

BILL ANALYSIS

Senate Research Center
89R24591 SCR-F

H.B. 5688
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Local Government
5/21/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The bill author has informed the committee of the need for a municipal utility district to be created in Cameron County for the benefit of certain undeveloped land and to allow for more localized planning and management of water, sewer, and certain road services, especially in areas where municipal services are limited or unavailable. H.B. 5688 seeks to provide for the creation of the San Benito Municipal Utility District No. 1.

H.B. 5688 amends current law relating to the creation of the San Benito Municipal Utility District No. 1, 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 8028A, as follows:

CHAPTER 8028A. SAN BENITO MUNICIPAL UTILITY DISTRICT NO. 1

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

General provisions, creation, purpose, and approval of the district (Sections 8028A.0101-8028A.0106);

Size, composition, election, and terms of the board of directors of the district (Sections 8028A.0201-8028A.0202);

Powers and duties of the district (Sections 8028A.0301-8028A.0306); and

General financial provisions and authority to impose a tax and issue bonds and obligations for the district (Sections 8028A.0401-8028A.0503),

SECTION 2. Sets forth 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 (Powers and Duties), Chapter 8028A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8028A.0307, as follows:

Sec. 8028A.0307. 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 to enact a law granting the power of eminent domain to certain entities), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2025.