(b) A polygraph examiner who uses an instrument that does not comply with the instrumentation requirements of Subsection (a) or commission rule is subject to penalties and may be enjoined in the manner provided by this chapter.

SECTION 7. Not later than January 1, 2014, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 8. (a) Subsection (a), Section 1703.203, Occupations Code, as amended by this Act, applies only to an initial license application that is submitted to the Texas Department of Licensing and Regulation on or after March 1, 2014. An initial license application that is submitted before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(b) Section 1703.207, Occupations Code, as amended by this Act, applies only to an initial license application that is submitted to the Texas Department of Licensing and Regulation on or after January 1, 2014. An initial license application that is submitted before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(c) Section 1703.255, Occupations Code, as amended by this Act, and the rules adopted under Subsection (c), Section 1703.255, Occupations Code, as added by this Act, apply only to the renewal of a license that expires on or after December 1, 2014. The renewal of a license that expires before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; the Senate concurred in House amendment on May 22, 2013: Yeas 31, Nays 0; passed the House, with amendment, on May 17, 2013: Yeas 127, Nays 7, two present not voting.

Approved June 14, 2013.
Effective September 1, 2013.
Sec. 8436.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8436.003 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. 8436.005. 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. 8436.006. 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. 8436.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8436.052, directors serve staggered four-year terms.

Sec. 8436.052. 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 8436.003; 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 8436.003 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 8436.003; 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. 8436.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8436.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters
Sec. 8436.103. 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. 8436.104. 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. 8436.105. 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.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8436.151. 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 8436.153.

(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. 8436.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8436.151, 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. 8436.153. 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. 8436.201. 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. 8436.202. 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. 8436.203. 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. 536 initially includes all the territory contained in the following area:


BEGINNING at a point marking the northwesterly corner of the said H. & T.C.C. R.R. Co. Survey, Section 62, the northeasterly corner of the H. & T. C.C. R.R. Co. Survey, Abstract No. 452, southeasterly corner of the H. & T. C.C. R.R. Co. Survey, Abstract No. 453 and the southwesterly corner of the H. & T. C.C. R.R. Co. Survey, Abstract No. 450, being in the intersection of Katy–Hockley Cut–Off Road (called 60-feet wide at present) and Clay Road (called 60-feet wide at present) and marking the northwesterly corner of the called 315.63 acre tract of land;

THENCE, North 88°05'31" East, along the common line of the said H. & T.C.C. R.R. Co. Survey, Section 62 and the H. & T. C.C. R.R. Co. Survey, Abstract No. 450, same being the north line of the aforementioned M.L. Spencer Survey, Abstract No. 1455, for a distance of 2,628.13 feet to a point for corner, being the northerly common corner of the said M.L. Spencer Survey and the aforementioned Mrs. M.L. Jones Survey, Abstract No. 1339;

THENCE, South 01°55'49" East, along the common line of the said M.L. Spencer Survey and the Mrs. M.L. Jones Survey for a distance of 1,373.78 feet to a point for corner;

THENCE, North 88°04'27" East, a distance of 324.32 feet to a point for corner marking the southerly right-of-way line of the called Porter Road (called 60-feet wide at present);

THENCE, South 01°56'43" East, continuing along southerly right-of-way line of Porter Road, a distance of 1,269.46 feet to a point for corner;

THENCE, South 88°04'27" East, a distance of 2,282.44 feet to a point for corner at the intersection with the westerly right-of-way line of Porter Road (called 60-feet wide at present);

THENCE, South 01°55'33" East, along the westerly right-of-way line of Porter Road, a distance of 1,343.75 feet to a point for corner;

THENCE, North 01°55'47" West, a distance of 1,343.75 feet to a point for corner in the southerly line of the aforementioned M.L. Spencer Survey, Abstract No. 1455, for a distance of 2,628.13 feet to a point for corner, being the northerly common corner of the said M.L. Spencer Survey and the aforementioned Mrs. M.L. Jones Survey, Abstract No. 1339;

THENCE, South 01°56'45" East, continuing along westerly right-of-way line of Porter Road, a distance of 1,283.46 feet to a point for corner;

THENCE, South 88°04'27" West, a distance of 2,607.00 feet to a point for corner in the common line of the said M.L. Spencer Survey and the Mrs. M.L. Jones Survey;

THENCE, South 01°55'49" East, along the common line of the said M.L. Spencer Survey and the Mrs. M.L. Jones Survey for a distance of 1,321.82 feet to a point for corner;

THENCE, South 88°03'16" West, a distance of 2,836.56 feet to a point for corner being in the westerly line of the said M.L. Spencer Survey, same being the said H. & T.C.C. R.R. Co. Survey, Section 62, and the easterly line of the said H. & T.C.C. R.R. Co. Survey, Abstract No. 452,
THENCE, North 0148'31" West, along the common line of the said M.L. Spencer Survey and the H. & T. C.C. R.R. Co. Survey, Abstract No. 452, a distance of 3,966.80 feet to the POINT OF BEGINNING and containing 386.04 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. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8436, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8436.106 to read as follows:

Sec. 8436.106. 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 March 27, 2013: Yeas 30, 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 546
S.B. No. 585
AN ACT
relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities.

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

SECTION 1. Subsection (a), Section 351.101, Tax Code, is amended to read as follows:

(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;

(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

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