

BILL ANALYSIS

C.S.H.B. 4270
By: Isaac
Special Purpose Districts
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note the need to codify the statutes relating to and amend the powers and duties of the Anthem Municipal Utility District in order to help the district better serve its local community. C.S.H.B. 4270 seeks to achieve this goal.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4270 amends the Special District Local Laws Code to establish provisions relating to the Anthem Municipal Utility District. The bill grants the district the power to undertake certain road projects and provides for strategic partnership agreements. The bill authorizes the district, subject to certain requirements, to issue obligations and impose property, operation and maintenance, and contract taxes, as well as impact fees and assessments. The bill provides for the validation, ratification, and confirmation of certain district actions and proceedings taken before the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4270 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7979 to read as follows:

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CHAPTER 7979. ANTHEM MUNICIPAL UTILITY DISTRICT

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SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7979.001. DEFINITIONS.

Sec. 7979.002. NATURE OF DISTRICT.

Sec. 7979.003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 7979.051. GENERAL POWERS AND DUTIES.

Sec. 7979.052. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES.

Sec. 7979.053. AUTHORITY FOR ROAD PROJECTS.

Sec. 7979.054. ROAD STANDARDS AND REQUIREMENTS.

Sec. 7979.055. STRATEGIC PARTNERSHIP AGREEMENT.

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 7979.101. ELECTIONS REGARDING TAXES OR BONDS.

Sec. 7979.102. OPERATION AND MAINTENANCE TAX.

Sec. 7979.103. CONTRACT TAXES.

SUBCHAPTER D. ASSESSMENTS; APPLICABILITY OF IMPACT FEES AND ASSESSMENTS

Sec. 7979.151. PETITION REQUIRED FOR FINANCING RECREATIONAL FACILITIES, IMPROVEMENTS, AND SERVICES WITH ASSESSMENTS.

(a) Except as provided by this subchapter, the board may finance the construction or maintenance of a recreational facility or improvement or finance the provision of a recreational service with assessments on property under this subchapter only if:

(1) a written petition requesting that

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Sec. 7979.102. OPERATION AND MAINTENANCE TAX.

Sec. 7979.103. CONTRACT TAXES.

SUBCHAPTER D. ASSESSMENTS; APPLICABILITY OF IMPACT FEES AND ASSESSMENTS

Sec. 7979.151. PETITION REQUIRED FOR FINANCING RECREATIONAL FACILITIES, IMPROVEMENTS, AND SERVICES WITH ASSESSMENTS.

(a) The board may finance the construction or maintenance of a recreational facility or improvement or finance the provision of a recreational service with assessments on commercial or residential property, or both, under this subchapter, but only if:

(1) a written petition requesting that

facility, improvement, or service has been filed with the board; and

(2) the board holds a hearing on the proposed assessments.

(b) The petition must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 7979.152. METHOD OF NOTICE FOR HEARING.

Sec. 7979.153. ASSESSMENTS; LIENS FOR ASSESSMENTS.

Sec. 7979.154. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7979.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS.

Sec. 7979.202. TAXES FOR BONDS.

Sec. 7979.203. BONDS FOR ROAD PROJECTS.

SECTION 2. (a) All governmental and proprietary actions and proceedings of the Anthem Municipal Utility District taken before the effective date of this Act are validated, ratified, and confirmed in all respects as of the dates on which they occurred.

(b) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government

facility, improvement, or service has been filed with the board; and

(2) the board holds a hearing on the proposed assessments.

(b) The petition must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 7979.152. METHOD OF NOTICE FOR HEARING.

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Sec. 7979.203. BONDS FOR ROAD PROJECTS.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) 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. This Act takes effect September 1, 2017.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.