(d) Revenue bonds or other district obligations may be secured by a mortgage or deed of trust lien on the district's interest in a project or property, including a fee title or a leasehold interest.

(e) The district may issue general obligation bonds if general obligation bonds are authorized by an election held under Subchapter F.

(f) For purposes of this chapter, the district:
   
   (1) is an issuer under Chapter 1371, Government Code, and may issue bonds or obligations under that chapter; and
   
   (2) may issue refunding bonds or obligations under Chapter 1207, Government Code.

(g) Except for water, sewer, or drainage projects financed by taxes imposed by the district, the district may issue bonds or other obligations and pursue projects without an order of the Texas Commission on Environmental Quality under Section 49.181(a), Water Code.

SECTION 8. Section 3831.201, Special District Local Laws Code, is amended to read as follows:

Sec. 3831.201. IMPOSITION OF AD VALOREM TAX. If authorized at an election held under Section 3831.255, the district by order:

   (1) may [by order] impose an annual ad valorem tax on taxable property in the district to pay for projects or district operating expenses; and
   
   (2) shall [by order] impose an ad valorem tax to pay for obligations that are payable wholly or partly from ad valorem taxes.

SECTION 9. 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, 2009.

Passed the Senate on April 2, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 141, Nays 0, two present not voting.

Approved June 19, 2009.
Sec. 8334.003. 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 19.102, Water Code.

Sec. 8334.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8334.003 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. 8334.005. 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, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8334.006. 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 8334.007-8334.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8334.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8334.052, directors serve staggered four-year terms.

Sec. 8334.052. 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 8334.003; 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 8334.003 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 8334.003; 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.
SUBCHAPTER C. POWERS AND DUTIES

Sec. 8334.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8334.102. 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. 8334.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the Texas Commission on Environmental Quality as required by Section 54.234, Water Code.

Sec. 8334.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8334.103 unless:

(1) each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 8334.105. 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. 8334.106. 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 8334.103; or

(2) a recreational facility as defined by Section 49.462, Water Code.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8334.151. 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 8334.153.

(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. 8334.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8334.151, 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. 8334.153. 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 8334.154–8334.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8334.201. 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. 8334.202. 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. 8334.203. 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 Harris County Municipal Utility District No. 478 initially includes all the territory contained in the following area:

A METES AND BOUNDS description of a certain 566.80 acres of land situated in the John Devine Survey, Abstract No. 238 and the Isaac Ratcliff Survey, Abstract No. 664, in Harris County, Texas; said 566.80 acre tract being more particularly described in two tracts as follows:

TRACT I 468.12 Acres

Field Notes for a certain 468.12 acre tract of land situated in the John Devine Survey, Abstract No. 238 and the Isaac Ratcliff Survey, Abstract No. 664 in Harris County, Texas; said 468.12 acre tract being comprised of the following: a called 418.8430 acre tract of land, less 1.5133 Acres, (Tract I) conveyed to JM Texas Land Fund No. 4, L.P. by Correction General Warranty Deed recorded under Clerk's File No. 20060281750 of the Harris County Official Public Records of Real Property, a called 2.000 acre tract of land conveyed to JM Texas Land Fund No. 4, L.P. by General Warranty Deed recorded under Clerk's File No. Z374015 of the Harris County Official Public Records of Real Property, a called 18.275 acre tract of land conveyed to JM Texas Land Fund No. 4, L.P. by General Warranty Deed recorded under Clerk's File No. Z224911 of the Harris County Official Public Records of Real Property, a called 10.200 acre tract of land conveyed to JM Texas Land Fund No. 4, L.P. by Special Warranty Deed recorded under Clerk's File No. Z254218 of the Harris County Official Public Records of Real Property, a called 20.3175 acre tract of land conveyed to JM Texas Land Fund No. 4, L.P. by Correction General Warranty Deed recorded under Clerk's File No. 20060281750 of the Harris County Official Public Records of Real Property; said 468.12 acre tract being more particularly described as follows with all bearings based on a call of North 89°41'54" East along the north line of said 418.8430 acre tract;

BEGINNING at the southeast corner of said called 418.8430 acre tract, being the southeast corner of said Isaac Ratcliff Survey and an interior corner of the H. Ehrenberg Survey, Abstract No. 247;
THENCE, along the south line of said Isaac Ratcliff Survey and a north line of said H. Ehrenberg Survey, the following three (3) courses and distances:

1. South $89^\circ58'59"$ West, 3754.53 feet to an angle point;

2. North $89^\circ09'44"$ West, 1391.57 feet to a point at the southwest corner of the aforementioned called 418.8430 acre tract, and the southeast corner of the aforementioned called 18.275 acre tract;

3. North $89^\circ42'43"$ West, 150.00 feet to a point in the west line of said Isaac Ratcliff Survey, the east line of the aforementioned John Devine Survey, the southwest corner of said called 18.275 acre tract, and the southeast corner of the aforementioned called 10.200 acre tract;

THENCE, North $89^\circ42'43"$ West, along the south line of said John Devine Survey and a north line of said H. Ehrenberg Survey, 330.00 feet to a point at the southwest corner of said called 10.200 acre tract and the southeast corner of the aforementioned called 20.3175 acre tract of land;

THENCE, North $89^\circ38'27"$ West, continuing along the south line of said John Devine Survey, 650.00 feet to a northwesterly corner of said H. Ehrenberg Survey and the northeast corner of the R. Hall Survey, Abstract No. 349, continuing in all, a total distance of 660.00 feet to a point for corner the southwest corner of the aforementioned called 20.3175 acre tract and the southwest corner of the herein described tract;

THENCE, North 00'27'32" East, 1388.52 feet to a point for corner at the northwest corner of said called 20.3175 acre tract;

THENCE, North $89^\circ55'49"$ East, 660.00 feet to a point for corner at the northeast corner of said called 20.3175 acre tract being in the west line of the aforementioned called 10.200 acre tract;

THENCE, North 00'27'28" East, along the west line of said called 10.200 acre tract, 2.93 feet to a point for corner;

THENCE, South $89^\circ42'43"$ East, 330.00 feet to a point for corner being the northeast corner of said called 10.200 acre tract being in the east line of the aforementioned John Devine Survey;

THENCE, North 00'27'28" East, along the east line of said John Devine Survey, 3960.00 feet to a point for corner at the northeast corner of the aforementioned called 18.275 acre tract being the northeast corner of said John Devine Survey, the northwest corner of the aforementioned Isaac Ratcliff Survey, the southeast corner of the Stephen Jarboe Survey, Abstract No. 491, and the southwest corner of the Moses Merritt Survey, Abstract No. 578

THENCE, South $89^\circ59'45"$ East, along the south line of said Moses Merritt Survey and the north line of said Isaac Ratcliff Survey, 150.03 feet to a point for corner being the northwest corner of said 18.275 acre tract;

THENCE, South 00'27'29" East, 1698.76 feet to a point for corner being the northwest corner of the aforementioned called 418.8430 acre tract;

THENCE, North $89^\circ41'54"$ East, 5076.30 feet to a point for corner in the west right-of-way line of Katy Hockley Road;

THENCE, South 00'10'14" East, along the west right-of-way line of Katy Hockley Road, 1406.82 feet to a point for corner;

THENCE, South $89^\circ49'46"$ West, 660.00 feet to a point for corner;

THENCE, South 00'10'14" East, 330.00 feet to a point for corner;

THENCE, North $89^\circ49'46"$ East, 660.00 feet to a point for corner in the west right-of-way line of Katy Hockley Road;

THENCE, South 00'10'14" East, along the west right-of-way line of Katy Hockley Road, 791.87 feet to a point for corner;

THENCE, South $87^\circ57'45"$ West, 267.93 feet to a point for corner;

THENCE, South 00'31'54" West, 48.05 feet to a point for corner;

THENCE, South $89^\circ08'31"$ West, 110.16 feet to a point for corner;
THENCE, South 00°05′00″ West, 127.00 feet to a point for corner;

THENCE, South 81°56′26″ East, 19.49 feet to a point for corner;

THENCE, South 00°05′00″ West, 61.00 feet to a point for corner;

THENCE, South 89°38′27″ East, 390.09 feet to a point for corner in the east line of the aforementioned Isaac Ratcliff Survey and the northeast corner of the aforementioned 2.000 acre tract;

THENCE, South 00°10′14″ East, 873.64 feet to the POINT OF BEGINNING, CONTAINING 468.12 acres of land in Harris County, Texas, as shown on Drawing No. 6165 in the office of Cotton Surveying Company in Houston, Texas.

TRACT 2 98.68 Acres

Field Notes for a certain 98.68 acre tract of land situated in the John Devine Survey, Abstract No. 238 in Harris County, Texas; said 98.68 acre tract being the same called 98.8751 acre tract of land (Tract III) conveyed to JM Texas Land Fund No. 4, L.P. by Correction General Warranty Deed recorded under Clerk's File No. 20060281750 of the Harris County Official Public Records of Real Property; said 98.68 acre tract being more particularly described as follows with all bearings based on a call of North 89°41′54″ East along the north line of a called 418.8430 acre tract of land (Tract I) conveyed to JM Texas Land Fund No. 4, L.P. by Correction General Warranty Deed recorded under Clerk's File No. 20060281750 of the Harris County Official Public Records of Real Property;

COMMENCING at the southeast corner of said called 418.8430 acre tract, being the southeast corner of the Isaac Ratcliff Survey, Abstract No. 664 and an interior corner of the H. Ehrenberg Survey, Abstract No. 247;

THENCE, along the south line of said Isaac Ratcliff Survey and a north line of said H. Ehrenberg Survey, the following three (3) courses and distances:

1. South 89°58′59″ West, 3754.53 feet to an angle point;
2. North 89°09′44″ West, 1391.57 feet to a point at the southwest corner of the aforementioned called 418.8430 acre tract;
3. North 89°42′43″ West, 150.00 feet to a point in the west line of said Isaac Ratcliff Survey, and the east line of the aforementioned John Devine Survey;

THENCE, North 89°42′43″ West, along the south line of said John Devine Survey and the north line of said H. Ehrenberg Survey, 330.00 feet to a point being the southeast corner of a called 20.3175 acre tract of land (Tract II) conveyed to JM Texas Land Fund No. 4, L.P. by Correction General Warranty Deed recorded under Clerk's File No. 20060281750 of the Harris County Official Public Records of Real Property;

THENCE, North 89°38′27″ West, continuing along the south line of said John Devine Survey, 650.00 feet to a northwesterly corner of said H. Ehrenberg Survey and the northeast corner of the R. Hall Survey, Abstract No. 349, continuing in all, a total distance of 660.00 feet to a point being the southwest corner of said called 20.3175 acre tract;

THENCE, North 89°38′27″ West, 330.00 feet to the POINT OF BEGINNING of the herein described 98.68 acre tract;

THENCE, North 89°38′27″ West, continuing along the south line of the said John Devine Survey and the north line of the said R. Hall Survey, 3312.53 feet to a point for corner;

THENCE, North 00°12′43″ East, 732.60 feet to a point for corner;

THENCE, South 89°38′25″ East, 271.60 feet to a point for corner;

THENCE, North 00°14′06″ East, 500.00 feet to a point for corner;

THENCE, North 89°38′48″ West, 871.20 feet to a point for corner in the east right of way line of Warren Ranch Road;

THENCE, North 00°22′19″ East, along said east right of way line of Warren Ranch Road, 74.21 feet to a point for corner;

THENCE, North 89°55′49″ East, 3917.53 feet to a point for corner;
THENCE, South 00°27'35" West, 1336.05 feet to the POINT OF BEGINNING, CONTAINING 98.68 acres of land in Harris County, Texas, as shown on Drawing No. 6165 in the office of Cotton Surveying Company in Houston, Texas.

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 813, 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.

(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 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, 2009.

Passed the Senate on April 30, 2009: Yeas 31, Nays 0; passed the House on May 25, 2009: Yeas 141, Nays 0, one present not voting.

Approved June 19, 2009.


CHAPTER 509

S.B. No. 1053

AN ACT

relating to the appointment or removal of guardians of incapacitated persons.

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

SECTION 1. Section 681, Texas Probate Code, is amended to read as follows:

Sec. 681. PERSONS DISQUALIFIED TO SERVE AS GUARDIANS. A person may not be appointed guardian if the person is:

(1) a minor;
(2) a person whose conduct is notoriously bad;
(3) an incapacitated person;
(4) a person who is a party or whose parent is a party to a lawsuit concerning or affecting the welfare of the proposed ward, unless the court:

(A) determines that the lawsuit claim of the person who has applied to be appointed guardian is not in conflict with the lawsuit claim of the proposed ward; or

(B) appoints a guardian ad litem to represent the interests of the proposed ward throughout the litigation of the ward's lawsuit claim;

(5) a person indebted to the proposed ward unless the person pays the debt before appointment;

(6) a person asserting a claim adverse to the proposed ward or the proposed ward's property, real or personal;

(7) a person who, because of inexperience, lack of education, or other good reason, is incapable of properly and prudently managing and controlling the ward or the ward's estate;