

1-1 By: Oliverson (Senate Sponsor - Kolkhorst) H.B. No. 5347
1-2 (In the Senate - Received from the House May 3, 2023;
1-3 May 4, 2023, read first time and referred to Committee on Local
1-4 Government; May 10, 2023, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 10, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	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. 597; 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 7997A to read as follows:

1-26 CHAPTER 7997A. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 597

1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7997A.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. 597.

1-35 Sec. 7997A.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. 7997A.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. 7997A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-43 temporary directors may not hold an election under Section
1-44 7997A.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. 7997A.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. 7997A.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. 7997A.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 7997A.0202, directors
 2-14 serve staggered four-year terms.

2-15 Sec. 7997A.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 7997A.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 7997A.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 7997A.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. 7997A.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. 7997A.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. 7997A.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. 7997A.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. 7997A.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. 7997A.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 7997A.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. 7997A.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-25 authorized at an election held under Section 7997A.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. 7997A.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. 7997A.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. 7997A.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. 7997A.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.
3-59 597 initially includes all the territory contained in the following
3-60 area:

3-61 Being 528.9 acres of land located in the Harris County School
3-62 Land Survey, Section 2, Abstract No. 332, Harris County, Texas;
3-63 said 528.9 acres being all of Lots 1-8, 12, and 13, and a portion of
3-64 Lots 9-11 and 14, Section 2 of the plat of Harris County School Land
3-65 Four Leagues as recorded in Volume 17, Page 222-223 of the Harris
3-66 County Deed Records (H.C.D.R.) and being a part of a called 534.5455
3-67 acre tract of land recorded in the name of Bud Adams Ranches, Inc.
3-68 in Clerk's File (C.F.) No. N143996 of the Official Public Records
3-69 of Real Property of Harris County (O.P.R.R.P.H.C.); said 528.9 acre

4-1 tract being more particularly described by metes and bounds as
4-2 follows (all bearings are referenced to the Texas Coordinate
4-3 System, North American Datum of 1983 (NAD83), South Central Zone):

4-4 Beginning at a 5/8-inch iron rod with cap stamped "COSTELLO
4-5 INC" set at the intersection of the southerly right-of-way line of
4-6 Castle Road (width varies), the southerly 29 feet being established
4-7 by said plat of Harris County School Lands Four Leagues and the
4-8 easterly right-of-way line of Stokes Road (called 99 feet wide in
4-9 said plat of Harris County School Land Four Leagues), and being on
4-10 the northerly line of said 534.5455 acre tract, from which a 1-inch
4-11 iron pipe found at the northwest corner of said 534.5455 acre tract
4-12 bears South 87 degrees 44 minutes 32 seconds West, a distance of
4-13 35.24 feet;

4-14 1. Thence, with the northerly line of said 534.5455 acre
4-15 tract and the southerly right-of-way line of said Castle Road,
4-16 North 87 degrees 44 minutes 32 seconds East, a distance of 5,372.87
4-17 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at
4-18 the northeast corner of said 534.5455 acre tract, being at the
4-19 intersection of the southerly right-of-way line of said Castle Road
4-20 and the westerly right-of-way line of Binford Road (called 66 feet
4-21 wide in aforesaid plat of Harris County School Land Four Leagues);

4-22 2. Thence, with the easterly line of said 534.5455 acre
4-23 tract and the westerly right-of-way line of said Binford Road,
4-24 South 02 degrees 50 minutes 23 seconds East, a distance of 3,550.58
4-25 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at
4-26 the most easterly southeast corner of said 534.5455 acre tract and
4-27 the northeast corner of a called 2.7481 acre tract of land recorded
4-28 in the name of Mark W. Patrick in C.F. No. V617308 of the
4-29 O.P.R.R.P.H.C., from which a found 5/8-inch iron rod bears North 10
4-30 degrees 36 minutes 46 seconds East, a distance of 11.53 feet;

4-31 3. Thence, with the southerly line of said 534.5455 acre
4-32 tract, the northerly line of said 2.7481 acre tract, the northerly
4-33 line of a called 12.967 acre tract of land recorded in the name of
4-34 David Allen Baskin in C.F. No. 20100430844 of the O.P.R.R.P.H.C.,
4-35 the northerly line of the remainder of a called 13.210 acre tract of
4-36 land recorded in the name of James Hurschel Thompson in C.F.
4-37 No. G150745 of the O.P.R.R.P.H.C., the northerly line of a called
4-38 6.6025 acre tract of land recorded in the name of Dianna Lynn Ward
4-39 in C.F. No. N033932 of the O.P.R.R.P.H.C., and the northerly line
4-40 of a called 64.683 acre tract of land recorded in the name of David
4-41 Allen Baskin in said C.F. No. 20100430844 of the O.P.R.R.P.H.C.,
4-42 South 87 degrees 41 minutes 53 seconds West, a distance of 3,037.38
4-43 feet to a 5/8-inch iron rod found at an interior corner of said
4-44 534.5455 acre tract and the northwest corner of said 64.683 acre
4-45 tract;

4-46 4. Thence, with the easterly line of said 534.5455 acre
4-47 tract and the westerly line of said 64.683 acre tract, South 02
4-48 degrees 34 minutes 04 seconds East, a distance of 1,659.17 feet to a
4-49 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the
4-50 northerly right-of-way line of Vining Road (called 66 feet wide in
4-51 aforesaid plat of Harris County School Land Four Leagues);

4-52 5. Thence, with the northerly right-of-way line of said
4-53 Vining Road, South 87 degrees 35 minutes 44 seconds West, a distance
4-54 of 918.76 feet to a 5/8-inch iron rod with cap stamped "COSTELLO
4-55 INC" set;

4-56 6. Thence, continuing with the northerly right-of-way line
4-57 of said Vining Road, South 87 degrees 23 minutes 41 seconds West, a
4-58 distance of 1,433.80 feet to a 5/8-inch iron rod with cap stamped
4-59 "COSTELLO INC" set at the intersection of the northerly
4-60 right-of-way line of said Vining Road and the easterly right-of-way
4-61 line of aforesaid Stokes Road;

4-62 7. Thence, with the easterly right-of-way line of said
4-63 Stokes Road, North 02 degrees 40 minutes 05 seconds West, a distance
4-64 of 1,895.29 feet to a 5/8-inch iron rod with cap stamped "COSTELLO
4-65 INC" set;

4-66 8. Thence, continuing with the easterly right-of-way line
4-67 of said Stokes Road, North 02 degrees 29 minutes 23 seconds West, a
4-68 distance of 2,393.31 feet to a 5/8-inch iron rod with cap stamped
4-69 "COSTELLO INC" set;

5-1 9. Thence, continuing with the easterly right-of-way line
5-2 of said Stokes Road, North 02 degrees 32 minutes 53 seconds West, a
5-3 distance of 934.41 feet to the Point of Beginning and containing
5-4 528.9 acres of land.

5-5 SECTION 3. (a) The legal notice of the intention to
5-6 introduce this Act, setting forth the general substance of this
5-7 Act, has been published as provided by law, and the notice and a
5-8 copy of this Act have been furnished to all persons, agencies,
5-9 officials, or entities to which they are required to be furnished
5-10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-11 Government Code.

5-12 (b) The governor, one of the required recipients, has
5-13 submitted the notice and Act to the Texas Commission on
5-14 Environmental Quality.

5-15 (c) The Texas Commission on Environmental Quality has filed
5-16 its recommendations relating to this Act with the governor, the
5-17 lieutenant governor, and the speaker of the house of
5-18 representatives within the required time.

5-19 (d) All requirements of the constitution and laws of this
5-20 state and the rules and procedures of the legislature with respect
5-21 to the notice, introduction, and passage of this Act are fulfilled
5-22 and accomplished.

5-23 SECTION 4. (a) If this Act does not receive a two-thirds
5-24 vote of all the members elected to each house, Subchapter C, Chapter
5-25 7997A, Special District Local Laws Code, as added by Section 1 of
5-26 this Act, is amended by adding Section 7997A.0306 to read as
5-27 follows:

5-28 Sec. 7997A.0306. NO EMINENT DOMAIN POWER. The district may
5-29 not exercise the power of eminent domain.

5-30 (b) This section is not intended to be an expression of a
5-31 legislative interpretation of the requirements of Section 17(c),
5-32 Article I, Texas Constitution.

5-33 SECTION 5. This Act takes effect immediately if it receives
5-34 a vote of two-thirds of all the members elected to each house, as
5-35 provided by Section 39, Article III, Texas Constitution. If this
5-36 Act does not receive the vote necessary for immediate effect, this
5-37 Act takes effect September 1, 2023.

5-38

* * * * *