

1-1 By: Hinojosa, Zaffirini S.B. No. 2456  
1-2 (In the Senate - Filed March 20, 2009; March 31, 2009, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 16, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 16, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2456 By: Hinojosa

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of the Brush Country Groundwater  
1-11 Conservation District; providing authority to impose a tax and  
1-12 issue bonds.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle H, Title 6, Special District Local Laws  
1-15 Code, is amended by adding Chapter 8852 to read as follows:

1-16 CHAPTER 8852. BRUSH COUNTRY GROUNDWATER CONSERVATION DISTRICT  
1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8852.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the  
1-20 district.

1-21 (2) "Director" means a member of the board.

1-22 (3) "District" means the Brush Country Groundwater  
1-23 Conservation District.

1-24 Sec. 8852.002. NATURE OF DISTRICT. The district is a  
1-25 groundwater conservation district created under and essential to  
1-26 accomplish the purposes of Section 59, Article XVI, Texas  
1-27 Constitution.

1-28 Sec. 8852.003. CONFIRMATION ELECTION REQUIRED. If the  
1-29 creation of the district is not confirmed in at least one of the  
1-30 territories described by Section 8852.023 at a confirmation  
1-31 election held before September 1, 2011:

1-32 (1) the district is dissolved on September 1, 2011,  
1-33 except that:

1-34 (A) any debts incurred shall be paid;

1-35 (B) any assets that remain after the payment of  
1-36 debts shall be transferred in equal amounts to Jim Hogg, Brooks,  
1-37 Hidalgo, and Jim Wells Counties; and

1-38 (C) the organization of the district shall be  
1-39 maintained until all debts are paid and remaining assets are  
1-40 transferred; and

1-41 (2) this chapter expires September 1, 2013.

1-42 Sec. 8852.004. INITIAL DISTRICT TERRITORY. (a) The  
1-43 district is initially composed of the territory described by  
1-44 Section 2 of the Act creating this chapter.

1-45 (b) The boundaries described in Section 2 of the Act  
1-46 creating this chapter form a closure. A mistake made in describing  
1-47 the district's boundaries in the legislative process does not  
1-48 affect the district's:

1-49 (1) organization, existence, or validity;

1-50 (2) right to issue any type of bond for the purposes  
1-51 for which the district is created or to pay the principal of and  
1-52 interest on a bond;

1-53 (3) right to impose an assessment or tax; or

1-54 (4) legality or operation.

1-55 Sec. 8852.005. CONSTRUCTION OF CHAPTER. This chapter shall  
1-56 be liberally construed to achieve the legislative intent and  
1-57 purposes of Chapter 36, Water Code. A power granted by Chapter 36,  
1-58 Water Code, or this chapter shall be broadly interpreted to achieve  
1-59 that intent and those purposes.

1-60 [Sections 8852.006-8852.020 reserved for expansion]

1-61 SUBCHAPTER B. DISTRICT CREATION

1-62 Sec. 8852.021. TEMPORARY DIRECTORS. (a) The temporary  
1-63 board consists of:

- 2-1 (1) David Grall;
- 2-2 (2) Mauro Garcia;
- 2-3 (3) Robert Scott;
- 2-4 (4) A. C. Jones IV;
- 2-5 (5) Mario Martinez;
- 2-6 (6) Israel Hinojosa;
- 2-7 (7) William P. Goranson;
- 2-8 (8) Jesse Howell;
- 2-9 (9) Pearson Knolle; and
- 2-10 (10) Lawrence Cornelius.

2-11 (b) If there is a vacancy on the temporary board, the  
 2-12 remaining temporary directors shall select a qualified person to  
 2-13 fill the vacancy.

2-14 (c) Unless the temporary director's term expires under  
 2-15 Subsection (d), a temporary director serves until the earlier of:

2-16 (1) the date the temporary director becomes an initial  
 2-17 permanent director under Section 8852.024; or

2-18 (2) the date this chapter expires under Section  
 2-19 8852.003.

2-20 (d) The following temporary directors' terms expire on the  
 2-21 date of the canvass of the election to confirm the creation of the  
 2-22 district:

2-23 (1) David Grall and Mauro Garcia, if the voters in the  
 2-24 territory described by Section 8852.023(a)(3) vote not to confirm  
 2-25 the creation of the district;

2-26 (2) Robert Scott, if the voters in the territory  
 2-27 described by Section 8852.023(a)(1) vote not to confirm the  
 2-28 creation of the district;

2-29 (3) A. C. Jones IV and Mario Martinez, if the voters in  
 2-30 the territory described by Section 8852.023(a)(5) vote not to  
 2-31 confirm the creation of the district;

2-32 (4) Israel Hinojosa, if the voters in the territory  
 2-33 described by Section 8852.023(a)(4) vote not to confirm the  
 2-34 creation of the district;

2-35 (5) William P. Goranson, if the creation of the  
 2-36 district is confirmed by voters of none of the territories  
 2-37 described by Section 8852.023;

2-38 (6) Jesse Howell and Pearson Knolle, if the voters in  
 2-39 the territory described by Section 8852.023(a)(6) vote not to  
 2-40 confirm the creation of the district; and

2-41 (7) Lawrence Cornelius, if the voters in the territory  
 2-42 described by Section 8852.023(a)(2) vote not to confirm the  
 2-43 creation of the district.

2-44 Sec. 8852.022. ORGANIZATIONAL MEETING OF TEMPORARY  
 2-45 DIRECTORS. As soon as practicable after all the temporary  
 2-46 directors have qualified under Section 36.055, Water Code, a  
 2-47 majority of the temporary directors shall convene the  
 2-48 organizational meeting of the district at a location within the  
 2-49 district agreeable to a majority of the directors. If an agreement  
 2-50 on location cannot be reached, the organizational meeting shall be  
 2-51 at the Brooks County Courthouse.

2-52 Sec. 8852.023. CONFIRMATION ELECTION. (a) The temporary  
 2-53 board shall hold an election in each of the following territories in  
 2-54 the district to confirm the creation of the district and the  
 2-55 imposition of a maintenance tax:

2-56 (1) the territory in the corporate limits of the city  
 2-57 of Falfurrias as of January 1, 2009;

2-58 (2) the territory in the corporate limits of the city  
 2-59 of Alice as of January 1, 2009;

2-60 (3) the territory:

2-61 (A) in Brooks County that, as of January 1, 2009,  
 2-62 is:

2-63 (i) outside the corporate limits of the  
 2-64 city of Falfurrias; and

2-65 (ii) not in the Kenedy County Groundwater  
 2-66 Conservation District; and

2-67 (B) in Hidalgo County that is:

2-68 (i) described by a metes and bounds  
 2-69 description in Section 2 of the Act creating this chapter; and

3-1 (ii) not in the Kenedy County Groundwater  
3-2 Conservation District as of January 1, 2009;

3-3 (4) the territory in the certificated retail water  
3-4 service area of the Jim Hogg County Water Control and Improvement  
3-5 District No. 2 as of January 1, 2009;

3-6 (5) the territory in Jim Hogg County that is outside  
3-7 the certificated retail water service area of the Jim Hogg County  
3-8 Water Control and Improvement District No. 2 as of January 1, 2009;  
3-9 and

3-10 (6) the territory in Jim Wells County that, as of  
3-11 January 1, 2009, is:

3-12 (A) outside the corporate limits of the city of  
3-13 Alice; and

3-14 (B) not in the Kenedy County Groundwater  
3-15 Conservation District.

3-16 (b) Section 41.001(a), Election Code, does not apply to a  
3-17 confirmation election held as provided by this section.

3-18 (c) Except as provided by this section, an election under  
3-19 this section must be conducted as provided by Sections 36.017(b),  
3-20 (c), and (e), Water Code, and the Election Code.

3-21 (d) The ballot for the election must be printed to provide  
3-22 for voting for or against the proposition: "The creation of the  
3-23 Brush Country Groundwater Conservation District and the levy of an  
3-24 ad valorem tax in the district at a rate not to exceed three cents  
3-25 for each \$100 of assessed valuation."

3-26 (e) If the majority of voters in a territory described by  
3-27 Subsection (a) voting at an election held under this section vote to  
3-28 confirm the creation of the district, that territory is included in  
3-29 the district. If the majority of voters in a territory described by  
3-30 Subsection (a) voting at an election held under this section vote  
3-31 not to confirm the creation of the district, that territory is  
3-32 excluded from the district.

3-33 (f) If the majority of voters in any of the territories  
3-34 described by Subsection (a) voting at an election held under this  
3-35 section vote not to confirm the creation of the district, the  
3-36 temporary board or any successor board may hold a subsequent  
3-37 confirmation election in that territory.

3-38 (g) The district may not impose a maintenance tax unless the  
3-39 tax is confirmed under this section.

3-40 Sec. 8852.024. INITIAL PERMANENT DIRECTORS. (a) If the  
3-41 creation of the district is confirmed at an election held under  
3-42 Section 8852.023 in one or more territories in the district, each  
3-43 temporary director who represents a territory that is included in  
3-44 the district becomes an initial permanent director of the district.

3-45 (b) The initial permanent directors shall draw lots to  
3-46 determine which directors serve a term expiring on June 1 of the  
3-47 first even-numbered year after the confirmation election and which  
3-48 directors serve a term expiring on June 1 of the next even-numbered  
3-49 year.

3-50 Sec. 8852.025. GIFTS AND GRANTS. The temporary board may  
3-51 solicit and accept gifts and grants, including services, on the  
3-52 district's behalf from any public or private source to provide  
3-53 revenue for the district before a confirmation election is held  
3-54 under Section 8852.023.

3-55 Sec. 8852.026. RIGHT OF CERTAIN LANDOWNERS TO WITHDRAW FROM  
3-56 DISTRICT. A person who owns a tract of land in Brooks or Hidalgo  
3-57 County that adjoins the boundaries of the Kenedy County Groundwater  
3-58 Conservation District as of the effective date of the Act creating  
3-59 this chapter may petition the Kenedy County Groundwater  
3-60 Conservation District for annexation into that district.  
3-61 Notwithstanding any other law, the Kenedy County Groundwater  
3-62 Conservation District may annex territory described by a petition  
3-63 under this section. Territory annexed by the Kenedy County  
3-64 Groundwater Conservation District under this section not later than  
3-65 January 1, 2010, is disannexed at that time from the district  
3-66 created by this chapter.

3-67 [Sections 8852.027-8852.050 reserved for expansion]

3-68 SUBCHAPTER C. BOARD OF DIRECTORS

3-69 Sec. 8852.051. APPOINTMENT OF DIRECTORS; TERMS. (a) Not

4-1 later than June 1 of each even-numbered year, the Commissioners  
4-2 Courts of Brooks County, Jim Hogg County, and Jim Wells County shall  
4-3 appoint directors as follows:

4-4 (1) the Commissioners Court of Brooks County shall  
4-5 appoint:

4-6 (A) one director who represents the municipal  
4-7 interests of the territory described by Section 8852.023(a)(1), if  
4-8 the territory described by Section 8852.023(a)(1) is included in  
4-9 the district; and

4-10 (B) two directors who represent the agricultural  
4-11 interests of the territory described by Sections 8852.023(a)(3)(A)  
4-12 and (B), if the territory described by Sections 8852.023(a)(3)(A)  
4-13 and (B) is included in the district;

4-14 (2) the Commissioners Court of Jim Hogg County shall  
4-15 appoint:

4-16 (A) one director who represents the interests of  
4-17 Jim Hogg County in the territory described by Section  
4-18 8852.023(a)(4), if the territory described by Section  
4-19 8852.023(a)(4) is included in the district; and

4-20 (B) two directors who represent the agricultural  
4-21 interests of the territory described by Section 8852.023(a)(5), if  
4-22 the territory described by Section 8852.023(a)(5) is included in  
4-23 the district;

4-24 (3) the Commissioners Court of Jim Wells County shall  
4-25 appoint:

4-26 (A) one director who represents the municipal  
4-27 interests of the territory described by Section 8852.023(a)(2), if  
4-28 the territory described by Section 8852.023(a)(2) is included in  
4-29 the district; and

4-30 (B) two directors who represent the agricultural  
4-31 interests of the territory described by Section 8852.023(a)(6), if  
4-32 the territory described by Section 8852.023(a)(6) is included in  
4-33 the district; and

4-34 (4) the Commissioners Courts of Brooks County and Jim  
4-35 Hogg County jointly shall appoint one director to represent the  
4-36 industrial and mining interests of Jim Hogg and Brooks Counties.

4-37 (b) Directors serve staggered four-year terms that expire  
4-38 on June 1 of an even-numbered year.

4-39 Sec. 8852.052. ELIGIBILITY. (a) A director is not  
4-40 disqualified from service because the director is an employee,  
4-41 manager, director of the board, or officer of a groundwater  
4-42 producer that is or may be regulated by the district.

4-43 (b) A temporary director whose term of office expires under  
4-44 Section 8852.021(d) is not eligible for appointment as a director.

4-45 Sec. 8852.053. COMPENSATION; REIMBURSEMENT.

4-46 (a) Notwithstanding Section 36.060, Water Code, a director is not  
4-47 entitled to receive compensation for performing the duties of a  
4-48 director.

4-49 (b) A director is entitled to receive reimbursement for the  
4-50 director's reasonable expenses incurred while engaging in  
4-51 activities on behalf of the district in accordance with Sections  
4-52 36.060(b) and (c), Water Code.

4-53 Sec. 8852.054. VACANCY. A vacancy in the office of director  
4-54 shall be filled by appointment of the board in a manner consistent  
4-55 with the representational requirements of Section 8852.051. The  
4-56 appointed director serves only for the remainder of the unexpired  
4-57 term to which the director was appointed.

4-58 [Sections 8852.055-8852.100 reserved for expansion]

4-59 SUBCHAPTER D. POWERS AND DUTIES

4-60 Sec. 8852.101. GROUNDWATER CONSERVATION DISTRICT POWERS  
4-61 AND DUTIES. Except as otherwise provided by this chapter, the  
4-62 district has the powers and duties provided by the general law of  
4-63 this state, including Chapter 36, Water Code, and Section 59,  
4-64 Article XVI, Texas Constitution, applicable to groundwater  
4-65 conservation districts.

4-66 Sec. 8852.102. CONTRACTS. The district may enter into a  
4-67 contract with any person, public or private, for any purpose  
4-68 authorized by law.

4-69 Sec. 8852.103. EXEMPTIONS FROM PERMIT REQUIREMENTS.

5-1 (a) Section 36.117, Water Code, applies to the district except  
5-2 that for the purposes of applying that section to the district,  
5-3 "domestic use" and "livestock use" have the meanings assigned by  
5-4 Subsection (b).

5-5 (b) In this section:

5-6 (1) "Domestic use":

5-7 (A) means the use of groundwater by an individual  
5-8 or a household to support domestic activities, including the use of  
5-9 groundwater for:

5-10 (i) drinking, washing, or culinary  
5-11 purposes;

5-12 (ii) irrigating a lawn or a family garden or  
5-13 orchard;

5-14 (iii) watering domestic animals; or

5-15 (iv) water recreation, including aquatic  
5-16 and wildlife enjoyment; and

5-17 (B) does not include the use of water:

5-18 (i) to support an activity for which  
5-19 consideration is given or received or for which the product of the  
5-20 activity is sold; or

5-21 (ii) by or for a public water system.

5-22 (2) "Livestock use" means the use of groundwater for  
5-23 the open-range watering of livestock, exotic livestock, game  
5-24 animals, or fur-bearing animals. For purposes of this subdivision,  
5-25 "livestock" and "exotic livestock" have the meanings assigned by  
5-26 Sections 1.003 and 142.001, Agriculture Code, respectively, and  
5-27 "game animal" and "fur-bearing animal" have the meanings assigned  
5-28 by Sections 63.001 and 71.001, Parks and Wildlife Code,  
5-29 respectively. Livestock use does not include use by or for a public  
5-30 water system.

5-31 Sec. 8852.104. EFFECTS OF TRANSFER. (a) In reviewing a  
5-32 proposed transfer of groundwater out of the district in accordance  
5-33 with Section 36.122(f), Water Code, the district shall determine  
5-34 whether the proposed transfer would have a negative effect on:

5-35 (1) the availability of water in the district;

5-36 (2) the conditions of any aquifer that overlies the  
5-37 district;

5-38 (3) subsidence in the district;

5-39 (4) existing permit holders or other groundwater users  
5-40 in the district; and

5-41 (5) any applicable approved regional water plan or  
5-42 certified district management plan.

5-43 (b) If the district determines under Subsection (a) that the  
5-44 transfer would have a negative effect, the district may, in  
5-45 addition to the conditions authorized by Section 36.122, Water  
5-46 Code, impose other requirements or limitations on the permit that  
5-47 are designed to minimize the effect.

5-48 (c) Sections 36.122(c), (i), and (j), Water Code, do not  
5-49 apply to a requirement or limitation imposed under this section.

5-50 (d) The district may impose a fee or surcharge as an export  
5-51 fee. The restrictions under Section 36.122(e), Water Code, do not  
5-52 apply to a fee or surcharge imposed under this subsection.

5-53 Sec. 8852.105. APPLICABILITY OF DISTRICT REGULATIONS.  
5-54 Groundwater regulations adopted by the district under this chapter  
5-55 apply to all persons except as exempted under Section 36.117, Water  
5-56 Code, or this chapter.

5-57 Sec. 8852.106. NO EMINENT DOMAIN POWER. The district may  
5-58 not exercise the power of eminent domain.

5-59 Sec. 8852.107. LANDOWNERS' RIGHTS. The rights of  
5-60 landowners and their lessees and assigns in groundwater in the  
5-61 district are recognized. Nothing in this chapter shall be  
5-62 construed to deprive or divest the owners or their lessees and  
5-63 assigns of their rights, subject to district rules.

5-64 Sec. 8852.108. LIMITATION ON RULEMAKING POWER NOT  
5-65 APPLICABLE. Section 36.121, Water Code, does not apply to the  
5-66 district.

5-67 [Sections 8852.109-8852.150 reserved for expansion]

5-68 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

5-69 Sec. 8852.151. REVENUE. To pay the maintenance and

6-1 operating costs of the district and to pay any bonds or notes issued  
6-2 by the district, the district may impose ad valorem taxes at a rate  
6-3 not to exceed three cents on each \$100 of assessed valuation of  
6-4 taxable property in the district.

6-5 Sec. 8852.152. GRANTS, GIFTS, AND DONATIONS. The district  
6-6 may solicit and accept grants, gifts, and donations from any public  
6-7 or private source.

6-8 [Sections 8852.153-8852.200 reserved for expansion]

6-9 SUBCHAPTER F. DISSOLUTION

6-10 Sec. 8852.201. SUBCHAPTER CUMULATIVE. The provisions of  
6-11 this subchapter are cumulative of the provisions of Subchapter I,  
6-12 Chapter 36, Water Code.

6-13 Sec. 8852.202. DISSOLUTION BY ELECTION. (a) After January  
6-14 1, 2016, the board shall order an election on the question of  
6-15 dissolving the district if the board receives a petition requesting  
6-16 that an election be held for that purpose that is signed by at least  
6-17 15 percent of the district's registered voters.

6-18 (b) Not later than the 30th day after the date the board  
6-19 receives the petition, the directors shall:

6-20 (1) validate the signatures on the petition; and

6-21 (2) if the signatures are validated, order an election  
6-22 on the next uniform election date under Section 41.001, Election  
6-23 Code.

6-24 (c) The order calling the election must state the nature of  
6-25 the election, including the proposition that is to appear on the  
6-26 ballot.

6-27 Sec. 8852.203. NOTICE OF ELECTION. Notice of an election  
6-28 under this subchapter must be provided by posting a copy of the  
6-29 order calling the election in at least one conspicuous place for at  
6-30 least 10 days before the day of the election at the county  
6-31 courthouse in Brooks County, Jim Hogg County, Jim Wells County, and  
6-32 Hidalgo County.

6-33 Sec. 8852.204. BALLOT. The ballot for an election under  
6-34 this subchapter must be printed to permit voting for or against the  
6-35 proposition: "The dissolution of the Brush Country Groundwater  
6-36 Conservation District."

6-37 Sec. 8852.205. ELECTION RESULTS; DISPOSITION OF ASSETS. If  
6-38 a majority of the votes in an election under this subchapter favor  
6-39 dissolution:

6-40 (1) the board shall find that the district is  
6-41 dissolved; and

6-42 (2) Section 36.310, Water Code, applies for the  
6-43 purpose of disposition of the district's assets.

6-44 SECTION 2. The Brush Country Groundwater Conservation  
6-45 District initially includes all the territory contained in the  
6-46 following area:

6-47 (a) all real property within the boundaries of Jim Hogg  
6-48 County, Texas;

6-49 (b) all real property in Brooks County save and except all  
6-50 of those portions of Brooks County that, as of the effective date of  
6-51 this Act, are located within the Kenedy County Groundwater  
6-52 Conservation District;

6-53 (c) all real property in Jim Wells County save and except  
6-54 all of those portions of Jim Wells County that, as of January 1,  
6-55 2009, are located within the Kenedy County Groundwater Conservation  
6-56 District; and

6-57 (d) all real property in Hidalgo County contained in the  
6-58 following described area:

6-59 10,953.38 acres of land, more or less, out of the Guadalupe  
6-60 Sanchez Grant, Abstract 481, Brooks County, Texas, also known as  
6-61 the "La Rucia Grant", and any adjoining surveys, the said 10,953.38  
6-62 acres being more particularly described as follows:

6-63 COMMENCING at a Stone marking the southwest corner of the  
6-64 Juan Garza Diaz Grant, Abstract 192, Brooks County, Texas, and  
6-65 Abstract 82, in Hidalgo County, Texas, being also an inner corner of  
6-66 the Argyle McAllen 8827.00 acre-tract as described in that certain  
6-67 Oil, Gas and Mineral Lease executed by Argyle McAllen in favor of  
6-68 Shell Oil Company, dated January 10, 1958, and recorded in Volume  
6-69 210, Page 342, of the Oil and Gas Records of said County;

7-1           THENCE North 01° 15' 50" East with the east line of the said  
7-2 "La Rucia Grant" and with a fence, a distance of 322.2 varas to a  
7-3 fence corner marking the south-east corner and BEGINNING POINT of  
7-4 the herein described tract;

7-5           THENCE in a westerly direction with the said fence, being  
7-6 also the north line of the said McAllen 8827.00-acre tract and with  
7-7 the north line of the Argyle McAllen 23,597.00 acre tract as  
7-8 described in the Oil, Gas and Mineral lease executed by Argyle  
7-9 McAllen in favor of Shell Oil Company, dated September 5, 1947, and  
7-10 recorded in Volume 74, page 112, of the Oil and Gas Records of  
7-11 Hidalgo County, Texas; thence with said line the following courses  
7-12 and distances: North 85° 06' 40" West, 3538.3 varas; North 84° 39'  
7-13 20" West, 2104.4 varas; and North 81° 32' 50" West, 725.3 varas to a  
7-14 southeast corner of the J. C. McGill, Jr., et al 640-acre tract,  
7-15 being a part of a 38,644.1-acre tract, being also a point on the  
7-16 east line of the Texas-Mexico R. R. Survey No. 189, Abstract 157;

7-17           THENCE North 00° 55' East with the said fence and the east  
7-18 lines of the said Tex-Mex R. R. Survey No. 189, the Tex-Mex R. R.  
7-19 Survey No. 190, Abstract 785, and the Tex-Mex R. R. Survey No. 191,  
7-20 Abstract 158, a total distance of 5076.5 varas to a point for  
7-21 corner, from which a Mesquite Marked "X" bears South 61° 45' East  
7-22 74.0 varas;

7-23           THENCE, North 00° 54' East with the said fence and with the  
7-24 east line of the Jose Antonio Morales Garcia and Apolinario Morales  
7-25 Garcia Grant, known as the "San Antonio Grant", Abstract 214,  
7-26 Brooks County, Abstract 578, Hidalgo County, and Abstract 103 in  
7-27 Starr County, a distance of 4280.8 varas to the fence corner, the  
7-28 southwest corner of the Louella Jones Borglum 7036.01-acre tract  
7-29 (called 8576.50 acres);

7-30           THENCE, South 89° 40' East with the south fence and with the  
7-31 south line of the said Borglum 7036.01 acre tract a distance of  
7-32 6202.3 varas to a fence corner marking the southeast corner of the  
7-33 same, being also a point on the west line of the Juan Garza Diaz  
7-34 Grant, also known as the "Vargas Grant", Abstract 192, in Brooks  
7-35 County, and Abstract 82, in Hidalgo County, Texas;

7-36           THENCE South 00° 04' West with the said fence and the west line  
7-37 of the said "Vargas Grant", a distance of 9924.7 varas to the PLACE  
7-38 OF BEGINNING and containing 10,953.38 acres of land, more or less.

7-39           SECTION 3. (a) The legal notice of the intention to  
7-40 introduce this Act, setting forth the general substance of this  
7-41 Act, has been published as provided by law, and the notice and a  
7-42 copy of this Act have been furnished to all persons, agencies,  
7-43 officials, or entities to which they are required to be furnished  
7-44 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
7-45 Government Code.

7-46           (b) The governor has submitted the notice and Act to the  
7-47 Texas Commission on Environmental Quality.

7-48           (c) The Texas Commission on Environmental Quality has filed  
7-49 its recommendations relating to this Act with the governor,  
7-50 lieutenant governor, and speaker of the house of representatives  
7-51 within the required time.

7-52           (d) All requirements of the constitution and laws of this  
7-53 state and the rules and procedures of the legislature with respect  
7-54 to the notice, introduction, and passage of this Act are fulfilled  
7-55 and accomplished.

7-56           SECTION 4. This Act takes effect immediately if it receives  
7-57 a vote of two-thirds of all the members elected to each house, as  
7-58 provided by Section 39, Article III, Texas Constitution. If this  
7-59 Act does not receive the vote necessary for immediate effect, this  
7-60 Act takes effect September 1, 2009.

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