Sec. 322.056. REPORTING REQUIREMENT. A facility shall file with the Department of State Health Services a quarterly report regarding hospital-based inpatient psychiatric services measures related to the use of restraint and seclusion that is required by the federal Centers for Medicare and Medicaid Services.

SECTION 3. Not later than January 1, 2014, the executive commissioner of the Health and Human Services Commission shall adopt rules as required by Subsection (b-1), Section 322.052, Health and Safety Code, as added by this Act.

SECTION 4. A facility is not required to comply with the reporting requirements under Section 322.056, Health and Safety Code, as added by this Act, before January 1, 2014.

SECTION 5. 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, 2013.

Passed the Senate on April 30, 2013: Yeas 31, Nays 0; passed the House on May 22, 2013: Yeas 148, Nays 0, two present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 1241
S.B. No. 1846
AN ACT
relating to the creation of the Brazoria County Municipal Utility District No. 49; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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 8427 to read as follows:

CHAPTER 8427. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 49

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8427.001. DEFINITIONS. In this chapter:
(1) "Board" means the district's board of directors.
(2) "Commission" means the Texas Commission on Environmental Quality.
(3) "Director" means a board member.
(4) "District" means the Brazoria County Municipal Utility District No. 49.

Sec. 8427.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8427.003. 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. 8427.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8427.003 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. 8427.005. 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. 8427.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting 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.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8427.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8427.052, directors serve staggered four-year terms.

Sec. 8427.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting 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 commission 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 8427.003; or

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

(c) If permanent directors have not been elected under Section 8427.003 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 8427.003; 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. 8427.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8427.102. 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. 8427.103. 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. 8427.104. 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, subdivi-
sion 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. 8427.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RES-
OLUTION. 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.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8427.151. 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 8427.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 51, 
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. 8427.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an 
election held under Section 8427.151, 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. 8427.153. 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.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8427.201. 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. 8427.202. 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 53.601 and 
53.602, Water Code.

Sec. 8427.203. 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. 49 initially includes all the territory contained in the following area:

Being a 295.76 acre tract of land out of the Francis Moore League, Abstract 100, Brazoria County, Texas; and being out of and a portion of that certain called 2,075.08 acre tract of land as conveyed in Special Warranty Deed to SUNTEX FULLER CORPORATION, recorded in Clerk's File Number 99–003294 of the Official Public Records of Real Property in Brazoria County, Texas; said 295.76 acre tract of land is more particularly described by metes and bounds as follows;

COMMENCING at the Northwest corner of said 2,075.08 acre tract of land, the Northwest corner of said Francis Moore League, Abstract–100, being in the Centerline of F.M. 1462 (120–feet wide right-of-way) as described in Volume 303, Page 215 in Deed Records of Brazoria County, Texas; said point being at the intersection of said Centerline F.M. 1462 and the East right-of-way line of County Road 511 as recorded in Volume 548, Page 544 of the Deed Records of Brazoria County, Texas;

THENCE South 27° 03' 00" East with the Southwesterly line of said 2,075.08 acre tract, the Southwesterly line of Savannah Plantation, Section One, Block 1 (Unrecorded) passing at 90.00 feet, the Southeasterly right-of-way line of said F.M. 1462, 2,075.08 acre tract, the Northeast right-of-way line of said County Road 511, in all a distance of 1,973.55 feet to the Southwest corner of said Savannah Plantation, Section One, Block 1 and the POINT OF BEGINNING of the herein described tract of land;

THENCE with the South and East lines of said Savannah Plantation, Section One, Block 1 as follows:

– South 84° 05' 00" East, 862.55 feet to a point for corner;
– North 62° 57' 00" East, 476.33 feet to a point for corner;
– North 27° 03' 00" West, 569.87 feet to a point for the Southwest corner of Savannah Plantation, Section Two as recorded in Volume 20, Pages 333–334 of the Map Records of Brazoria County, Texas;

THENCE North 60° 26' 18" East with the Southeasterly line of said Savannah Plantation, Section Two, 2,866.75 feet to a point for corner, said point being the Northwest corner of Savannah Plantation, Section Three as recorded in Volume 21, Pages 1–2 of the Map Records of Brazoria County, Texas; said point also being in the Southwesterly right-of-way line of Savannah Plantation Drive (150' right-of-way) as recorded in said Section Three;

THENCE South 27° 01' 02" East with the Southwesterly right-of-way line of said Savannah Plantation Road, the Southwesterly line of said Savannah Plantation, Section Three, 436.03 feet to a point for the Northeast corner of a called 2.84 acre tract of land conveyed to S.P. Utility Company, Inc. as recorded in File Number 2003–040036 of the Clerk's Files of Brazoria County, Texas;

THENCE South 62° 58' 58" West with the Northwesterly line of said 2.84 acre tract, 382.38 feet to a point for the Northwest corner of said 2.84 acre tract;

THENCE South 19° 16' 54" East with the West line of said 2.84 acre tract, 287.03 feet to a point for the Southwest corner of said 2.84 acre tract;

THENCE North 70° 43' 06" East with the South line of said 2.84 acre tract, 223.05 feet to an angle point for corner;

THENCE North 62° 58' 58" East with the Southeasterly line of said 2.84 acre tract, 200.00 feet to a point for the Southeast corner of said tract, being in the Southwesterly right-of-way line of said Savannah Plantation Road, the Southwesterly line of said Savannah Plantation, Section Three;

THENCE South 27° 01' 02" East with said Southwesterly right-of-way line, the Southwesterly line of said Savannah Plantation, Section Three, 304.62 feet to a point for the Northeast corner of a called 1.00 acre tract of land conveyed to S.P. Utility Company, Inc. as recorded in File Number 2003–040036 of the Clerk's Files of Brazoria County, Texas;

THENCE South 62° 58' 58" West with the Northwesterly line of said 1.00 acre tract, 181.50 feet to a point for the Northwest corner of said 1.00 acre tract;
THENCE South 27° 01' 02" East with the Westerly line of said 1.00 acre tract, 240.00 feet to a point for the Southwest corner of said 1.00 acre tract;

THENCE North 62° 58' 58" East with the Southerly line of said 1.00 acre tract, 181.50 feet to a point for the Southeast corner of said 1.00 acre tract, being in said Southwesterly right-of-way line of Savannah Plantation Road, the Southwesterly line of said Savannah Plantation, Section Three;

THENCE with the West line of said Savannah Plantation, Section Three, as follows:
- South 27° 01' 02" East, 153.29 feet to a point for corner, at the beginning of a curve to the right;
- Along the arc of said curve to the right, having a chord of South 10° 29' 48" East, 355.45 feet, a radius of 625.00 feet, a central angle of 33° 02' 27", for an arc length of 360.42 feet to a point for corner;
- South 06° 01' 25" West, 492.47 feet to a point for corner;
- North 83° 58' 35" West, 50.00 feet to a point for corner;
- South 06° 01' 25" West, 80.00 feet to a point for corner;
- South 83° 58' 35" East, 147.19 feet to a point for corner;
- South 06° 01' 25" West, 390.00 feet to a point for the Southwest corner of said Savannah Plantation, Section Three;

THENCE South 83° 58' 35" East with the South line of said Savannah Plantation, Section Three, 2,543.73 feet to a point for the Easternmost corner of the herein described tract of land;

THENCE South 62° 54' 39" West with the Southeasterly line of the herein described tract of land, the Northwesterly line of Brazoria County Municipal Utility District Number 50, 498.21 feet to a point for corner;

THENCE South 63° 00' 17" West continuing with the Southeasterly line of the herein described tract of land, being in the Northeasterly line of Savannah Plantation, Section One, Block 4 (Unrecorded);

THENCE North 27° 03' 00" West with said Northeasterly line of said Section One, Block 4, 828.21 feet to a point for the Northeast corner of said Section One, Block 4;

THENCE South 62° 57' 00" West with the Northwesterly line of said Section One, Block 4, 1,200.00 feet to a point for the Northwest corner of said Section One, Block 4, being in the common line between the Southwesterly line of said Section One, Block 4 and the Northeasterly right-of-way line of said County Road 511;

THENCE North 27° 03' 00" West with said common line, 80.00 feet to a point for the Southwest corner of Savannah Plantation, Section One, Block 3 (Unrecorded);

THENCE North 62° 57' 00" East with the Southeasterly line of said Section One, Block 3, 1,200.00 feet to a point for the Southeast corner of said Section One, Block 3;

THENCE with the Northeasterly and Northwesterly lines of said Savannah Plantation, Section One, Block 3 as follows:
- North 27° 03' 00" West, 280.00 feet to a point for corner;
- South 62° 57' 00" West, 474.00 feet to a point for corner;
- North 27° 03' 00" West, 1,515.00 feet to a point for corner;
- South 62° 57' 00" West, 126.00 feet to a point for corner;
- North 27° 03' 00" West, 619.43 feet to a point for the Northeast corner of said Section One, Block 3;

THENCE North 84° 05' 00" West with the North line of said Savannah Plantation, Section One, Block 3, 715.15 feet to a point for the Northwest corner of said Section One, Block 3, being in the common line between the Southwesterly line of said 2,075.08 acre tract of land and the Northeasterly right-of-way line of said County Road 511;
THENCE North 27° 03' 00" West with said common line, 95.35 feet to the POINT OF BEGINNING; containing 295.76 acres of land, more or less.

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 89, 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. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8427, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8427.106 to read as follows:

Sec. 8427.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 5. 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, 2013.

Passed the Senate on April 23, 2013: Yeas 31, Nays 0; passed the House on May 20, 2013: Yeas 147, Nays 0, two present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 1242

S.B. No. 1853

AN ACT
relating to the amendment of restrictions affecting real property in certain subdivisions and the authority of the Llano County Municipal Utility District No. 1 to issue bonds.

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

SECTION 1. Subdivision (4), Section 211.001, Property Code, is amended to read as follows:

(d) “Residential real estate subdivision” or “subdivision” means all land encompassed within one or more maps or plats of land that is divided into two or more parts if:

(A) the maps or plats cover land all or part of which is not located within a municipality and:

(i) for a county with a population of less than 65,000, is not located within the extraterritorial jurisdiction of a municipality; [se]

(ii) for a county with a population of at least 65,000 and less than 135,000, is located wholly within the extraterritorial jurisdiction of a municipality; or

(iii) for a county that borders Lake Buchanan and has a population of at least 18,500 and less than 19,500, is located wholly within the extraterritorial jurisdiction of a municipality;