

1-1 By: Bettencourt S.B. No. 2599  
 1-2 (In the Senate - Filed April 6, 2023; April 11, 2023, read  
 1-3 first time and referred to Committee on Local Government;  
 1-4 April 28, 2023, reported favorably by the following vote: Yeas 7,  
 1-5 Nays 0; April 28, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-9 Eckhardt	X			
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Parker			X	
1-14 Paxton	X			
1-15 West	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the creation of the Harris County Municipal Utility  
 1-20 District No. 594; granting a limited power of eminent domain;  
 1-21 providing authority to issue bonds; providing authority to impose  
 1-22 assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
 1-25 Code, is amended by adding Chapter 7999A to read as follows:

1-26 CHAPTER 7999A. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 594  
 1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7999A.0101. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.  
 1-30 (2) "Commission" means the Texas Commission on  
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.  
 1-33 (4) "District" means the Harris County Municipal  
 1-34 Utility District No. 594.

1-35 Sec. 7999A.0102. NATURE OF DISTRICT. The district is a  
 1-36 municipal utility district created under Section 59, Article XVI,  
 1-37 Texas Constitution.

1-38 Sec. 7999A.0103. CONFIRMATION AND DIRECTOR ELECTION  
 1-39 REQUIRED. The temporary directors shall hold an election to  
 1-40 confirm the creation of the district and to elect five permanent  
 1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 7999A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-43 temporary directors may not hold an election under Section  
 1-44 7999A.0103 until each municipality in whose corporate limits or  
 1-45 extraterritorial jurisdiction the district is located has  
 1-46 consented by ordinance or resolution to the creation of the  
 1-47 district and to the inclusion of land in the district as required by  
 1-48 applicable law.

1-49 Sec. 7999A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.  
 1-50 (a) The district is created to serve a public purpose and benefit.

1-51 (b) The district is created to accomplish the purposes of:  
 1-52 (1) a municipal utility district as provided by  
 1-53 general law and Section 59, Article XVI, Texas Constitution; and  
 1-54 (2) Section 52, Article III, Texas Constitution, that  
 1-55 relate to the construction, acquisition, improvement, operation,  
 1-56 or maintenance of macadamized, graveled, or paved roads, or  
 1-57 improvements, including storm drainage, in aid of those roads.

1-58 Sec. 7999A.0106. INITIAL DISTRICT TERRITORY. (a) The  
 1-59 district is initially composed of the territory described by  
 1-60 Section 2 of the Act enacting this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of

2-1 the Act enacting this chapter form a closure. A mistake made in the  
 2-2 field notes or in copying the field notes in the legislative process  
 2-3 does not affect the district's:

- 2-4 (1) organization, existence, or validity;
- 2-5 (2) right to issue any type of bond for the purposes  
 2-6 for which the district is created or to pay the principal of and  
 2-7 interest on a bond;
- 2-8 (3) right to impose a tax; or
- 2-9 (4) legality or operation.

2-10 SUBCHAPTER B. BOARD OF DIRECTORS

2-11 Sec. 7999A.0201. GOVERNING BODY; TERMS. (a) The district  
 2-12 is governed by a board of five elected directors.

2-13 (b) Except as provided by Section 7999A.0202, directors  
 2-14 serve staggered four-year terms.

2-15 Sec. 7999A.0202. TEMPORARY DIRECTORS. (a) On or after the  
 2-16 effective date of the Act enacting this chapter, the owner or owners  
 2-17 of a majority of the assessed value of the real property in the  
 2-18 district may submit a petition to the commission requesting that  
 2-19 the commission appoint as temporary directors the five persons  
 2-20 named in the petition. The commission shall appoint as temporary  
 2-21 directors the five persons named in the petition.

2-22 (b) Temporary directors serve until the earlier of:

2-23 (1) the date permanent directors are elected under  
 2-24 Section 7999A.0103; or

2-25 (2) the fourth anniversary of the effective date of  
 2-26 the Act enacting this chapter.

2-27 (c) If permanent directors have not been elected under  
 2-28 Section 7999A.0103 and the terms of the temporary directors have  
 2-29 expired, successor temporary directors shall be appointed or  
 2-30 reappointed as provided by Subsection (d) to serve terms that  
 2-31 expire on the earlier of:

2-32 (1) the date permanent directors are elected under  
 2-33 Section 7999A.0103; or

2-34 (2) the fourth anniversary of the date of the  
 2-35 appointment or reappointment.

2-36 (d) If Subsection (c) applies, the owner or owners of a  
 2-37 majority of the assessed value of the real property in the district  
 2-38 may submit a petition to the commission requesting that the  
 2-39 commission appoint as successor temporary directors the five  
 2-40 persons named in the petition. The commission shall appoint as  
 2-41 successor temporary directors the five persons named in the  
 2-42 petition.

2-43 SUBCHAPTER C. POWERS AND DUTIES

2-44 Sec. 7999A.0301. GENERAL POWERS AND DUTIES. The district  
 2-45 has the powers and duties necessary to accomplish the purposes for  
 2-46 which the district is created.

2-47 Sec. 7999A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
 2-48 DUTIES. The district has the powers and duties provided by the  
 2-49 general law of this state, including Chapters 49 and 54, Water Code,  
 2-50 applicable to municipal utility districts created under Section 59,  
 2-51 Article XVI, Texas Constitution.

2-52 Sec. 7999A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
 2-53 Section 52, Article III, Texas Constitution, the district may  
 2-54 design, acquire, construct, finance, issue bonds for, improve,  
 2-55 operate, maintain, and convey to this state, a county, or a  
 2-56 municipality for operation and maintenance macadamized, graveled,  
 2-57 or paved roads, or improvements, including storm drainage, in aid  
 2-58 of those roads.

2-59 Sec. 7999A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
 2-60 road project must meet all applicable construction standards,  
 2-61 zoning and subdivision requirements, and regulations of each  
 2-62 municipality in whose corporate limits or extraterritorial  
 2-63 jurisdiction the road project is located.

2-64 (b) If a road project is not located in the corporate limits  
 2-65 or extraterritorial jurisdiction of a municipality, the road  
 2-66 project must meet all applicable construction standards,  
 2-67 subdivision requirements, and regulations of each county in which  
 2-68 the road project is located.

2-69 (c) If the state will maintain and operate the road, the

3-1 Texas Transportation Commission must approve the plans and  
3-2 specifications of the road project.

3-3 Sec. 7999A.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
3-4 ORDINANCE OR RESOLUTION. The district shall comply with all  
3-5 applicable requirements of any ordinance or resolution that is  
3-6 adopted under Section 54.016 or 54.0165, Water Code, and that  
3-7 consents to the creation of the district or to the inclusion of land  
3-8 in the district.

3-9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-10 Sec. 7999A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
3-11 The district may issue, without an election, bonds and other  
3-12 obligations secured by:

3-13 (1) revenue other than ad valorem taxes; or  
3-14 (2) contract payments described by Section  
3-15 7999A.0403.

3-16 (b) The district must hold an election in the manner  
3-17 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-18 before the district may impose an ad valorem tax or issue bonds  
3-19 payable from ad valorem taxes.

3-20 (c) The district may not issue bonds payable from ad valorem  
3-21 taxes to finance a road project unless the issuance is approved by a  
3-22 vote of a two-thirds majority of the district voters voting at an  
3-23 election held for that purpose.

3-24 Sec. 7999A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
3-25 authorized at an election held under Section 7999A.0401, the  
3-26 district may impose an operation and maintenance tax on taxable  
3-27 property in the district in accordance with Section 49.107, Water  
3-28 Code.

3-29 (b) The board shall determine the tax rate. The rate may not  
3-30 exceed the rate approved at the election.

3-31 Sec. 7999A.0403. CONTRACT TAXES. (a) In accordance with  
3-32 Section 49.108, Water Code, the district may impose a tax other than  
3-33 an operation and maintenance tax and use the revenue derived from  
3-34 the tax to make payments under a contract after the provisions of  
3-35 the contract have been approved by a majority of the district voters  
3-36 voting at an election held for that purpose.

3-37 (b) A contract approved by the district voters may contain a  
3-38 provision stating that the contract may be modified or amended by  
3-39 the board without further voter approval.

3-40 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-41 Sec. 7999A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
3-42 OBLIGATIONS. The district may issue bonds or other obligations  
3-43 payable wholly or partly from ad valorem taxes, impact fees,  
3-44 revenue, contract payments, grants, or other district money, or any  
3-45 combination of those sources, to pay for any authorized district  
3-46 purpose.

3-47 Sec. 7999A.0502. TAXES FOR BONDS. At the time the district  
3-48 issues bonds payable wholly or partly from ad valorem taxes, the  
3-49 board shall provide for the annual imposition of a continuing  
3-50 direct ad valorem tax, without limit as to rate or amount, while all  
3-51 or part of the bonds are outstanding as required and in the manner  
3-52 provided by Sections 54.601 and 54.602, Water Code.

3-53 Sec. 7999A.0503. BONDS FOR ROAD PROJECTS. At the time of  
3-54 issuance, the total principal amount of bonds or other obligations  
3-55 issued or incurred to finance road projects and payable from ad  
3-56 valorem taxes may not exceed one-fourth of the assessed value of the  
3-57 real property in the district.

3-58 SECTION 2. The Harris County Municipal Utility District No.  
3-59 594 initially includes all the territory contained in the following  
3-60 area:

3-61 Being 113.297 acres of land located in the William Hurd  
3-62 Survey, Abstract 377, Harris County, Texas, and being all of that  
3-63 certain called 111.2797 acre tract conveyed to Martens Family  
3-64 Partnership Ltd., by an instrument of record in File Number  
3-65 20120088210, of the Official Public Records of Real Property of  
3-66 said Harris County, Texas, (H.C.O.P.R.R.P.), and all of that  
3-67 certain called 2.000 acre save and except tract described in said  
3-68 File Number 20120088210, H.C.O.P.R.R.P., said 113.297 acre tract  
3-69 being more particularly described by metes and bounds as follows,

4-1 (all bearings referenced to the Texas Coordinate System, South  
4-2 Central Zone, NAD 83, 2001 Adjustment):

4-3 BEGINNING at a 1/2-inch iron rod found marking the southwest  
4-4 corner of said 111.2797 acre tract, same being the northwest corner  
4-5 of that certain called 113.2797 acre tract conveyed to Kimmel  
4-6 Decedent's Trust U/T/A 4/28/1999, Irma Kimmel, Trustee (58.09%  
4-7 interest) by an instrument of record in File Number RP-2020-77718,  
4-8 H.C.O.P.R.R.P. and Kimmel Survivor's Trust U/T/A 4/28/1999, Irma  
4-9 Kimmel, Trustee (41.91% interest), by an instrument of record under  
4-10 File Number RP-2020-77719, H.C.O.P.R.R.P., said point lying on the  
4-11 east line of that certain called 24.6576 acre tract conveyed to  
4-12 Allen Arthur Krahn and Rhonda Jean Krahn by an instrument of record  
4-13 under File Number RP-2022-293701, H.C.O.P.R.R.P.;

4-14 Thence, North 01° 52' 17" West, along the west line of said  
4-15 111.2797 acre tract, same being the east line of said 24.6576 acre  
4-16 tract, passing at 76.60 feet the northeast corner of said 24.6576  
4-17 acre tract, from which a found 1/2-inch iron rod bears South 86° 15'  
4-18 53" East, 0.49 feet, continuing along the west line of said 111.2797  
4-19 acre tract, along the east line of that certain called 11.2033 acre  
4-20 tract conveyed to Kenneth Ervin Krahn by an instrument of record  
4-21 under File Number M592368, H.C.O.P.R.R.P., passing at 497.50 feet a  
4-22 5/8-inch iron rod with cap stamped "TONY SWONKE RPLS 4767" found for  
4-23 the northeast corner of said 11.2033 acre Kenneth Krahn tract, same  
4-24 being the southeast corner of that certain called 11.2033 acre  
4-25 tract conveyed to Shirley Ann McKinney by an instrument of record  
4-26 under File Number S338090, H.C.O.P.R.R.P., continuing along the  
4-27 west line of said 111.2797 acre tract, same being the east line of  
4-28 said 11.2033 acre McKinney tract, passing at 886.53 feet the  
4-29 northeast corner of said 11.2033 acre McKinney tract, same being  
4-30 the southeast corner of that certain called 11.2033 acre tract  
4-31 conveyed to Anita Lynn Treichel by an instrument of record under  
4-32 File Number S338144, H.C.O.P.R.R.P., from which a found 1/2-inch  
4-33 iron rod bears North 88° 34' 47" West, 0.38 feet, continuing along  
4-34 the west line of said 111.2791 acre tract, same being the east line  
4-35 of said 11.2033 acre Treichel tract, passing at 1,281.61 feet the  
4-36 northeast corner of said 11.2033 acre Treichel tract, same being  
4-37 the southeast corner of that certain called 11.2033 acre tract  
4-38 conveyed to Kathleen Diane Schultz by an instrument of record under  
4-39 File Number S338091, H.C.O.P.R.R.P., from which a found 5/8-inch  
4-40 iron rod bears North 78° 45' 01" West, 0.49 feet, and continuing  
4-41 along a west line of said 111.2791 acre tract, same being the east  
4-42 line of said 11.2033 acre Schultz tract for a total distance of  
4-43 1,665.30 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEY"  
4-44 set for the northwest corner of said 111.2797 acre tract, same being  
4-45 the southwest corner of that certain called 114.9706 acre tract  
4-46 conveyed to Festival Properties, Inc. (57.5%) and Silvestri  
4-47 Investments of Florida, Inc. (42.5%), by an instrument of record  
4-48 under File Number RP-2020-302036, H.C.O.P.R.R.P.;

4-49 Thence, North 88° 02' 48" East, departing the east line of  
4-50 said 11.2033 acre Schultz tract, along the north line of said  
4-51 111.2797 acre tract, same being the south line of said 114.9706 acre  
4-52 tract, 2,954.33 feet to a 1/2-inch iron rod found for the northeast  
4-53 corner of said 111.2797 acre tract, same being the southeast corner  
4-54 of said 114.9706 acre tract, said point lying in the right-of-way of  
4-55 Telge Road (called 60 feet wide);

4-56 Thence, South 02° 30' 25" East, along the east line of said  
4-57 111.2797 acre tract, 1,665.38 feet to the southeast corner of said  
4-58 111.2797 acre tract, same being the northeast corner of the  
4-59 aforementioned 113.2797 acre tract, said point lying in the  
4-60 right-of-way of said Telge Road, from which a found 5/8-inch iron  
4-61 rod bears North 68° 52' 49" East, 0.56 feet;

4-62 Thence, South 88° 02' 48" West, along the south line of said  
4-63 111.2797 acre tract common to the north line of said 113.2797 acre  
4-64 tract, 2,972.80 feet to the POINT OF BEGINNING and containing  
4-65 113.297 acres of land.

4-66 SECTION 3. (a) The legal notice of the intention to  
4-67 introduce this Act, setting forth the general substance of this  
4-68 Act, has been published as provided by law, and the notice and a  
4-69 copy of this Act have been furnished to all persons, agencies,

5-1 officials, or entities to which they are required to be furnished  
5-2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-3 Government Code.

5-4 (b) The governor, one of the required recipients, has  
5-5 submitted the notice and Act to the Texas Commission on  
5-6 Environmental Quality.

5-7 (c) The Texas Commission on Environmental Quality has filed  
5-8 its recommendations relating to this Act with the governor, the  
5-9 lieutenant governor, and the speaker of the house of  
5-10 representatives within the required time.

5-11 (d) All requirements of the constitution and laws of this  
5-12 state and the rules and procedures of the legislature with respect  
5-13 to the notice, introduction, and passage of this Act are fulfilled  
5-14 and accomplished.

5-15 SECTION 4. (a) If this Act does not receive a two-thirds  
5-16 vote of all the members elected to each house, Subchapter C, Chapter  
5-17 7999A, Special District Local Laws Code, as added by Section 1 of  
5-18 this Act, is amended by adding Section 7999A.0306 to read as  
5-19 follows:

5-20 Sec. 7999A.0306. NO EMINENT DOMAIN POWER. The district may  
5-21 not exercise the power of eminent domain.

5-22 (b) This section is not intended to be an expression of a  
5-23 legislative interpretation of the requirements of Section 17(c),  
5-24 Article I, Texas Constitution.

5-25 SECTION 5. This Act takes effect immediately if it receives  
5-26 a vote of two-thirds of all the members elected to each house, as  
5-27 provided by Section 39, Article III, Texas Constitution. If this  
5-28 Act does not receive the vote necessary for immediate effect, this  
5-29 Act takes effect September 1, 2023.

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