Sec. 8450.102. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board of the district 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.

SECTION 2. Brazoria County Municipal Utility District No. 40 retains all rights, powers, privileges, authorities, duties, and functions that it had before the effective date of this Act.

SECTION 3. (a) The legislature validates and confirms all governmental acts and proceedings of the Brazoria County Municipal Utility District No. 49 that were taken before the effective date of this Act.

(b) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

SECTION 4. (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 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 14, 2013: Yeas 143, Nays 0, two present not voting.

Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 442

S.B. No. 706

AN ACT
relating to the creation of the Brazoria County Municipal Utility District No. 47; 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 8464 to read as follows:

1252
CHAPTER 8464. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 47

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8464.001. 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. 47.

Sec. 8464.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8464.003. 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. 8464.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8464.003 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. 8464.005. 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. 8464.006. 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. 8464.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.
(b) Except as provided by Section 8464.052, directors serve staggered four-year terms.

Sec. 8464.052. 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 temporary directors. 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 8464.003; 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 8464.003 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 8464.003; 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. 8464.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8464.102. 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. 8464.103. 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. 8464.104. 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. 8464.105. 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. 8464.151. 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 8464.153.

(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. 8464.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8464.151, 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. 8464.153. 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. 8464.201. 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. 8464.202. 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. 8464.203. 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. 47 initially includes all the territory contained in the following area:

TRACT 1

A 100.53-ACRE TRACT OF LAND Situated IN THE H.T. & B. RAILROAD CO. SURVEY, SECTION 71, ABSTRACT NUMBER 291, BRAZORIA COUNTY, TEXAS, BEING ALL OF LOTS 33, 35, 38, 39, 40, AND UN-NUMBERED TRACT, OF THE EMIGRATION LAND COMPANY SUBDIVISION, RECORDED IN VOLUME 2, PAGE 81 OF THE BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), AND DESCRIBED IN DEED TO NEW RODEO 288, LTD, RECORDED UNDER DOCUMENT NUMBER 2005039091 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY (O.R.O.B.C.), SAID 100.53-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON RODEO PALMS SUBDIVISION, SECTION 1, RECORDED IN VOLUME 22, PAGES 133 TO 136 OF BRAZORIA COUNTY PLAT RECORDS):

BEGINNING at a 1/2-inch iron pipe with cap stamped “Brown & Gay” found at the southwest corner of said Lot 35, being at the east right-of-way line of a 40-feet wide road dedicated by said subdivision, and marking the southwest corner of the herein described tract;

(1) THENCE North 03°23'15" West, a distance of 702.50 feet along the common line of said Lot 35 and said east right-of-way line, to an interior corner of the herein described tract, from which a found 3/8-inch iron rod, bears North 03°23' West, 0.4 feet;

(2) THENCE North 86°38'32" East, a distance of 640.37 feet along the common line of Lots 34 and 35, to a 1/2-inch iron pipe with cap stamped “Brown & Gay” found at the southeast corner of Lot 34, same being an interior corner of the herein described tract;

(3) THENCE North 03°22'15" West, a distance of 702.50 feet along the common line of Lots 34 and 39, to a point from which a 1/2-inch iron pipe with cap stamped “Brown & Gay” found at the northeast corner of said Lot 34, bears North 82°08' East, 0.7 feet;

(4) THENCE South 86°38'32" West, a distance of 640.37 feet along the common line of Lots 33 and 34, to a 1/2-inch iron pipe found in the east right-of-way line of said 400-feet road, at the southwest corner of Lot 33, being an interior corner of the herein described tract, from which a 1/2-inch iron pipe with cap stamped “Brown & Gay” bears North 74°10’East, 1.1 feet;
(5) THENCE North 03°23'15" West, a distance of 2,365.37 feet along east line of said 40–feet road, to a 5/8-inch iron rod with cap stamped "E.H.R. & A. 713–784–4500" set at the northwest corner of the herein described tract;

(6) THENCE North 86°35'55" East, a distance of 1,280.59 feet along said south line of Rodeo Palms Parkway, to a 5/8-inch iron rod with cap stamped "E.H.R. & A. 713–784–4500" set at the northeast corner of the herein described tract and in the west right-of-way line of a 40-feet wide road, as dedicated by said Emigration Land Company Subdivision;

(7) THENCE South 03°23'15" East, along said west right-of-way line, at a distance of 3,068.84 feet pass a 1/2-inch iron pipe found 40 feet to the left, marking the southeast corner of Lot 47 of said subdivision, continuing with a total distance of 3,771.34 feet to a 5/8-inch iron rod with cap stamped "E.H.R. & A. 713–784–4500";

(8) THENCE South 86°38'32" West, along the common line of Lots 40 and 41, at a distance of 639.22 feet to a point from which a found 3/4-inch iron rod bears South 60°55' West, 0.8 feet, and continuing along the common line of Lots 35 and 36 for a total distance of 1,280.59 feet to the POINT OF BEGINNING and containing 100.53 acres of land. This description accompanies a Land Title Survey, prepared by Edminster, Hinshaw, Russ and Associates, Inc. and dated February 4, 2007.

TRACT 2

A 75.83-ACRE TRACT OF LAND SITUATED IN THE H.T. & B. RAILROAD CO. SURVEY, SECTION 71, ABSTRACT NUMBER 291, BRAZORIA COUNTY, TEXAS, BEING ALL OF LOTS 2, 4, 5, 10, 11, 12, 13, AND OUT OF A PORTION OF LOT 9, OF THE EMINIATION LAND COMPANY SUBDIVISION, RECORDED IN VOLUME 2, PAGE 81 OF THE BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), SAID 75.83-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON RODEO PALMS SUBDIVISION, SECTION 1, RECORDED IN VOLUME 22, PAGES 133 TO 136 OF BRAZORIA COUNTY PLAT RECORDS):

BEGINNING at a point marking the southwest corner of Lot 1 and the northwest corner of Lot 2 of said subdivision, being in the east right-of-way line of County Road 48 (Old Airline Road, 40.00 feet wide) as dedicated by said subdivision plat, and being at the most westerly northwest corner of the herein described tract;

(1) THENCE North 86°38'32" East, along the common line of said Lots 1 and 2, at a distance of 10.00 feet passing a concrete monument found in the east line of County Road 48 (60-feet wide by occupation), continuing for a total distance of 636.34 feet to a 5/8-inch iron rod with cap stamped "E.H.R. & A. 713–784–4500" set at the southeast corner of said Lot 1, and the southwest corner of Lot 9 and a corner of the herein described tract, from which a found 5/8-iron rod bears South 86°57' East, 0.5 feet;

(2) THENCE North 03°23'15" West, a distance of 256.66 feet along the common line of said Lots 1 and 9, to a 5/8-inch iron rod with cap stamped "E.H.R. & A. 713–784–4500" set on the north line of said section 71 and marking the most northerly northwest corner of the herein described tract;

(3) THENCE North 86°35'55" East, a distance of 639.84 feet along the north line of said section 71, to a 5/8-inch iron rod with cap stamped "E.H.R. & A. 713–784–4500" set in the west line of a 40-feet wide road dedicated by said subdivision plat and the east line of said Lot 9, marking the northeast corner of the herein described tract;

(4) THENCE South 03°23'15" East, along the west line of said 40-feet wide road, at a distance of 257.15 feet passing a 3/8-inch iron rod found at the southeast corner of said Lot 9, at a distance of 959.53 feet passing a 3/8-inch iron rod with cap found at the southeast corner of Lot 10, at a distance of 1,661.59 feet passing a found 3/8-inch iron rod found 0.3 feet to the left, at a distance of 2,364.23 feet passing a 5/8-inch iron rod with cap stamped "S. Adams RPLS 3666" found at the southeast corner of Lot 12, continuing for a total distance of 3,066.83 feet to a 5/8-inch iron rod with cap stamped "S. Adams RPLS 3666" found at the common corner of Lot 13 and 14, marking the southeast corner of the herein described tract;
(5) THENCE South 86°38'32" West, along the common line of Lots 13 and 14, at a distance of 639.69 feet pass a 1/2-inch iron rod with a cap stamped "S. Adams RPLS 3666" found at the southwest corner of said Lot 13, and continuing along the common line of Lots 5 and 6 of said subdivision, for a total distance of 1,276.18 feet to the east right-of-way line of said County Road 48 (Old Airline Road), and being at the southwest corner of said Lot 5 and the herein described tract;

(6) THENCE North 03°23'15" West, a distance of 1,405.00 feet along the east right-of-way line of said County Road 48, to a point at the common corner of Lot 3 and Lot 4;

(7) THENCE North 86°38'32" East, along the common line of Lots 3 and 4, at a distance of 10.00 feet passing a 5/8-inch iron rod found at the occupied east line of County Road 48, at a distance of 92.05 feet passing a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston TX," and continuing for a total a distance of 636.34 feet to a 3/8-inch iron rod found at the common corner of Lot 3 and Lot 4, marking an interior corner of the herein described tract, from which a 3/4-inch iron rod found at the southeast corner of said Lot 4 bears South 86°38'32" West, 702.50 feet;

(8) THENCE North 03°23'15" West, a distance of 702.30 feet along the common line of Lots 3 and 11, to a 3/8-inch iron rod with cap stamped "Spinner" found at the southwest corner of Lot 10, marking an interior corner of the herein described tract;

(9) THENCE South 86°38'32" West, along the common line of said Lots 2 and 3, at a distance of 626.34 feet passing a concrete monument found at the occupied east line of said County Road 48, and continuing for a total distance of 636.34 feet to a point on the east line of said Country Road 48;

(10) THENCE North 03°23'15" West, along the common line of Lot 2 and the east line of said County Road 48, a distance of 702.38 feet to the POINT OF BEGINNING and containing 75.83 acres of land. This description accompanies a Land Title Survey, prepared by Edminster, Hinshaw, Russ and Associates, Inc. and dated February 6, 2008; Save and Except 15.39 acres of land, being the south half of Lot 4 and all of Lot 5, leaving a net acreage of 60.44 acres of land.

TRACT 3

A 59.06-ACRE TRACT OF LAND SITUATED IN THE H.T. & B. RAILROAD SURVEY, SECTION 71, ABSTRACT NUMBER 291, BRAZORIA COUNTY, TEXAS, BEING ALL OF LOTS 21, 26, 27, 28, 29, AND OUT OF A PORTION OF LOTS 17 AND 25, OF THE EMIGRATION LAND COMPANY SUBDIVISION, RECORDED IN VOLUME 2, PAGE 81 OF BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), SAID 59.06-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON RODEO PALMS SUBDIVISION, SECTION 1, RECORDED IN VOLUME 22, PAGES 133 TO 136 OF BRAZORIA COUNTY PLAT RECORDS):

BEGINNING at 5/8-inch iron with cap stamped "E.H.R. & A. 713-784-4500" set at the southwest corner of said Lot 21 of said subdivision plat, being in the east right-of-way line of a 40-feet wide road, as shown on said Emigration Land Company Subdivision;

(1) THENCE North 03°23'15" West, a distance of 702.50 feet to a 1/2-inch iron pipe found at the common corner of said Lot 21 and Lot 20 of said subdivision plat, marking an interior corner of the herein described tract;

(2) THENCE North 86°38'32" East, a distance of 639.69 feet to a 5/8-inch iron rod with cap stamped "E.H.R. & A. 713-784-4500" along the common line of said Lots 20 and 21, to the southeast corner of said Lot 20, same being an interior corner of the herein described tract, and from which a 1/2-inch iron pipe with cap stamped "S. Adams RPLS 3666" bears North 44°35' West, 0.6 feet;

(3) THENCE North 03°23'15" West, along the common line of Lots 20 and 28, at a distance of 702.50 feet passing a 1-1/4 inch iron pipe found at the southwest corner of said Lot 27 and the northwest corner of Lot 28, continuing along the common line of Lots 19 and 27, at 1404.80 feet passing the southwest corner of said Lot 26, from which an 1-1/4 iron pipe bears South 39°58" East, 0.9 feet, continuing along the common line of Lots 18 and Lot 26 for a total distance of 2,107.18 feet to a 5/8-inch iron rod with cap stamped "E.H.R.
& A. 713-784-4500” set at the southwest corner of Lot 25 and the northwest corner of Lot 26, marking an interior corner of the herein described tract;

(4) THENCE South 86°38'32" West, a distance of 639.69 feet to a point along the common line of said Lots 17 and 18, to the east right-of-way line of said 40-feet wide road, being a corner of the herein described tract, from which a 1/2-inch iron pipe stamped “S Adams RPLS 1666”, bears North 79°39’ East, 0.7 feet;

(5) THENCE North 03°23'15" West, a distance of 257.18 feet along the east right-of-way line of said 40-feet wide road and the west line of said Lot 17, to 5/8-inch iron rod with cap stamped “E.H.R. & A. 713-784-4500” set on the north line of said section 71 and being at the northwest corner of the herein described tract;

(6) THENCE North 03°23'15" East, at 643.76 feet passing a 1/2-inch iron pipe, 4.7 feet to the right, found on the southeast corner of Bobby Shotwell 69.983 acres, as recorded under C.F.No. 1998002623 O.P.R.O.B.C., and continuing for a total distance of 1,278.22 feet, to a 5/8-inch iron rod with cap stamped “E.H.R. & A. 713-784-4500” set at the intersection of the south right-of-way line of Rodeo Palms Parkway, dedicated by Rodeo Palms Subdivision, Section 1, plat recorded under Volume 22, Page 133 to 136 of Brazoria County Plat Records and west right-of-way line of a 40-feet wide road dedicated by Emigration Land Company Subdivision;

(7) THENCE South 03°23'15" East, along the west line of said 40-feet wide road, a distance of 3,067.83 feet to a 5/8-inch iron rod found at the common corner of Lot 29 and Lot 30;

(8) THENCE South 86°38'32" West, a distance of 1,278.22 feet to the POINT OF BEGINNING and containing 59.06 acres of land. This description accompanies a Land Title Survey, prepared by Edminster, Hinshaw, Russ and Associates, Inc. and dated February 6, 2008.

Save and Except a 267.00 foot by 267.00 foot tract of land in the southeast corner of Lot 29, being 1.64 acres of land, leaving a net acreage of 57.42 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 8464, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8464.106 to read as follows:

Sec. 8464.106. 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 18, 2013: Yeas 31, Nays 0; passed the House on May 17, 2013: Yeas 134, Nays 0, two present not voting.
relating to counselors employed by school districts, including the use of consistent terminology in the Education Code to refer to school counselors and a license requirement for licensed professional counselors employed by school districts.

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

**SECTION 1.** Subdivision (18), Subsection (b), Section 7.055, Education Code, is amended to read as follows:

(18) The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers, a recommended appraisal process and criteria on which to appraise the performance of administrators, and a job description and evaluation form for use in evaluating school counselors, as provided by Subchapter H, Chapter 21.

**SECTION 2.** Subsection (a), Section 11.252, Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the student achievement indicators adopted under Section 39.053. The district improvement plan must include provisions for:

(1) a comprehensive needs assessment addressing district student performance on the student achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;

(2) measurable district performance objectives for all appropriate student achievement indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3) strategies for improvement of student performance that include:

(A) instructional methods for addressing the needs of student groups not achieving their full potential;

(B) methods for addressing the needs of students for special programs, including:

(i) suicide prevention programs, in accordance with Subchapter O-1, Chapter 161, Health and Safety Code, which includes a parental or guardian notification procedure;

(ii) conflict resolution programs;

(iii) violence prevention programs; and

(iv) dyslexia treatment programs;

(C) dropout reduction;

(D) integration of technology in instructional and administrative programs;

(E) discipline management;

(F) staff development for professional staff of the district;