

SEVENTY-THIRD DAY (Continued)—THURSDAY, MAY 13, 1971

The House met at 9:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Craddick	Kaster	Salem
Adams	Cruz	Kubiak	Salter
Agnich	Davis, H.	Lemmon	Schulle
Allen, Joe	Denton	Lewis	Shannon
Allen, John	Doran	Ligarde	Sherman
Allred	Dramberger	Lombardino	Short
Atwood	Finnell	Longoria	Silber
Baker	Finney	Lovell	Simmons
Bass, T.	Floyd	McAlister	Slider
Beckham	Foreman	McKissack	Smith
Bigham	Grant	Moncrief	Solomon
Blanton	Hale	Moore, A.	Spurlock
Blythe	Hanna, Joe	Murray	Stewart
Boyle	Harding	Nabers	Swanson
Braecklein	Harris	Newton	Tarbox
Burgess	Hawkins	Nichols	Traeger
Bynum	Hawn	Niland	Truan
Caldwell	Head	Nugent, J.	Tupper
Calhoun	Heatly	Ogg	Vale
Carrillo	Hendricks	Parker, W.	Von Dohlen
Cates	Hilliard	Patterson	Ward
Christian	Holmes, T.	Pickens	Wayne
Clark	Hubenak	Poerner	Wieting
Clayton	Ingram	Poff	Williams
Coats	Johnson	Presnal	
Cobb	Jones, G.	Reed	
Cole	Jungmichel	Rosson	

Absent

Angly	Gammage	Kilpatrick	Price
Atwell	Garcia	Kost	Rodriguez
Bass, B.	Golman	Lee	Sanchez
Bowers	Graves	Mengden	Santiesteban
Cavness	Hannah, John	Moore, G.	Semos
Daniel	Haynes	Moore, T.	Slack
Davis, D.	Holmes, Z.	Moreno	Uher
Doyle	Howard	Nelms	Wolf
Earthman	Hull	Neugent, D.	Wyatt
Farenthold	Jones, D.	Orr	
Finck	Jones, E.	Parker, C.	

Absent-Excused

Braun	Stroud	Williamson
-------	--------	------------

A quorum of the House was announced present.

The Invocation was offered by the Honorable Jack Hawkins, as follows:

A Supplication of Thanks—**Gracious Heavenly Father:**

With the realization that the 62nd Session of the Texas Legislature is nearing an end, we, each as individual Members of this great deliberative Body, wish to pause this morning to thank each of our fellow Members for thoughtful consideration that has been given to our respective pieces of legislation, and especially to the committees who have considered our respective legislation.

Also, do we both, as individual Members and collectively, wish to give thanks for the fine personnel in the House of Representatives and throughout the Capitol, the secretaries, the clerks, the Sergeant at Arms' office, the guards and the guides, all of whom have contributed so much to the success and well-being of the Legislative Session.

And above all, Lord, do we thank Thee for Thy guidance and grace, and we pray that we might deport ourselves in these final days in a manner to prove worthy in Thy sight. In Christ's Name, Amen.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of illness:

Mr. Braun on motion of Mr. Harris.

Mr. Williamson on motion of Mr. Hawkins.

Mr. Stroud on motion of Mr. Tom Bass.

MESSAGE FROM THE SENATE

Austin, Texas, May 13, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 612 and SB 730 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 629 by 31 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 96, By Herring: Authorizing State of Texas to accept gifts, etc., for acquisition of site for a statewide museum.

SCR 97, By Bates: Authorizing Senate Enrolling Clerk to correct SB 413.

HCR 142, By Williams: Welcoming members of the American Legion to the National Convention in Houston.

HB 854, By Heatly: To authorize and make eligible, subject to approval, a countyline independent school district, etc.; and declaring an emergency.

HB 1440, By Clayton: Relating to loans and grants for certain political subdivisions to finance devices for the treatment of wastes; and declaring an emergency. (with amendments)

HB 1644, By Salter, T. Moore, and Denton: Relating to the salaries of justices of the peace in certain counties; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

(Mr. Shannon in the Chair)

Representatives Doyle, Uher, Howard, Wyatt, Santiesteban, Finck, Dean Neugent, Kilpatrick, Dee Jon Davis, Daniel, Haynes, Truan, Edmund Jones, and Carl Parker entered the House and were announced present.

CONSIDERATION OF BILLS ON THE LOCAL AND CONSENT CALENDAR

In accordance with a previous motion, the House proceeded to the consideration of bills on the Local and Consent Calendar.

SB 817 ON SECOND READING (Mr. Harris—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 817, Providing for the minimum salary of the Judge of County Court No. 1 of Galveston County and County Court No. 2 of Galveston County.

The bill was read second time.

Mr. Kaster offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 817, First Printing, as follows:

In line 39 delete the word "less" and insert in lieu thereof the word "more".

In line 40 after the word "Texas" replace the comma with a period and delete the balance of the sentence.

Committee Amendment No. 2

Amend SB 817 in line 24, First House Printing, in the caption, by changing the word "minimum" to the word "maximum".

The committee amendments were severally adopted without objection.

SB 817, as amended, was passed to third reading.

Representatives Price, Gammage, and Joe Allen entered the House and were announced present.

SB 315 ON SECOND READING
(Mr. Alired—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 315, Relating to salaries of investigators, assistants and stenographers of the District Attorney of the 30th Judicial District.

The bill was read second time and was passed to third reading.

Representative Golman entered the House and was announced present.

SB 550 ON SECOND READING
(Mr. Simmons—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 550, Relating to and authorizing a minimum and maximum salary for the official shorthand reporters of certain judicial districts; and certain County Courts at Law in Bexar County.

The bill was read second time.

Mr. Kaster offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 550 by striking on line 41, First House Printing, the words "less than \$10,000 nor", and on line 43 the words "minimum and", and by adding on line 43, between the word "courts" and the word "within", the words, "with the approval of the commissioners court".

Committee Amendment No. 2

Amend SB 550, First Printing, the caption, line 23, by striking the words "minimum and".

The committee amendments were severally adopted without objection.

SB 550, as amended, was passed to third reading.

HB 1109 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1109, Providing that certain land may be annexed to Harris County Utility District No. 3 in a certain manner.

The bill was read second time and was passed to engrossment.

Representatives Semos and McKissack entered the House and were announced present.

HB 1157 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1157, Relating to providing an open season for deer and no open season for turkey in Leon County.

The bill was read second time and was passed to engrossment.

HB 849 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 849, Relating to the salary of the official shorthand reporter for the 196th Judicial District.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 849 by striking "less than \$8,500 per annum, nor" in Section 1.

The committee amendment was adopted without objection.

HB 849, as amended, was passed to engrossment.

HB 1184 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1184, Relating to the appointment and compensation of reporters for the 70th and 161st Judicial Districts and for the County Court at Law of Ector County.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1184, First Printing, by striking on lines 25-26 the phrase "less than eight thousand five hundred dollars (\$8,500.00) nor".

The committee amendment was adopted without objection.

HB 1184, as amended, was passed to engrossment.

HB 1643 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1643, Relating to the compensation of the Criminal District Attorney of Harrison County and his assistants; prohibiting their private practice.

The bill was read second time.

Representative Kost entered the House and was announced present.

HB 1643—(Consideration continued)

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1643, First Printing, by:

- (1) striking on line 21 the word "The" and substituting the words "an annual";
- (2) striking on lines 21-22 the phrase "less than Thirteen Thousand, Five Hundred Dollars (\$13,500) per annum nor";
- (3) adding on line 37, between the words "their" and "salary", the word "annual"; and
- (4) striking on lines 38-39 the phrase "less than Seven Thousand, Eight Hundred Dollars (\$7,800) per annum and not".

The committee amendment was adopted without objection.

HB 1643, as amended, was passed to engrossment.

HB 1196 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1196, Transferring Jones County from the 104th Judicial District to the 39th Judicial District and fixing terms of court.

The bill was read second time and was passed to engrossment.

Representatives Mengden and Bill Bass entered the House and were announced present.

HB 1765 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1765, Creating Tiger Lake Utility District of Orange County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1765 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Orange County, Texas, to be known as Tiger Lake Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Description of 994.8717 acres, more or less, of land out of the Nancy Davis League, Abstract No. 5, and the Pinkney Lout League, Abstract No. 17, Orange County, Texas, more particularly described as follows:

Beginning at the northeast corner of the Nancy Davis League Abstract No. 5, same being an interior corner of the Larkin Frazier Survey, Abstract No. 480, Orange County, Texas;

Thence S 00°37'00" E 316.62 feet along the east line of said Davis League and the southerly west line of said Frazier Survey to a point for corner, said point being the northeast corner of an 18.12 acre tract conveyed by Southwestern Settlement and Development Company to R. D. Kirsher;

Thence S 89°29'00" W 311.67 feet along the northerly north line of said Kirsher 18.12 acre tract to the northerly northwest corner of same and a point for corner of the herein described tract;

Thence S 00°35'00" E 443.89 feet along the northerly west line of said Kirsher 18.12 acre tract to an interior corner of same and a point for corner of the herein described tract;

Thence S 89°21'00" W 297.22 feet along the westerly north line of said Kirsher 18.12 acre tract to the southerly northwest corner of same and a point for corner of the herein described tract;

Thence S 00°31'00" E 321.50 feet along the west line of said Kirsher 18.12 acre tract to a point for corner in the northerly line of a 60 foot wide street right-of-way as shown on the plat of Warwick Park Subdivision;

Thence the following bearings and distances along the boundary of the said Warwick Park Subdivision:

In a northwesterly direction 54.10 feet following the arc of a curve to the right having a radius of 100.00 feet and a central angle of 31°00'00" to a point of reverse curve;

In a northwesterly direction 384.54' following the arc of a curve to the left having a radius of 722.78 feet and a central angle of 30°29'00" to a point of tangency,

West 111.20 feet to a point for corner;
North 140.00 feet to a point for corner;
West 800.00 feet to a point for corner;
South 380.00 feet to a point for corner;
East 200 feet to a point for corner;

In a northerly direction 40.34 feet following the arc of a curve to the right having a radius of 180.00 feet and a central angle of 12°50'23" to a point for corner;

East 595.50 feet to a point for corner;
North 140.00 feet to a point for corner;
East 111.20 feet to a point of curvature of a curve to the right;

In a southeasterly direction 352.62 feet following the arc of said curve to the right having a radius of 662.78 feet and a central angle of 30°29'00" to a point of reverse curve and,

In a southeasterly direction 86.57 feet following the arc of a curve to the left having a radius of 160.00 feet and a central angle of 31°00'00" to a point for corner in the west line of the aforementioned Kirsher 18.12 acre tract;

Thence S 00°31'00" E 678.89 feet along the west line of said Kirsher 18.12 acre tract to the southwest corner of same and a point for corner of the herein described tract;

Thence N 89°30'00" E 557.08 feet along the south line of said Kirsher 18.12 acre tract to a point for corner, said point being the northwest corner of a 4.006 acre tract conveyed by Southwestern Settlement and Development Company to the United Gas Pipeline Co.;

Thence S 00°45'00" E 1330.26 feet along the west line of said United Gas Pipeline Co. 4.006 acre tract to a point for corner, said point being the northeast corner of Wexford Park Subdivision;

Thence the following bearings and distances along the boundary of said Wexford Park Subdivision;

South 84°21'00" W 202.42 feet to a point for corner;
 North 38°45'00" W 100.00 feet to a point for corner;
 South 51°15'00" W 190.79 feet to a point for corner;
 North 38°45'00" W 100.71 feet to a point for corner;
 North 00°45'00" W 100.58 feet to a point for corner;
 South 89°15'00" W 60.00 feet to a point for corner;
 South 00°45'00" E 96.46 feet to a point for corner;

In a southwesterly direction 115.20 feet following the arc of a curve to the left having a radius of 770.00 feet and a central angle of 8°34'18" to a point for corner;

North 48°25'18" W 140.00 feet to a point for corner;
 North 83°31'02" W 730.14 feet to a point for corner;
 North 41°45'00" W 260.00 feet to a point for corner;
 South 48°15'00" W 537.74 feet to a point of curvature of a curve to the left;

In a southwesterly direction 67.37 feet following the arc of said curve to the left having a radius of 1930.00 feet and a central angle of 02°00'00" to a point for corner;

South 43°45'00" E 340.00 feet to a point for corner;

In a southwesterly direction 1304.28 feet following the arc of a curve to the left having a radius of 1590.00 feet and a central angle of 47° 00' 00" to a point of tangency;

South 00° 45' 00" E 100.29 feet to a point for corner; said point being the most southerly southwest corner of Wexford Park Subdivision;

Thence S 89° 10' 00" W 4572.10 feet to a point for corner;

Thence North 4626.19 feet to a point for corner in the north line of the aforementioned Nancy Davis League and the south line of the Pinkney Lout League;

Thence N 87° 59' 00" E 2594.44 feet along the north line of the said Davis League and the south line of the said Lout League to a point for corner, said point being the southwest corner of the Southwestern Settlement and Development Co. 550.00 acre tract in the said Lout League;

Thence N 01° 33' 00" W 5001.80 feet along the west line of said Southwestern Settlement and Development Company 550.00 acre tract to a point for corner, said point being the southwest corner of a 20.5 acre tract conveyed by Southwestern Settlement and Development Company to Price Day;

Thence N 88° 54' 00" E 245.67 feet along the south line of the said Day 20.5 acre tract to the southeast corner of same for a point for corner, said point also being the west or southwest corner of a 30.0 acre tract conveyed by Southwestern Settlement and Development Company to J. V. Byerly;

Thence S 47° 48' 00" E 833.06 feet along the southwest line of the said Byerly 30.0 acre tract to the south or southeast corner of same for a point for corner;

Thence N 42° 11' 00" E 245.28 feet along the southeast line of the said Byerly 30.0 acre tract to a point for corner;

Thence S 47° 47' 00" E at 40.00 feet past the west or southwest corner of a 10.0 acre tract conveyed by Southwestern Settlement and Development Company to R. M. Humberson in all a distance of 361.39 feet to the south or southeast corner of said Humberson 10.0 acre tract for a point for corner;

Thence N 42° 09' 00" E 178.06 feet along the southeast line of said Humberson 10.0 acre tract to a point for corner, said point being the west or southwest corner of a 10.0 acre tract conveyed by Southwestern Settlement and Development Company to G. H. Christian;

Thence S 47° 54' 00" E 320.83 feet along the southwest line of said Christian 10.0 acre tract to the southeast corner of same for a point for corner, said point being the southwest corner of a 21.1 acre tract conveyed by Southwestern Settlement and Development Company to E. C. Weaver;

Thence S 87° 54' 00" E 1322.78 feet along the south line of the said Weaver 21.1 acre tract to the southeast corner of same for a point for corner, said point also being the southwest corner of a 23.0 acre tract conveyed by Southwestern Settlement and Development Company to H. N. Merrell;

Thence N 88° 52' 00" E 627.22 feet along the south line of the said Merrell 23.0 acre tract to the southeast corner of same for a point for corner, said point being in the east line of the aforementioned Southwestern Settlement and Development Company 550.0 acre tract;

Thence S 00° 52' 00" E 4175.00 feet along the east line of the said Southwestern Settlement and Development Company 550.00 acre tract to the southeast corner of same for a point for corner, said point being in the south line of the aforementioned Pinkney Lout League and the north line of the Nancy Davis League;

Thence N 88° 32' 00" E at 652.78 feet pass the southeast corner of the said Pinkney Lout League in all a distance of 792.86 feet to the Point of Beginning, being part of the same property described as tract number 1 and parcel number 1 of tract number 2 of Orange County lands in the deed from East Texas Pulp and Paper Company to Carl T. Bledsoe and A. P. Hart, dated April 1, 1960 and recorded in Volume 250, Page 122 of the Orange County Deed Records.

The above described tract of land contains 994.8717 acres more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Homer H. Stalarow
Bert C. Thompson
James C. McDaniel III
M. J. Connor
Elaine Stalarow

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1765 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Tiger Lake Utility District of Orange County, Texas; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1765, as amended, was passed to engrossment.

HB 1743 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1743, Creating Sagemeadow Utility District of Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1743 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Sagemeadow Utility District, hereinafter called the District, which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

All of the Wm. E. Thomas Survey, A-771 in Harris County, Texas, containing 320 acres, more or less, and being the land patented by the State of Texas to Wm. E. Thomas by Letter Patent dated May 20, 1840, and recorded in Volume M, Page 455 of the Deed Records of Harris County, Texas, said survey being more particularly described as follows:

Beginning at the South corner of the Abram M. Gentry Survey, A-292, said point being on the Northwest line of the W. D. C. Hall Survey, A-23, and further being the East corner of said Wm. E. Thomas Survey:

Thence South 45° West, along the common line between the W. D. C. Hall Survey and the Wm. E. Thomas Survey, a distance of 3333.33 feet to the South corner of said Wm. E. Thomas Survey, same being the East corner of the E. M. House Survey, A-1075:

Thence North 45° West, along the common line between the Wm. E. Thomas Survey and the E. M. House Survey, a distance of 4180.55 feet to the West corner of said Wm. E. Thomas Survey on the Southeast line of the George McDougal Survey, A-564:

Thence North 45° East, along the common line between the Wm. E. Thomas Survey and the George McDougal Survey, a distance of 3333.33 feet to the North corner of the Wm. E. Thomas Survey, same being the West corner of the Abram M. Gentry Survey:

Thence South 45° East, along the common line between the Abram M. Gentry Survey and the Wm. E. Thomas Survey, a distance of 4180.55 feet to the Place of Beginning and containing 320 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provisions of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

William Dale McCullough
Donald L. Brown
David Maurice Halbert
Sam James Jamison
Richard R. Boehck

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation

measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1743 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Sage-meadow Utility District of Harris County, Texas; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1743, as amended, was passed to engrossment.

HB 1321 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1321, Creating Bayfield Public Utility District in Harris County.

The bill was read second time.

Representative Sanchez entered the House and was announced present.

HB 1321—(Consideration continued)

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1321 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Bayfield Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 296.134 acres, more or less, out of the A. Whitlock Survey, A-794, the A. Whitlock Survey, A-797, and the Joseph A. Harris Survey, A-340, and being more particularly described by metes and bounds, as follows:

Beginning at the point of intersection of the southeasterly right-of-way line of the proposed extension of El Dorado Boulevard with the northerly line of a 150-foot-wide Houston Lighting & Power Company right-of-way, said point of intersection marking the southwest corner of the tract herein described.

Thence, N 52° 17' 20" E 2845.59 feet along the southeasterly right-of-way line of the proposed extension of El Dorado Boulevard to a point for the northwest corner of the tract herein described.

Thence, S 41° 09' 41" E 3898.18 feet to a point for the northeast corner of the tract herein described, which point lies in the dividing line between the Robert W. Wilson Survey, A-88, and the Joseph A. Harris Survey, A-340.

Thence, S 23° 12' 06" W, at 2324.46 feet pass the south corner of said Harris Survey, a total distance of 2958.40 feet to a point for the southeast corner of the tract herein described, which point lies in the northerly line of the above-mentioned Houston Lighting & Power Company right-of-way.

Thence along the northerly line of said Houston Lighting & Power Company right-of-way, as follows:

N 41° 43' 09" W 55.21 feet
N 48° 45' 51" W 460.03 feet
N 42° 29' 10" W 4839.51 feet to the point of beginning.

Containing 296.134 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

John A. Schabacker II
James F. Gombac
Harold Miller
James R. Franer
David C. DuBose

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above mentioned directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1321 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Bayfield Public Utility District; declaring District a governmental agency, body politic and corporate finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1321, as amended, was passed to engrossment.

HB 1782 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1782, Authorizing the Board of Regents, State Senior Colleges, to sell certain state-owned land located in Tom Green County by certain means.

The bill was read second time and was passed to engrossment.

HB 1678 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1678, Relating to abolishing the office of county school superintendent in certain counties.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Section 2 of HB 1678 by adding the following sentence:

"All prior records and documents of the abolished office shall be transferred to the control and custody of the county clerk."

The committee amendment was adopted without objection.

HB 1678, as amended, was passed to engrossment.

Representative Graves entered the House and was announced present.

HB 870 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 870, Relating to creation of the Juvenile Board of Eastland County.

The bill was read second time.

Mr. Hawn offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 870, First Printing, by:

(1) striking on line 13 the words "district attorney" and substituting the word "sheriff"; and

(2) striking on lines 13-15 the sentence "If the offices of county attorney and district attorney are abolished and the office of criminal district attorney created, the criminal district attorney is a member of the board."

The committee amendment was adopted without objection.

HB 870, as amended, was passed to engrossment.

HB 1548 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1548, Relating to the District Attorney of the 69th Judicial District and his assistants, etc.

The bill was read second time and was passed to engrossment.

HB 1688 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1688, Relating to the salary of the Juvenile Officer of Dawson County.

The bill was read second time and was passed to engrossment.

HB 1110 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1110, Creating Enchanted Place Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1110 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Enchanted Place Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas and being 185.9514 acres, more or less, out of the George Ellis Survey, A-21, described by metes and bounds as follows:

Beginning at the intersection of the north right-of-way line of Interstate Highway Number 10 with the west line of Lot 2 of a subdivision

out of said George Ellis Survey, a plat of which is recorded in Volume 72, Page 459, of the Harris County Deed Records.

Thence N 08° 43' 32" W 3090.53 feet to a point for corner.

Thence N 82° 12' 00" E 2637.77 feet to a point for corner.

Thence S 08° 06' 47" E 3090.19 feet to a point for corner in the north right-of-way line of said Interstate Highway No. 10.

Thence S 82° 12' 00" W 2604.74 feet along said north right-of-way line of Interstate Highway No. 10 to the place of beginning.

Containing 185.9514 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Drago Diac
Donald A. Hall
George Moody
Fred W. Sultan III
James H. Wilkerson

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or

circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1110 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Enchanted Place Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1110, as amended, was passed to engrossment.

HB 735 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 735, Creating Grant Road Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 735 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and

pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Grant Road Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly within Harris County, Texas, and being 250.5999 acres of land, more or less, out of the John H. Callahan Survey, A-10, and being further described by metes and bounds as follows:

Beginning at a ½-inch iron pipe at the intersection of the southwesterly right-of-way line of Grant Road with the northwesterly right-of-way line of Kluge Road, said point of beginning also being the most easterly corner of a called 30.283-acre tract of land (described in an instrument recorded in Volume 7229, Page 128 of the Deed Records of Harris County, Texas) and being the most easterly corner of the tract of land herein described.

Thence, S 45° 00' 00" W 628.20 feet along the northwesterly right-of-way line of Kluge Road and the southeasterly line of said 30.283-acre tract of land to the point of curvature of a horizontal curve to the right.

Thence, in a Westerly direction 219.91 feet along the arc of said horizontal curve to the right, having a radius of 140.00 feet and subtending a central angle of 90° 00' 00", to its point of tangency.

Thence, N 45° 00' 00" W 1582.22 feet along a northeasterly right-of-way line of Kluge Road and a southwesterly line of said 30.283-acre tract, to an iron pipe in a southeasterly line of a called 68.288-acre tract of land (described in an instrument recorded in Volume 7229, Page 128 of the Deed Records of Harris County, Texas), marking the most westerly corner of the said 30.283-acre tract.

Thence, S 45° 00' 00" W 1181.09 feet along a northwesterly right-of-way line of Kluge Road and the southwesterly line of said 68.288-acre tract of

land, to an iron rod marking the most southerly corner of said 68.288-acre tract.

Thence, N 45° 00' 00" W 733.80 feet along a southwesterly line of said 68.288-acre tract, to a point for corner.

Thence, S 45° 00' 00" W 1318.06 feet to a point for corner.

Thence, S 45° 15' 00" W 438.83 feet to an angle point.

Thence, S 45° 40' 00" W 1990.94 feet to a point in the center line of Little Cypress Creek and the most southerly corner of the tract of land herein described.

Thence, in a Westerly direction long the meanders of the center line of said Little Cypress Creek, as follows:

N 87° 07' 00" W 152.81 feet.

N 67° 53' 00" W 255.80 feet.

N 31° 54' 24" W 90.67 feet.

N 34° 04' 52" W 410.57 feet

N 34° 33' 21" W 413.51 feet

N 56° 34' 20" W 142.90 feet to a point for the most westerly corner of a called 18.425-acre tract of land (described as "Parcel 2" in an instrument recorded in Volume 5659, Page 33 of the Deed Records of Harris County, Texas) and being also the most westerly corner of the tract herein described.

Thence, N 45° 00' 00" E 5754.32 feet along the northwesterly line of said 18.425-acre tract of land to a point in the southwesterly right-of-way line of Grant Road, being the most northerly corner of the said 18.425-acre tract of land and also the most northerly corner of the tract herein described.

Thence, S 45° 00' 00" E 3868.22 feet along the southwesterly right-of-way line of Grant Road, being also the northeasterly lines of said 18.425-acre tract, said 68.288-acre tract, and said 30.283-acre tract, to the point of beginning.

Containing 250.5999 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Holt Hickman
E. A. Whitty

John Wasilchak
Frances Wasilchak
C. J. Robertson

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named on their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 735 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Grant Road Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and ac-

complished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 735, as amended, was passed to engrossment.

HB 609 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 609, Creating Bilma Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 609 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Bilma Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 318.4486 acres of land, more or less, out of the D. Spell Survey, A-743, the P. Mitchell Survey, A-568, the G. Gary Survey, A-302, the D. Strohecker Survey,

A-1050 and the F. Stroehecker Survey, A-1051, and being a portion of that certain 144.37 acres conveyed to W. E. Pielop, Jr., by deed recorded in Volume 6153, page 563, Harris County Deed Records; a portion of that certain 146.37 acres conveyed to W. E. Pielop, Jr., by deed recorded in Volume 5751, page 194, Harris County Deed Records, a portion of that certain 76.76 acres conveyed to W. E. Pielop, Jr., by deed recorded in Volume 5455, page 473, Harris County Deed Records, all of that certain 0.524 acre conveyed to W. E. Pielop, Jr., by deed recorded in Volume 5871, page 32, Harris County Deed Records, and all of that certain 2.00 acres conveyed to W. E. Pielop, Jr., by deed recorded in Volume 5753, page 178, Harris County Deed Records; said 318.4486 acres of land being more particularly described by metes and bounds as follows:

Beginning at a 3/8" iron rod in the northwest right-of-way line of Louetta Road, (60 feet wide) at the east corner of the above-described 146.37-acre tract.

Thence, S 58° 06' 24" W, 1145.22 feet, with said northwest right-of-way line of Louetta Road to a 3/8" rod at the most easterly south corner of said 146.37-acre tract.

Thence, N 32° 12' 14" W, 981.61 feet to a wagon axle at an Ell corner of said 146.37-acre tract.

Thence, S 58° 01' 16" W, 2266.44 feet, to a wagon axle at another Ell corner of said 146.37-acre tract.

Thence, N 32° 28' 46" W, 608.41 feet to a 1" iron pipe at another Ell corner of said 146.37-acre tract.

Thence, S 58° 00' 35" W, 1139.27 feet to a 3/4" iron pipe at the most westerly south corner of said 146.37-acre tract.

Thence, N 32° 00' 51" W, 555.75 feet with the most westerly southwest line of said 146.37-acre tract to a 1 1/4" iron pipe at the south corner of a 50.8417-acre tract of land conveyed by W. E. Pielop, Jr., to F. T. I. Corporation by deed recorded in Volume 8238, page 130, Harris County Deed Records.

Thence, with the irregular eastern boundary of said 50.8417-acre tract along the following courses and distances:

N 56° 18' 00" E, 915.00 feet to a 1 1/4" iron pipe
 N 8° 23' 00" E, 1180.00 feet to a 1 1/4" iron pipe
 N 56° 18' 00" E, 208.53 feet to the centerline of Spring Gully.

Thence, continuing along the eastern boundary of said 50.8417-acre tract and the centerline of Spring Gully, as follows:

N 41° 45' 00" W, 23.02 feet
 N 4° 37' 00" E, 88.00 feet
 N 23° 36' 00" W, 51.00 feet
 N 44° 02' 00" E, 35.00 feet
 N 23° 52' 00" W, 41.00 feet
 N 8° 36' 00" W, 58.00 feet
 N 12° 33' 00" W, 80.00 feet

N 24° 38' 00" E, 46.00 feet
N 46° 55' 00" W, 47.00 feet
N 60° 27' 00" W, 93.00 feet
N 47° 10' 00" W, 118.00 feet
N 41° 59' 00" W, 108.00 feet
N 35° 49' 00" W, 176.00 feet
N 14° 42' 00" W, 86.00 feet to a point in the irregular northwestern boundary of the above-described 144.37-acre tract.

Thence, with said northwestern boundary along the following courses and distances:

N 58° 03' 40" E, 1437.96 feet to a 3/4" iron pipe
S 32° 05' 09" E, 889.24 feet to an old gun barrel
N 57° 59' 41" E, 621.22 feet to a 1/2" iron pipe
N 6° 18' 00" W, 358.31 feet to an angle point in a fence.
N 2° 06' 19" E, 560.28 feet to a 3/4" iron pipe
N 65° 48' 41" E, 71.81 feet to a fence corner, being the most easterly north corner of said 144.37-acre tract.

Thence, S 32° 13' 23" E, 217.25 feet with the northeasterly boundary of said 144.37-acre tract to a 3/4" iron rod at the west corner of the above-described 76.76-acre tract.

Thence, N 57° 12' 18" E, 483.40 feet with the northwest line of said 76.76-acre tract to a 3/4" iron pipe at the west corner of a 0.524-acre tract out of said 76.76-acres conveyed by W. E. Pielop, Jr., to Earl E. Theiss by deed recorded in Volume 5871, page 28, Harris County Deed Records.

Thence, N 66° 48' 09" E, 519.36 feet to a 5/8" iron rod at southeast corner of said 0.524-acre tract conveyed to Earl E. Theiss.

Thence, N 21° 05' 09" W, 175.91 feet to a 5/8" iron rod at the northwest corner of said 0.524-acre tract conveyed to W. E. Pielop, Jr., in the southeast right-of-way line of Spring-Cypress Road (80 feet wide).

Thence, N 64° 36' 19" E, 469.76 feet with said right-of-way line to a point of curve in said right-of-way line.

Thence, Northeasterly with said curve to the left having a radius of 5769.65 feet, a central angle of 3° 14' 30" and a distance of 326.43 feet (the chord of said arc bears N 62° 59' 04" E, 326.39 feet) to a 5/8" iron rod at the north corner of the above-described 76.76-acre tract in the southeast right-of-way line of Spring-Cypress Road (80 feet wide), and in the southwest right-of-way line of the Klein Church Road, (43 feet wide).

Thence, with the northeasterly boundary of said 76.76-acre tract and with the southwest right-of-way line of said Klein Church Road along the following courses and distances:

S 31° 40' 16" E, 992.57 feet to a 5/8" iron rod
N 58° 19' 44" E, 21.50 feet to an old axle
S 31° 40' 16" E, 836.32 feet to a 1/2" iron rod at the east corner of said 76.76-acre tract.

Thence, S 57° 58' 53" W, 1842.70 feet to a 1/2" iron rod at the south corner of said 76.76-acre tract in the northeast line of the above-described 146.37-acre tract.

Thence, S 31° 38' 41" E, 1890.07 feet with said northeast line to the place of beginning.

Containing 318.4486 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

P. G. Grenader
J. E. Snoddy
Herman Kaplan
T. W. Stephens
A. O. Aschenbeck

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 609 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Bilma Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 609, as amended, was passed to engrossment.

HB 608 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 608, Creating Spring Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 608 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Spring Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared

to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being a total of 145.1128 acres, more or less, described as two tracts, Tract No. 1 containing 100.141 acres, more or less, and Tract No. 2 containing 44.9718 acres, more or less, as follows:

Tract No. 1

Being 100.141 acres of land, more or less, out of the Abraham Scales Survey, A-687, and being more fully described by metes and bounds as follows:

Beginning at a 5/8-inch iron rod for the most northwesterly corner of the herein described 100.141-acre tract, said point also being located in the easterly right-of-way line of U. S. Highway 75, said point also being located in the southerly right-of-way line of Northridge Drive (100 feet wide).

Thence, S 13° 35' 00" W, 494.95 feet along the easterly right-of-way line of U. S. Highway 75, to a concrete monument for a corner.

Thence, S 03° 06' 00" E, 196.30 feet along the easterly right-of-way line of U. S. Highway 75, to a stake for a corner.

Thence, N 86° 54' 00" E, 20.00 feet to a stake for a corner.

Thence, S 03° 06' 00" E, 332.66 feet along the easterly right-of-way line of U. S. Highway 75, to a fence corner for a corner.

Thence, S 26° 08' 00" E, 314.78 feet along an old fence, to a stake for a corner.

Thence, S 31° 19' 00" E, 286.81 feet along an old fence, to a one-inch iron pipe for a corner.

Thence, S 32° 05' 00" E, 557.25 feet along an old fence, to a one-inch

steel bar for a corner, said point being the northeast corner of Lot 104, Block 8 of North Hill Estates Subdivision, Section 1, according to plat thereof recorded in Volume 87, Page 6 of the Harris County Map Records.

Thence, S 32° 16' 00" E, 1172.76 feet along a fence line on the east line of said North Hill Estates Subdivision, Section 1, to a two-inch iron pipe for the most southwesterly corner of the herein described tract.

Thence, N 58° 22' 00" E, 1551.37 feet along a fence line on the north line of Block 8 of said North Hill Estates Subdivision, Section 1, to a two-inch iron pipe for the southeast corner of the herein described tract, said point also being located in the west line of Block 8 of North Hill Estates Subdivision, Section 2, according to plat thereof recorded in Volume 131, Page 8 of the Harris County Map Records.

Thence, N 32° 18' 36" W, 1090.40 feet along a fence line on the west line of North Hill Estates Subdivision, Section 2, to a concrete monument for a corner.

Thence, N 32° 15' 19" W, 156.57 feet along a fence line on the west line of North Hill Estates Subdivision, Section 2, to a concrete monument for a corner, said point also being the southwest corner of North Hill Estates Subdivision, Section 3, as recorded in Volume 157, Page 125 of the Harris County Map Records.

Thence, N 32° 20' 49" W, 290.05 feet along a fence on the west line of North Hill Estates Subdivision, Section 3, to a 5/8-inch iron rod for a corner.

Thence N, 32° 07' 26" W, 1197.52 feet along a fence on the west line of North Hill Estates Subdivision, Section 3, to a 3/8-inch iron rod for the most northeasterly corner of the herein described tract, said point also being in the south right-of-way line of Northridge Drive, (100 feet wide), said point also being the northwest corner of Lot 430, Block 33 of North Hill Estates Subdivision, Section 3.

Thence, S 57° 45' 30" W, 100.00 feet along the southerly right-of-way line of Northridge Drive, to a 5/8-inch iron rod at the beginning of a curve, for a corner.

Thence, following a curve to the right along the southerly right-of-way line of Northridge Drive, 888.81 feet to a 5/8-inch iron rod for a corner at the end of the said curve, said curve having a central angle of 51° 30' 30" and a radius of 988.68 feet.

Thence, N 70° 44' 00" W, 70.34 feet along the southerly right-of-way line of Northridge Drive, to the point of beginning.

Containing 100.141 acres of land, more or less.

Tract No. 2

Being 44.9718 acres, more or less, out of the Daniel Harmon Survey, A-314 and Abraham Scales Survey, A-687, and described by metes and bounds as follows:

Beginning at 3/4" iron pipe on the east right-of-way line of U. S. Highway 75 (Interstate 45) as same is now constructed (after widening),

at its intersection with the south right-of-way line of a 60-foot road known as Kelly Street, said beginning point being the northeast corner of a 1.136-acre tract described in right-of-way deed from W. R. Booth to the State of Texas dated June 21, 1951, recorded in Volume 2308, Page 432 of the Deed Records of Harris County, Texas, and the southwest corner of a 40.8-acre tract now or formerly owned by Carl Mueller and being the northwest corner of the herein described tract.

Thence, N 79° 31' 48" E, 1658.70 feet with the general course of a fence along the south line of said Carl Mueller 40.8 acres, crossing Senger Gully to its southeast corner where a 3/4" iron pipe is found for northeast corner of this tract on the northeast bank of Senger Gully from which a 12" pin oak marked "X" bears N 11° 25' E 47 feet and a 10" pin oak marked "X" bears N 49° 30' E, 40.3 feet.

Thence, S 31° 28' 34" E, 721.56 feet crossing Senger Gully to a 5/8" iron rod set at a fence corner on the southeast line of the Abraham Scales Survey and northwest line of the Benjamin Barrow Survey, A-126, for southeast corner of this tract.

Thence, S 58° 16' 20" W, 1878.43 feet with the general course of a fence along the dividing line between said Scales and Barrow Surveys passing their common corners and the east line of the Daniel Harmon Survey to the north bank of Cypress Creek for the most southerly south corner of this tract.

Thence, N 87° 41' 47" W, 274.03 feet with the north bank of Cypress Creek to its intersection with the east right-of-way line of U. S. Highway 75 for the southwest corner of the herein described tract.

Thence, N 00° 42' 30" W, 382.87 feet with the east right-of-way line of U. S. Highway 75 (Interstate 45) to an angle in same and southeast corner of the aforementioned 1.136-acre tract described in right-of-way deed from W. R. Booth to State of Texas dated June 21, 1951 and recorded in Volume 2308 at Page 432 of the Deed Records of Harris County, Texas.

Thence, N 11° 41' 30" W, 176.73 feet with said east right-of-way line of U. S. Highway 75 and the east line of said 1.136-acre tract to another angle point.

Thence, N 07° 25' 30" W, 741.11 feet with said east right-of-way of U. S. Highway 75 to place of beginning.

Containing 44.9718 acres, and being part of the same tract conveyed to W. R. Booth, et ux, July 31, 1944, by deed recorded in Volume 1343 at Page 54 of the Deed Records of Harris County, Texas.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted

and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

David M. Lewis
Phil R. Kensinger
Steven L. Gordon
Larry Berkman
John L. Russell

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 608 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Spring Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries;

conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 608, as amended, was passed to engrossment.

HB 607 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 607, Creating Shasla Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 607 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Shasla Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59; of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and projects which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16,

Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, being 199.395 acres of land, more or less, out of the John Jones Survey, A-481, (being "Share 5" as shown on a plat recorded in Volume 6, Page 57, of the Map Records of Harris County, Texas, and being that same tract conveyed to Gus Benignus by deed recorded in Volume 569, Page 380, of the Deed Records of Harris County, Texas; save and except an 8.9-acre tract conveyed out of said "Share 5" to E. W. Benignus by deed recorded in Volume 2280, Page 124, of the said deed records); said 199.395 acres being more particularly described by metes and bounds as follows:

Beginning at an iron pipe found at a fence corner at the intersection of the west line of said John Jones Survey, and the east line of the Allen Reaves Survey, A-656, with the north right-of-way line of Spring-Stuebner Road (90 feet wide) and being the southwest corner of the herein described tract and of the said "Share 5".

Thence, N 00° 15' 10" W, 2975.02 feet along a fence marking the common line of the said John Jones Survey and the Allen Reaves Survey, which is the west line of said "Share 5" and of the herein described tract, to a 5/8-inch iron rod found at a fence corner in the south line of a 100-foot wide Missouri Pacific Railroad right-of-way, being the northwest corner of the said "Share 5" and of the herein described tract.

Thence, S 78° 30' 00" E, 2828.22 feet along a fence, marking the south line of the said 100-foot-wide Missouri Pacific Railroad right-of-way, to a point in the west line of a tract of land formerly owned by William Hoffias as shown on the said plat recorded in Volume 6, Page 57, of the Map Records of Harris County, Texas.

Thence, South 47.46 feet along the west line of the said tract formerly owned by William Hoffias to the southwest corner of the said Hoffias tract and an interior corner of the herein described tract.

Thence, East 233.26 feet along the south line of the said tract formerly owned by William Hoffias to a point in the south line of the said 100-foot-wide Missouri Pacific Railroad right-of-way.

Thence, S 78° 30' 00" E, 413.40 feet along a fence marking the south line of the said 100-foot-wide Missouri Pacific Railroad right-of-way, to a 5/8-inch iron rod found in a fence corner, for the northeast corner of the said "Share 5" and the herein described tract.

Thence, S 02° 15' 00" W, 1394.15 feet along a fence marking the east line of the said "Share 5" and the herein described tract, to a 5/8-inch iron rod found at a fence corner for the northeast corner of the said E. W. Benignus 8.9-acre tract, also being the most easterly southeast corner of the herein described tract.

Thence, S 89° 34' 42" W, 400.00 feet along a fence marking the north line of the said E. W. Benignus 8.9-acre tract, to a 5/8-inch iron rod found for an interior corner of the herein described tract.

Thence, S 01° 49' 30" W, 971.00 feet along the west line of the said E. W. Benignus 8.9-acre tract to a 5/8-inch iron rod found in the north right-of-way line of the said Spring-Stuebner Road (90 feet wide) for the southeast corner of the herein described tract.

Thence, S 89° 34' 42" W, 1479.47 feet along a fence marking the north right-of-way line of the said Spring-Stuebner Road to an angle point in said road.

Thence, N 86° 09' 25" W, 1434.86 feet along a fence marking the north right-of-way line of the said Spring-Stuebner Road, to the point of beginning.

Containing 199.395 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be directors of the District and shall constitute the board of directors of the District:

Dane Grant
Billy T. Griffin
Mary Blanche Simpson
Jaclyn Gay Smith
Sammy C. Seay

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or

circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 607 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Shasla Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 607, as amended, was passed to engrossment.

HB 606 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 606, Creating Klein Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 606 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and

reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Klein Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 194.4472 acres of land, more or less, out of and a part of the Daniel Harmon Survey, A-315, and being more fully described by metes and bounds as follows:

Beginning at a 3/4-inch pipe in the southeasterly right-of-way line of Louetta Road (60 feet wide), said point being in the southwesterly right-of-way of a 30-foot-wide private road, and also being the westerly corner of a 100-acre tract now or formerly belonging to C. H. & H. H. Kaiser.

Thence, S 31° 58' 29" E, 4,114.16 feet to a point for a corner of the herein described tract.

Thence, N 58° 10' 52" E, 968.20 feet to a point for a corner of the herein described tract, said point also being in the southwesterly line of unrecorded Mirror Lake Subdivision.

Thence, S 32° 00' 34" E, 355.38 feet along the westerly line of said Mirror Lake Subdivision to a point for a corner of the herein described tract, said point also being the southwesterly corner of Lot 50 of said Mirror Lake Subdivision.

Thence, N 57° 58' 52" E, 392.85 feet along the southerly line of said Lot 50 to a point for a corner of the herein described tract, said point also being in the westerly right-of-way line of a 50-foot wide unnamed road, said point also being the southeasterly corner of said Lot 50.

Thence, S 31° 16' 08" E, 200.00 feet along the westerly right-of-way

line of said 50-foot wide unnamed road to a point for a corner of the herein described tract, said point also being the northeasterly corner of Lot 52 of said Mirror Lake Subdivision.

Thence, S 57° 58' 52" W, 390.25 feet along the northerly line of said Lot 52 to a point for a corner of the herein described tract, said point being the northwesterly corner of said Lot 52 of Mirror Lake Subdivision.

Thence, S 32° 00' 34" E, 1,320.45 feet along the westerly line of said Mirror Lake Subdivision to a point for a corner of the herein described tract.

Thence, S 58° 01' 52" W, 969.34 feet to a point for a corner of the herein described tract.

Thence, S 31° 58' 29" E, 291.44 feet to a point for a corner of the herein described tract, said point also being in the centerline of Cypress Creek.

Thence along the center line of said Cypress Creek, with its meanders, as follows:

S 28° 34' 59" W, 405.62 feet
S 16° 36' 38" W, 195.52 feet
S 54° 47' 32" W, 208.72 feet
N 57° 52' 44" W, 221.74 feet
S 51° 39' 37" W, 98.00 feet
S 54° 36' 36" W, 102.94 feet

Thence, N 32° 08' 35" W, 6,444.37 feet to a point for the most northwesterly corner of the herein described tract, said point also being in the southeasterly right-of-way line of Louetta Road (60 feet wide).

Thence, N 58° 18' E, 1,024.15 feet along the southeasterly right-of-way line of Louetta Road (60 feet wide), to the point of beginning.

Containing 194.4472 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Paul A. Lewis
Arthur L. Schechter
Stephen Friedman
Lester Kamin
Gayle L. Schroder

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 606 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Klein Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 606, as amended, was passed to engrossment.

HB 460 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 460, Creating Luce Bayou Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 460 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Luce Bayou Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and projects which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 718.23 acres of land, more or less, out of the John R. Rhea Survey, A-62, and more particularly described by metes and bounds as follows:

Beginning at a concrete monument marking the northwest corner of said

John R. Rhea Survey and the northeast corner of the James Moore Survey, A-557, Harris County, Texas.

Thence, S 89° 30' 46" E 3065.60 feet along the north boundary line of said John R. Rhea Survey to a point.

Thence, S 00° 29' 14" W 292.00 feet to a point.

Thence, S 89° 30' 46" E 150.00 feet to a point.

Thence, N 00° 29' 14" E 292.00 feet to a point on the north boundary line of said John R. Rhea Survey.

Thence, S 89° 30' 46" E 75.00 feet along the north boundary line of said John R. Rhea Survey to a point.

Thence, S 00° 29' 14" W 292.00 feet to a point.

Thence, S 89° 30' 46" E 150.00 feet to a point.

Thence, N 00° 29' 14" E 292.00 feet to a point on the north boundary line of said John R. Rhea Survey.

Thence, S 89° 30' 46" E 150.00 feet along the north boundary line of said John R. Rhea Survey to a point.

Thence, S 00° 29' 14" W 292.00 feet to a point.

Thence, S 89° 30' 46" E 150.00 feet to a point.

Thence, N 00° 29' 14" E 292.00 feet to a point on the north boundary line of said John R. Rhea Survey.

Thence, S 89° 30' 46" E 150.00 feet along the north boundary line of said John R. Rhea Survey to a point.

Thence, S 00° 29' 14" W 292.00 feet to a point.

Thence, S 89° 30' 46" E 375.00 feet to a point.

Thence, N 00° 29' 14" E 292.00 feet to a point on the north boundary line of said John R. Rhea Survey.

Thence, S 89° 30' 46" E 675.00 feet along the north boundary line of said John R. Rhea Survey to a point.

Thence, S 00° 29' 14" W 292.00 feet to a point.

Thence, S 89° 30' 46" E 150.00 feet to a point.

Thence, N 00° 29' 14" E 292.00 feet to a point on the north boundary line of said John R. Rhea Survey.

Thence, S 89° 30' 46" E 314.14 feet along the north boundary line of said John R. Rhea Survey to a point for the northeast corner of the tract herein described, said point also being the northwest corner of a 100-

acre tract of land conveyed to Don R. Thompson, et al, by deed recorded in Volume 6004, Page 490 of the Harris County Deed Records.

Thence, S 34° 12' 00" W 2853.89 feet along the northwesterly boundary line of said Don R. Thompson 100-acre tract to a point.

Thence, N 89° 30' 46" W 3002.39 feet to a point.

Thence, S 00° 02' 41" W 4040.07 feet to a point.

Thence, S 61° 00' 00" E 274.17 feet to a point.

Thence, S 81° 02' 00" E 733.13 feet to a point.

Thence, S 89° 00' 00" E 700.00 feet to a point.

Thence, S 60° 00' 00" E 400.00 feet to a point.

Thence, S 89° 30' 46" E 1936.02 feet to a point.

Thence, S 00° 02' 41" W 2937.41 feet to a point.

Thence, S 34° 00' 00" W 1900.85 feet to a point for the southeast corner of the tract herein described, said point also being on the proposed southwesterly right-of-way line of F.M. Road No. 2100 (150 feet wide).

Thence, N 55° 06' 53" W 2956.21 feet along the proposed southwesterly right-of-way line of said F.M. Road No. 2100 to the beginning of a curve to the right.

Thence, in a Northwesterly direction along the proposed southwesterly right-of-way line of said F.M. Road No. 2100, being the arc of a curve to the right having a radius of 1984.86 feet and subtending a central angle of 2° 27' 40", a distance of 85.26 feet to the end of said curve.

Thence, N 52° 39' 13" W 173.95 feet along the proposed southwesterly right-of-way line of said F.M. Road No. 2100, to a point in the center line of Luce Bayou.

Thence, in a generally Southwesterly direction along the meanders of the center line of Luce Bayou as follows:

S 08° 53' 26" W 34.86 feet to a point.

S 33° 38' 59" W 97.37 feet to a point.

S 40° 07' 19" W 95.03 feet to a point.

S 37° 00' 39" W 149.38 feet to a point.

S 63° 29' 33" W 383.02 feet to a point.

N 80° 42' 07" W 261.47 feet to a point.

S 07° 34' 20" W 383.03 feet to a point.

S 35° 45' 30" E 147.53 feet to a point.

S 48° 46' 39" E 85.70 feet to a point.

S 13° 06' 00" E 246.07 feet to a point.

S 13° 13' 21" W 156.63 feet to a point.

S 77° 00' 48" W 370.73 feet to a point on the west boundary line of the said John R. Rhea Survey and the east boundary line of the James H.

Isbell Survey, A-474, Harris County, Texas, said point being the southwest corner of the tract herein described.

Thence, N 00° 02' 41" E 10,005.24 feet along the west boundary line of said John R. Rhea Survey (at 5456.76 feet pass the southeast corner of the said James Moore Survey) to a point.

Thence, S 89° 30' 46" E 326.52 feet to a point.

Thence, N 00° 29' 14" E 300.00 feet to a point.

Thence, N 89° 30' 46" W 176.00 feet to a point.

Thence, N 00° 29' 14" E 282.17 feet to a point on a curve.

Thence, in a westerly direction along the arc of a curve to the right having a radius of 860.00 feet and subtending a central angle of 4° 54' 06", a distance of 73.57 feet to a point.

Thence, S 00° 29' 14" W 273.22 feet to a point.

Thence, N 89° 30' 46" W 79.84 feet to a point on the common boundary line between said John R. Rhea and James Moore Surveys.

Thence, N 00° 02' 41" E 725.74 feet along the common boundary line between said John R. Rhea and James Moore Surveys, to the point of beginning and the northwest corner of the tract herein described.

Save and Except the following parcels of land containing a total of 6.45 acres, more or less:

Exception No. 1

A tract of land containing 0.50 acre, more or less, being more particularly described by metes and bounds as follows:

Commencing for reference at a concrete monument marking the northwest corner of the said John R. Rhea Survey and the northeast corner of the James Moore Survey, A-557.

Thence, S 89° 30' 46" E 796.84 feet along the north boundary line of said John R. Rhea Survey to a point.

Thence, S 00° 29' 14" W 352.00 feet to the point of beginning and northwest corner of the tract herein described.

Thence, S 89° 30' 46" E 73.00 feet to a point for the northeast corner of the tract herein described.

Thence, S 00° 29' 14" W 298.72 feet to a point for the southeast corner of the tract herein described.

Thence, N 89° 30' 46" W 73.00 feet to a point for the southwest corner of the tract herein described.

Thence, N 00° 29' 14" E 298.72 feet to the point of beginning.

Containing 0.50 acre of land, more or less.

Exception No. 2

A tract of land containing 1.01 acres, more or less, being more particularly described by metes and bounds as follows:

Commencing for reference at a concrete monument marking the northwest corner of the said John R. Rhea Survey and the northeast corner of the James Moore Survey, A-557.

Thence, S 89° 30' 46" E 650.84 feet along the north boundary line of said John R. Rhea Survey to a point.

Thence, S 00° 29' 14" W 725.74 feet to the point of beginning and northwest corner of the tract herein described.

Thence, S 89° 30' 46" E 292.00 feet to a point for the northeast corner of the tract herein described.

Thence, S 00° 29' 14" W 150.00 feet to a point for the southeast corner of the tract herein described.

Thence, N 89° 30' 46" W 292.00 feet to a point for the southwest corner of the tract herein described.

Thence, N 00° 29' 14" E 150.00 feet to the point of beginning.

Containing 1.01 acres of land, more or less.

Exception No. 3

A tract of land containing 0.51 acre, more or less, being more particularly described by metes and bounds as follows:

Commencing for reference at a concrete monument marking the northwest corner of the said John R. Rhea Survey and the northeast corner of the James Moore Survey, A-557.

Thence, S 89° 30' 46" E 2889.26 feet along the north boundary line of said John R. Rhea Survey to a point.

Thence, S 00° 29' 14" W 352.00 feet to the point of beginning and northwest corner of the tract herein described.

Thence, S 89° 30' 46" E 75.00 feet to a point for the northeast corner of the tract herein described.

Thence, S 00° 29' 14" W 297.80 feet to a point for the southeast corner of the tract herein described.

Thence, N 89° 30' 46" W 75.00 feet to a point for the southwest corner of the tract herein described.

Thence, N 00° 29' 14" E 297.80 feet to the point of beginning.

Containing 0.51 acre of land, more or less.

Exception No. 4

A tract of land containing 1.14 acres, more or less, being more particularly described by metes and bounds as follows:

Commencing for reference at a concrete monument marking the northwest corner of the said John R. Rhea Survey and the northeast corner of the James Moore Survey, A-557.

Thence, S 89° 30' 46" E 3768.81 feet along the north boundary line of said John R. Rhea Survey to a point.

Thence, S 00° 29' 14" W 352.00 feet to the point of beginning and northwest corner of the tract herein described.

Thence, S 89° 30' 46" E 146.00 feet to a point for the northeast corner of the tract herein described.

Thence, S 00° 29' 14" W 297.80 feet to a point for the most northerly southeast corner of the tract herein described.

Thence, N 89° 30' 46" W 75.00 feet to a point.

Thence, S 00° 29' 14" W 102.50 feet to a point for the most southerly southeast corner of the tract herein described.

Thence, N 64° 47' 51" W 80.36 feet to a point for the southwest corner of the tract herein described.

Thence, N 00° 29' 14" E 366.70 feet to the point of beginning.

Containing 1.14 acres of land, more or less.

Exception No. 5

A tract of land containing 2.29 acres, more or less, being more particularly described by metes and bounds as follows:

Commencing for reference at a concrete monument marking the northwest corner of said John R. Rhea Survey and the northeast corner of the James Moore Survey, A-557.

Thence, S 89° 30' 46" E 4384.23 feet along the north boundary line of said John R. Rhea Survey to a point.

Thence, S 00° 29' 14" W 352.00 feet to the point of beginning and northwest corner of the tract herein described.

Thence, S 89° 30' 46" E 335.00 feet to a point for the northeast corner of the tract herein described.

Thence, S 00° 29' 14" W 297.80 feet to a point for the southeast corner of the tract herein described.

Thence, N 89° 30' 46" W 335.00 feet to a point for the southwest corner of the tract herein described.

Thence, N 00° 29' 14" E 297.80 feet to the point of beginning.

Containing 2.29 acres of land, more or less.

Exception No. 6

A tract of land containing 1.00 acre, more or less, being more particularly described by metes and bounds as follows:

Commencing for reference at a concrete monument marking the northwest corner of the said John R. Rhea Survey and the northeast corner of the James Moore Survey, A-557.

Thence, S 89° 30' 46" E 4895.23 feet along the north boundary line of said John R. Rhea Survey to a point.

Thence, S 00° 29' 14" W 352.00 feet to the point of beginning and northwest corner of the tract herein described.

Thence, S 89° 30' 46" E 146.00 feet to a point for the northeast corner of the tract herein described.

Thence, S 00° 29' 14" W 297.80 feet to a point for the southeast corner of the tract herein described.

Thence, N 89° 30' 46" W 146.00 feet to a point for the southwest corner of the tract herein described.

Thence, N 00° 29' 14" E 297.80 feet to the point of beginning.

Containing 1.00 acre of land, more or less.

The above-described tract, less Exceptions 1 through 6, contains 718.23 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

J. K. Lyles
Don V. Brelsford
Luther Martin
J. T. Williams
L. L. Neuhaus

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 460 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Luce Bayou Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 460, as amended, was passed to engrossment.

HB 459 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 459, Creating Spanish Cove Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 459 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Spanish Cove Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 241.3111 acres, more or less, out of the F. H. Rankin Survey, A-57, and more particularly described by metes and bounds as follows:

Commencing for reference at a 5/8-inch iron rod which was found set in the west right-of-way line of F.M. Road 2100, at the northeast corner of the J. G. Miller 180.71-acre tract of land (as described in instrument recorded in Volume 2117, Page 636 of the Harris County Deed Records);

and said point also being the original northeast corner of the Ira J. Dunks 296-acre tract (as described in instrument recorded in Volume 325, Page 178 of the Harris County Deed Records.)

Thence, S 02° 09' 39" E 628.48 feet along the west right-of-way line of F.M. Road 2100 (100.00 feet wide) to a 5/8-inch iron rod which marks the southeast corner of said J. G. Miller tract; same being the northeast corner of the B. F. Schneider 109.01-acre tract (as described in Volume 2117, Page 618 of the Harris County Deed Records); said rod marking the northeast corner of the tract herein described and its place of beginning.

Thence, S 02° 11' 03" E 267.40 feet along the west right-of-way line of F.M. Road 2100 to a Texas Highway Department concrete right-of-way marker which marks the beginning of a curve.

Thence, Southeasterly along the arc of a 2914.79-foot-radius curve to the left, and continuing with the west right-of-way line of F.M. Road 2100 and the east line of this tract (said curve having a central angle of 11° 12' 20" and a chord which bears S 07° 45' 31" E for 569.14 feet) along said curve arc 570.06 feet to another Texas Highway Department concrete right-of-way marker which marks the end of said curve.

Thence, S 13° 25' 43" E 1032.69 feet with the west right-of-way line of F.M. Road 2100 to a 5/8-inch iron rod marking the most easterly southeast corner of this tract.

Thence, S 87° 23' 26" W 1366.89 feet to a 1-inch iron pipe for corner.

Thence, S 13° 23' 27" E 624.48 feet to a 1-inch iron pipe for corner.

Thence, S 87° 23' 53" W 4072.96 feet to a point which marks the southwest corner of this tract, and being located in the easterly line of the Service Pipe Line easement (as recorded in Volume 1191, Page 586 of the Harris County Deed Records).

Thence, N 09° 51' 05" E 2147.22 feet along the east boundary line of said Service Pipe Line easement to a point for the northwest corner of this tract.

Thence, N 82° 52' 19" E 4631.18 feet to the place of beginning.

Containing 241.3111 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following

named persons shall be the directors of the District and shall constitute the board of directors of the District:

Michael A. Hooper
Bill Johnson
Randy Hinds
E. Edward Ezell, Jr.
Ernest Cole

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 459 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Spanish Cove Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with the Act,

and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 459, as amended, was passed to engrossment.

HB 1387 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1387, Creating Westway Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1387 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Westway Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Being 663.656 acres of land out of the following sections of the W.C.R.R. Co. Block 1 Survey, Section 9, A-917, Section 7, A-891, Section 8, A-1321, and the J. M. Swisher Survey A-1220, Harris County, Texas, all being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone):

Beginning at a 5/8" iron rod set in the north right-of-way line of Clay Road in the common line of Sections 7 and 10 of the said W.C.R.R. Co. Block 1;

Thence N 01° 56' 36" W, 1912.79 feet along a fence marking the common lines of Sections 10 and 7, 10 and 9, 5 and 9, to a 5/8" iron rod marking an angle point in said line;

Thence N 01° 41' 30" W, 2839.37 feet along the common lines of Sections 9 and 5 to an iron rod marking the northwest corner of the aforementioned Section 9, said rod being easterly 7.7 feet from a fence corner;

Thence N 87° 48' 57" E, 2287.48 feet along the north line of said section 9 to a 5/8" iron rod set in a fence corner;

Thence N 87° 43' 56" E, 3226.20 feet along a fence on the north line of said Section 9 and the south line of Independence Gardens Subdivision to the west line of Carverdale Subdivision;

Thence S 01° 08' 04" E, 333.41 feet along the west line of Carverdale Subdivision to its southwest corner;

Thence N 87° 56' 46" E, 633.81 feet along the south line of Carverdale Subdivision to an iron rod marking the northwest corner of Spring Branch Terrace Subdivision and the most southerly northeast corner of said Section 9;

Thence S 02° 00' 21" E, 4248.02 feet along a fence on the east line of Section 9 and the west line of Spring Branch Terrace Subdivision to a 5/8" iron rod marking the northeasterly corner of a 4772 square foot tract of land conveyed to Harris County Flood Control District by instrument of record at Volume 3974, Page 322, Deed Records, Harris County, Texas;

Thence S 87° 28' 19" W, 40.00 feet to the northwest corner of said 4772 square foot tract;

Thence S 01° 43' 54" E, 118.69 feet to a point for corner in the northerly right-of-way line of Clay Road;

Thence S 87° 04' 39" W, 3509.34 feet along a fence on the northerly right-of-way line of Clay Road to a 5/8" iron rod marking the common line of Sections 7 and 8, W.C.R.R. Co. Block 1;

Thence S 87° 36' 02" W, 2610.62 feet along a fence marking the northerly right-of-way line of Clay Road to the Point of Beginning and containing 663.656 acres of land.

Section 5. The District is hereby vested with, and shall have and exer-

cise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

R. S. Peddie
Milver L. Anderson, Jr.
E. T. Nicolaou
Lawrence G. Frazier
Lester Kastleman

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1387 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Westway Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1387, as amended, was passed to engrossment.

HB 1386 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1386, Creating Westcrest Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1386 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Westcrest Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds

or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

All that certain tract or parcel of land lying and being situated in the Henry Woodruff Survey A-844, Harris County, Texas, and being more particularly described as follows:

Beginning at a 3/4-inch iron pipe in the east line of the right-of-way of Cooper Road, which is the most westerly southwest corner of a 60.3836-acre tract described in a deed recorded in Vol. 6878 Page 333 of the Deed Records of Harris County, Texas;

Thence N 00° 00' 46" E—2358.69 feet with the said east right-of-way line of Cooper Road to a 1/2-inch iron pipe in concrete, which is the northwest corner of a 36.1846 acre tract described in a deed recorded in Vol. 6878 Page 328 of the Deed Records of Harris County, Texas;

Thence N 89° 56' 09" E—1802.61 feet with the north line of the said 36.1846-acre tract to a point in the west line of a 0.8649-acre Harris County Flood Control District Easement;

Thence S 00° 13' 00" E—726.0-feet with the west line of the same 0.8649-acre easement to a point, which is the northeast corner of the said 60.3836-acre tract and the northwest corner of a 3.5876-acre Harris County Flood Control District Easement;

Thence with the east line of the said 60.3836-acre tract and the west line of the said 3.5876-acre easement the following four courses and distances

- (1) S 00° 13' 00" E—904.08 feet,
- (2) S 07° 50' 47" W—699.8 feet,
- (3) S 00° 13' 00" E—205.58 feet,
- (4) S 32° 41' 46" W—69.81 feet;

to the most easterly southeast corner of the said 60.3836-acre tract;

Thence S 85° 24' 46" W—189.22 feet with the most southerly south line of the said 60.3836-acre tract to a point, which is a corner of the said 60.3836-acre tract and the southeast corner of a 12.396-acre tract described in a deed recorded in Vol. 6132, Page 538 of the Deed Records of Harris County, Texas;

Thence N 00° 01' 25" W—360.80 feet with the east line of the said 12.396-acre tract to a point, which is a corner of the said 60.3836-acre tract and the northeast corner of the said 12.396-acre tract;

Thence S 85° 27' 29" W—1499.78 feet with the south line of the said 60.3836-acre tract and the north line of the said 12.396-acre tract to the Point of Beginning and containing 96.56-acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Julio S. Laguarda
Jon B. Kirk
Otto Nachalus
W. H. Haley, Jr.
Morris Schultz

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days

in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1386 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Westcrest Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1386, as amended, was passed to engrossment.

HB 1148 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1148, Creating Harris County Utility District No. 10.

The bill was read second time.

Mr. Finck offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1148 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Harris County Utility District No. 10 hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Being 289.525 acres of land out of the following surveys in Harris County, Texas; Harrison McLean, Abstract 529, John W. Asbury, Abstract 91, and the Gory Gary, Abstract 303; and being more particularly described by metes and bounds as follows (all bearings and coordinates referenced to the Texas Coordinate System, South Central Zone):

Commencing for reference at the southwest corner of the Gory Gary Survey, Abstract 303 (X=3,207,765.88, Y=835,846.52);

Thence N 33° 02' 46" E, 61.86 feet along the common line of the said Gary and McLean Surveys to a point in the southwesterly line of Hamblin Road for the Point of Beginning of the hereinafter described tract;

Thence S 57° 23' 54" E, along said southwesterly line of Hamblin Road, at 1388.86 feet pass the common line of the Gary and Asbury Surveys, to a point for corner at 1834.42 feet in all in said line;

Thence S 32° 36' 06" W, 660.00 feet to a point of curve;

Thence 4148.58 feet along the arc of a curve to the right (said arc having a chord of S 55° 27' 25" W, 4039.43 feet, a radius of 5200.00 feet, and a central angle of 45° 42' 39") to a point for corner on said curve;

Thence N 11° 28' 02" W, at 447.52 feet pass the common line of the Asbury and McLean Surveys to a point for corner at 1720.81 feet in all;

Thence N 01° 00' 51" E, 3693.03 feet to a point for corner in the aforementioned southwesterly line of Hamblin Road;

Thence S 57° 23' 54" E, 2865.80 feet along the said southwesterly line of Hamblin Road to the Point of Beginning and containing 289.525 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility dis-

tricts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Howard Wolf
Fred M. Lange
James B. Sales
John D. Gilpin
Jay W. Elston

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1148 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Harris County Utility District No. 10; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1148, as amended, was passed to engrossment.

HB 1147 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1147, Creating Harris County Utility District No. 9.

The bill was read second time.

Mr. Finck offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1147 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Harris County Utility District No. 9 hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the rights of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Being a tract or parcel of land containing 435.063 acres of land out of the following Surveys of Harris County, Texas; Elijah Votaw, Abstract 823, H. T. & B. R.R. Co. Number 5 Abstract 422, Harrison McLean, Abstract 529, and John W. Asbury, Abstract 91; and being more particularly described by metes and bounds as follows, (all bearings and coordinates referenced to the Texas Coordinate System, South Central Zone):

Beginning at a point where the Harris-Montgomery County line crosses the east line of the Elijah Votaw Survey (X=3,198,448.55, Y=834,475.96);

Thence N 45° 12' 50" E, along said Harris-Montgomery County line 236.63 feet to a point for corner on said line;

Thence N 87° 52' 35" E, at 3923.47 feet pass the common line of the aforementioned H. T. & B. R.R. Co. and McLean Surveys to a point for corner at 6728.34 feet in all;

Thence S 01° 00' 51" W, 1142.16 feet to a point for corner;

Thence S 11° 28' 02" E, at 1273.29 feet pass the common line of the McLean and Asbury surveys, to a point for corner at 1720.81 feet in all in the arc of a curve;

Thence along the arc of a curve to the right, at 427.77 feet pass the common line of the Asbury and McLean surveys to a point of reverse curve at 2185.39 feet in all (said arc having a chord of N 89° 38' 52" W, 2169.35 feet, a radius of 5200.00 feet and a central angle of 24° 04' 47");

Thence 1545.41 feet along the arc of a curve to the left (said arc having a chord of N 84° 31' 57" W, 1541.28 feet, a radius of 6100.00 feet and a central angle of 14° 30' 56") to a point of tangent;

Thence S 87° 52' 35" W, at 1127.55 feet pass the common line of the McLean and H. T. & B. R.R. Co. Surveys, at 3418.45 feet pass the common line of the H. T. & B. R.R. Co. and Elijah Votaw Surveys, to a point for corner at 3603.30 feet in all;

Thence N 02° 07' 25" W, 560.00 feet to a point of curve;

Thence 1483.74 feet along the arc of a curve to the left (said arc having a chord of N 10° 37' 29" W, 1478.30 feet, a radius of 5000.00 feet, and a central angle of 17° 00' 09") to a point for corner on the aforementioned Harris-Montgomery County Line;

Thence N 45° 12' 50" E, 542.41 feet along said county line to the Point of Beginning and containing in area 435.063 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Robert S. Bambace
Tom Connally
William H. Payne
John A. Barrett
Lynn P. Carter

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declared that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Representative Slack entered the House and was announced present.

HB 1147—(Consideration continued)

Committee Amendment No. 2

Amend HB 1147 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Harris County Utility District No. 9; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1147, as amended, was passed to engrossment.

HB 1685 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1685, Creating Beaumont Place Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1685 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Beaumont Place Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying

the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Being 424.594 acres of land comprising all of Beaumont Place Subdivision, Sections One, Two, Three, and Four out of and a part of the J. W. Moody 1/3 League, Abstract No. 546, Harris County, Texas and being more fully described by metes and bounds as follows:

Beginning at a point for the Northwest Corner of the herein described 424.594 acre tract, said point also being located in the Southerly R.O.W. line of the Beaumont Highway (U.S. Highway 90) based on 150 feet in width, said point also being the Northwest Corner of Beaumont Place Subdivision, Section 3, according to plat thereof recorded in Vol. 36, pg. 21, Harris County Map Records,

Thence N 64°22' E along the Southerly R.O.W. line of the 150' wide Beaumont Highway, (U.S. Highway 90), a distance of 113.90 feet to a point for a corner of the herein described 424.594 acre tract.

Thence N 25°38' W, a distance of 50 feet to a point for a corner of the herein described 424.594 acre tract, said point being located in the Southerly R.O.W. line of the 100 feet wide Beaumont Highway (U.S. Highway No. 90),

Thence N 64°22' E along the Southerly R.O.W. line of the Beaumont Highway, (U.S. Highway 90) same also being the common line of Beaumont Place Subdivision Sections 3 and 1, a distance of 2,870.96 feet to a point for a corner of the herein described 424.594 acre tract,

Thence N 89°27' E along the common line of Beaumont Place Subdivision Sections 1 and 2, a distance of 2,541.50 feet to a point for the most Northeasterly Corner of the herein described 424.594 acre tract, same also being the Northeast Corner of Beaumont Place Subdivision Section 2,

Thence S 00°07' W along the common line of Beaumont Place Subdivision Sections Two and Four, a distance of 3,880.08 feet to a point for the Southeast Corner of the herein described 424.594 acre tract, said point also being the Southeast Corner of Beaumont Place Subdivision Section Four according to Plat thereof recorded in Vol. 38, Page 29 of the Harris County Map Records,

Thence S 89°34'56" W along the South line of Beaumont Place Subdivision Section Four, a distance of 3,733.39 feet to a point for a corner of the herein described 424.594 acre tract, said point also being the Southwest Corner of Beaumont Place Subdivision Section Four,

Thence N 89°53' W along the South line of Beaumont Place Subdivision Section Three, a distance of 60 feet to a point for a corner of the herein described 424.594 acre tract,

Thence S 86°34'26" W along the South line of Beaumont Place Subdivision Section Three, a distance of 52.71 feet to a point for a corner of the herein described 424.594 acre tract,

Thence N 89°20'41" W along the South line of Beaumont Place Subdivision Section Three, a distance of 200.04 feet to a point for a corner of the herein described 424.594 acre tract,

Thence S 89°52'49" W along the South line of Beaumont Place Subdivision Section Three, a distance of 822.01 feet to a point for a corner of the herein described 424.594 acre tract,

Thence S 86°57'33" W along the South line of Beaumont Place Subdivision Section Three, a distance of 340.70 feet to a point for the Southwest Corner of the herein described 424.594 acre tract, same also being the Southwest Corner of Beaumont Place Subdivision Section Three, according to Plat thereof recorded in Vol. 36, Page 21 of the Harris County Map Records,

Thence N 00°07' E along the West line of Beaumont Place Subdivision Section Three, a distance of 2,567.05 feet to the point of beginning and containing 424.594 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Clarence Walker
Richard Barfield
Ernest L. Akers
Arthur M. Gonzalez
Ralph B. Morgan

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall ap-

point someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1685 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Beaumont Place Utility District of Harris County, Texas; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1685, as amended, was passed to engrossment.

SB 738 ON SECOND READING
(Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 738, Removing certain requirements for transportation of school children at state expense with public transportation service.

The bill was read second time.

Mr. Cavness offered the following amendment to the bill:

Amend SB 738 by striking all below the enacting clause and substituting therefor the following:

“Section 1. Subsection (d), Section 16.57, Texas Education Code, is repealed.

“Sec. 2. The importance of this Act and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.”

The amendment was adopted without objection.

SB 738, as amended, was passed to third reading

SB 680 ON SECOND READING
(Mr. Harris—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 680, Relating to the date of election of navigation and canal commissioners.

The bill was read second time and was passed to third reading.

SB 593 ON SECOND READING
(Mr. Haynes—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 593, Relating to the compensation of county attorneys in certain counties; relating to their private practice.

The bill was read second time.

Mr. Kilpatrick offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 593 by substituting the figure \$20,000.00 in lieu of the figure \$15,000.00, where it appears in the bill.

The committee amendment was adopted without objection.

SB 593, as amended, was passed to third reading.

Representatives Griffith Moore and Garcia entered the House and were announced present.

SB 755 ON SECOND READING
(Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 755, Relating to official shorthand reporters of the District Courts of Travis County.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 755, First Printing, by substituting the following for Section 1 beginning on Line 27:

"Section 1. The Judges of the District Courts of Travis County, Texas, shall each appoint an official shorthand reporter for his respective judicial district court or district court in the manner now provided for district courts in this state, who shall have the same qualifications and whose duties shall in every respect be the same as now provided by law, and whose salary shall be fixed and determined by the Judges of the District Courts of Travis County, Texas, and approved by the Commissioners Court of Travis County, Texas, and shall be in addition to transcript fees, fees for statements of fact and all other fees, and shall not exceed Twenty Thousand Dollars per annum. Said salary, when so fixed and determined by the district judges of said respective courts, and approved by the Commissioners Court of Travis County, Texas, shall be paid monthly out of the General Fund or the Jury Fund, or any fund available for the purpose as may be determined by the Commissioners Court."

The committee amendment was adopted without objection.

SB 755, as amended, was passed to third reading.

SB 154 ON SECOND READING
(Mr. Atwell—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 154, Relating to credit for prior service in the Legislature by a member of a county and district retirement system.

The bill was read second time and was passed to third reading.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to third reading of SB 154.

SB 360 ON SECOND READING
(Mr. Wayne—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 360, Limiting the amount of group life insurance which may be issued to a creditor to insure agricultural or horticultural debtors with seasonal income.

The bill was read second time.

Mr. Salter offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend Section 1 of SB 360 to read and provide as follows:

“Section 1. Section 1 (4) (a) and (d), Article 3.50, of the Texas Insurance Code, as amended by Section 1, Chapter 247, Acts of the 54th Legislature, 1955, are amended to read as follows:

“(a) The debtors eligible for insurance under the policy shall all be members of a group of persons numbering not less than fifty (50) at all times, who become borrowers, or purchasers of securities, merchandise or other property, under agreement to repay the sum borrowed or to pay the balance of the price of the securities, merchandise or other property purchased, to the extent of their respective indebtedness, but not to exceed Ten Thousand Dollars (\$10,000.00) on any one life; provided however the face amount of any loan or loan commitment totally or partially executed, made to a debtor for educational purposes or to a debtor with seasonal income by a creditor in good faith for general agricultural or horticultural purposes, secured or unsecured, where the debtor becomes personally liable for the payment of such loan, may be so insured in an initial amount of such insurance not to exceed the total amount repayable under the contract of indebtedness and, when such indebtedness is repayable in substantially equal installments, the amount of insurance shall at no time exceed the scheduled or actual amount of unpaid indebtedness, whichever is greater, and such insurance on such credit commitments not exceeding one year in duration may be written up to the amount of the loan commitment on a nondecreasing or level term plan, but such insurance shall not exceed Twenty-Five Thousand Dollars (\$25,000.00) on any one life.”

“(d) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment; provided that in the case of a debtor for educational purposes or to a debtor with seasonable income, under a loan or loan commitment for general agricultural or horticultural purposes of the type described in paragraph (a), the insurance in excess of the indebtedness to the creditor, if any shall be payable to the estate of the debtor or under the provision of a facility of payment clause.”

Committee Amendment No. 2

Amend the caption of SB 360 by striking all above the Enacting Clause and inserting in lieu thereof the following:

A bill to be entitled An Act limiting the amount of group life insurance which may be issued to a creditor to insure educational, agricultural, or horticultural debtors; amending Section 1(4) (a) and (d), Article 3.50, of the Texas Insurance Code, as amended; and declaring an emergency.

The committee amendments were severally adopted without objection.

SB 360, as amended, was passed to third reading.

SB 522 ON SECOND READING
(Mr. Heatly—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 522, Transferring funds previously appropriated to the Board of Pardons and Paroles from one appropriation item to another.

The bill was read second time and was passed to third reading.

The Chair stated that SB 522 was passed to third reading subject to the provisions of Article III, Section 49a of the Constitution of Texas.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to third reading of SB 522.

SB 814—LAID ON THE TABLE SUBJECT TO CALL

Mr. Harris moved that SB 814 be laid on the table subject to call.

There was no objection offered and it was so ordered.

SB 819 ON SECOND READING
(Mr. Harris—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 819, Providing higher compensation for county judges of certain counties.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 819 by striking Paragraph (b) thereof beginning on Line 32 and substituting the following:

"(b) In each county of the State of Texas having a population of at least one hundred forty thousand inhabitants but less than one hundred ninety-five thousand inhabitants according to the last preceding Federal Census and having an assessed valuation of more than Two Hundred Fifty Million Dollars according to the last preceding approved tax roll where the county judge is compensated on a salary basis, the commissioners court may fix the salary of the county judge at a sum of not more than the amount paid district judges from the General Revenue Fund of the State of Texas."

The committee amendment was adopted without objection.

SB 819, as amended, was passed to third reading.

SB 733 ON SECOND READING
(Mr. Pickens—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 733, Adding a new section to the Revised Civil Statutes of Texas of 1925, defining what constitutes the time of the inception of certain liens.

The bill was read second time and was passed to third reading.

SB 537 ON SECOND READING
(Mr. Cobb—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 537, Requiring political parties with statewide organization to adopt and file rules for the conduct of party affairs.

The bill was read second time.

Mr. Murray offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 537, Section 1, as follows:

1. In Subdivision 3 by placing a comma instead of a period at the end of the second sentence and adding the following words and punctuation: "except that temporary rules for 1972 may be adopted by the State Executive Committee of the party subject to action by the next State Convention as provided in Subdivision 6."

2. In Subdivision 6, by deleting from the first sentence the words and punctuation "the following March 1." and substituting therefor the words and punctuation "30 days prior to the first precinct convention to be held that year, provided that for 1972, the State Executive Committee of the party may adopt temporary rules to be ratified in accordance with this Subdivision."

The committee amendment was adopted without objection.

Mr. Grant Jones offered the following amendments to the bill:

Amend SB 537, Second Printing by striking the comma following the word "both" as it appears on Line 54 of page 1 and inserting a period in lieu thereof and striking the remaining portion of that sentence as such remainder begins on Line 54 with the word "provided" and ends on Line 56 with the word "conventions".

Amend SB 537, Second Printing, Page 1 on Line 35 by striking the word "makes" and substituting in lieu thereof the word "made".

The amendments by Mr. Grant Jones were severally adopted without objection.

Mr. Edmund Jones offered the following amendments to the bill:

Amend SB 537 by adding the following at the end of Subdivision 3 on page 2 the following: "Such rules may provide for amendment by action of the State Party Executive Committee."

Amend SB 537 by striking on lines 47 and 48, page 1 of the Second Printing the following: "The rules shall prohibit proxy voting within the party at any level."

The amendments by Mr. Edmund Jones were severally adopted without objection.

SB 537, as amended, was passed to third reading.

SB 916 ON SECOND READING
(Mr. Simmons—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 916, Relating to the establishment and maintenance of a county law library in certain counties.

The bill was read second time.

Mr. Kaster offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 916, First House Printing, by striking in line 29, the words "not less than \$3.50 and".

The committee amendment was adopted without objection.

SB 916, as amended, was passed to third reading.

HB 1134 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1134, Relating to the salary of the county clerk in certain counties.

The bill was read second time.

Mr. Ogg offered the following amendment to the bill:

Amend HB 1134 by changing the words \$23,500.00 in line 17 to \$24,000.

The amendment was adopted without objection.

HB 1134, as amended, was passed to engrossment.

HB 1535 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1535, Authorizing the Parks and Wildlife Department to publish information on state parks, etc.

The bill was read second time.

Mr. Atwood offered the following amendment to the bill:

Amend HB 1535, Section 2, line 23 by adding the following sentence:

purposes provided for by law. It is expressly understood that no bulletin, book or other publication referred to in this Act is to be published and sold at regular periodic intervals.

The amendment was adopted without objection.

HB 1535, as amended, was passed to engrossment.

HB 1203 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1203, Relating to the appointment of special rangers by the Public Safety Commission.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Truan requested to be recorded as voting Nay on the passage to engrossment of HB 1203.

HB 1406 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1406, Relating to preservation of books and records of banks and the Banking Department; concerning certain rules, regulations, and powers.

The bill was read second time and was passed to engrossment.

HB 1654 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1654, Relating to the levying, assessment, and collection of maintenance taxes in certain common school districts.

The bill was read second time and was passed to engrossment.

Representative Earthman entered the House and was announced present.

HB 992 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 992, Relating to the employer's liability and workmen's compensation laws of this state.

The bill was read second time and was passed to engrossment.

HB 1021 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1021, Relating to the compensation of certain official shorthand reporters.

The bill was read second time and was passed to engrossment.

HB 622 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 622, Requiring certain citations to be returned unserved if service is not executed within 30 days after the date of its issuance.

The bill was read second time.

Mr. Newton offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 622 by striking the number "30" on line 14 and adding the number "45" in lieu thereof.

The committee amendment was adopted without objection.

HB 622, as amended, was passed to engrossment.

HB 1709 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1709, Relating to the compensation of employees of the Battleship Texas Commission and its operating board.

The bill was read second time and was passed to engrossment.

HB 1682 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1682, Providing for the creation of civic center authorities without taxing power.

The bill was read second time.

Mr. Doyle offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1682, First Printing, by inserting "recreational buildings or facilities," between "libraries," and "or" on line 34, page 5.

The committee amendment was adopted without objection.

HB 1682, as amended, was passed to engrossment.

HB 858 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 858, Amending the Texas Uniform Limited Partnership Act.

Representative Angly entered the House and was announced present.

HB 858—(Consideration continued)

The bill was read second time and was passed to engrossment.

HB 1002 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1002, Relating to fees and licenses for nursing home administrators.

The bill was read second time and was passed to engrossment.

HB 703 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 703, Prescribing civil penalties of not to exceed \$100 per day for any wilful violation of any rule, regulation, etc., of the Texas Water Rights Commission.

The bill was read second time.

Mr. Cates offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 703, First Printing, to strike all below the enacting clause and substitute the following:

Section 1. Chapter 6, Water Code, is amended to add a new Section 6.076, to read as follows:

"Section 6.076. Violations of Rules. Regulations. Orders. Certified Filings, and Permits. (a) Any person, association of persons, corporation, water improvement district, or irrigation district, or any agent, officer, employee, or representative of any of these named entities who shall wilfully violate any of the rules, regulations, or orders promulgated by the commission or any of the terms and conditions contained in declarations of appropriations (certified filings) and permits to appropriate water are liable to a civil penalty of not more than \$100 a day for each day that the violation continues to take place.

"(b) An action to collect the penalty provided in the section must be brought within two years from the date of the alleged violation."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

Mr. Murray offered the following amendment to the bill:

Amend HB 703, First Printing, to strike all above the enacting clause and substitute the following:

A bill to be entitled An Act prescribing civil penalties of not to exceed \$100 per day for any wilful violation of any rule, regulation, or order promulgated by the Texas Water Rights Commission which are not in conflict with this chapter and any term or condition contained in declarations of appropriation and permits heretofore or hereafter granted by the Commission which are not in conflict with this chapter; amending Chapter 6, Water Code to add a new Section 6.076; and declaring an emergency.

The amendment was adopted without objection.

HB 703, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Nabers, Adams, Rosson, Finnell, and Joe Hanna requested to be recorded as voting Nay on the passage to engrossment of HB 703.

HB 1630 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1630, Permitting Palo Pinto County Municipal Water District No. 1 to acquire land held by the district in Palo Pinto County, Eastland County, and Parker County.

The bill was read second time.

LEAVE OF ABSENCE GRANTED

On motion of Mr. Nichols, Mr. Rodriguez was granted leave of absence for today on account of important business.

HB 1630—(Consideration continued)

Mr. Clayton offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1630 by deleting that portion of Section 1 which reads, "and the size of a dam shall not be limited by the amount of water initially authorized by the Texas Water Rights Commission to be impounded therein," so that hereafter Section 1 shall read,

"Section 1. That Section 9 of Acts 1961, 57th Legislature, Chapter 416, as amended, is hereby amended to read as follows:

'Sec. 9. The District is authorized to acquire, construct or improve within or without the boundaries of the District within Palo Pinto County, Eastland County or Parker County, on land held in fee, leased or otherwise held by the District, a dam or dams and all works, plants and other facilities necessary or useful for the purpose of impounding, processing and transporting water to cities and others for all useful purposes. The size of each dam and reservoir shall be determined by the Texas Water Rights Commission, taking into consideration probable future increases in water requirements. No dam or other facilities for impounding water shall be constructed until the plans therefor are approved by the Texas Water Rights Commission.'

Committee Amendment No. 2

Amend HB 1630 by adding after the word District in line 40 page 1 of the first printing the words "but not to extend more than five miles".

The committee amendments were severally adopted without objection.

HB 1630, as amended, was passed to engrossment.

HB 860 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 860, Prohibiting the use of funds distributed as aid to families with dependent children by persons who are not the parents or legal guardians of the children, etc.

The bill was read second time and was passed to engrossment.

Representative Bowers entered the House and was announced present.

HB 1007 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1007, Authorizing the governing board of any school district to employ security personnel for use in any school within its district.

The bill was read second time and was passed to engrossment.

HB 463 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 463, Relating to the maximum salaries of elected officials and county employees in certain counties.

The bill was read second time.

Mr. Hubenak offered the following amendment to the bill:

Amend Line 15 of HB 463 by deleting 53,800 and inserting 52,300 in its place.

The amendment was adopted without objection.

HB 463, as amended, was passed to engrossment.

HB 1541 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1541, Relating to the audit of accounts, etc., of river authorities.

The bill was read second time and was passed to engrossment.

HB 1753 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1753, Relating to the compensation of the official shorthand reporters of the 128th and 163rd Judicial Districts.

The bill was read second time.

Mr. Haynes offered the following amendment to the bill:

Amend HB 1753 on Line 29 by striking the comma following district and substituting a semicolon in lieu thereof, and then adding the words "such salary must first be approved by the commissioners court."

The amendment was adopted without objection.

HB 1753, as amended, was passed to engrossment.

HB 1599 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1599, Relating to compensation of the district attorney of the 19th, 54th, 74th, and 170th Judicial Districts.

The bill was read second time and was passed to engrossment.

HB 1752 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1752, Relating to the salaries of the official shorthand reporters of the 16th and 158th Judicial Districts.

The bill was read second time and was passed to engrossment.

HB 1754 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1754, Relating to the allowance for traveling expenses and automobile depreciation for county judges and county commissioners in certain counties.

The bill was read second time.

Mr. Nabers offered the following amendment to the bill:

Amend HB 1754, second printing, by adding a new Section 4 and renumbering present Section 4 and all following sections accordingly, such new Section 4 to read as follows:

Section 4. In any county in this state having a population of not less than 11,870 and not more than 12,000 according to the last preceding federal census, the commissioners court is hereby authorized to allow each member of the court the sum of not exceeding \$125 per month for traveling expenses and depreciation on his automobile while on official business within the county. Each member of the court shall pay all expenses in the operation of such automobile and keep the automobile in repair free of any other charge to the county.

The amendment was adopted without objection.

HB 1754, as amended, was passed to engrossment.

HB 1393 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1393, Regulating composition and selection of Harris County Juvenile Board.

The bill was read second time and was passed to engrossment.

LEAVE OF ABSENCE GRANTED

On motion of Mr. Johnson, Mr. Wolff was granted leave of absence for the remainder of today on account of important business.

HB 1706 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1706, Relating to the die stamping of permanent vehicle identification numbers on motor vehicles.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1706 by striking all below the enacting clause and insert the following:

Section 1. Chapter 4, General Laws, page 602, Acts of the 46th Legislature, 1939, as last amended, (Article 1436-1, Vernon's Texas Penal Code) is hereby amended by adding a new section 52 to read as follows:

"Section 52. (a) No person may sell for the first time in this state a 'new car' as that term is defined in Article 1436-1, Section 9, Vernon's Texas Penal Code, manufactured after August 1, 1973, unless a number has been affixed by die stamping, or another equally permanent method, as approved by the Texas Highway Department, by the manufacturer on the engine, transmission, frame and body, that corresponds, in its entirety, with the manufacturer's permanent vehicle identification number."

“(b) An individual who violates this Act commits a misdemeanor punishable by a fine not to exceed \$200 or by confinement in jail not to exceed 30 days or by both.

“(c) A partnership, firm, corporation, or association that violates this Act shall be assessed a civil penalty of not more than \$500 for each offense.

“(d) Each sale of a motor vehicle in violation of this Act constitutes a separate offense.

“(e) Whenever it appears that a person has violated or is violating or is threatening to violate any provision of this Act, any district court of any county where such violation occurs shall have the power to restrain and enjoin the person from violations hereof. Such relief may be granted upon application of the attorney general or any district or county attorney and no bond shall be required.”

Section 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

HB 1706, as amended, was passed to engrossment.

HB 1131 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1131, Authorizing county governments in certain counties to contract with each other for performance of certain functions.

The bill was read second time and was passed to engrossment.

HB 1004 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1004, Making it unlawful for officers, employees, and agents of government to disclose information to which they have access by virtue of their employment.

The bill was read second time.

Mr. Pickens offered the following amendment to the bill:

Amendment No. 1

Amend HB 1004, Second Printing, page 1, by striking all of line 22 and substituting in lieu thereof the following:

"in his official capacity that is made confidential or privileged by law or the constitution commits a mis-"

The amendment was adopted without objection.

HB 1004, as amended, was passed to engrossment.

HB 665 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 665, Relating to the area of operation of a county or regional housing authority.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 665.

HB 661 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 661, Relating to the bond interest rate on housing authority bonds.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 661.

HB 1671 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1671, Relating to state purchasing procedures.

The bill was read second time.

Mr. Braecklein offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1671 by striking all below the enacting clause and substitute in lieu thereof the following:

Section 1. Section 8, Chapter 304, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 664-3, Vernon's Texas Civil Statutes) is amended to read as follows:

Contract Purchase Procedure

"Sec. 8. (a) Notice. Notice inviting bids shall be published at least once in at least one newspaper of general circulation in the state and at least seven days preceding the last day set for the receipts of bids. The newspaper notice shall include a general description of the articles to be purchased, and shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

"(b) Bidders List. The Board shall maintain a bidders list and shall add or delete names from the list by the application and utilization of applicable standards set forth in subsection (e) of this section. In any case, bid invitations shall be sent only to those who have expressed a desire to bid on the particular types of items which are the subject of the bid invitation. Use of the bidders list shall not be confined to contract purchases but it may be used by the Board as it may find desirable in making any purchase.

"(c) Bid Deposits. When deemed necessary by the Board bid deposits in amounts to be set by the Board shall be prescribed in the public notices and the invitation to bid. The Board shall establish and maintain records of bid deposits and their disposition with the cooperation of the State Auditor, and upon the award of bids or rejection of all bids, bid deposits shall be returned to unsuccessful bidders making bid deposits. The Board may accept a bid deposit in the form of a blanket bond from any bidder.

"(d) Bid Opening Procedure. Bids shall be submitted to the Board sealed and identified as bids on the envelope. Bids shall be opened by the Board at the time and place stated in the public notices and the invitation to bid; provided, the State Auditor or a member of his staff may be present at any bid opening. A tabulation of all bids received shall be available for public inspection under regulations to be established by the Board.

"(e) Award of Contract. The Board shall award contracts to the bidder submitting the lowest and best bid conforming to the specifications required by the Board. Compliance with the specified time limit for submission of written data, samples, or models is material to the validity of a bid. In determining who is the lowest and best bidder, in addition to price, the Board shall consider:

"(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

"(2) Whether the bidder can perform the contract or provide the service promptly, or within the time required, without delay or interference;

"(3) The character, responsibility, integrity, reputation, and experience of the bidder;

"(4) The quality of performance of previous contracts or services;

"(5) The previous and existing compliance by the bidder with laws relating to the contract or service;

"(6) Any previous or existing noncompliance by the bidder with specifi-

cation requirements relating to time of submission of specified data such as samples, models, drawings, certificates or other information;

"(7) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

"(8) The quality, availability and adaptability of the supplies, or contractual services, to the particular use required;

"(9) The ability of the bidder to provide future maintenance, repair parts, and service for the use of the subject of the contract;

"(10) The number and scope of conditions attached to the bid.

"(f) Rejection of bids. If a bid is submitted in which there is a material failure to comply with the specification requirements, such bid shall be rejected and the contract awarded to the bidder submitting the lowest and best bid conforming to the specifications, provided, however, the Board shall in any event have the authority to reject all bids or parts of bids when the interest of the state will be served thereby.

"(g) Bid Record. When an award is made a statement of the basis for placing the order with the successful bidder shall be prepared by the purchasing division and filed with other papers relating to the transaction.

"(h) Tie Bids. In case of tie bids, quality and service being equal, the contract shall be awarded under rules and regulations to be adopted by the Board.

"(i) Performance Bonds. The Board may require a performance bond before entering a contract in such amount as it finds reasonable and necessary to protect the interests of the state. Any bond required under this subsection shall be conditioned that the bidder will faithfully execute the terms of the contract into which he has entered. Any bond required shall be filed with the Board and recoveries may be had thereon until it is exhausted."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

HB 1671, as amended, was passed to engrossment.

HB 1250 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1250, Redefines "base pay" in the firemen's and policemen's pension fund law.

The bill was read second time and was passed to engrossment.

Mr. Blanton moved to reconsider the vote by which HB 1250 was passed to engrossment.

The motion to reconsider prevailed without objection.

Mr. Blanton offered the following amendments to the bill:

Amendment No. 1

Amend HB 1250 by striking all below the enacting clause and substituting the following:

"Section 1. That Article 6243a of the Revised Civil Statutes of Texas, as amended, be and the same is hereby amended by adding Section 1B to read as follows:

"Sec. 1B. As used in this Article on and after October 1, 1971, the term "base pay", when used in reference to the plans of said Pension Fund existing prior to October 1, 1971, shall mean the maximum pay per month of a patrolman or private, exclusive of educational incentive pay.'

"Section 2. That Article 6243a, Revised Civil Statutes of Texas, as amended, be and the same is hereby amended so that Sec. 3 thereof shall hereafter read as follows:

"Sec. 3. On and after October 1, 1971, there shall be deducted for such Fund, from the wages of each fireman, policeman and fire alarm operator in the employment of the said city or town, when he has filed application therefor, six and one-half percent (6.5%) of the wages earned by such employee, except that if approved by a majority vote of the participating members of the Fund at an election held for the purpose, there shall be deducted an amount not to exceed nine percent (9%) of the wages earned by such employee, the amount and the date deductions shall begin to be as set in the election so held. Every contributor to said Fund shall be required to pay into the Fund on the base pay per month as defined in Section 1B hereof, and no more, except where otherwise provided by any amended plan that may be adopted under Section 11B hereof. Any donations made to said Fund and rewards received by any members of either of the Departments and all funds received from any source for such Fund, shall be deposited in like manner to such Fund.'

"Section 3. That Article 6243a, Revised Civil Statutes of Texas, as amended, be and the same is hereby amended so that Sec. 7 thereof shall hereafter read as follows:

"Sec. 7. Where any member of said Departments shall have contributed a portion of his salary as provided herein, and shall have served twenty (20) years in either of said Departments, he shall be issued a certificate of retirement, which said certificate shall thereafter be incontestable. The issuance of such certificate shall be mandatory upon the Board; provided, however, that when said member reaches the age of fifty (50) years he may, after making application, be retired. No person to whom such certificate shall have been issued who has not reached the age of fifty (50) years shall be entitled to receive any retirement benefits until he reaches the age of fifty (50) years, and then upon his application. If any such member shall voluntarily or involuntarily leave the service of the city

after he has received such certificate and before he reaches the age of fifty (50) years, he shall not be entitled to participate in the benefits of this Act until he is fifty (50) years of age; provided, however, that if any such member voluntarily or involuntarily leaves the service of the city and thereafter becomes physically disabled before he reaches the age of fifty (50) years, he shall be entitled to apply for, and the Board may grant to him, a disability pension in accordance with this Act, unless such disability was caused by his committing a felony or by an intentional self-inflicted injury, which said pension shall become a retirement pension subject to the provisions of this Act upon his reaching the age of fifty (50) years. In the event such member so retiring, voluntarily or involuntarily, after he has such certificate and before he reaches the age of fifty (50) years, shall die, then his widow or children, or other dependents named in this Act, if any, shall be entitled to share in the benefits of this Act. A member retiring under the provisions of this Act shall receive one-half ($\frac{1}{2}$) of the salary received by him at the time of his retirement; provided, however, that in no instance shall the monthly pension allowance awarded him be in excess of one-half ($\frac{1}{2}$) of the base pay per month, as defined in Section 1B hereof, plus one-half ($\frac{1}{2}$) of the service money granted to the member under any provision of any state law or any city charter of any city within the provisions of this Act; which pension allowance shall be computed on the basis of the current payroll. This pension allowance, set out above based on the current payroll, shall be granted to the man going on the Pension Fund as well as the man already on the pension. Any member reaching the age of sixty-five (65) years and having served twenty (20) years in either of the Departments, and who has not then retired from such Departments, may be summoned before the Board for the purpose of determining whether or not he should be retired under the provisions of this Act.'

"Section 4. That Article 6243a, Revised Civil Statutes of Texas, as amended, be and the same is hereby amended so that Section 8 thereof shall hereafter read as follows:

"'Sec. 8. When any member of the Fire Department, Police Department or Fire Alarm Operators' Department has been issued a Certificate of Retirement under the provisions of Section 7 of this Act, he shall be entitled, after having received said Certificate, to one-half ($\frac{1}{2}$) of the base pay per month as defined in Section 1B hereof, plus one-half ($\frac{1}{2}$) of the service money granted to the member under any provision of any city charter, which pension allowance shall be computed on the basis of the current payroll. The pension allowance set out above, based on the current payroll, shall be granted to the man going on the pension as well as the man already on the pension. The said Certificate shall further state that in case of death, or in case where he becomes permanently disabled, he shall be and his beneficiaries shall be entitled to the same awards and rights to participate in the provisions of this Act and any other Act heretofore or hereafter made, as well as any of the provisions of the city charter heretofore or hereafter made, as he would have had before the said Board issued his Certificate of Retirement. The said Certificate shall be signed by the Mayor, or Mayor Pro Tem, or City Manager, if such city has a City Manager, and by the Chairman of the Pension Board of Firemen, Policemen and Fire Alarm Operators, and attested under the seal of the City by the City Secretary.'

"Section 5. That Article 6243a, Revised Civil Statutes of Texas, as

amended, be and the same is hereby amended so that Section 9 thereof shall hereafter read as follows:

“Sec. 9. When any member of the Fire Department, Police Department, and Fire Alarm Operators’ Department of the city or town within the provisions of this Act, and who is contributing to said Fund, as herein provided, shall become so permanently disabled through injury or disease, unless such disability was caused by his committing a felony or by an intentional self-inflicted injury, as to incapacitate him from the performance of his duties, and shall make written application subject to medical examination for such injuries or disease, he shall be retired from the service and be entitled to receive from the said Fund one-half ($\frac{1}{2}$) the base pay per month as defined in Section 1B hereof, plus one-half ($\frac{1}{2}$) of the service money granted to the member under the provisions of any state law or any city charter of any city within the provisions of this Act; which base pay per month as defined in Section 1B hereof, shall be computed on the basis of the current payroll. The pension allowance shall be granted to the man going on a pension as well as to the man already on the pension at the time he became disabled or diseased, the same to be paid in monthly installments, which monthly installments shall in no instance exceed one-half ($\frac{1}{2}$) of the base pay per month as defined in Section 1B hereof, plus one-half ($\frac{1}{2}$) of the service money granted to the member under the provisions of any state law or any city charter of any city within the provisions of this Act. In no case shall a disability claim be acknowledged or award made hereunder until disability has been proven to be continuous and the member wholly incapacitated for a period or not less than ninety (90) days.’

“Section 6. That Article 6243a, Revised Civil Statutes of Texas, as amended, be and the same is hereby amended so that Section 10 thereof shall hereafter read as follows:

“Sec. 10. In case of the death before or after retirement of any member of the Fire Department, Police Department, or Fire Alarm Operators’ Department of any city or town within the provisions of this Act, from disease contracted or injury received and who at the time of his death or retirement was a member of either of said Departments and a contributor to the said Fund, leaving a widow, child or children under seventeen (17) years of age, the widow and such child or children shall be entitled to receive from the said Fund an amount not to exceed one-half ($\frac{1}{2}$) of the base pay per month as defined in Section 1B hereof, plus one-half ($\frac{1}{2}$) of the service money granted to members under the provisions of any state law or any city charter of any city within the provisions of this Act; one-half ($\frac{1}{2}$) of the widow’s amount in the aggregate shall go to the children under seventeen (17) years of age, and the balance of one-half ($\frac{1}{2}$) for the widow. No child of any such member resulting from any marriage contract subsequent to the date of the retirement of such member, shall be entitled to a pension under this Act. In the case there are no children, the widow shall receive one-fourth ($\frac{1}{4}$) of the base pay per month as defined in Section 1B hereof plus one-fourth ($\frac{1}{4}$) of the service money granted to members under the provisions of any state law or any city charter of any city within the provisions of this Act. The one-fourth ($\frac{1}{4}$) awarded to the children shall be paid by the Board to the widow, who shall equally and uniformly distribute the amount among the children. In no instance shall the amount received by the widow, child or children, exceed a pension allowance of one-half ($\frac{1}{2}$) of the base pay per month as de-

fined in Section 1B hereof, plus one-half ($\frac{1}{2}$) of the service money granted to members under any state law or any city charter of any city within the provisions of this Act. Where the Board, after a thorough examination and by a majority vote in favor thereof, determines that the child or children are unable to and lack the proper discretion to handle said amount provided herein for them, it shall designate and appoint said child's or children's natural guardian as custodian of said Fund. Where there is no parent and natural guardian living, the Board shall have the power and authority to designate a suitable person to receive and administer the said Fund; which said party shall receive for such child or children under the age of seventeen (17) years, one-fourth ($\frac{1}{4}$) of the base pay per month as defined in Section 1B hereof, and one-fourth ($\frac{1}{4}$) of the service money granted to members under any state law or any city charter of any city within the provisions of this Act, per month. The said party designated by the Board shall receive his authority and power according to established legal practice. When any child or children, who are beneficiaries under this Act, shall reach the age of seventeen (17) years, then such child or children, if any, shall no longer participate in the division of said wages of said deceased, but the same shall be paid to the remaining child or children, if any, under seventeen (17) years of age. In no case shall the amount paid to any one family exceed the amount of one-half ($\frac{1}{2}$) of the base pay per month as defined in Section 1B hereof, plus one-half ($\frac{1}{2}$) of the service money granted to members under the provisions of any state law or any city charter of any city within the provisions of this Act. Upon the remarriage of the widow, either statutory or common law, or the marriage of any child granted such pension, the pension shall cease. No widow of any such member resulting from any marriage contract subsequent to the date of the retirement of said member, shall be entitled to a pension under this Act.'

"Section 7. That Article 6243a, Revised Civil Statutes of Texas, as amended, be and the same is hereby amended so that Section 11 thereof shall hereafter read as follows:

"Sec. 11. If any member of the Fire, Police, and Fire Alarm Operators' Department of any city within the provisions of this Act dies from injury received or disease contracted, who was a member of either of such Departments and a contributor to said Fund and entitled to participation in said Fund himself, leaves no widow or child but leave surviving him a dependent father and mother wholly dependent upon said person for support, such dependent father and mother shall be entitled to receive one-half ($\frac{1}{2}$) of the base pay per month as defined in Section 1B hereof, plus one-half ($\frac{1}{2}$) of the service money granted to members under the provisions of any state law or any city charter of any city within the provisions of this Act, to be equally divided between said father and mother, so long as they are wholly dependent. Where there is one dependent, either father or mother, the Board shall grant the surviving dependent one-fourth ($\frac{1}{4}$) of the base pay per month as defined in Section 1B hereof, plus one-fourth ($\frac{1}{4}$) of the service money granted to members under any provisions of any state law or any city charter of any city within the provisions of this Act. The Board shall have authority to make a thorough investigation and from investigation determine the facts as to the dependency of the said parties and each of them, as to how long the same exists; and may, at any time, upon the request of any contributor to such Fund, reopen any award made to any of said parties and discontinue such pension as to all or any of them as it may deem proper; and the findings of said Board in regard to any matters, as well as to all pensions granted under this Act, shall

be final upon all parties seeking a pension as a dependent of said deceased, or otherwise, until such award of the trustee shall have been set aside or revoked by a court of competent jurisdiction.'

"Section 8. That Article 6243a of the Revised Civil Statutes of Texas, as amended, be and the same is hereby amended by adding Section 11B to read as follows:

"'Sec. 11B. Comprehensive amendment permitted.

"'A. In addition to the authority of the participating members to amend the Firemen, Policemen and Fire Alarm Operators' Pension System, as set forth in Section 11A hereof, members who, pursuant to Section 2 hereof, file a statement of desire to participate and who authorize therein appropriate deductions from their wages, may also create within said Pension System, by comprehensive amendment thereto, a plan embodying changes in addition to those authorized by Section 11A hereof, provided that:

"'(1) The amendment is first approved by a qualified actuary selected by a majority vote of the Board of Trustees of the Firemen, Policemen and Fire Alarm Operators' Pension System as being actuarially sound. Such qualified actuary shall:

"'(a) if an individual, be a Fellow of the Society of Actuaries or a Fellow of the Conference of Actuaries in Public Practice or a Member of the American Academy of Actuaries; or

"'(b) if a firm, partnership or corporation, employs one or more persons who are Fellows of the Society of Actuaries or Fellows of the Conference of Actuaries in Public Practice or Members of the American Academy of Actuaries; and

"'(2) The amendment is approved by a majority of the Board of Trustees of the Fund; and

"'(3) A majority of the participating members in the Pension Fund, vote for the amendment by secret ballot; and

"'(4) The amendment does not deprive a member of any of the benefits that have become fully vested to him under the present Fund unless he shall (a) execute his written consent to participate in the amended plan; and (b) has qualified thereunder.

"'B. Any amendment made pursuant to this Section shall not in any manner affect any rights or responsibilities under the existing Act or create any new rights or responsibilities except as fully set forth in the adopted amendment.

"'C. Any amendment as set forth herein shall not be required to be ratified by the Legislature of the State of Texas, but shall become operative when properly recorded in the permanent records of the city.

"'D. The amendment applies only to active full-time firemen, policemen or fire alarm operators in the employ of the city or town at the time of the amendment and those who qualify under the provisions of this Act hereafter.

"E. Prior to any election hereunder, the Board of Trustees shall by a majority vote, issue a notice of the calling of the election which notice shall state the proposition to be voted upon and shall include verbatim the amendment sought to be made, which notice shall be posted at the City Hall and at all Fire Stations and Police Stations and upon the bulletin boards at the places where the policemen and firemen are assembled for duty, at least two weeks prior to the date of the election. The balloting in the election shall be held upon two consecutive days with ballot boxes placed at the places that may be determined by the Board of Trustees, so as to be generally convenient to those voting. The ballot boxes shall be kept locked at all times until canvassed by the Board of Trustees or under their supervision.

"F. The minutes of the Board of Trustees, certified by the Secretary thereof, showing:

"(1) The proposed amendment to the Pension System; and

"(2) The calling of the election and the giving of notice thereof; and

"(3) The canvassing of the votes in said election, under the supervision of the Board of Trustees, and a certification of the results thereof by the Board; when reduced to writing as other permanent records of the city and filed in the office of the city secretary of the city in which the election is held, shall constitute evidence of the matters contained herein, admissible in all courts and proceedings. If a majority of the votes cast in said election are for the amendment, the filing in the city secretary's office as herein set out, shall be the effective date thereof, and shall constitute an amendment to the Firemen, Policemen and Fire Alarm Operators' Pension System.

"G. Contributions by such city to any plan created under this Section shall be the same percentage of gross payroll of the members participating therein that is applicable presently or in the future to the original plan and the one created under Section 11A hereof. Compliance with Section 14 hereof with respect to such existing plans shall also be authority for such city to contribute on the same percentage basis to any plan created under this Section.

"Section 9. That Article 6243a, Revised Civil Statutes of Texas, as amended, be and the same is hereby amended so that Section 13 thereof shall hereafter read as follows:

"Sec. 13. Said Board may cause any person receiving any pension under the provisions of this Act, who has served less than twenty (20) years, to appear and undergo medical examination by either the Health Director or some reputable physician selected by the Board; as a result of which the Board shall determine whether the relief in said case shall be continued, increased, decreased, or discontinued. In making the findings the Board may change any percentage stipulated in any section or subsection of this Act, by reducing the same to one-twentieth (1/20) for each year served not to exceed one-half ($\frac{1}{2}$) of the base pay per month as defined in Section 1B hereof, plus one-half ($\frac{1}{2}$) of the service money granted to the member under the provisions of any city charter; if any person receiving relief under the provisions of this Act, after due notice, fails to appear and undergo such examination, the Board may reduce or entirely discontinue such relief."

"Section 10. Any laws and parts of laws, including city ordinances, in conflict with the provisions hereof, are hereby repealed to the extent of such conflict only and, except as to such conflict, shall be in full force and effect, and this Act shall not amend any section or part of Article 6243a, as heretofore amended, except as set forth herein.

"Section 11. This Act shall take effect and be enforced from and after October 1, 1971, and it is so enacted."

Amend HB 1250 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act amending Article 6243a of the Revised Civil Statutes of Texas, as amended, by adding Section 1B thereto, defining "base pay"; amending Section 3 thereof to provide for a percentage of deduction from wages of each fireman, policeman and fire alarm operator participating in the Pension System, in accordance with the definition of base pay in Section 1B hereof; amending Sections 7, 8, 9, 10, 11 and 13 thereof to specify base pay as defined in Section 1B hereof; adding Section 11B thereto, to permit creation of another plan within the Pension System by comprehensive amendment in the manner provided; providing a saving clause; and fixing an effective date.

The amendments were severally adopted without objection.

HB 1250, as amended, was passed to engrossment.

HB 1251 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1251, Providing for the ways in which funds accumulated in the Retirement Reserve Fund may be invested.

The bill was read second time and was passed to engrossment.

Representatives Delwin Jones and Zan Holmes entered the House and were announced present.

(Speaker in the Chair)

HB 1186 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1186, Relating to issuance of solid waste disposal permits by the Texas Water Quality Board and the State Department of Health.

The bill was read second time and was passed to engrossment.

HB 646 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 646, Authorizing cooperation and contracts among political subdivisions of this state.

The bill was read second time.

Mr. Wyatt offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend Section 1 by adding the following:

and agencies of the State.

Committee Amendment No. 2

Amend Section 4 by adding a new subsection (e) and renumbering present (e) to (f)

(e) The contracting parties to any interlocal contract or agreement shall have full authority to contract with state departments and agencies as defined in Article 4413 (32) V.A.C.S. The contracting parties to interlocal contract or agreement shall have specific authority to contract with the Department of Corrections for the construction, operation and maintenance of a regional correctional facility provided that title to the land on which said facility is to be constructed is deeded to the Department of Corrections and provided further that a contract is executed by and between all the parties as to payment for the housing, maintenance and rehabilitative treatment of persons held in jails who can not otherwise be transferred under authority of existing statutes to the direct responsibility of the Department of Corrections.

The committee amendments were severally adopted without objection.

Mr. Traeger offered the following amendments to the bill:

Amendment No. 2

Amend HB 646, Second Printing, to insert a new Section 5 to read as follows and renumber the following sections accordingly:

Sec. 5. Water Supply and Waste Water Treatment Facility Contracts and Leases. (a) Any city, town, district, or river authority within the state may enter into a contract with any other city, town, district, or river authority created under the constitution and laws of this state for the purpose of obtaining or providing water supply or waste water treatment facilities or any interest therein. Any city, town, district, or river authority may also enter into a contract with any other city, town, district, or river authority for the leasing or operation of water supply facilities or waste water treatment facilities or any interest therein.

(b) Any contract authorized by this section may provide that the city, town, district, or river authority obtaining one of the services may not

obtain these same services from any other source other than the city, town, district, or river authority with which it contracted except to the extent provided in the contract. If any such contract so provides, payments made thereunder shall be operating expenses of the contracting party's water supply system or waste water treatment facilities, or both, as the case may be.

(c) Except as provided in Subsection (d) of this section, any contract entered into under this section may contain any terms and extend for any period of time to which the parties can agree, and may provide that it will continue in effect until bonds specified in it and refunding bonds issued in lieu of those bonds are paid.

(d) No tax revenues shall be pledged to the payment of amounts agreed to be paid under any contract entered into under this section.

(e) This section is wholly sufficient authority for executing the contracts mentioned in it regardless of any restrictions or limitations contained in any other laws.

Committee Amendment No. 3

Amend Subdivision (a), Section 4 of HB 646 to read as follows:

“(a) any local government may contract or agree with one or more local governments to perform governmental functions and services under terms of this Act.”

The amendments were severally adopted without objection.

HB 646, as amended, was passed to engrossment.

Representative Orr entered the House and was announced present.

MESSAGE FROM THE SENATE

Austin, Texas, May 13, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HB 172, By Salem: Permitting two or more counties to create a medical examiners district and to jointly maintain the office of medical examiner; and declaring an emergency.

HB 239, By Ligarde: Providing for the compensation of the official court reporter of the 49th Judicial District Court of Texas; providing the manner of payment; and declaring an emergency.

HB 282, By Salem: Relating to the display of certain artifacts and other objects; and declaring an emergency.

HB 372, By Poerner: Relating to approval by the commissioners court in Zavala, Uvalde, Frio, and Dimmit Counties of the rules and regulations promulgated by the Parks and Wildlife Commission regarding game and fish; and declaring an emergency. (with amendment)

HB 491, By Garcia, et al: Relating to terms of office for members of the board of supervisors and the interest on bonds of the Willacy County Drainage District No. 2; and declaring an emergency.

HB 492, By Garcia, et al: Relating to terms of office for members of the board of supervisors and the interest on bonds of the Willacy County Drainage District No. 1; and declaring an emergency.

HB 305, By Slider: Relating to the jurisdiction of the district court for the 5th Judicial District in Cass County over eminent domain proceedings; and declaring an emergency.

HB 425, By Slider: Relating to regulating the weapons that may be used to hunt deer in Marion County; providing that the landowner or lessee may approve the means of hunting deer; and declaring an emergency.

HB 986, By Cole: Including Fannin County under the provisions of the Uniform Wildlife Regulatory Act; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 475, by Grant and Johnson: Commending Mr. Luke Robinson on his thirty years of dedicated service in the General Land Office.

On motion of Mr. Grant, the names of all the Members of the House were added to HSR 475 as signers thereof.

HSR 476—ADOPTED

(Congratulating the Honorable Webster W. Glass)

Mr. Johnson offered the following resolution:

HSR 476

Whereas, Webster W. Glass, the Executive Secretary of the Veterans Land Board and a distinguished former Member of this House, is retiring from office after many years of praiseworthy service; and

Whereas, The eldest of 14 children, he was born in Jacksonville and spent his early life there and in Dialville; and

Whereas, He was graduated from high school in 1924 and entered The University of Texas, where he received a BA degree and a MA degree in economics; and

Whereas, With these academic qualifications, he joined the staff of North Texas State University in 1930 and taught economics for one year; and

Whereas, He next served his first two terms as the State Representative from Cherokee County; and

Whereas, Mr. Glass also served as Superintendent of Public Schools in Dialville and taught school for a time in Alpine; in addition, he served for five years with the Department of Public Safety; and

Whereas, He reentered public life in 1952 and was again elected to the Texas House of Representatives as the Member from Cherokee County; this time he served the people of Texas as a State Representative for 10 dedicated years; and

Whereas, After retiring from an active career in politics, he joined the General Land Office in 1963, where he has served with remarkable ability as Executive Secretary of the Veterans Land Board; and

Whereas, In this capacity, he worked tirelessly for the benefit of millions of Texans to get the bond program for the Veterans Land Board continued; and

Whereas, Webster Glass is by far one of the most dedicated, popular, and irreplaceable administrators in the State Government of Texas; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature of the State of Texas congratulate Webster W. Glass on his retirement after more than 40 years of public service as an educator and public school official, as a seven-term state legislator, and as the Executive Secretary of the Veterans Land Board; and, be it further

Resolved, That a copy of this Resolution, under the Seal of the House of Representatives, be prepared for Mr. Glass as a token of appreciation from the Texas House for his long years of outstanding service to the people of Texas and as an expression of good wishes to him for many happy years of retirement.

Signed: Johnson, Heatly, Bill Bass, Haynes, Harris, Price, Williams, Burgess, Presnal, Grant, Head and Swanson.

The resolution was unanimously adopted.

On motion of Mr. Grant, the names of all the Members of the House were added to HSR 476 as signers thereof.

LOCAL AND CONSENT CALENDAR OF BILLS (Consideration continued)

HB 578 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 578, Making appropriations for and directing payment of certain miscellaneous claims and judgments out of the General Revenue Fund, etc.

The bill was read second time.

Mr. Semos offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 578 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. The following amounts are hereby appropriated out of the Omnibus Tax Clearance Fund #120 to pay the following:

To pay American Bankers Life Assurance Company of Florida, 600 Brickell Ave., Miami, Florida 33131, for overpayment of Gross Premium Tax.	\$ 8,816.11
To pay Commodore Insurance Company of Dallas, c/o Security Insurance Group, 1000 Asylum Ave., Hartford, Conn. 06101, for overpayment of Gross Premium Tax.	559.25
To pay The Minnesota Mutual Life Insurance Co., 345 Cedar Street, Saint Paul, Minn. 55101, for overpayment of Gross Premium Tax.	28,451.48
To pay New England Mutual Life Insurance Company, 501 Boylston Street, Boston, Mass. 02117, for overpayment Gross Premium Tax.	13,481.92
To pay State Farm General Insurance Company, 112 East Washington Street, Bloomington, Illinois 61701, for overpayment Gross Premium Tax.	9,358.01
To pay the Western Casualty and Surety Company, 14 East First Street, Fort Scott, Kansas 66701, for refund of Gross Premium Tax.	717.33
To pay Marion L. Martin and Company, 2626 Westheimer Road, Houston, Texas 77006, for refund of Surplus Lines Tax.	49.76
To pay Jerry Zatopek, c/o Jax Distributing Co., Columbus, Texas 78934, for refund of Wholesale Liquor License Fee.	150.00
To pay Insurance Agency Consultants, P. O. Box 8036, Houston, Texas 77004, for Surplus Lines Tax.	410.01
To pay Continental Insurance Company, c/o Rogan B. Giles, Attorney-at-Law, Delwood Shopping Center, Austin, Texas 78722, subrogated to the rights of Block Distributing Co., Inc., for loss of Liquor Stamps lost in transit.	6,661.75
To pay Block Distributing Company, c/o Rogan B. Giles, Attorney-at-Law, Delwood Shopping Center, Austin, Texas 78722, for loss of Liquor Stamps in transit.	5,153.09
To pay Maytex Manufacturing Co., Airport Rd., P. O. Box 729, Terrell, Texas 75160, for refund Gross Premium Tax paid twice.	98.95
To pay Universal Insurance Services, 911 Walker Ave., Suite 707, Houston, Texas 77002, for refund Surplus Lines Premium Taxes.	93.35

Section 2. The following amounts are hereby appropriated out of the Highway Motor Fuel Tax Fund #60 to pay the following:

To pay Frank J. Bezner, Box 190, Hereford, Texas 79045, for Warrant #030304 on which the Statute of Limitations prohibits payment.	\$ 54.66
To pay E. M. McGilvray, Rt. 2, Box 287, Groesbeck, Texas 76642, for Warrant #266763 on which the Statute of Limitations prohibits payment.	98.20
To pay C. M. Porter, 1316 East Pecan, Gainesville, Texas 76240, for Warrant 059807 on which the Statute of Limitations prohibits payment.	29.05
To pay Jere G. Sutton, DO, 409 West Canadian, Vinita, Oklahoma 74301, for Warrant B422929 on which the Statute of Limitations prohibits payment.	4.95
To pay Raymond Taylor, Route 1, Rhome, Texas 76078, for Warrant 155857 on which the Statute of Limitations prohibits payment.	19.94
To pay Robert L. Olson, P. O. Box 342, Westlake, Louisiana 70669, for Warrant #172227 on which the Statute of Limitations prohibits payment.	4.10
To pay R. E. Haeber, c/o Jim Wales, Public Accountant, P. O. Drawer 340, Refugio, Texas 78377, for Warrant #093624 on which the Statute of Limitations prohibits payment.	287.86
Section 3. The following amounts are hereby appropriated out of the Departmental Suspense Fund #900 to pay the following:	
To pay Byron D. Beeler, Box 127, Fort Walton Beach, Florida 32548, for payment of Warrant #404333 on which the Statute of Limitations prohibits payment.	\$ 25.00
To pay Bible Baptist Church of White Settlement, c/o N. W. Lowrie, Pastor, 138 West Place, White Settlement, Texas 76108, for payment of Warrant # 975456 on which the Statute of Limitations prohibits payment.	5.00
To pay Voight Farms, Inc., c/o Merlin Voight, Atlanta, Texas 75551, for payment of Warrant #946717 on which the Statute of Limitations prohibits payment.	5.00
To pay Stuart and Brunette, c/o Robert Stuart, 111 Feathers-ton Bldg., Wichita Falls, Texas 76308, for Warrant #287320 on which the Statute of Limitations prohibits payment.	50.00
To pay West-Tex Community Homes, Inc. c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #69987 on which the Statute of Limitations prohibits payment.	15.48
To pay Western Contemporary Homes, Inc. c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #69986 on which the Statute of Limitations prohibits payment.	15.48
To pay Star Paint & Decorating Co., Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and	

Suspense Draft #68358 on which the Statute of Limitations prohibits payment.	\$	12.12
To pay Spraberry Homes, Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #69988 on which the Statute of Limitations prohibits payment.		15.48
To pay Rayment Homes, Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #69995 on which the Statute of Limitations prohibits payment.		15.48
To pay Queens Homes, Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #69994 on which the Statute of Limitations prohibits payment.		15.48
To pay Permian Construction Co., Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #69025 on which the Statute of Limitations prohibits payment.		12.33
To pay Midtex Roofing & Flooring Co., Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #68359 on which the Statute of Limitations prohibits payment.		12.12
To pay Mid America Homes of Midland, c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #69993 on which the Statute of Limitations prohibits payment.		15.48
To pay Holly Homes, Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #69974 on which the Statute of Limitations prohibits payment.		15.34
To pay Gold Medal Homes, Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #63955 on which the Statute of Limitations prohibits payment.		4.18
To pay Greenbriar Homes of Midland, Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #69992 on which the Statute of Limitations prohibits payment.		15.48
To pay Great Western Builders Supply, Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #68357 on which the Statute of Limitations prohibits payment.		12.12
To pay Fairfield Construction Co., Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft # 69024 on which the Statute of Limitations prohibits payment.		12.33
To pay Elmwood Homes, Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #69973 on which the Statute of Limitations prohibits payment.		15.34
To pay Devonian Homes, Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #69976 on which the Statute of Limitations prohibits payment.		15.34

To pay Western Southern Homes, Inc., c/o Thomason Enterprises, P. O. Box 243, Abilene, Texas, for void Trust and Suspense Draft #69975 on which the Statute of Limitations prohibits payment. \$ 15.34

Section 4. The following amounts are hereby appropriated out of the Vital Statistics Fund #19 to pay the following:

To pay Paul M. Branch, Box 1075, Kilgore, Texas 75662, for payment of Warrant #358740 on which the Statute of Limitations prohibits payment. \$ 4.50

To pay C. E. Rogers, c/o Dixie Glass Co., 1001 Green Ave., Orange, Texas 77630, payment of Warrant #A136582 on which the Statute of Limitations prohibits payment. 1.50

To pay Guadalupe Aguilar, Rt. C, Lamesa, Texas 79331, for payment of Warrant #710553 on which the Statute of Limitations prohibits payment. 4.50

Section 5. The following amounts are hereby appropriated out of the Unemployment Compensation Benefit Account Fund #937:

To pay W. D. Collard, 4145 Patricia Street, Fort Worth, Texas 76117, for payment of Warrant #HO40840 on which the Statute of Limitations prohibits payment. \$ 24.00

To pay Billie L. Coursey, 3225 Green Tee Drive, Apt. 123, Arlington, Texas 76013, payment of Warrant #A346545 on which the Statute of Limitations prohibits payment. 42.00

To pay Willie P. Shankle, Rt. 1, Box 36, Burkeville, Texas 75932, payment of Warrants #G559441, G601369, G616373, G627340, G640289, G653455, G591008 on which the Statute of Limitations prohibits payment. 315.00

To pay Mrs. Annie Mae Torrance, c/o Mrs. David Lively, Jr., 8423 Sweetwater, Dallas, Texas 75228, payment of Warrants #E232432 and E245603 on which the Statute of Limitations prohibits payment. 24.00

To pay Paul A. Smith, P. O. Box 561, Chillicothe, Texas 79225, payment of Warrant #E674584 on which the Statute of Limitations prohibits payment. 22.00

Section 6. The following amount is hereby appropriated out of the Motor Vehicle Insurance Fund #10, to pay the following:

To pay Fidelity & Guaranty Insurance Underwriters, Inc., Box 1138, Baltimore, Maryland 21203, for overpayment of 1969 Motor Vehicle Maintenance Tax. \$ 5,054.94

Section 7. The following amount is hereby appropriated out of the Teacher Retirement System Trust Fund Account #960 to pay the following:

To pay Olga S. Bruner, 827 Ralfallen, Houston, Texas 77008, payment of Warrant 944499 on which the Statute of Limitations prohibits payment. \$ 4.05

Section 8. The following amount is hereby appropriated out of the Motor Vehicle Responsibility Account #914, to pay the following:

To pay Jack W. Callahan, 5102 Broadway, Galveston, Texas 77550, for Warrant 388917 on which the Statute of Limitations prohibits payment. \$ 130.00

Section 9. The following amount is hereby appropriated out of the University of Houston Current Fund #225 to pay the following:

To pay Dr. Palmer R. Cook, 200 Lewisburg Road, Eaton, Ohio 45320, payment of Warrant 532588 on which the Statute of Limitations prohibits payment. \$ 17.35

Section 10. The following amount is hereby appropriated out of the Welfare Assistance Operating Fund #167 to pay the following:

To pay Dock W. Eaton, General Delivery, Granbury, Texas 76048, payment of Warrant D972401 on which the Statute of Limitations prohibits payment. \$ 83.00

Section 11. The following amount is hereby appropriated out of the A & M University Workmen's Compensation Insurance Fund #185 to pay the following:

To pay E. R. Owens, M.D., Prairie View A & M College, Prairie View, Texas 77445, payment of Warrants Nos. B550344 B550345 and B442600 on which the Statute of Limitations prohibits payment. \$ 111.00

Section 12. The following amount is hereby appropriated out of the Texas Southern University Current Fund #247 to pay the following:

To pay Mrs. Cleopatra A. Smith, 713 Hubert Street, Waco, Texas 76704, payment of Warrant #A326725 on which the Statute of Limitations prohibits payment. \$ 1.00

Section 13. The following amount is hereby appropriated out of the Federal Health, Education and Welfare Fund #148 to pay the following:

To pay Stevinson Auto and Electrical, 2008 Main Street, Kansas City, Missouri 64108, payment of Warrant No. A663394 on which the Statute of Limitations prohibits payment. \$ 28.00

Section 14. The following amounts are hereby appropriated out of the Special Game and Fish Fund #9:

To pay Mrs. Carmel Reynolds, 1814 Brazoria Road, Lake Jackson, Texas 77566, for canceled subscription to The Wildlife Magazine. \$ 4.25

To pay Will D. Miller & Son, 1009 Milam Place, Austin, Texas 78704, for Warrants #605955, 696567, 728714, 785428, 832798, 956779, 859274, 973248, 006805, A727682, A796937, A818118, B005653, B041630, B105236, B170178, B207546, B309926, B593192, B661886, B440365, B515100 on which the Statute of Limitations prohibits payment. \$ 964.15

To pay Will D. Miller & Son, 1009 Milam Place, Austin, Texas 78704, for newspaper subscription services to Parks and Wildlife for 1968. 48.10

Section 15. The following amounts are hereby appropriated out of the State Highway Fund #6:

To pay Ivory Harper, Dillard White, Florida B. Woodward, James Butler, C. V. Riordan and Holston Banks, c/o Richard C. Milstead, Attorney-at-Law, P. O. Drawer 2398, Big Spring, Texas 79720, for Judgment No. 17,271 in the District Court of Howard County, Texas. \$ 6,000.00

To pay Richard C. Milstead, Attorney-at-Law, P. O. Drawer 2398, Big Spring, Texas, for court costs incurred in connection with Judgment No. 17,271, Howard County, Texas, and which costs have been paid by Richard C. Milstead. 126.50

To pay Texas Bitulithic Company, c/o Ritchie, Ritchie & Croslin, Attorneys-at-Law, 1100 Republic National Bank Bldg., Dallas, Texas 75201, for Judgment No. 159,119-53rd Judicial District Court, Travis County, Texas. 12,852.79

To pay Texas Bitulithic Company, c/o Ritchie, Ritchie and Croslin, Attorneys-at-Law, 1100 Republic National Bank Bldg., Dallas, Texas 75201, for interest on above judgment, not to exceed 6,000.00

Section 16. The following amount is hereby appropriated out of the Credit Insurance Fund #103 to pay the following:

To pay Cuna Mutual Insurance Society, P. O. Box 391, Madison, Wisconsin 53701, for refund of Credit Life Privilege Fee.... \$ 500.00

Section 17. The following amounts are hereby appropriated out of the Special Boat Fund #59 to pay the following:

To pay Carl Cattin, c/o White Stores, Inc., 3910 Call Field Road, Wichita Falls, Texas 76308, for refund of Boat Registration Fee paid in error. \$ 6.00

To pay K. L. Breeden, Sr., 401 Alamo Street, Terrell, Texas 75160, for refund of Boat Registration Fee, paid in error. 6.00

Section 18. The following amount is hereby appropriated out of the Architects Registration Fund #109 to pay the following:

To pay Daniel Boone, 224 Leggett Drive, Abilene, Texas 79605, for Warrant #B138654 on which the Statute of Limitations prohibits payment. \$ 65.63

Section 19. The following amount is hereby appropriated out of the Welfare Assistance Fund #168:

To pay Morningside Manor, Inc., 602 Babcock Road, San Antonio, Texas 78201, for Texas Medical Assistance Vendor Program recipient-patient, Ada C. Smelley, case-number 1-773354—for the period September 1, 1968 through December 31, 1968 \$ 1,748.00

Section 20. The following amount is hereby appropriated out of the Permanent School Fund #44:

To pay Herndon Kemp, 7238 Alameda Ave., No. 108, El Paso, Texas 79915, for filing fee and rental payment for void prospect permit. \$ 161.00

To pay Texaco, Inc., c/o Wm. Alan Mudgett, Attorney-at-Law, P. O. Box 52332, Houston, Texas 77052, for refund of Bonus and Delay rentals attributable to the difference between 95 acres and 215 acres on lease—Tract 85, Cayo Del Grullo, Kleberg County, Texas. \$38,615.96

Section 21. The following amounts are hereby appropriated out of the University of Texas at Austin Current Fund #248 to pay the following:

To pay Republic National Bank of Dallas, P. O. Box 5961, Dallas, Texas 75222, for payment of Warrant No. 541823 on which the Statute of Limitations prohibits payment. \$ 25.50

To pay the Melton Book Company, Inc., 111 Leslie Street, Dallas, Texas 75207, for payment of Warrant #B262566 on which the Statute of Limitations prohibits payment. 214.62

Section 22. The following amount is hereby appropriated out of the State Building Fund #7 to pay the following:

To pay Robert J. Speights, 6501 Chesterfield, Austin, Texas 78752, for remainder of bill for services for the State Building Commission. \$ 54.00

Section 23. The following amount is hereby appropriated out of the Land Office Sale Fee Fund #65:

To pay Texaco, Inc., c/o Wm. Alan Mudgett, Attorney-at-Law, P. O. Box 52332, Houston, Texas 77052, for 1% of the cash bonus on lease—Tract 85, Cayo Del Grullo, Kleberg County, Texas. \$ 669.38

Section 24. It is specifically provided herein that before any claim or judgment shall be paid from funds hereby appropriated, the same shall have been verified as a valid claim by the affected state department or agency and shall have the approval of the Attorney General, the State Auditor and the State Comptroller.

Section 25. The Comptroller is hereby authorized and directed to issue a warrant or warrants on the state treasury in favor of each of the said persons, firms, or corporations named herein, in the amount set opposite their respective names and shall mail or deliver to each of the said persons, firms, or corporations at their respective addresses warrant or warrants in payment of the said claim or claims.

Section 26. The provisions of this Act shall be severable. Should any item or amount itemized herein be held to be illegal, invalid, or incorrect, such holding shall not affect the legality, validity, or correctness of the remaining items or amounts itemized herein, and the Legislature hereby specifically declares its intent and policy that each and every item and amount herein contained would have been passed and enacted by itself, notwithstanding the absence of any of such items or amounts as may have been found to be illegal, invalid, or incorrect. If any section, paragraph, or provision of this Act shall be declared unconstitutional or invalid for any reason, such holding or declaration shall not in any way affect the remaining sections, paragraphs, or provisions hereof, and the Legislature hereby declares that it would have passed such remaining portions of the Act notwithstanding the absence of any such portions as may have been declared unconstitutional or invalid.

Section 27. All laws or parts of laws in conflict herewith are hereby repealed or modified to the extent of such conflict.

Section 28. The fact that the claims herein appropriated are past due, and the persons, firms, or corporations to whom the same are payable are being deprived of the proceeds thereof, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend HB 578 by striking all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled An Act making appropriations for and directing payment of certain miscellaneous claims and judgments out of Special Funds designated herein; requiring approval of the claims in the manner specified in the Act before payment is made; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 578, as amended, was passed to engrossment.

The Speaker stated that HB 578 was passed to engrossment subject to the provisions of Section 49A, Article III of the Constitution of Texas.

HB 952 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 952, Making appropriations for and directing payment of certain miscellaneous claims and judgments out of the General Revenue Fund.

The bill was read second time.

Mr. Semos offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 952 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. The following sums of money are hereby appropriated out of the General Revenue Fund for payment of itemized claims and judgments, plus interest if any, against the State of Texas as follows:

To pay Judge Max W. Boyer, 84th District, Perryton, Texas, for per diem under Senate Bill 349, 57th Legislature.	\$ 275.00
To pay Judge Ross E. Doughty, Box 147, Uvalde, Texas 78801, for per diem under Senate Bill 349, 57th Legislature.	225.00
To pay Judge Penn J. Jackson, (Retired) 618 Bellevue Drive, Cleburne, Texas 76031, for per diem under Senate Bill 349, 57th Legislature.	350.00

To pay Judge Jack Pierce, Box 948, Nacogdoches, Texas 75961, for per diem under Senate Bill 349, 57th Legislature.	\$ 100.00
To pay Judge Charles Sherrill, Box 723, Fort Stockton, Texas 79735, for per diem under Senate Bill 349, 57th Legislature.	450.00
To pay Judge J. H. Starley, Box 308, Pecos, Texas, for per diem under Senate Bill 349, 57th Legislature.	275.00
To pay Judge John F. Sutton (Retired), 2334 West Twohig Ave., San Angelo, Texas 76901, for per diem under Senate Bill 349, 57th Legislature.	350.00
To pay Judge Arthur Tipps, 30th District Court, Wichita Falls, Texas 76301, for per diem under Senate Bill 349, 57th Legislature.	125.00
To pay Judge John A. James, Jr., 18th Judicial District, Cleburne, Texas 76031, for per diem under Senate Bill 349, 57th Legislature.	75.00
To pay Judge James A. Joy, Court of Civil Appeals Seventh Supreme Judicial District, Amarillo, Texas 79105, per diem under Senate Bill 349, 57th Legislature.	125.00
To pay Judge W. C. Dowdy (Retired) 510 W. Tucker Street, McKinney, Texas, for per diem under Senate Bill 349, 57th Legislature.	25.00
To pay Judge W. R. Blalock, (Retired), P. O. Box 548, Mission, Texas 78572, for per diem under Senate Bill 349, 57th Legislature.	150.00
To pay Judge W. A. Hughes, Jr., 43rd Judicial District, Box 97, Decatur, Texas 76234, for per diem under provisions of Senate Bill 349, 57th Legislature.	175.00
To pay Judge Charles L. Reynolds, P. O. Box 125, Childress, Texas 79201, for per diem under Senate Bill 349, 57th Legislature.	625.00
To pay Judge Byron Matthews, Criminal Courts Bldg., Fort Worth, Texas, for per diem under Senate Bill 349, 57th Legislature.	300.00
To pay Judge Henry King, (Retired), 226 Bushwhacker Drive, Mabank, Texas 75147, for per diem under Senate Bill 349, 57th Legislature.	525.00
To pay Judge Louis T. Holland, 97th Judicial District, Box 57, Montague, Texas, for per diem under Senate Bill 349, 57th Legislature.	275.00
To pay Judge D. B. Wood, (Retired) P. O. Box 84, Georgetown, Texas 78626, for per diem under Senate Bill 349, 57th Legislature.	125.00
To pay Judge Fisher T. Denny, 304 N. Bailey, Fort Worth, Texas 76107, for per diem under Senate Bill 349, 57th Legislature.	275.00
To pay Judge Max M. Rogers, (Retired), P. O. Box 349, Huntsville, Texas, for per diem under Senate Bill 349, 57th Legislature.	75.00
To pay Judge Joe N. Chapman, P. O. Box 233, Sulphur Springs, Texas 75482, for per diem under provisions of Senate Bill 349, 57th Legislature.	150.00

To pay Judge Joe E. Kelly, 24th Judicial District, P. O. Box 2502, Victoria, Texas 77901, for per diem under provisions of Senate Bill 349, 57th Legislature.	\$ 125.00
To pay Judge Thomas H. Crofts, P. O. Box 266, Terrell, Texas 75160, for per diem under provisions of Senate Bill 349, 57th Legislature.	250.00
To pay Judge David H. Brown, 59th Judicial District, Sherman, Texas 75090, for per diem under provisions of Senate Bill 349, 57th Legislature.	125.00
To pay Judge John C. Patterson, 82nd Judicial District, Marlin, Texas 76661, for per diem under provisions of Senate Bill 349, 57th Legislature.	225.00
To pay Joe J. Alsup, Special Judge, 601 Harrison Street, Corpus Christi, Texas, for payment for 18 days as Special Judge of the 105th District Court of Nueces County, Texas.	887.67
To pay Judge Herbert Line, 102nd Judicial District, 4018 Pecos, Texarkana, Texas, for travel expenses in 102nd Judicial District.	250.98
To pay Southwestern Bell Telephone Company, 1212 Main, Houston, Texas, 77002, for payment of Duplicate Warrant C129152 on which the Statute of Limitations prohibits payment.	119.64
To pay Techneco Company, Box 246, West Hartford, Conn. 06107, for payment of Warrant B066190 on which the Statute of Limitations prohibits payment.	10.00
To pay Will D. Miller & Sons, 1009 Milam Place, Austin, Texas 78704, for Warrant #356260 on which the Statute of Limitations prohibits payment.	15.75
To pay Sammy's Fine Foods, c/o Adam Kubeczka, 3620 Avenue H., Rosenberg, Texas 77471, for payment of Warrant A968963 on which the Statute of Limitations prohibits payment.	244.15
To pay Mrs. Lucille P. Leone, 3883 Turtle Creek Blvd., Dallas, Texas 75219, for payment of Warrant #B016828 on which the Statute of Limitations prohibits payment.	549.93
To pay Don Elgin, 2917 Dineen, Scottsbluff, Nebraska 69361, for payment of Warrant #B029499 on which the Statute of Limitations prohibits payment.	99.95
To pay Richie F. Cravens, P. O. Box 578, McMurry College, Abilene, Texas 79605, for payment of Warrant #029887 on which the Statute of Limitations prohibits payment.	91.19
To pay Great Southern Life Insurance Company, c/o John C. May, P. O. Box 1972, Houston, Texas 77001, for refund of Ad Valorem taxes.	998.93
To pay Joseph J. Tamburine, c/o C. H. Kellner, 1512 Dalian Street, La Marque, Texas 77568, for overpayment of Ad Valorem tax.	23.71

To pay W. D. Weeks, 2305 Bern Street, League City, Texas 77573, for refund of Ad Valorem taxes.	\$ 9.95
To pay Mr. and Mrs. Floyd Weber, Box 176, Friendswood, Texas 77546, for payment of refund of Ad Valorem taxes.	5.39
To pay Charles G. Peterson, Jr., 2123 Grover, Galveston, Texas 77550, for overpayment of Ad Valorem taxes.	100.93
To pay W. E. Glines, Box 100, Friendswood, Texas 77546, for refund of Ad Valorem taxes.	6.46
To pay W. K. Gates, Rt. 2, Box 29, Hitchcock, Texas 77563, for refund of Ad Valorem taxes.	4.47
To pay Robert H. Fore, 505 West Delz, Houston, Texas 77018, for refund of Ad Valorem taxes.	5.08
To pay David Clifton Billings, 1101 Shell St., Apt. 8, LaMarque, Texas 77568, for refund of Ad Valorem taxes.	5.60
To pay J. A. Barnett, Rt. 1, Box 82D, Arcadia, Texas 77517, for refund of Ad Valorem taxes.	11.03
To pay United Mortgagee Servicing Corp., P. O. Box 1066, Virginia Beach, Virginia 23451, for refund of Ad Valorem taxes.	3.69
To pay G. L. Martin, 1418-15th Ave N., Texas City, Texas 77590, for refund of Ad Valorem taxes.	108.74
To pay C. R. Johnson, Tax Assessor-Collector, Galveston County, County Courthouse, Galveston, Texas 77550, for refund of Ad Valorem taxes, representing double assessments.	5,249.17
To pay David R. Huston, 1209 N. Noble Road, Texas City, Texas 77590, for refund on overpayment of Ad Valorem taxes.	29.44
To pay R. A. Hupe, 405 Ave B., LaMarque, Texas 77568, for refund on Ad Valorem taxes.	51.08
To pay First Continental Mortgage Company, P. O. Box 1529, Houston, Texas, for refund of Ad Valorem taxes.	4.04
To pay James T. Bethea, Rt. 1, Box 77JA, Alta Loma, Texas 77510, for refund of Ad Valorem taxes.	3.27
To pay Rubin Brand, et al, c/o Marcus Finder, P. O. Box 12451, Houston, Texas 77017, for refund of Ad Valorem taxes.	195.20
To pay Gibraltar Savings Association, P. O. Box 2507, Houston, Texas 77001, for refund of Ad Valorem taxes.	17.87
To pay Walter M. Mischer Company, P. O. Box 1413, Houston, Texas 77001, for refund of Ad Valorem taxes.	226.38
To pay Milton E. Powell, 3422 Long Shadows, Springs, Texas 77373, for refund of Ad Valorem taxes.	2.71

To pay Cletie Posey, Rt. 1, Box 189-M, Conroe, Texas 77301, for refund of Ad Valorem taxes.	\$ 17.67
To pay Mario U. Scorza, 104 E. Forestway Circle, Conroe, Texas 77301, for refund of Ad Valorem taxes.	99.49
To pay Samuel E. Metts, 106 Manuel, Marietta, Georgia 30060, for refund of Ad Valorem taxes.	4.05
To pay Wilson Metts, 1707 Effie Lane, Pasadena, Texas 77502, for refund of Ad Valorem taxes.	4.44
To pay Walter High, 6303 Mohawk Lane, Houston, Texas 77016, for refund of Ad Valorem taxes.	21.12
To pay Thomas H. Farrar, Box 578, Conroe, Texas 77301, for refund of Ad Valorem taxes.	18.52
To pay First Savings & Loan Association, P. O. Box 1101, Alvin, Texas 75711, for refund of Ad Valorem taxes.68
To pay Austin State Hospital Patients Trust Fund, Nos. 24522, 68506, 67453 and 68510, c/o Willard Segerson, M.D., Superintendent, 4110 Guadalupe, Austin, Texas 78751, for recovery of burglary losses.	239.80
To pay K. T. Jackman, dba Del Rio Employment Agency, P. O. Box 419, Del Rio, Texas 78840, for refund of license fee to open employment agency, plus cost of receipt book.	151.50
To pay Ben W. Rosenbaum, c/o Travis State School, P. O. Box 430, Austin, Texas, for remainder of funeral expense for wife, Alliene M. Rosenbaum.	1,920.07
To pay Henry E. Cowan, 114 E. Main Street, LaGrange, Kentucky 40031, for Witness Fee bill.	141.86
To pay Wheels, Inc., 6200 North Western Avenue, Chicago, Illinois 60645, for refund of personal property tax on car.	2.96
To pay Lancelot Homes, Inc., 1 Ventura Plaza, 7560 Glenview Drive, Fort Worth, Texas 76118, for refund of sales tax on house trailer, sale not consummated.	230.01
To pay to the estate of Dr. Jose R. Rodriguez, c/o R. H. Robertson, Chief Accountant, c/o Wichita Falls State Hospital, P. O. Box 300, Wichita Falls, Texas 76300, for additional death benefits for accrued leave.	752.68
To pay North Star Dodge, 7242 San Pedro Avenue, San Antonio, Texas 78216, refund of sales tax, sale not consummated.	112.90
To pay Shepard's Citations, Inc., P. O. Box 123, Colorado Springs, Colorado 80901, for unpaid invoice on books consigned and received by the Attorney General's office.	680.00
To pay Wendland's Farm Products, Inc., P. O. Box 40, Temple, Texas, for payment of feed on cancelled contract.	4,459.87

Section 2. It is specifically provided herein that before any claim or judgment shall be paid from funds hereby appropriated, the same shall have been verified as a valid claim by the affected state department or agency and shall have the approval of the Attorney General, the State Auditor and the State Comptroller.

Section 3. The Comptroller is hereby authorized and directed to issue a warrant or warrants on the state treasury in favor of each of the said persons, firms or corporations named herein, in the amount set opposite their respective names and shall mail or deliver to each of the said persons, firms, or corporations at their respective addresses warrant or warrants in payment of the said claim or claims.

Section 4. The provisions of this Act shall be severable. Should any item or amount itemized herein be held to be illegal, invalid, or incorrect, such holding shall not affect the legality, validity, or correctness of the remaining items or amounts itemized herein, and the Legislature hereby specifically declares its intent and policy that each and every item and amount herein contained would have been passed and enacted by itself, notwithstanding the absence of any of such items or amounts as may have been found to be illegal, invalid, or incorrect. If any section, paragraph, or provision of this Act shall be declared unconstitutional or invalid for any reason, such holding or declaration shall not in any way affect the remaining sections, paragraphs, or provisions hereof, and the Legislature hereby declares that it would have passed such remaining portions of the Act notwithstanding the absence of any such portions as may have been declared unconstitutional or invalid.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed or modified to the extent of such conflict.

Section 6. The fact that the claims herein appropriated are past due, and the persons, firms, or corporations to whom the same are payable are being deprived of the proceeds thereof, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend HB 952 by striking all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled An Act making appropriations for and directing payment of miscellaneous claims out of General Revenue Fund as designated herein; requiring approval of the claims in the manner specified in the Act before payment is made; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 952, as amended, was passed to engrossment.

The Speaker stated that HB 952 was passed to engrossment subject to the provisions of Section 49A, Article III of the Constitution of Texas.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 478, by Wieting: Commending the Odem Ukulele Players and their director, Mr. Randal Lee.

On motion of Mr. Salem, the names of all the Members of the House were added to HSR 478 as signers thereof.

HB 709 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 709, Relating to the Texas Franchise Association Act.

The bill was read second time.

Mr. Price offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 709 by adding a new Sec. 6a to immediately follow Sec. 6 on page 5 of the printed bill to read as follows:

"Sec. 6a. The provisions of this act shall not apply:

"1. To transactions in the distribution and sale of gasoline and other petroleum products or to any lease, use or loan agreement covering real or personal property used in connection therewith; and

"2. To transactions in the distribution and sale of tires, batteries, automobile accessories or other products and services customarily sold at service stations."

The committee amendment was adopted without objection.

HB 709, as amended, was passed to engrossment.

HB 212 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 212, Requiring a license for taking oysters with an oyster dredge.

The bill was read second time.

Mr. Williams offered the following amendment to the bill:

Amendment No. 1

Amend HB 212, Second Printing, as follows:

(1) Strike "operate or have in use from any one boat" and substitute "have on board any commercial fishing boat, barge, float, or other vessel" on line 53, page 1.

(2) Insert "If a boat is pulling or towing another boat or boats, then such towing and towed boats combined shall not have aboard more than one oyster dredge." between "bushels." and "The" on line 55, page 1.

The amendment was adopted without objection.

HB 212, as amended, was passed to engrossment.

SB 958—CORRECTION IN REFERRAL

By unanimous consent, SB 958, which had been inadvertently referred to the Committee on Governmental Affairs and Efficiency, was referred to the Committee on State Affairs.

BILLS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills:

SB 40, Providing for compensation to district attorneys in certain counties and prohibiting their private practice of law.

SB 116, Authorizing the waiver of right to be accused by indictment by person represented by counsel in noncapital felony cases.

SB 398, Providing for a minimum bovine brucellosis blood test and an alternate bovine brucellosis test for dairy cattle.

SB 612, Authorizing Insurance Board to adopt rules and regulations concerning safe operation of mobile service units.

SB 629, Permitting extensions of the term of oil and gas leases issued by the Commissioner of the General Land Office for no more than 390 days.

SB 929, Relating to the creation of the Grayson County Airport Authority.

(Mr. Floyd in the Chair)

LOCAL AND CONSENT CALENDAR OF BILLS— (Consideration continued)

HB 1746 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1746, Relating to the creation of the constitutional office of Criminal District Attorney for Collin County.

The bill was read second time and was passed to engrossment.

HB 1176 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1176, Declaring certain tuition payments to nonpublic education institutions to be a charitable contribution to the State of Texas.

The bill was read second time and was passed to engrossment.

HB 1089 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1089, Requiring certain county officials to keep records and reports of certain monies received or disbursed.

The bill was read second time.

Mr. Floyd offered the following amendment to the bill:

Amend HB 1089 by striking all below the enacting clause and substituting therefor the following:

Section 1. Any county official, his agents, servants, deputies, or employees receiving all or part of their salary from funds of any county in this state and receiving or disbursing any monies either in person or by or through his deputies, agents, servants or employees, and receiving or disbursing the same as a result of being a public official or upon public property shall:

(a) keep an accurate and detailed record of all monies received and disbursed by him; and

(b) file with the county auditor, or the auditing authority of the county, a report covering all of said receipts and disbursements during the immediately preceding calendar year on or before January 1 of each year; and

(c) make available to the county auditor all records of said receipts and disbursements,

provided however that this act shall not apply to compensation received by justices of the peace and official court reporters for performance of an act not required by law of such official.

Section 2. Any and all monies received and required to be reported under Section 1 of this Act together with any interest thereon which has been paid by any financial institution as a result of the deposit of said funds over and above any disbursements required to be reported under Section 1 of this Act shall be delivered to the county treasurer at the time of filing said report or at such other regular intervals throughout the year as may be prescribed by the county auditor or auditing authority of the county, provided however, that this section shall not be applicable to any person, firm or corporation operating or doing business under or by virtue of any written contract with the county.

Section 3. If any county official covered by Section 1 of this Act has not complied with Sections 1 and 2 of this Act by February 1 of each year the county auditor shall notify the county or district attorney. The county or district attorney shall, or any qualified voter of the county may, file in the district court of the county a petition for a writ of mandamus to compel compliance with Sections 1 and 2 of this Act.

Section 4. In addition to the remedies provided in Section 3 of this Act, any county official, his agents, servants, deputies, or employees, failing

to comply with any provision of Section 1 or 2 of this Act or falsifying any records or reports required in Section 1 or 2 of this Act shall be guilty of official misconduct and subject to removal under Title 100, R.C.S. of T., 1925, as amended.

Section 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 6. The importance of this legislation and crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The above amendment was adopted without objection.

HB 1089, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Wieting requested to be recorded as voting Nay on the passage to engrossment of HB 1089.

(Speaker in the Chair)

HB 390 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 390, Relating to the making of guaranties by corporations.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 390.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills and resolutions:

HB 53, Relating to the salary of the official shorthand reporter of 112th Judicial District.

HB 168, Relating to the removal of justices of the peace.

HB 260, Relating to the appointment and term of Director of the Legislative Reference Library.

HB 292, Relating to compensation of the judge of the 149th Judicial District.

HB 369, Authorizing the Board of Regents of East Texas State University to sell and convey certain lands for certain purposes.

HB 468, Relating to the commissioning and classification of peace officers.

HB 479, Creating Pine Bough Public Utility District.

HB 480, Creating Glen Hollow Public Utility District.

HB 481, Creating Pine Forest Public Utility District.

HB 889, Creating Village Public Utility District.

HB 976, Creating Booker Public Utility District.

HB 1636, Relating to the compensation of the Judge of the County Court at Law of Taylor County.

HB 1786, Relating to the effective date of Chapter 54 of the Water Code; amending HB 1458.

HJR 31, Abolishing the Lamar County Hospital District.

HCR 137, Commending the Air Force ROTC Detachment 820, Texas Tech University.

HCR 142, Welcoming the members of the American Legion National Convention in Houston.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 477, by Poerner: Commending D'Hanis High School for outstanding accomplishments.

LOCAL AND CONSENT CALENDAR OF BILLS— (Consideration continued)

SB 379 ON SECOND READING (Mr. Cruz—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 379, Providing for compensation to Judges of the Probate Courts, Judges of the County Courts at Law, Judges of the County Criminal Courts at Law, and the County Judge in certain counties.

The bill was read second time.

Mr. Kaster offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 379, First House Printing, in line 35, by striking the word "less" and substituting in lieu thereof the word "more" and in line 41 by striking the word "less" and substituting in lieu thereof the word "more".

The committee amendment was adopted without objection.

Mr. Cruz offered the following amendments to the bill:

Amendment No. 1

Amend SB 379 by striking "One Thousand Dollars (\$1,000)" in line 35 of the Second Printing and adding in lieu the following "Three Thousand Dollars (\$3,000)".

Amendment No. 2

Amend SB 379 by striking "Three Thousand Dollars (\$3,000)" in lines 41 and 42 of the Second Printing and adding the following:

"Five Hundred Dollars (\$500.00)".

The amendments were severally adopted without objection.

SB 379, as amended, was passed to third reading.

Representative Moreno entered the House and was announced present.

INTRODUCTION OF GUESTS

The Speaker recognized the Honorable Carlos Truan who addressed the House briefly and introduced the following guests who are Members of the Naval Junior Reserve Officers' Training Corps Program in Corpus Christi: Captain H. P. Williams, Cadet Lieutenant Joe Moreno, Cadet Lieutenant Alfred Diaz, Cadet Lieutenant George Deingler, Cadet Lieutenant Keith Ickelberry, and Cadet Ensign Carlos Colunga.

Mr. Truan then presented each guest with a copy of HSR 384 which had previously been adopted by the House honoring the Naval Junior Reserve Officers' Training Corps Program.

ADJOURNMENT

Mr. Shannon moved that the House adjourn until 12:15 p.m. today.

The motion prevailed without objection.

The House accordingly, at 12:03 p.m., adjourned until 12:15 p.m. today.

SEVENTY-FOURTH DAY—THURSDAY, MAY 13, 1971

The House met at 12:15 p.m. and was called to order by the Speaker.