BILL ANALYSIS

Senate Research Center

S.B. 1167
By: Campbell
Local Government
6/14/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Commission on Environmental Quality created the Anthem Municipal Utility District (district) by order dated July 25, 2016. The district was confirmed by election on November 8, 2016. In 2017, the 85th Legislature, through H.B. 4270, added road powers and authority to issue bonds for the roads and providing authority to impose assessments.

The City of Austin and the Nature Conservancy purchased approximately 250 acres that is within the district's boundaries. Since the property will no longer be part of the development project, both seller and buyer wish to redefine the boundaries of the district to omit that property.

Two separate elections have been held including the confirmation election and a separate road bond election. The property has been vacated for development that began in summer 2019.

S.B. 1167 would redefine the boundaries of the district to reflect the sale of approximately 250 acres. The remaining property in the district now totals approximately 423 acres. S.B. 1167 also validates previous actions and elections of the district.

S.B. 1167 amends current law relating to boundaries of the Anthem Municipal Utility District and affects the authority to issue bonds.

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 Subchapter A, Chapter 7979, Special District Local Laws Code, by adding Section 7979.004, as follows:

Sec. 7979.004. DISTRICT TERRITORY. (a) Provides that the Anthem Municipal Utility District (district) is composed of the territory described by Section 3 of the Act enacting this section.

(b) Provides that the boundaries and field notes contained in Section 3 of the Act enacting this section form a closure. Provides that 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;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SECTION 2. Amends Section 7979.101, Special District Local Laws Code, by adding Subsection (d), as follows:

(d) Provides that Section 49.303(d) (relating to prohibiting a district for which the issuance of bonds payable from taxes was approved at an election from relying on that election for the issuance of the bonds if after the bond election, but before the bonds are issued, land or other property is excluded from the district), Water Code, does not apply to the district. Authorizes the district to rely on a previously held election for the approval to issue bonds payable in whole or in part from taxes after the exclusion of territory described by the Act enacting Section 7979.101 (Elections Regarding Taxes or Bonds).

SECTION 3. Sets forth the boundaries of the district.

SECTION 4. Provides that the district retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

SECTION 5. (a) Provides that the legislature validates and confirms all governmental acts, elections, and proceedings of the district that were taken before the effective date of this Act.

(b) Provides that this section does not apply to any matter that on the effective date of this Act is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment, or has been held invalid by a final court judgment.

SECTION 6. 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 7. Effective date: upon passage or September 1, 2021.