

BILL ANALYSIS

Senate Research Center

S.B. 2193
By: Buckingham
Local Government
6/4/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Continuing development and growth in Central Texas, including Blanco County, has created the need for large-scale, permanent improvements such as water supply and distribution facilities, wastewater collection and treatment facilities, drainage and flood control projects, and roadway improvements. Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution provide for the creation of local governmental districts that are authorized to incur indebtedness to provide such permanent improvements, levy taxes for the maintenance and operation of such improvements, and repay on indebtedness.

S.B. 2193 would create the Matthews Ranch Water Control and Improvement District No. 1 of Blanco County (district). The district would include approximately 745.87 acres in Blanco County. Along with powers authorized by Chapters 49, 51 and 54, Water Code, S.B. 2193 also provides for road powers pursuant to Article III, Section 52, of the Texas Constitution and Section 53.029(c), Water Code. S.B. 2193 would also grant a limited power of eminent domain, provide authority to issue bonds, and allow for the district to divide or to establish defined areas.

(Original Author's / Sponsor's Statement of Intent)

S.B. 2193 amends current law relating to the creation of the Matthews Ranch Water Control and Improvement District No. 1 of Blanco County, 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 9091, as follows:

CHAPTER 9091. MATTHEWS RANCH WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 OF BLANCO COUNTY

Sets forth standard language for the creation of the Matthews Ranch Water Control and Improvement District No. 1 of Blanco County (district). Sets forth standards, procedures, requirements, and criteria for:

General provisions, including the nature of the district, the requirements to confirm the creation of the district by election and to elect five permanent directors, consent to creation of the district by certain municipalities, the public purpose of the district, and the initial district territory (Sections 9091.0101-9091.0106);

Size, composition, election, and terms for the board of directors, including provisions related to initial temporary directors (Sections 9091.0201-9091.0202);

Powers and duties of the district (Sections 9091.0301-9091.0310);

General financial provisions, including the authority to impose an ad valorem tax once approved by voters at an election, and the authority to impose certain other taxes (Sections 9091.0401-9091.0403); and

Authority to issue certain bonds and other obligations (Sections 9091.0501-9091.0503).

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, if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 9091, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9091.0311, as follows:

Sec. 9091.0311. 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 requiring a two-thirds vote of all members elected to each house to enact a law granting the power of eminent domain), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2021.