(1) the governing body of a city that held its general election for officers in 2007 on a
date authorized by Section 41.0051, Election Code; and

(2) an independent school district located wholly or partly in a city described by
Subdivision (1) of this subsection.

(b) The governing body of a political subdivision required to change its election date under
this section shall adjust the terms of office to conform to the new election date.

SECTION 3. All elections held under Section 41.0051, Election Code, before the effective
date of this Act are validated, ratified, and confirmed in all respects.

SECTION 4. This Act takes effect September 1, 2009.

Passed by the House on April 28, 2009: Yeas 149, Nays 0, 1 present, not voting; passed
by the Senate on May 25, 2009: Yeas 30, Nays 1.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 657

H.B. No. 1946

AN ACT

relating to the creation of the Brazoria County Municipal Utility District No. 64; providing authority to
impose a tax and issue bonds; granting a limited power of eminent domain.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding
Chapter 8313 to read as follows:

CHAPTER 8313. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 64

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8313.001. DEFINITIONS. In this chapter:

(1) “Board” means the district’s board of directors.

(2) “Director” means a board member.

(3) “District” means the Brazoria County Municipal Utility District No. 64.

Sec. 8313.002. NATURE OF DISTRICT. The district is a municipal utility district
created under Section 59, Article XVI, Texas Constitution.

Sec. 8313.003. CONFIRMATION AND DIRECTORS’ ELECTION REQUIRED. The
temporary directors shall hold an election to confirm the creation of the district and to elect
five permanent directors as provided by Section 49.102, Water Code.

Sec. 8313.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors
may not hold an election under Section 8313.003 until each municipality in whose corporate
limits or extraterritorial jurisdiction the district is located has consented by ordinance or
resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8313.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is
created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI,
Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisi-
tion, improvement, operation, or maintenance of macadamized, graveled, or paved roads,
or improvements, including storm drainage, in aid of those roads.
Sec. 8313.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. 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.

[Sections 8313.007–8313.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8313.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8313.052, directors serve staggered four-year terms.

Sec. 8313.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act creating this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8313.003; or
(2) the fourth anniversary of the effective date of the Act creating this chapter.

(c) If permanent directors have not been elected under Section 8313.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8313.003; or
(2) the fourth anniversary of the date of the appointment or reappointment.

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

[Sections 8313.053–8313.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8313.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8313.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8313.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.
Sec. 8313.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8313.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8313.106. EFFECT OF ANNEXATION BY VILLAGE OF BONNEY. (a) The Village of Bonney may annex part of the territory of the district into its corporate limits without annexing all of the territory of the district under an agreement entered into between the Village of Bonney and the landowners of the land being annexed. The district continues in existence following annexation of part of the territory of the district as described by this subsection.

(b) The district shall be dissolved and its debts and obligations assumed by the Village of Bonney in accordance with Chapter 43, Local Government Code, including Sections 43.075 and 43.0715, on annexation of all of the territory of the district by the Village of Bonney, provided that:

1. water, sanitary sewer, and drainage improvements, and roads have been constructed to serve at least 95 percent of the territory of the district; and
2. the board adopts a resolution consenting to the dissolution of the district.

(c) Notwithstanding Section 54.016(2), Water Code, a contract (“Allocation Agreement”) between the Village of Bonney and the district that provides for the allocation of the taxes or revenues of the district and the city following the date of inclusion of all the district’s territory in the corporate limits of the city, may provide that the total annual ad valorem taxes collected by the city and the district from taxable property in the district may exceed the city’s ad valorem tax on the property.

Sec. 8313.107. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

1. a road project authorized by Section 8313.103; or
2. a recreational facility as defined by Section 49.462, Water Code.

Sec. 8313.108. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

1. has no outstanding bonded debt; and
2. is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act creating this chapter.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8313.003 to confirm the district’s creation.

(f) An order dividing the district shall:

1. name each new district;
2. include the metes and bounds description of the territory of each new district;
(3) appoint temporary directors for each new district; and

(4) provide for the division of assets and liabilities between or among the new districts.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the Texas Commission on Environmental Quality and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8313.003.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 8313.004 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

(j) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

[Sections 8313.109–8313.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8313.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8313.153.

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

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

Sec. 8313.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8313.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 8313.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

[Sections 8313.154–8313.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8313.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8313.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.
Sec. 8313.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Brazoria County Municipal Utility District No. 64 initially includes all the territory contained in the following area:

BEGINNING at a concrete monument found in the East right-of-way line of County Road 48 (60.0 feet wide), said point being the Southwest corner of the aforementioned 137.818 acre tract and the Northwest corner of the aforementioned 9.404 acre tract;

THENCE North 18 deg. 51 min. 59 sec. West, along the East right-of-way line of County Road 48, a distance of 2790.11 feet to a 1 inch iron pipe found for the Northwest corner of the herein described tract at the Northwest corner of said 137.818 acre tract and the Southwest corner of Paloma Acres, Section I, according to the Plat recorded in Volume 21, Pages 165-166, Plat Records;

THENCE North 86 deg. 59 min. 40 sec. East, along the North line of said 137.818 acre tract and the South line of Paloma Acres, Section I, at 20.0 feet pass a 1/2 inch iron rod found at the Southwest corner of Lot 1, Section I, and continue along the South line of Section I, and Paloma Acres, Section III, according to the Plat recorded in Clerk's File 2006-050280, for a total distance of 3368.31 feet to a 1 inch iron pipe found for the Northeast corner of the herein described tract at the Northwest corner of said 137.818 acre tract in the West right-of-way line of State Highway No. 288 which point is the Northwest corner of a tract described as Parcel 164 in a deed to the State of Texas for the right-of-way of State Highway No. 288 recorded in Volume 1082, Page 925, Deed Records;

THENCE with the line of Parcel 164, being the Westerly right-of-way line of State Highway No. 288, following a curve to the right having a Radius of 11249.16 feet, Central Angle of 06 deg. 39 min. 14 sec., Chord Bearing and Distance of South 24 deg. 08 min. 51 sec. West—1305.64 feet, for an arc distance of 1305.67 feet to a 1/2 inch iron rod set at the P.T. of said curve;

THENCE South 27 deg. 36 min. 58 sec. West with the line of Parcel 164 and the line of a tract described as Parcel 165 in Volume 1133, Page 85, Deed Records, being the Westerly right-of-way line of State Highway No. 288, a distance of 2053.50 feet to a concrete monument found at the P.C. of a curve to the right;

THENCE with the line of Parcel 165, being the Westerly right-of-way line of State Highway No. 288, following said curve to the right having a Radius of 1095.92 feet, Central Angle of 28 deg. 40 min. 03 sec., Chord Bearing and Distance of South 56 deg. 26 min. 43 sec. West—542.63 feet, for an arc distance of 548.33 feet to a concrete monument found at the P.T. of said curve;

THENCE South 70 deg. 54 min. 55 sec. West with a line of Parcel 165 being the Westerly right-of-way line of State Highway No. 288, a distance of 241.69 feet to a 1/2 inch iron rod set at a cut-back line in said right-of-way;

THENCE North 64 deg. 05 min. 05 sec. West with the line of Parcel 165 and said cut-back, a distance of 71.21 feet to a concrete monument found;

THENCE North 18 deg. 52 min. 09 sec. West with a line of Parcel 165, a distance of 300.46 feet to a concrete monument found for corner;

THENCE South 73 deg. 18 min. 08 sec. West with a line of Parcel 165, a distance of 18.40 feet to a concrete monument found in the East right-of-way line of County Road 48, said point being the Westerly Northwest corner of Parcel 165;

THENCE North 21 deg. 09 min. 48 sec. West, along the East right-of-way line of County Road 48 and the West line of the aforementioned 9.404 acre tract, a distance of 273.48 feet to the PLACE OF BEGINNING and containing 148.36 acres of land.

BEGINNING at a 1/2 inch iron rod set for the Southwest corner of the herein described tract; the Southwest corner of the Stephen F. Austin League, Abstract 24, the Southeast corner of the Melvin D. Coleman tract described in Volume 1697, Page 696, Deed Records, the Southeast corner of the Stephen F. Austin League, Abstract 25, said point being in the
North line of a 209.54 acre tract described in a deed to Doyle McConathy, Jr. recorded in Clerk's File 97-022435, and the North line of the Joshua Abbott League, Abstract 144;

THENCE North 03 deg. 37 min. 32 sec. West, along the common line of Abstract 24 and Abstract 25, being the West line of said 209.194 acre tract and the East line of the Coleman tract, a distance of 2576.00 feet to a concrete monument found for the Northwest corner of the herein described tract in the South right-of-way line of County Road 618 (60.0 feet wide);

THENCE North 87 deg. 18 min. 23 sec. East, along the South right-of-way line of County Road 618, a distance of 3827.69 feet to a 1/2 inch iron rod set for the Northeast corner of the herein described tract in the West right-of-way line of County Road 48;

THENCE South 21 deg. 02 min. 56 sec. East, along the West right-of-way line of County Road 48, a distance of 172.26 feet to a concrete monument found for corner at the extreme North corner of a tract described as Parcel 166 in a deed to the State of Texas for the right-of-way of State Highway No. 288 recorded in Volume 1133, Page 85, Deed Records;

THENCE South 70 deg. 39 min. 19 sec. West with the line of Parcel 166, a distance of 27.31 feet to a concrete monument found for corner;

THENCE South 18 deg. 28 min. 39 sec. East with the line of Parcel 166, a distance of 149.88 feet to a concrete monument found at a cut-back corner in said right-of-way;

THENCE South 25 deg. 13 min. 03 sec. West with the line of Parcel 166 and said cut-back, a distance of 70.30 feet to a concrete monument found;

THENCE with the line of Parcel 166, being the Westerly right-of-way line of State Highway No. 288, a distance of 51.65 feet to a 1/2 inch iron rod set at the P.C. of a curve to the left;

THENCE with the line of Parcel 166, being the Westerly right-of-way line of State Highway No. 288, following said curve to the left having a Radius of 458.37 feet, Central Angle of 90 deg. 00 min. 02 sec., Chord Bearing and Distance of South 26 deg. 02 min. 38 sec. West—648.24 feet, for an arc distance of 720.01 feet to a concrete monument found at the P. T. of said curve;

THENCE South 18 deg. 57 min. 23 sec. East with the line of Parcel 166 being the Westerly right-of-way line of State Highway No. 288, a distance of 311.37 feet to a concrete monument found at the P.C. of a curve to the right;

THENCE with the line of Parcel 166, being the Westerly right-of-way line of State Highway No. 288, following said curve to the right having a Radius of 1273.24 feet, Central Angle of 36 deg. 46 min. 50 sec., Chord Bearing and Distance of South 00 deg. 40 min. 40 sec. East—803.38 feet, for an arc distance of 817.34 feet to a concrete monument found at the P. T. of said curve;

THENCE South 17 deg. 50 min. 15 sec. West with the line of Parcel 166, being the westerly right-of-way line of State Highway No. 288, a distance of 520.91 feet to a 3/4 inch iron pipe found for the Southeast corner of the herein described tract at the Southeast corner of said 209.194 acre tract, the Southwest corner of Parcel 166, and the Northeast corner of the aforementioned McConathy tract, said point being in the common line of Abstract 24 and Abstract 144;

THENCE South 86 deg. 51 min. 11 sec. West, along the common line of said Surveys being the South line of said 209.194 acre tract and the North line of the McConathy tract, a distance of 3336.59 feet to the PLACE OF BEGINNING and containing 210.77 acres of land.

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 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.
CHAPTER 658

H.B. No. 1995

AN ACT
relating to the liability of volunteer audiologists and speech-language pathologists who provide certain speech, language, and hearing evaluations.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 91A to read as follows:

CHAPTER 91A. LIABILITY OF VOLUNTEER AUDIOLOGISTS AND SPEECH–LANGUAGE PATHOLOGISTS

Sec. 91A.001. DEFINITIONS. In this chapter:

(1) "Audiologist" means an individual licensed to practice audiology by the State Board of Examiners of Speech–Language Pathology and Audiology.

(2) "Speech-language pathologist" means an individual licensed to practice speech–language pathology by the State Board of Examiners for Speech–Language Pathology and Audiology.

Sec. 91A.002. IMMUNITY FROM LIABILITY. An audiologist or speech-language pathologist who, without compensation or expectation of compensation, conducts a speech, language, or hearing evaluation or screening is immune from civil liability for any act or omission resulting in the death or injury to the patient if:

(1) the audiologist or speech-language pathologist was acting in good faith and in the course and scope of the audiologist’s or speech-language pathologist’s duties;

(2) the audiologist or speech-language pathologist commits the act or omission in the course of conducting the speech, language, or hearing examination or screening; and

(3) the services provided to the patient are within the scope of the license of the audiologist or speech-language pathologist.

Sec. 91A.003. APPLICABILITY. This chapter does not apply to an act or omission that is intentional, wilfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others.

SECTION 2. Chapter 91A, Civil Practice and Remedies Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. An action that accrued before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2009.