Sec. 1002.352. GEOSCIENTIST IN TRAINING. The board by rule shall establish criteria by which an individual who expresses the intent to become a licensed geoscientist under this chapter may register with the board as a geoscientist in training.

Sec. 1002.353. ADVISORY OPINIONS. (a) On its own initiative or at the request of any interested person, the board shall prepare a written advisory opinion regarding:

(1) an interpretation of this chapter; or

(2) the application of this chapter to a person with respect to a specified existing or hypothetical factual situation.

(b) The board shall respond to a request for an opinion not later than the 180th day after the date the request is submitted to the board unless the board affirmatively states the board’s reason for not responding to the request within that period or not responding to the request at all.

(c) The board shall:

(1) number and classify each advisory opinion issued under this subchapter; and

(2) annually compile a summary of the opinions in a single document that is available on the Internet.

(d) The authority of the board to issue an advisory opinion under this subchapter does not affect the authority of the attorney general to issue an opinion as authorized by law.

(e) It is a defense to prosecution or to imposition of an administrative penalty that a person reasonably relied on a written advisory opinion of the board relating to:

(1) the provision of the law the person is alleged to have violated; or

(2) a fact situation that is substantially similar to the fact situation in which the person is involved.

SECTION 5. This Act takes effect September 1, 2009.

Passed the Senate on April 9, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 146, Nays 0, one present not voting.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 505

S.B. No. 994

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 192; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 8330 to read as follows:

CHAPTER 8330. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 192

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8330.001. DEFINITIONS. In this chapter:

(1) “Board” means the district’s board of directors.

(2) “Director” means a board member.

(3) “District” means the Fort Bend County Municipal Utility District No. 192.

Sec. 8330.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.
Sec. 8330.003. 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. 8330.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The temporary directors may not hold an election under Section 8330.003 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.

(b) Subject to the limitations of Section 54.016, Water Code, the district shall comply with all applicable requirements of any ordinance or resolution adopted by the governing body of the municipality that consents to the creation of the district or to the inclusion of lands within the district.

(c) In addition to the restrictions and conditions described by Section 54.016(e), Water Code, a municipality that contains district territory in its corporate limits or extraterritorial jurisdiction may include in the municipality’s consent any restriction on or condition to the municipality’s consent to the creation of the district, including a limitation on the powers of the district otherwise granted by this chapter.

Sec. 8330.005. 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, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8330.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district’s:

(1) organization, existence, or validity;

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

(3) right to impose a tax; or

(4) legality or operation.

[Sections 8330.007–8330.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8330.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8330.052, directors serve staggered four-year terms.

Sec. 8330.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act creating this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8330.003; or

(2) the fourth anniversary of the effective date of the Act creating this chapter.
(c) If permanent directors have not been elected under Section 8330.003 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 8330.003; or
(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 8330.053-8330.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8330.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8330.102. 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. 8330.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the Texas Commission on Environmental Quality as required by Section 54.234, Water Code.

Sec. 8330.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8330.103 unless:

(1) each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain the road; or
(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 8330.105. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8330.103; or
(2) a recreational facility as defined by Section 49.462, Water Code.

[Sections 8330.106-8330.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8330.151. 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 8330.153.

(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.

1125
(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. 8330.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8330.151, 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. 8330.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

[Sections 8330.154–8330.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8330.201. 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. 8330.202. 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. 8330.203. 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 Fort Bend County Municipal Utility District No. 192 initially includes all the territory contained in the following area:

TRACT I

Being a 37.73-acre (1,643,604 square feet) tract of land situated in the Abner Kuykendall League, A–48, Fort Bend County, Texas, and being portion of a called 53.9470-acre tract of land designated Tract “A” as recorded under File Number 9725698, Fort Bend County Official Records (F.B.C.O.R.). Said 37.73-acre tract of land being more particularly described by metes and bounds as follows, with all bearings referenced to the Texas Coordinate System of 1983, South Central Zone. All distances are surface based on the surface coordinates (X = 3,038,374.04, Y = 13,790,244.28) of N.G.S. Control Monument “HGCSD 70” 1983 adjustment:

BEGINNING at a 3-inch by 4-inch iron bar found marking the northerly right-of-way line of Thompson Road (F.M. 762) (100 feet wide) and the westerly line of the C.I. McFarlane called 2.2-acre tract as recorded under Volume 126, Page 197 of the Fort Bend County Deed Records (F.B.C.D.R.), also being the most southerly southwest corner of said 53.9470 acre Tract “A”, and being in the easterly line of a called 681.81-acre tract as recorded under Volume 510, Page 213 of said F.B.C.D.R.;

THENCE, North 20°11’32” East, departing said Thompson Road a distance of 362.29 feet along a common line of said 53.9470-acre Tract “A”, and said 681.81-acre tract to a point marking the northeasterly corner said 681.81-acre tract and an interior corner of said Tract “A”;
THENCE, North 66°39'25" West, along the line common to said 53.9470-acre Tract “A” and said 681.81-acre tract, a distance of 433.02 feet to an angel point from which a one-inch iron pipe found bears N 65°16' E, 0.83 feet;

THENCE, North 67°18'25" West, continuing along the line common to said 53.9470-acre Tract “A” and said 681.81-acre tract, a distance of 550.00 feet to an angel point from which a 5/8-inch iron rod found bears N 12°21' E, 0.35 feet;

THENCE, North 66°51'25" West, continuing along the line common to said 53.9470-acre Tract “A” and said 681.81-acre tract, a distance of 331.00 feet to an angel point from which a 5/8-inch iron rod found bears N 24°21' E, 0.35 feet;

THENCE, North 67°20'14" West, continuing along the line common to said 53.9470-acre Tract “A”, and said 681.81-acre tract, a distance of 770.26 feet to a 5/8-inch iron rod with cap stamped “Kalkomey Surveying” found for the southwesterly corner of the herein described tract;

THENCE, North 21°52'30" East, departing said common line, a distance of 640.02 feet to a p.k. nail set for corner in the centerline of Macek Road (60 feet wide);

THENCE, South 68°11'55" East, along the centerline of said Macek Road, a distance of 268.46 feet to a p.k. nail set for corner;

THENCE, South 68°02'25" East, along the centerline of said Macek Road and along the southerly line of a called 8.6445 acre tract as recorded under File Number 9707473 of said F.B.C.O.R., passing at 579.12 feet a 5/8-inch iron rod with cap stamped “Kalkomey Surveying” found for the southeast corner of said 8.6445 acre tract, being the southwest corner of a called 0.50 acre tract as recorded under File Number 9520600 of said F.B.C.O.R., also being an angle point in said Macek Road, and continuing along the line common to said 53.9470 acre Tract “A”, and said 0.50 acre tract for a total distance of 560.40 feet to a 5/8-inch iron rod found for an interior corner;

THENCE, North 23°11'42" East, along the line common to said 53.9470 acre Tract “A” and said 0.50 acre tract a distance of 163.89 feet to a 5/8-inch iron rod with cap stamped “SURVCON INC.” set for the southeast corner of a called 8.6445 acre Tract “B” as recorded under File Number 9707473 of said F.B.C.O.R., and being an angle point in the northerly line of said Tract “A”;

THENCE, South 68°02'25" East, along the line common to said 53.9470 acre Tract “A” and said 8.6445 acre tract “B”, a distance of 1,295.70 feet to a 5/8-inch iron rod found for the northeast corner of said Tract “A”, being an interior corner of said Tract “B”;

THENCE, South 20'11'32" West, continuing along the line common to said Tracts “A” and “B”, a distance of 1,182.38 feet to an angel point from which a one-inch iron pipe found bears S 24°49' E, 0.64 feet for the common south corner of said Tracts “A” and “B”, and being in the aforementioned northerly right-of-way line of Thompson Road;

THENCE, North 83°18'50" West, along said northerly right-of-way line, a distance of 70.97 feet to the POINT OF BEGINNING, containing a computed area of 37.73 acres (1,643,604 square feet) of land.

TRACT II


BEGINNING at a 5/8 inch iron rod found at the lower south corner of the aforementioned called 8.6445 acre tract of land, same being the west corner of an adjoining called 0.50 acre tract of land described in deed recorded in County Clerk’s File No. 1999018432, Official Public
Ch. 505, § 2

81st LEGISLATURE—REGULAR SESSION
Records, Fort Bend County, Texas, being in the northeast line of an adjoining called 53.9470 acre tract of land described in deed recorded in County Clerk's File No. 9725698, Official Public Records, Fort Bend County, Texas, as located within the margins of Macek Road and being the lower south corner and Place of Beginning of the herein described 8.632 acre tract of land;

THENCE North 65 degrees 05 minutes 45 seconds West (called North 65 degrees 01 minute West) along the common line of the aforementioned called 8.6445 acre tract of land and the aforementioned adjoining called 53.9470 acre tract of land as located in Macek Road, 280.37 feet (called 280.10 feet) to a cotton picker spindle set on said line for the lower west corner of the herein described 8.632 acre tract of land;

THENCE North 26 degrees 13 minutes 00 seconds East (called North 26 degrees 13 minutes East), 20.00 feet (called 20.00 feet) to a 2 inch iron bar found in the northeast margin of Macek Road for a re-entry corner to the herein described 8.632 acre tract of land, from which point a found 3/4 inch iron pipe bears North 22 degrees 18 minutes 20 seconds East, 1.30 feet;

THENCE North 65 degrees 01 minute 50 seconds West (called North 65 degrees 01 minute West) along the northeast line of Macek Road, 123.34 feet (called 123.66 feet) to a 5/8 inch iron rod found for the upper west corner of the herein described 8.632 acre tract of land, same being the upper west corner of the aforementioned called 8.6445 acre tract of land, and being the south corner of an adjoining called 1.00 acre tract of land described in deed recorded in County Clerk's File No. 9576651, Official Public Records, Fort Bend County, Texas;

THENCE North 26 degrees 04 minutes 39 seconds East (called North 26 degrees 03 minutes 53 seconds East) along the common line of the aforementioned called 8.6445 acre tract of land, and the aforementioned adjoining called 1.00 acre tract of land, at 435.72 feet pass a 2 inch iron pipe found on said line for the east corner of the aforementioned adjoining called 1.00 acre tract of land, same being a south corner of an adjoining residue of a called 20 acre tract of land recorded in Cause No. 16049, Probate Records, Fort Bend County, Texas, and described in Volume 704, Page 1, Deed Records, Fort Bend, County, Texas, at 1,404.00 feet pass a 2 inch iron pipe with cap marked "Kalkomey Surveying" set for reference on said line at the southerly high bank of Rabbs Bayou and continuing for a total distance of 1,565.62 feet (called 1,565.62 feet) to a point in the center line of Rabbs Bayou for the north corner of the herein described 8.632 acre tract of land, same being the north corner of said called 8.6445 acre tract of land, being in the southeast line of the aforementioned adjoining residue of a called 20 acre tract of land, and being a west corner of an adjoining called 10.5247 acre tract of land described in deed recorded in County Clerk's File No. 2000023853, Official Public Records, Fort Bend County, Texas;

THENCE South 84 degrees 56 minutes 49 seconds East (called South 86 degrees 04 minutes 53 seconds East) along the center line of Rabbs Bayou, being the common line of the aforementioned called 8.6445 acre tract of land and the aforementioned adjoining called 10.8247 acre tract of land, 136.30 feet (called 138.10 feet) to a point in the center line of Rabbs Bayou for the upper east corner of the herein described 8.632 acre tract of land, same being the north corner of an adjoining residue of a called 17.86 acre tract of land (4.0591 acres) described in deed recorded in Volume 140, Page 114, Deed Records, Fort Bend County, Texas;

THENCE South 26 degrees 13 minutes 00 seconds West (called South 26 degrees 13 minutes West) along the common line of the aforementioned called 8.6445 acre tract of land and the aforementioned adjoining residue of a called 17.86 acre tract of land, at 103.00 feet pass a 2 inch iron pipe found on said line for reference at the southerly high bank of Rabbs Bayou, and continuing for a total distance of 596.89 feet (called 602.27 feet) to a 2 inch iron pipe found for a re-entry corner to the herein described 8.632 acre tract of land, same being the west corner of the aforementioned adjoining residue of a called 17.86 acre tract of land;

THENCE South 65 degrees 52 minutes 28 seconds East (called South 66 degrees 16 minutes 00 seconds East) continuing along the common line of said called 8.6445 acre tract of land and the aforementioned adjoining residue of a called 17.86 acre tract of land, at 0.74 feet pass a 3/4 inch iron pipe found on said line, at 250.46 feet pass a 2 inch iron pipe found on said
line at its intersection with the northwest line of Maeck Road, and continuing for a total distance of 280.48 feet (called 280.30 feet) to a cotton picker spindle found for the middle east corner of the herein described 8.632 acre tract of land, same being the south corner of the aforementioned adjoining residue of a called 17.86 acre tract of land, and being in the northwest line of an adjoining called 1.0 acre tract of land described in deed recorded in Volume 2425, Page 1179, Official Records, Fort Bend County, Texas;

THENCE South 26 degrees 13 minutes 00 seconds West (called South 26 degrees 13 minutes 00 seconds West) along the common line of said called 8.6445 acre tract of land and the aforementioned adjoining called 1.0 acre tract of land, and an adjoining called 0.50 acre tract of land described in deed recorded in Volume 2425, Page 1183, Official Records, Fort Bend County, Texas, as located in Maeck Road, 60.00 feet (called 60.00 feet) to a cotton picker spindle set for the upper south corner of the herein described 8.632 acre tract of land, same being the east corner of an adjoining called 2.608 acre tract of land described in deed recorded in Volume 664, Page 720, Deed Records, Fort Bend County, Texas;

THENCE North 66 degrees 18 minutes 16 seconds West (called North 66 degrees 16 minutes 00 seconds West) along the common line of said called 8.6445 acre tract of land and the aforementioned adjoining called 2.608 acre tract of land, at 30.02 feet pass a 5/8 inch iron rod found on said line at its intersection with the northwest line of Maeck Road, and continuing for a total distance of 280.57 feet (called 280.30 feet) to a 5/8 inch iron rod found for a re-entry corner to the herein described 8.632 acre tract of land, same being the north corner of the aforementioned adjoining called 2.608 acre tract of land;

THENCE South 26 degrees 13 minutes 00 seconds West (called South 26 degrees 13 minutes 00 seconds West) continuing along the common line of said called 8.6445 acre tract of land and the aforementioned adjoining called 2.608 acre tract of land, 405.61 feet (called 405.61 feet) to a 2 inch iron pipe with cap marked “Kalkomey Surveying” set for a re-entry corner to the herein described 8.632 acre tract of land, same being the west corner of the aforementioned adjoining called 2.608 acre tract of land, from which a found 3/4 inch iron pipe bears north 54 degrees 39 minutes 05 seconds East, 2.00 feet;

THENCE South 66 degrees 19 minutes 55 seconds East (called South 66 degrees 16 minutes 00 seconds East) continuing along the common line of said called 8.6445 acre tract of land and the aforementioned adjoining called 2.608 acre tract of land, at 250.55 feet pass a 2 inch iron pipe with cap marked “Kalkomey Surveying” set on said line at its intersection with the northwest line of Maeck Road, and continuing for a total distance of 280.58 feet (called 280.30 feet) to a cotton picker spindle set for the lower east corner of the herein described 8.632 acre tract of land, being the south corner of the aforementioned adjoining called 2.608 acre tract of land, and being in the northwest line of an adjoining called 0.515 acre tract of land described in deed recorded in Volume 2060, Page 1525, Official Records, Fort Bend County, Texas;

THENCE South 26 degrees 13 minutes 00 seconds West (called South 26 degrees 13 minutes 00 seconds West) along the southeasterly line of said called 8.6445 acre tract of land as located in Maeck Road, same being the northwest line of the aforementioned adjoining called 0.515 acre tract of land, and the northwest line of an adjoining called 1.0 acre tract of land described in deed recorded in Volume 485, Page 320, Deed Records, Fort Bend County, Texas, the northwest line of an adjoining residue of a called 1.0 acre tract of land described in deed recorded in Volume 559, Page 59, Deed Records, Fort Bend County, Texas, the northwest line of an adjoining called 0.50 acre tract of land described in County Clerk’s File No. 9887910, Official Public Records, Fort Bend County, Texas, the northwest line of an adjoining called 0.50 acre tract of land described in Volume 594, Page 861, Deed Records, Fort Bend County, Texas, the northwest line of an adjoining called 0.500 acre tract of land described in Deed Records, Fort Bend County, Texas, the northwest line of an adjoining called 2.00 acre tract described in deed recorded in Volume 1999018432, Official Public Records, Fort Bend County, Texas, 573.59 feet (called 573.59 feet) to the Place of Beginning and containing 8.632 acres of land, with 0.550 acre within the margins of Maeck Road, for a net acreage of 8.092 acres of land, more or less.

TRACT III
Being a 53.91-acre (2,348,320 square feet) tract of land situated in the Abner Kuykendall League, A-48, Fort Bend County, Texas, and being all of a called 53.9470-acre tract of land designated Tract “B” as recorded under File Number 9725698, Fort Bend County Official Records (F.B.C.O.R.). Said 53.91-acre tract of land being more particularly described by metes and bounds as follows, with all bearings referenced to the Texas Coordinate System of 1983, South Central Zone. All distances are surface based on N.G.S. Control Monument “HGCSD 70” 1983 adjustment:

BEGINNING at a 5/8-inch iron rod with cap stamped “SURVCON INC.” set marking the northerly right-of-way line of Thompson Road (F.M. 762)(100 feet wide) and being the most southerly southeasterly corner of said 53.9470 acre Tract “B”, and being in the westerly line of a called 193-acre tract as recorded under Volume 487, Page 664 of said F.B.C.D.R.;

THENCE, North 83°18'51" West, along said northerly right-of-way line, a distance of 198.65 feet to point from which a one-inch iron pipe found bears S 24°49' W, 0.64 feet for the common south corner of said Tracts “A” and “B”;

THENCE, North 20°11'32" East, departing said northerly right-of-way line and along the common line to said 53.9470-acre Tract “B” and called 53.9470-acre Tract “A” as recorded under File Number 9725698 of said F.B.C.O.R., a distance of 1,182.38 feet to a 3/4-inch iron pipe found for an interior corner of the herein described tract;

THENCE, North 68°02'25" West, along said common line, a distance of 1,294.57 feet to a 5/8-inch iron rod with cap stamped “SURVCON INC.” found for westerly corner;

THENCE, North 23°11'42" East, departing said common line, a distance of 459.12 feet to a 3/4-inch iron pipe found for an interior corner;

THENCE, North 66°48'19 " West, a distance of 250.30 feet to a 5/8-inch iron rod with cap stamped “SURVCON INC.” set for corner;

THENCE, South 66°48'19 " East, departing said easterly right-of-way line, a distance of 250.30 feet to a 1 1/2-inch iron pipe found for an interior corner;

THENCE, North 23°11'42" East, a distance of 936.40 feet to a point for the most northwest corner of the herein described tract same being in the center line of Rabbs Bayou;

THENCE, South 54°28'48" East, along said center line, a distance of 175.09 feet to an angle point;

THENCE, South 60°15'56" East, along said center line, a distance of 554.12 feet to an angle point;

THENCE, South 72°57'10" East, continuing along said center line, a distance of 260.14 feet to an angle point;

THENCE, South 79°36'31" East, continuing along said center line, a distance of 246.18 feet to an angle point;

THENCE, South 75°23'46" East, continuing along said center line, a distance of 166.22 feet to an angle point;

THENCE, South 71°08'39" East, continuing along said center line, a distance of 82.35 feet to a point for the northeast corner of the herein described tract;

THENCE, South 21°25'15" West, departing said center line, a distance of 2,581.44 feet to the POINT OF BEGINNING, containing a computed area of 53.91 acres (2,348,320 square feet) 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.
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.

All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

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

Passed the Senate on May 5, 2009: Yeas 31, Nays 0; passed the House on May 25, 2009: Yeas 141, Nays 0, two present not voting.

Approved June 19, 2009.


CHAPTER 506

S.B. No. 1016

AN ACT relating to the continuation and functions of the Department of Agriculture and the Prescribed Burning Board, the creation of the Texas Bioenergy Policy Council and Texas Bioenergy Research Committee, and the abolition of the Texas-Israel Exchange Fund Board; providing penalties.

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

ARTICLE 1. TEXAS AGRICULTURAL FINANCE AUTHORITY

SECTION 1.01. Subdivisions (1) and (2), Section 44.001, Agriculture Code, are amended to read as follows:

(1) "Eligible lending institution" means a financial institution that makes commercial loans, is either a depository of state funds or an institution of the Farm Credit System headquartered in this state, and agrees to participate in the interest rate reduction [linked deposit] program and to provide collateral equal to the amount of linked deposits placed with it.

(2) "Eligible borrower" means a person who proposes to use the proceeds of a loan under this chapter in a manner that will help accomplish the state's goal of fostering the creation and expansion of enterprises based on agriculture in this state [is in the business of entering the business of:

[(A) processing and marketing agricultural crops in this state;

 [(B) producing alternative agricultural crops in this state;

 (C) producing agricultural crops in this state the production of which has declined because of natural disasters;

 (D) producing agricultural crops in this state using water conservation equipment for agricultural production purposes; or

 (E) providing nonagricultural goods or services that provide an economic benefit to a municipality or county in a rural area].

SECTION 1.02. The heading to Section 44.007, Agriculture Code, is amended to read as follows:

Sec. 44.007. INTEREST RATE REDUCTION [LINKED DEPOSIT] PROGRAM.

SECTION 1.03. Subsections (a), (c), (d), (k), and (l), Section 44.007, Agriculture Code, are amended to read as follows:

1131