

BILL ANALYSIS

Senate Research Center
88R21843 MP-F

S.B. 2608
By: Zaffirini
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Located in the Austin metropolitan region, the City of Martindale (city) in Caldwell County has experienced its share of growth along the I-35 corridor.

S.B. 2608 would ensure that the city can provide quality water and wastewater services as the city develops by creating the Martindale Municipal Utility District No. 1 of Caldwell County, Texas.

As proposed, S.B. 2608 amends current law relating to the creation of the Martindale Municipal Utility District No. 1 of Caldwell County, Texas; 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 F, Title 6, Special District Local Laws Code, by adding Chapter 7989A, as follows:

CHAPTER 7989A. MARTINDALE MUNICIPAL UTILITY DISTRICT NO. 1 OF CALDWELL COUNTY, TEXAS

Sets forth standard language for the creation of the Martindale Municipal Utility District No. 1 of Caldwell County, Texas (district). Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 7989A.0101-7989A.0106);

Size, composition, election, and terms of the board of directors of the district (Sections 7989A.0103 and 7989A.0201-7977A.0202);

Powers and duties of the district (Sections 7989A.0301-7989A.0307); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7989A.0401-7989A.0503).

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

SECTION 3. Provides that 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. (a) Amends Subchapter C, Chapter 7989A, Special District Local Laws Code, as added by Section 1 of this Act, if this Act does not receive a two-thirds vote of all the members elected to each house, by adding Section 7989A.0308, as follows:

Sec. 7989A.0308. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

(b) 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, on or after January 1, 2010, to enact a general, local, or special law granting the power of eminent domain to an entity only in certain circumstances), Article I (Bill of Rights), Texas Constitution.

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