, Special District Local Laws Code, by adding Chapter 9064, as follows:

#### **CHAPTER 9064. FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 11**

Sets forth standard language for the creation of the Fort Bend County Water Control and Improvement District No. 11 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district, the requirement to confirm the creation of the district by election, the initial district territory (Sections 9064.0101-9064.0106);

Composition and powers of the board of directors of the district, including size, composition, election, and eligibility, and appointment of temporary directors (Sections 9064.0201-9064.0202);

Powers and duties of the district (Sections 9064.0301-9064.0306); and

General financial provisions, authority to impose a tax and authority to issue bonds and other obligations (Sections 9064.0401-9064.0504).

SECTION 2. Sets forth the initial boundaries of the district.

SECTION 3. Provides that all requirements of the constitution and the 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. (a) Provides that Section 9064.0306, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) Provides that if this Act does not receive a two-thirds vote of all members elected to each house, Subchapter C, Chapter 9064, Special District Local Laws Code, as added by Section 1 of this Act, is amended by amending Section 9064.0306, as follows:

Sec. 9064.0306. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

(c) Provides that this section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c) (relating to authorizing the legislature to enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house on or after January 1, 2010), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2023.