(4) make personal investments that could reasonably be expected to create a substantial conflict between the member's or employee's private interest and the public interest; or

(5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the member's or employee's official powers or performed the member's or employee's official duties in favor of another.

(b) An employee of a metropolitan planning organization who violates Subsection (a) or an ethics policy adopted under Subsection (c) is subject to termination of the employee's employment or another employment-related sanction. Notwithstanding this subsection, a policy board member or employee of a metropolitan planning organization who violates Subsection (a) is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

(c) Each policy board shall:

(1) adopt bylaws establishing an ethics policy for employees of a metropolitan planning organization and policy board members consistent with the standards prescribed by Subsection (a), including provisions to prevent a policy board member from having a conflict of interest in business before the metropolitan planning organization; and

(2) distribute a copy of the ethics policy to:

(A) each new employee not later than the third business day after the date the person begins employment with the agency; and

(B) each new policy board member not later than the third business day after the date the person qualifies for office.

(d) If a person with knowledge of a violation of an ethics policy established under Subsection (c) that also constitutes a criminal offense under another law of this state reports the violation to an appropriate prosecuting attorney who concludes that there is reasonable basis to initiate an investigation, then, not later than the 60th day after the date a person notifies the prosecuting attorney under this subsection, the prosecuting attorney shall notify the Texas Ethics Commission of the status of the prosecuting attorney's investigation of the alleged violation. The Texas Ethics Commission shall, on the request of the prosecuting attorney, assist the prosecuting attorney in investigating the alleged violation.

(e) To the extent an employee of a metropolitan planning organization is subject to the ethics policy of another governmental entity and to the extent that policy conflicts with this section, the ethics policy of the other governmental entity prevails.

SECTION 2. Not later than January 1, 2010, each policy board of a metropolitan planning organization shall adopt bylaws establishing an ethics policy as required by Subsection (c), Section 472.034, Transportation Code, as added by this Act, and distribute a copy of the ethics policy to each policy board member and employee.

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

Passed the Senate on April 23, 2009: Yeas 30, Nays 0; passed the House on May 25, 2009: Yeas 143, Nays 0, two present not voting.

Approved June 19, 2009.
Effective September 1, 2009.
CHAPTER 8304. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 9

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8304.001. DEFINITIONS. In this chapter:
(1) "Board" means the district's board of directors.
(2) "Director" means a board member.
(3) "District" means the Waller County Municipal Utility District No. 9.

Sec. 8304.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8304.003. 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. 8304.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8304.003 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. 8304.005. 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, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8304.006. 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 8304.007–8304.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8304.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.
(b) Except as provided by Section 8304.052, directors serve staggered four-year terms.

Sec. 8304.052. 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 8304.003; 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 8304.003 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 8304.003; 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 8304.053–8304.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8304.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8304.102. 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. 8304.103. 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. 8304.104. 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. 8304.105. 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. 8304.106. 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 8304.103; or
(2) a recreational facility as defined by Section 49.462, Water Code.

Sec. 8304.107. 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 8304.003 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 8304.003.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 8304.004 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 8304.108–8304.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8304.151. 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 8304.153.

(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. 8304.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8304.151, 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. 8304.153. 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 8304.154–8304.200 reserved for expansion]
SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8304.201. 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. 8304.202. 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. 8304.203. 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 Waller County Municipal Utility District No. 9 initially includes all the territory contained in the following area:

BEING a 883.8 acre tract of land situated in the Fred Eule Survey, Section 114, Abstract No. 374 and the H.&T.C. R.R. Co. Survey, Section 111, Abstract No. 172 of Waller County, Texas and being all of a called 562.636 acre tract of land conveyed to Katy 884 Partner, Ltd. as recorded in Volume 1077, Page 592 of the Waller County Deed Records (W.C.D.R.), all of a called 106.590 acre tract of land conveyed to Katy 884 Partner, Ltd. as recorded in Volume 1077, Page 685 W.C.D.R., all of a called 107.322 acre tract of land conveyed to Katy 884 Partner, Ltd. as recorded in Volume 1077, Page 675 W.C.D.R. and all of a called 107.257 acre tract of land conveyed to Katy 884 Partner, Ltd. as recorded in Volume 1077, Page 608 W.C.D.R., said 883.8 acres described as follows:

BEGINNING at a point for the southwest corner of said 562.636 acre tract, the northwest corner of a called 0.9788 acre tract as recorded in Volume 686, Page 15 W.C.D.R., lying in the east right-of-way line of F.M. 2855 (100 feet wide), lying in the south line of said Fred Eule Survey, Sect. 114, A–374 and the north line of said and the H.&T.C. R.R. Co. Survey, Sect. 111, A–172, also being the most westerly southwest corner of the herein described tract and lying in the centerline of Beckendorf Road (unimproved);

THENCE, with the east right-of-way line of said F.M. 2855 and the west line of said 562.636 acre tract the following courses and distances

N 02°05'10" W, 1507.93 feet to a point for a corner of the herein described tract;
N 01°13'56" W, 331.24 feet to a point for a corner of the herein described tract;
N 00°21'52" W, 213.88 feet to a point for a corner of the herein described tract;
N 00°41'02" W, 348.01 feet to a point for a corner of the herein described tract;
N 02°19'52" W, 251.32 feet to a point for a corner of the herein described tract;
N 02°49'45" W, 451.99 feet to a point for a corner of the herein described tract;
N 04°12'11" W, 104.06 feet to a point for a corner of the herein described tract;
N 03°27'43" W, 447.87 feet to a point for a corner of the herein described tract;
N 02°05'22" W, 384.85 feet to a point for the southwest corner of a called 8.603 acre tract as recorded in Volume 583, Page 225 W.C.D.R.;

THENCE N 87°41'09" E, 436.33 feet with the south line of said 8.603 acre tract to a point for the southeast corner of said 8.603 acre tract and an interior corner of said 562.636 acre tract;

THENCE N 01°57'59" W, 1177.95 feet with the east line of said 8.603 acre tract and the east line of a called 11.76 acre tract as recorded in Volume 432, Page 449 W.C.D.R. to a point for the northeast corner of said 11.76 acre tract and the common most northeasterly corner of said 562.636 and the herein described tract, also lying in the south right-of-way line of F.M. 529 (120 feet wide);

THENCE N 87°58'24" E, 469.07 feet with the north line of said 562.636 acre tract and the south right-of-way line of said F.M. 529 to a point for the northwest corner of a called 20.000 acre tract as recorded in Volume 917, Page 270 W.C.D.R.;
THENCE S 02°00'00" E, 1181.11 feet with the west line of said 20,000 acre tract to a point for the southwest corner of said 20,000 acre tract and an interior corner of the herein described tract;

THENCE N 88°00'36" E, 1922.94 feet with the south line of said 20,000 acre tract, a called 7,408 acre tract as recorded in Volume 964, Page 389 W.C.D.R., a called 13,696 acre tract as recorded in Volume 981, Page 404 W.C.D.R. and a second called 13,695 acre tract as recorded in Volume 779, Page 874 W.C.D.R. to a point for the southeast corner of the second mentioned 13,695 acre tract;

THENCE N 02°00'00" W, 1181.11 feet with the east line of the second mentioned 13,695 acre tract to a point for the northeast corner of the second mentioned 13,695 acre tract and lying in the south right-of-way line of said F.M. 529;

THENCE N 88°02'44" E, 2394.91 feet with the north line of said 562,636 acre tract and the south right-of-way line of said F.M. 529 to a point for the northwest corner of a called 160 acre tract as recorded in Volume 788, Page 891 W.C.D.R., lying in the east line of said Fred Eule Survey, Sec. 114, A–374, lying in the west line of said H.&T.C. R.R. Co. Survey, Sect. 119, A–200 and being the common northeast corner of said 562,636 acre tract and the herein described tract;

THENCE S 02°15'23" E, 5222.03 feet with the east line of said 562,636 acre tract, the west line of said 160 acre tract and a second called 160 acre tract as recorded in Volume 995, Page 457 W.C.D.R. and being the common line of said Fred Eule Survey, Sect. 114, A–374 and H.&T.C. R.R. Co. Survey, Sect. 119, A–200 to a point for the common northwest corner of a called 15,000 acre tract as recorded in Volume 387, Page 62 W.C.D.R. and Fred Eule Survey, Sect. 120, A–375, the common northeast corner of said 107,257 acre tract and said H.&T.C. R.R. Co. Survey, Sect. 111, A–172 and lying in the centerline of said Beckendorf Road;

THENCE S 02°04'50" E, 5271.15 feet with the common east line of said 107,257 acre tract and said H.&T.C. R.R. Co. Survey, Sect. 111, A–172, the west line of said Fred Eule Survey, Section 120, Abstract No. 375 to a point for the southwest corner of a called 53.83 acre tract as recorded in Volume 474, Page 314 W.C.D.R., lying in the south line of said Fred Eule Survey, Sect. 120, A–375, lying in the common north line of the H.&T.C. R.R. Co. Survey, Sect. 121, A–201 and a called 281.50 acre tract as recorded in Volume 420, Page 766 W.C.D.R., also being the common southeast corner of said H.&T.C. R.R. Co. Survey, Sect. 111, A–172 and the herein described tract;

THENCE S 87°53'22" W, 2655.75 feet with the south line of said H.&T.C. R.R. Co. Survey, Sect. 111, A–172, said 107,257 acre tract, said 106,590 acre tract, the north line of said H.&T.C. R.R. Co. Survey, Sec. 121, A–No. 201 and the Fred Eule Survey, Sect. 121, A–201 and a called 5.0 acre tract as recorded in Volume 806 W.C.D.R., containing 588.8 acres of land.

THENCE N 01°59'57" W, 5279.82 feet with the west line of said 106,590 acre tract to a point for the northeast corner of a called 15 acre tract as recorded in Volume 226, Page 16 W.C.D.R., the northwest corner of said 106,590 acre tract and lying in the north line of said H.&T.C. R.R. Co. Survey, Sect. 111, A–No. 172 and the common south line of said Fred Eule Survey, Sect. 114, A–374 and said 562,636 acre tract also being the centerline of said Beckendorf Road;

THENCE S 87°59'15" W, 2591.53 feet with the common south line of said Fred Eule Survey, Sect. 114, A–374 and said 562,636 acre tract, the north line of said H.&T.C. R.R. Co. Survey, Sect. 111, A–172 and the centerline of said Beckendorf Road to the POINT OF BEGINNING and containing 883.8 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.

(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 142, Nays 0, one present not voting.

Approved June 19, 2009.


CHAPTER 484

S.B. No. 596

AN ACT relating to the name of Stephen F. Austin State University.

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

SECTION 1. Section 101.01, Education Code, is amended to read as follows:

Sec. 101.01. STEPHEN F. AUSTIN STATE UNIVERSITY. (a) Stephen F. Austin State University is a coeducational institution of higher education located in the city of Nacogdoches.

(b) The name of the university may not be changed.

SECTION 2. 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 25, 2009: Yeas 142, Nays 0, one present not voting.

Approved June 19, 2009.


CHAPTER 485

S.B. No. 637

AN ACT relating to the creation of the Wharton County Drainage District.

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

SECTION 1. Subtitle A, Title 6, Special District Local Laws Code, is amended by adding Chapter 6607 to read as follows:

1092