

HOUSE JOURNAL

SIXTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-NINTH DAY (continued)—FRIDAY, MAY 21, 1971

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

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

Adams	Craddick	Hull	Poff
Agnich	Cruz	Jones, D.	Presnal
Allen, Joe	Daniel	Jungmichel	Rodriguez
Allen, John	Davis, H.	Kaster	Rosson
Allred	Denton	Kubiak	Salem
Atwell	Doyle	Lemmon	Salter
Baker	Dramberger	Lewis	Sanchez
Bass, T.	Earthman	Ligarde	Santiesteban
Beckham	Finnell	Lombardino	Schulle
Bigham	Finney	Lovell	Shannon
Blanton	Gammage	McAlister	Silber
Blythe	Golman	McKissack	Smith
Boyle	Grant	Mengden	Solomon
Braecklein	Graves	Moncrief	Spurlock
Braun	Hanna, Joe	Moore, A.	Stroud
Burgess	Hannah, John	Moore, G.	Swanson
Bynum	Harding	Moore, T.	Tarbox
Caldwell	Harris	Murray	Traeger
Calhoun	Hawkins	Nabers	Tupper
Carrillo	Hawn	Nelms	Uher
Cates	Haynes	Newton	Ward
Cavness	Head	Nichols	Wieting
Christian	Hendricks	Niland	Williams
Clark	Hilliard	Ogg	Wolff
Clayton	Holmes, T.	Parker, W.	
Coats	Howard	Patterson	
Cobb	Hubenak	Poerner	
Absent			
Angly	Garcia	Moreno	Slack
Atwood	Hale	Neugent, D.	Slider
Bass, B.	Heatly	Nugent, J.	Stewart
Bowers	Johnson	Pickens	Truan
Davis, D.	Jones, E.	Price	Vale
Doran	Jones, G.	Reed	Von Dohlen
Farenthold	Kilpatrick	Semos	Wayne
Finck	Kost	Sherman	Williamson
Floyd	Lee	Short	Wyatt
Foreman	Longoria	Simmons	
Absent-Excused			
Mr. Speaker	Holmes, Z.	Orr	Parker, C.
Cole	Ingram		

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

COMMUNICATION FROM THE SPEAKER

May 21, 1971
Mrs. Dorothy Hallman
Chief Clerk
Texas House of Representatives
Austin, Texas 78767

Dear Mrs. Hallman:

Pursuant to Rule I, Section 10 of the Rules of the Texas House of Representatives of the Texas Legislature, I hereby name State Representative Tommy Shannon of Tarrant County to open and preside over the legislative session on Friday, May 21, 1971.

Your assistance is appreciated.

Sincerely,
G. F. (Gus) Mutscher

LEAVES OF ABSENCE GRANTED

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

Mr. Carl Parker on motion of Mr. Harris.

Mr. Cole on motion of Mr. Price.

Mr. Orr on motion of Mr. Ogg.

Mr. Zan Holmes on motion of Mr. Reed.

Representatives Grant Jones, Short, Jim Nugent, Hale, Wayne, Farenthold, Stewart, Slider, Bill Bass, Kost, Price, Reed, Pickens, Kilpatrick, Longoria, Garcia, Finck, and Doran entered the House and were announced present.

MESSAGE FROM THE SENATE

Austin, Texas, May 21, 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:

SB 435, By Watson, et al: Licensing of certain custodial and educational facilities for children by the Department of Public Welfare; and declaring an emergency.

SB 660, By Watson: Relating to the assessment of certain life, health

and accident insurers for the protection of persons entitled to policy benefits of impaired life, health and accident insurers; and declaring an emergency.

SB 846, By Bernal: Relating to the regulation of referral sales techniques; and declaring an emergency.

SB 847, By Bernal: Relating to the definition of deceptive trade practices in the conduct of any trade or commerce; and declaring an emergency.

SB 849, By Bernal: Providing for regulation of home solicitation sales; and declaring an emergency.

SB 1020, By Moore: Relating to the creation of the Walker County Hospital District of Walker County, Texas; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

Representatives Von Dohlen, Slack, and Sherman entered the House and were announced present.

COMMITTEE MEETING

Mr. Wieting asked unanimous consent of the House that the Committee on School Districts be permitted to meet at this time.

There was no objection offered.

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 706 ON SECOND READING (Mr. Christian—House Sponsor)

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

SB 706, Relating to the open season for quail in Collingsworth County.

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

SB 984 ON SECOND READING (Mr. Cavness—House Sponsor)

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

SB 984, Providing for the jurisdiction of the County Court and the County Courts at Law of Travis County and the salaries of the Judges of said County Courts at Law.

The bill was read second time.

Mr. Clayton offered the following amendment to the bill:

Amend Section 1 quoted Section 17 and Section 2 quoted Section 17 by changing the word "shall" to "may" in the first sentence of each such quoted section.

The amendment was adopted without objection.

SB 984, as amended, was passed to third reading.

SB 862 ON SECOND READING
(Mr. Hale—House Sponsor)

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

SB 862, Extending time limitations on improvements on certain submerged and unsubmerged land in the "Cayo del Oso" by the City of Corpus Christi.

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

Representatives Moreno and Truan entered the House and were announced present.

SB 237 ON SECOND READING
(Mr. Jungmichel—House Sponsor)

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

SB 237, Relating to the additional compensation for members of the Juvenile Board in Austin County.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 237 by changing the first sentence in Section 1 to read as follows:

"As compensation for the added duties hereby imposed upon them, members of the Juvenile Boards in Comal, Hays, and Caldwell Counties may each be allowed additional compensation of not more than \$300 per annum; members of the Juvenile Boards of Fayette and Austin Counties may each be allowed additional compensation of not more than \$1,200 per annum."

The committee amendment was adopted without objection.

SB 237, as amended, was passed to third reading.

HB 1846 ON SECOND READING

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

HB 1846, Creating the Gulf Coast Water Control and Improvement District of Jefferson County.

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

HB 1188 ON SECOND READING

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

HB 1188, Relating to the mileage allowance of the county tax assessor and collector and his deputies in certain counties.

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 1188.

HB 1733 ON SECOND READING

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

HB 1733, Relating to the method, number, and seasons for taking shrimp from the part of Lake Sabine located in Orange County.

The bill was read second time.

Mr. Tom Holmes offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1733 by striking all below the enacting clause and substituting the following:

Section 1. The provisions of this Act apply only to that part of Lake Sabine that is located in Orange County.

Sec. 2. The spring open season for taking shrimp is May 15 through July 15, both dates inclusive. The fall open season for taking shrimp is August 15 through December 15, both dates inclusive. No person may take or attempt to take shrimp or operate a shrimp trawl at any time other than the spring or fall open seasons except by means of a cast net or minnow seine not exceeding 20 feet in length.

Sec. 3. (a) No person may take or attempt to take any amount of shrimp which average in count of individual specimens less than 68 heads-on shrimp to the pound.

(b) It shall be unlawful for any person to take or catch, or attempt to take or catch, at any time, in said waters, any amount of shrimp which shall average in count of individual specimens more than sixty-eight (68) heads-on fresh shrimp to the pound, or for any person, at any time, to possess in the County of Orange, State of Texas, or have on board any boat or vessel within Sabine Lake, Orange County, State of Texas, or to buy, sell, unload, transport or handle in any way in the State of Texas, any amount of fresh shrimp which shall average in count of individual specimens more than sixty-eight (68) heads-on fresh shrimp to the pound.

(c) The "count" of shrimp, as provided for herein, shall be taken in the presence of any person possessing said shrimp either as owner, employee, agent, bailee, or other custodian, by an officer, agent, deputy or warden of the Parks and Wildlife Department who shall select from the entire quantity of shrimp being sampled a minimum of not less than three (3) representative samples for each one thousand (1,000) pounds, or fraction thereof, of either headless or heads-on shrimp, but in any event not less than three (3) samples of the entire quantity of shrimp being sampled; each sample shall consist of a sufficient number of specimens to weigh out five (5) pounds, after having been allowed to drain for three (3) minutes, or more; after said sample shall have been weighed and determined to weigh five (5) pounds, the number of specimens in said five (5) pound sample shall be counted, and the count thus obtained shall then be divided by five (5) in order to ascertain the count per pound of such five (5) pound sample; after counts shall have been taken of all samples taken of such entire quantity of shrimp, the average count per pound of each sample taken shall be totaled and the final average count per pound of the entire quantity of shrimp being sampled shall be determined by dividing that total by the number of samples counted; and such average count per pound so determined shall constitute prima facie evidence of the average count per pound of said shrimp in the entire cargo or quantity of shrimp sampled. Headless and heads-on shrimp shall always be sampled, weighed and counted separately.

(d) In the event shrimp, which when caught and landed were of legal size according to the count as herein provided, are thereafter graded for size for the purpose of packaging, processing or other lawful purpose, and the smaller shrimp making up the average count of such entire lot as herein provided are graded out into a separate lot or lots, and such smaller shrimp thus segregated from such entire lot are above the average count as herein provided, the possession, purchase, sale, unloading, transportation or handling of such particular smaller graded shrimp shall not be unlawful.

Sec. 4. (a) No person may use a commercial trawl in excess of 40 feet during the fall open season or 25 feet during the spring open season.

(b) No person may use a sportsman's trawl in excess of 20 feet.

(c) 1. During the open season for shrimping in the waters of Sabine Lake, Orange County, Texas as herein provided, it shall be unlawful for any person to take or catch, or to attempt to take or catch, shrimp of any size

or species in said major bay of this state with more than one (1) net, except a try net as hereinafter provided, or with a net of a size prescribed in Section 4 (a) as measured along the corkline from board to board or between the extremes of any other spreading device.

2. It shall be unlawful for any person, at any time, to use, or to have in his possession, within Sabine Lake, Orange County, Texas, or on board any boat or vessel within such inside waters, except as provided in Sec. 11 (a) of Article 4075b, R. C. S., any try net or test net exceeding twelve (12) feet in width as measured along the corkline from board to board; and it shall be unlawful for any person to take or catch, or attempt to take or catch, any shrimp within Sabine Lake, Orange County, Texas, or to have in possession in the State of Texas, or on board any boat or vessel within the waters of Sabine Lake, Orange County, Texas, for use in said waters, any trawl and bag (other than a try net or test net) of a mesh size such that the distance between the two (2) most widely separated knots in any consecutive series of five (5) stretched meshes of said trawl or bag is less than eight and three quarters (8 3/4) inches in length after said trawl or bag has been placed in use. Such measurement shall be made in the section of said trawl which is normally under tension when in use.

Sec. 5. (a) No person may remove more than 300 pounds of brown shrimp per day in the spring open season by commercial trawl.

(b) No person may remove more than 100 pounds of shrimp per day during the open seasons by sportsman's trawl.

Sec. 6. A person who violates a provision of this Act is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

Sec. 7. The provisions of Chapter 339, Acts of the 58th Legislature, 1963, are not applicable to that part of Lake Sabine located in Orange County. The provisions of Chapter 340, Acts of the 58th Legislature, Regular Session, 1963 (Article 4075b, R.C.S.) in regard to licenses, sales, and landing of shrimp in Orange County shall be effective.

Sec. 8. 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 1733, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Wieting requested to be recorded as voting Nay on the passage to engrossment of HB 1733.

HB 1860 ON SECOND READING

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

HB 1860, Creating the Burleson County Municipal Utility District No. 1.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1860 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 Burleson County, Texas, to be known as Burleson County Municipal Utility District No. 1, 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 a tract of land in Burleson County, Texas, out of and part of the Ann T. Wooldridge Survey, Abst. No. 244, and the land described herein being a part of the 1062.5 acre tract described in deed of W. D. Foster, et al to Oliver Whitener, dated 31 May, 1948, recorded in Volume 101 at Page 508, Deed Records and a smaller portion of the 1062.5 acre tract described in deed of A. C. Bull, et al to Oliver Whitener dated 31 May, 1948, recorded in Volume 102 at Page 337, Deed Records of Burleson County, Texas; and being more fully described as follows:

Beginning at the east corner of this survey, a government concrete marker with brass plate marked '6-34' and set on the southern boundary of Tract No. 616 conveyed by Oliver Whitener to the United States of America at an intersection with a fence on the northwest margin of an old public road now abandoned which ran along the southeast boundary

of the tract conveyed by W. D. Foster, et al to Oliver Whitener by deed recorded in Volume 101 at Page 508, Burleson County Deed Records partly contained herein. Said concrete marker being 71.47 ft. (per Government Description) S. 83°54' W. from an iron rod said to be on the southeast boundary of the Whitener property and Southeast boundary of the Wooldridge Survey.

Thence with the northwest boundary of said abandoned road and southeast boundary of said Whitener tract as fenced:

S. 51°56' W. 282.30 ft.;
S. 56°58' W. 254.06 ft.;
S. 58°05' W. 552.38 ft.;
S. 54°39' W. 382.31 ft.;
S. 55°26' W. 2862.96 ft.;
S. 54°43' W. 958.10 ft.; and

S. 59°05' W. 25.70 ft. to an iron pin and fence corner at an intersection with the northeast boundary of Tract No. 616-2 conveyed by Oliver Whitener to the United States of America and about 22 ft. northwesterly from the east corner thereof.

Thence with the present southwest boundary of the Whitener land, northeast boundary of Tract No. 616-2 and northeast margin of a paved public road as fenced, N. 37°20' W. 526.3 ft. to a stake; No. 46°19' W. 1058.30 ft. to a stake; and N. 44°50' W. 1485.0 ft., crossing the northwest boundary of aforementioned W. D. Foster, et al tract common with the southeast boundary of a 1062½ acre tract conveyed by A. C. Bull, et al to Oliver Whitener by deed recorded in Volume 102 at Page 337 Deed Records partly contained herein, to an iron pin for the west corner hereof, on the northeast margin of said paved road which runs along the southwest boundary of said Wooldridge Survey.

Thence departing from said road and running across said A. C. Bull, et al tract, N. 45°10' E. 1800.0 ft. to an iron pin and N. 31°42' E. 1284.69 ft. to Government marker No. '6-28' on the southwestern boundary of said Tract No. 616.

Thence with the lines of said Tract 616:

N. 47°25' E. 325.20 ft. to government marker '6-29';
S. 49°19' E. 1264.00 ft. to government marker '6-30';
N. 71°00' E. 470.40 ft. to government marker '6-31';
S. 17°36' E. 920.55 ft. to government marker '6-32';
S. 76°04' E. 1455.38 ft. to government marker '6-33'; and
N. 83°54' E. 1230.90 ft. to the place of beginning containing 306.28 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:

Charles Machemehl
Oliver Whitener
Kirby Lehrmann
J. R. Imber
Linda Garnett

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 1860 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 Burleson County Municipal Utility District No. 1 of Burleson 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 1860, as amended, was passed to engrossment.

HB 1680 ON SECOND READING

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

HB 1680, Relating to the salary of the Criminal District Attorney of Upshur County, etc.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1680 by striking the quoted Sections 4 and 5 and substituting the following:

"Section 4. The Criminal District Attorney of Upshur County shall be commissioned by the Governor. He shall be compensated for his services in such amount as may be fixed by the General Law relating to the salary paid to district attorneys by the state. The Commissioners Court of Upshur County may supplement the amount paid to the criminal district attorney. The total annual salary paid by the county and the state may not exceed \$16,000.

"Section 5. The Criminal District Attorney of Upshur County, with the approval of the commissioners court, may appoint assistants, investigators, stenographers, clerks, and other personnel for the purpose of conducting the affairs of his office. All personnel employed under authority of this Section shall receive a salary to be fixed by the Commissioners Court of Upshur County."

Committee Amendment No. 2

Amend HB 1680 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the salary of the Criminal District Attorney of Upshur County and the salary of any personnel employed by him; amending Sections 4 and 5, Chapter 508, Acts of the 58th Legislature, 1963 (Article 326k-51, Vernon's Texas Civil Statutes); and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1680, as amended, was passed to engrossment.

HB 1856 ON SECOND READING

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

HB 1856, Creating Indian Springs Utility District in Brazoria County.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1856 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 Brazoria County, Texas, to be known as Indian Springs 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:

Beginning at the Northeast corner of the H. T. & B. R. R. Co. Survey, Section 65, Abstract 285, same being the Northwest corner of the H. T. & B. R. R. Co. Survey, Section 64, Abstract 483;

Thence East, along the North line of said Section 64, 1320.00 feet to a point for corner, same being the Southwest corner of Lot 24, Allison Richey Gulf Coast Home Company Subdivision of Section 73, H. T. & B. R. R. Co. Survey, Abstract 301;

Thence North, along the West line of said Lot 24, 660.00 feet to its

Northwest corner, same being the Southeast corner of Lot 15 of said Section 73;

Thence West, along the South line of said Lot 15, 660.00 feet to its Southwest corner;

Thence North, along the West line of Lots 15, 14 and 13, 1,980.00 feet to the Northwest corner of Lot 13, same being the Southeast corner of Lot 4;

Thence West, along the South line of said Lot 4, 660.00 feet to its Southwest corner;

Thence North, along the West line of said Lot 4, 660.00 feet to its Northwest corner;

Thence East, along the North line of said Lot 4, 660.00 feet to its Northeast corner;

Thence South, along the East line of said Lot 4, 660.00 feet to its Southeast corner, same being the Northwest corner of Lot 13;

Thence East, along the North line of Lots 13 and 21, 1320.00 feet to the Northeast corner of Lot 21, same being the Southwest corner of Lot 28;

Thence North, along the West line of Lots 28 and 27, 1320.00 feet to the Northwest corner of Lot 27, same being the Southeast corner of Lot 18;

Thence West, along the South line of Lots 18 and 10, 990.00 feet to a point in the South line of said Lot 10, same being in the North line of Lot 11;

Thence South, 660.00 feet to a point on the South line of Lot 11;

Thence West, along the South line of Lot 11, 330.00 feet to its Southwest corner;

Thence North, along the West line of Lots 11 and 10, 1320.00 feet to the Northwest corner of Lot 10, same being the Southeast corner of Lot 1;

Thence West, along the South line of Lot 1, 660.00 feet to its Southwest corner;

Thence North, along the West line of Lot 1, 660.00 feet to the Northwest corner of Lot 1, same being the Northwest corner of Section 73, H. T. & B. R. R. Co. Survey, Abst. 301, same also being the Southwest corner of Lot 6 in Division "O" of the Allison Richey Gulf Coast Home Company Subdivision, in the M. V. O'Donnell Survey, Abst. 469;

Thence North, along the West line of said Lot 6 in Division "O", 660.00 feet to its Northwest corner;

Thence East, along the North line of Lots 6 and 12 in Division "O", 1320.00 feet to the Northeast corner of Lot 12 in Division "O";

Thence South, along the East line of said Lot 12 in Division "O", 660.00 feet to its Southeast corner in the South line of said Division "O", same being in the South line of the M. V. O'Donnell Survey, Abst. 469; said

point also being the Northwest corner of Lot 17 on the North line of Section 73, H. T. & B. R. R. Co. Survey, Abst. 301;

Thence East, along the North line of said Lot 17, 660.00 feet to its Northeast corner;

Thence South, along the East line of said Lot 17, 660.00 feet to its Southeast corner, same being the Northwest corner of Lot 26;

Thence East, along the North line of Lots 26 and 34, 1320.00 feet to the Northeast corner of Lot 34;

Thence South, along the East line of Lots 34 and 35, 1320.00 feet to the Southeast corner of Lot 35 same being the Northwest corner of Lot 44;

Thence East, along the North line of Lot 44, 660.00 feet to its Northeast corner;

Thence South, along the East line of Lots 44, 45 and 46, 1980.00 feet to the Southeast corner of Lot 16;

Thence West, along the South line of Lot 46, 660.00 feet to its Southwest corner, same being the Northeast corner of Lot 39;

Thence South, along the East line of Lots 39 and 40, 1320.00 feet to the Southeast corner of Lot 40 in the South line of Section 73, H. T. & B. R. R. Co. Survey, Abst. 301; said point also being in the North line of Section 64, H. T. & B. R. R. Co. Survey, Abst. 483;

Thence West, along the North line of Section 64, 161.55 feet to the Northeast corner of Outlot No. 195 in the North line of said Section 64;

Thence South $22^{\circ} 49' 30''$ West, along the Easterly line of Outlots 195 and 180, 1700.87 feet to a point in the Easterly line of said Outlot 180;

Thence North $67^{\circ} 10' 30''$ West, 1320.00 feet to a point on the Westerly line of said Outlot 180, same being in the Easterly line of Outlot 175;

Thence South $22^{\circ} 49' 30''$ West, along the Easterly line of said Outlot 175, 660.00 feet to its Southeast corner;

Thence North $67^{\circ} 10' 30''$ West, along the Southerly line of said Outlot 175, 1320.00 feet to its Southwest corner on the Easterly line of Outlot 174;

Thence South $22^{\circ} 49' 30''$ West, along the Easterly line of said Outlot 174, 1320.00 feet to a point in the North right-of-way line of State Highway No. 6;

Thence North $67^{\circ} 10' 30''$ West, along the North right-of-way line of said State Highway No. 6, 13.60 feet to a point for corner;

Thence North $00^{\circ} 01' 07''$ West, 2363.26 feet to a point for corner in the North line of Section 65, H. T. & B. R. R. Co. Survey, Abst. 285;

Thence East, 736.00 feet to the Place of Beginning, containing 442.216 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:

Charles L. Sowell
Hugh L. Buckley
Garland W. Fielder
Jot Hodges, Jr.
Raymond C. Kerr

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 1856 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 Indian Springs Utility District of Brazoria 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 1856, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 1856.

Representative Atwood entered the House and was announced present.

HB 1842 ON SECOND READING

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

HB 1842, Creating Spencer 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 1842 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 Spencer 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 re-funding 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 294.252 acres, more or less, out of the S. Thompson Survey, A-799, and the W. Dowdell Survey, A-995, and being more particularly described by metes and bounds, as follows:

Commencing for reference at the southwest corner of the S. Thompson Survey, which lies in the centerline of the right-of-way for Spencer Road (60 feet wide).

Thence, N 0° 44' W 278.75 feet along the west line of said S. Thompson Survey to the point of beginning of the herein described tract.

Thence, N 0° 44' W 2362.51 feet along said west line of the S. Thompson Survey to a point for a corner, which point is also the northwest corner of said S. Thompson Survey.

Thence, N 89° 18' E 2704.18 feet along the north line of said S. Thompson Survey to an angle point, said point also being the northeast corner of the S. Thompson Survey and the northwest corner of the said W. Dowdell Survey.

Thence, N 89° 23' E 2600.00 feet along the north line of said W. Dowdell Survey to a point for a corner, said point being in the west right-of-way line of Jack Rabbit Road (80 feet wide).

Thence, S 0° 09' E 899.54 feet along said west right-of-way line of Jack Rabbit Road to a point for a corner.

Thence, S 89° 23' W 491.00 feet to a point for a corner.

Thence, S 0° 09' E 1665.46 feet to a point for a corner, said point also being in the north right-of-way line of Spencer Road (150 feet wide at this point).

Thence, S 89° 22' W 1500.00 feet along said north right-of-way line of Spencer Road to a point for a corner.

Thence, S 0° 09' E 45.00 feet along a jog in said north right-of-way line of Spencer Road to a point for a corner.

Thence, S 89° 22' W 609.00 feet along said north right-of-way line of Spencer Road to an angle point.

Thence, S 89° 17' W 2327.60 feet, continuing along the said north right-of-way line of Spencer Road to a point for a corner.

Thence N 0° 44' W 248.75 feet to a point for a corner.

Thence, S 89° 17' W 350.00 feet to the point of beginning.

Containing 294.252 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:

Barbara Schabacker
A. T. McInnes
Ingeborg Miller
Florence Gombac
William S. Cochran III

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 re-

quirements 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 1842 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 Spencer 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 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 1842, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1842.

HB 1838 ON SECOND READING

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

HB 1838, Creating the Seabourne Creek Public Utility District in Fort Bend County.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1838 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 Fort Bend County, Texas, to be known as Seabourne Creek 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 re-funding 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 Fort Bend County, Texas, and being 146.00 acres, more or less, out of the G. M. Stone League, A-312; being a parcel of land out of that certain tract described in deed to John A. Yarling, recorded in Volume 79, Page 16 of the Fort Bend County Deed Records; and being more fully described by metes and bounds as follows:

Beginning at the southeast corner of said Yarling tract, in the east line of said G. M. Stone League, same being the west line of the J. D. Vermillion Survey, A-340.

Thence N 89° 58' 03" W 5074.88 feet along the south line of said Yarling tract, to a point on the east right-of-way line of State Highway No. 36.

Thence N 00° 37' E 811.30 feet along the east right-of-way line of said State Highway No. 36, to a point for corner.

Thence East 210.90 feet to a point for corner.

Thence N 00° 37' E 483.70 feet to a point for corner.

Thence East 2100.00 feet to a point for corner.

Thence North 156.00 feet to a point for corner.

Thence East 2341.93 feet to a point for corner.

Thence S 01° 21' W 1247.86 feet to a point for corner.

Thence S 84° 05' 30" E 443.30 feet to a point for corner in the east line of said G. M. Stone League.

Thence S 01° 13' 30" W 160.70 feet to the place of beginning.

Containing 146.00 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:

Monte Lord
Glen Wood Bruner
Fred C. Alter
A. P. Keller
K. M. Verheul

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 1838 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 Seabourne Creek 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 1838, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1838.

Representatives Bowers and Edmund Jones entered the House and were announced present.

HB 1837 ON SECOND READING

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

HB 1837, Creating Dowdell 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 1837 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 Dowdell 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 134.676 acres, more or less, out of the Elizabeth Smith Survey, A-70; comprised of 80.621 acres (which is a part of that certain 162 acres, more or less, described in deed from Amelia Mueller, a widow, to Julius W. Mueller and wife, dated August 27, 1953, recorded in Volume 2653, Page 314, Deed Records of Harris County, Texas; all of that certain 44.974-acre tract (called 45 acres) conveyed by Mrs. G. M. Lilleux et al to N. F. Senechal by deed dated February 20, 1943; and all of that certain N. F. Senechal 9.06-acre tract (called 10.08 acres); the subject 134.676 acres being more particularly described by metes and bounds as follows:

Beginning at an iron rod marking the intersection of the westerly right-of-way line of Kuykendahl Road (80 feet wide) with the northerly right-of-way line of Dowdell Road (60 feet wide).

Thence, S 44° 47' 40" W 2594.62 feet along the northerly right-of-way line of Dowdell Road to an axle for a corner of the tract herein described and the south corner of said 80.621-acre tract.

Thence, N 88° 32' 00" W 325.39 feet, continuing along the northerly right-of-way line of Dowdell Road, to an iron rod for corner.

Thence, S 45° 14' 00" W 719.36 feet, continuing along the northerly right-of-way line of Dowdell Road, to an iron bar for corner of the tract herein described and the south corner of said 44.974-acre tract.

Thence, N 45° 02' 00" W 1651.13 feet to a point for corner.

Thence, S 45° 29' 30" W 548.15 feet to a pine knot for a corner of the tract herein described and the south corner of said 9.06-acre tract.

Thence, N 45° 00' 00" W 394.40 feet to an iron rod for corner.

Thence, N 45° 00' 00" E 44.50 feet to an iron rod for corner.

Thence, N 45° 00' 00" W 229.00 feet to a point in the center line of Willow Creek.

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

N 62° 46' 31" E 148.87 feet

N 67° 14' 38" E 164.30 feet

N 51° 42' 56" E 88.58 feet

N 07° 11' 56" E 155.32 feet

N 16° 49' 38" E 92.77 feet

N 51° 22' 55" E 246.70 feet

N 28° 58' 31" E 78.84 feet to a point for corner of the tract herein described and the north corner of said 9.06-acre tract.

Thence, S 45° 10' 00" E 246.25 feet to an iron rod for corner.

Thence, N 44° 16' 30" E 536.82 feet to an iron rod for a corner of the tract herein described and the north corner of said 44.974-acre tract.

Thence, S 45° 05' 00" E 938.84 feet to an iron rod for corner.

Thence, N 44° 49' 30" E 2591.15 feet to an iron rod for corner in the westerly right-of-way line of Kuykendahl Road.

Thence, S 45° 13' 45" E 1353.72 feet along the westerly right-of-way line of Kuykendahl Road to the place of beginning.

Containing 134.676 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 dis-

tricts 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:

Bertram L. Griffin
Burke M. O'Rourke
Leighton Young, Jr.
Sharon Kight
Eugene Klein

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 1837 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 Dowdell 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 1837, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1837.

HB 1836 ON SECOND READING

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

HB 1836, Creating the North Park 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 1836 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 North Park 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 172.770 acres, more or less, out of The Benjamin Barrow Survey, A-126, The Manuel Tarin Survey, A-778, and The Daniel Harmon Survey, A-315; being a parcel of land out of that certain tract of land described as Share No. 3 in deed from H. W. Tautenhahn, et ux to William P. Tautenhahn, et al, of record in Volume 1174, Page 541, of the Harris County Deed Records and being more fully described by metes and bounds as follows:

Beginning at a $\frac{3}{8}$ -inch iron rod at the intersection of the east line of said tract of land described as Share No. 3 with the north right-of-way line of F.M. Highway 1960.

Thence S 78° 10' 02" W 691.34 feet along said north right-of-way line, to a 4" x 4" concrete highway monument for corner and the beginning point of a curve to the left.

Thence Southwesterly, continuing along said north right-of-way line, along the arc of said curve to the left having a chord of 74° 59' 42" W 656.18 feet, a radius of 5841.02 feet, a central angle of 06° 26' 24", a distance of 656.53 feet to a 4" x 4" concrete highway monument for corner.

Thence S 71° 46' 30" W 319.22 feet, continuing along said north right-of-way line, to a 1-inch iron pipe for corner.

Thence N 09° 13' 08" W 352.91 feet to a $\frac{5}{8}$ -inch iron rod for corner.

Thence S 71° 48' 18" W 124.82 feet to a $\frac{5}{8}$ -inch iron rod for corner.

Thence S 09° 12' 55" E 137.69 feet to a $\frac{5}{8}$ -inch iron rod for corner.

Thence S 80° 46' 06" W 1137.20 feet to a $\frac{5}{8}$ -inch iron rod for corner.

Thence N 49° 42' 36" W 151.40 feet to a $\frac{5}{8}$ -inch iron rod in the east right-of-way line of Interstate Highway 45 for corner.

Thence N 03° 43' 28" W 48.14 feet along the east right-of-way line of said Interstate Highway 45, to a $\frac{5}{8}$ -inch iron rod for corner.

Thence N 01° 08' 58" E 2315.43 feet continuing along the east right-of-way line of Interstate Highway 45, to a 4" x 4" concrete highway monument for corner.

Thence N 86° 58' 42" E 1880.49 feet to a 2-inch iron pipe for corner.

Thence N 57° 52' 41" E 1399.23 feet to a cross-tie fence post for corner.

Thence S 02° 01' 00" W 2885.37 feet to the place of beginning.

Containing 172.770 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:

Steve W. Ley
Robert M. Ley
Stedwell Johnston
Steve T. Cochran
Eugene B. Smith

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 1836 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 North Park 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 1836, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1836.

HB 1794 ON SECOND READING

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

HB 1794, Creating the Buffalo Camp Farms Public Utility District in Brazoria County.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1794 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 Brazoria County, Texas, to be known as Buffalo Camp Farms 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 Brazoria County, Texas, and being 482.84812 acres, more or less, lying in the S. F. Austin 5 Leagues, A-19, and being a part of that certain 4,167.6-acre tract of land which is described in deed recorded in Volume 282, pages 195 through 198, of the Deed Records of Brazoria County, Texas, described in metes and bounds, using survey terminology which refers to the Texas Coordinate System, South Central Zone, except the distances which are the horizontal ground level lengths, as follows:

Beginning at the position $X=3,118,619.77$ and $Y=465,924.61$, at which was found an existing concrete post by survey in 1959 and recovered by survey in 1970, situated in the south boundary line of the Prison Commission of the State of Texas Retrieve State Farm near the left descending bank of Buffalo Camp Bayou and being the identical concrete post which is referred to as "a concrete monument 36 feet East of the waters edge of Buffalo Camp Bayou" for the point of beginning in the record of the above-referenced 4,167.6 acres.

Thence, with the south boundary of said Retrieve State Farm, azimuth $266^{\circ} 39' 57.9''$ a distance of 1380.79 feet to the position $X=3,119,998.05$ and $Y=466,004.90$, at which a concrete post was found, projecting three feet above ground, by survey in 1959 and recovered by survey in 1970, which post is loosely set, not firmly embedded, and subject to upset.

Thence, continuing with said boundary, azimuth $266^{\circ} 40' 12.1''$ a distance of 1884.33 feet to the position $X=3,121,878.96$ and $Y=466,114.34$, at which a concrete post was found by survey in 1959 and recovered by survey in 1970, which post is leaning southeast and of an unstable nature.

Thence, continuing with said boundary, azimuth $266^{\circ} 38' 43.7''$ a distance of 2092.07 feet to the position $X=3,123,967.18$ and $Y=466,236.74$, at which a concrete post was found by survey in 1959 and recovered by survey in 1970.

Thence, continuing with said boundary, azimuth $266^{\circ} 41' 00.1''$ a distance of 2000.88 feet to the position $X=3,125,964.46$ and $Y=466,352.48$, at which the remains of a mutilated concrete post was found by survey in 1970; the position taken is the reinforcing rod in the earth-embedded portion of said post.

Thence, continuing with said boundary, azimuth $266^{\circ} 31' 25.36''$ a distance of 54.954 feet to the position $X=3,126,019.30$ and $Y=466,355.82$, which is situated in said south boundary line of Retrieve State Farm and the north-west corner of a tract of 24.92957 acres and marked with a concrete monument, for the northeast corner of this tract.

Thence, with the west boundary of said 24.92957 acres, azimuth $356^{\circ} 35' 46.3''$ a distance of 578.197 feet to the position $X=3,126,053.63$ and $Y=465,778.71$, which is the southwest corner of the above-mentioned 24.92957 acres and the point of intersection with the north right-of-way line of Bayou Road, marked with a concrete monument for the most eastern southeast corner of this tract.

Thence, with the northerly right-of-way line of Bayou Road Southwesterly along a curve to the left, which curve has a radius of 1843.83 feet, a distance of 517.408 feet, arc length, to a $\frac{1}{2}$ " iron pipe set in concrete, situated at the position $X=3,125,548.88$ and $Y=465,673.24$.

Thence, continuing with the westerly right-of-way line of Bayou Road, Southerly along a curve to the left, which curve has a radius of 704.84 feet, a distance of 923.949 feet to a $\frac{1}{2}$ " iron pipe set in concrete, situated at position $X=3,125,085.87$ and $Y=464,949.60$.

Thence, continuing with said right-of-way line, Westerly along a curve to the right, which curve has a radius of 1284.27 feet, a distance of 1069.172 feet, arc length, to a $\frac{1}{2}$ " iron pipe set in concrete situated at the position $X=3,124,748.05$ and $Y=463,967.65$.

Thence, continuing with said right-of-way line, azimuth $42^{\circ} 50' 28.9''$, a distance of 124.668 feet to a $\frac{1}{2}$ " iron pipe set in concrete, situated at the position $X=3,124,663.29$ and $Y=463,876.25$.

Thence, continuing with said right-of-way line, Southerly along a curve to the left, which curve has a radius of 1450.62 feet, a distance of 1349.084 feet to the position $X=3,124,299.68$ and $Y=462,627.28$, which is a point on a curve in the westerly right-of-way line of Bayou Road, for a corner.

Thence, azimuth $87^{\circ} 13' 15''$ a distance of 234.857 feet to the position $X=3,124,065.13$ and $Y=462,615.90$ for a corner.

Thence, azimuth $119^{\circ} 21' 04.8''$ a distance of 347.684 feet to the position $X=3,123,762.11$ and $Y=462,786.30$ for a corner.

Thence, azimuth $29^{\circ} 21' 04.8''$ a distance of 434.652 feet to the position $X=3,123,549.09$ and $Y=462,407.49$ for a corner.

Thence, azimuth $333^{\circ} 44' 51.6''$ a distance of 100.80 feet to the position $X=3,123,593.67$ and $Y=462,317.10$, which is a point situated in the right ascending waters edge of Buffalo Camp Bayou, for the most southern southeast corner of this tract.

Thence, establishing and fixing a boundary along the right ascending waters edge of Buffalo Camp Bayou, the horizontal position of which shall remain fixed and unchanged regardless of the elevation of the water surface at any time in Buffalo Camp Bayou, by Texas Coordinate System coordinate position, direction and horizontal surface level distances, reasonably approximating the trace of a traverse of the contour line of 12.2 feet above the Sea-Level Datum of 1929, but not altered or affected by said contour line, as follows:

Beginning at the position X=3,123,593.67 and Y=462,317.10.

Thence, along the meanders of said boundary, as follows:

Azimuth 77° 44' 00" a distance of 66.374 feet
 Azimuth 78° 27' 26" a distance of 110.009 feet
 Azimuth 78° 36' 17" a distance of 100.024 feet
 Azimuth 78° 02' 26" a distance of 100.003 feet
 Azimuth 77° 28' 03" a distance of 100.015 feet
 Azimuth 70° 40' 59" a distance of 39.244 feet
 Azimuth 69° 16' 51" a distance of 98.716 feet
 Azimuth 88° 34' 39" a distance of 17.728 feet
 Azimuth 59° 18' 56" a distance of 85.116 feet
 Azimuth 38° 18' 02" a distance of 57.043 feet
 Azimuth 53° 34' 41" a distance of 76.240 feet
 Azimuth 65° 38' 46" a distance of 59.469 feet
 Azimuth 88° 18' 23" a distance of 16.920 feet
 Azimuth 104° 49' 11" a distance of 100.413 feet
 Azimuth 97° 54' 33" a distance of 90.997 feet
 Azimuth 77° 50' 01" a distance of 76.641 feet
 Azimuth 73° 55' 17" a distance of 37.845 feet
 Azimuth 104° 47' 50" a distance of 23.926 feet
 Azimuth 117° 42' 53" a distance of 20.731 feet
 Azimuth 124° 29' 34" a distance of 108.313 feet
 Azimuth 132° 12' 18" a distance of 33.065 feet
 Azimuth 140° 10' 04" a distance of 95.868 feet
 Azimuth 147° 01' 52" a distance of 63.920 feet
 Azimuth 130° 56' 12" a distance of 63.574 feet
 Azimuth 132° 14' 37" a distance of 111.173 feet
 Azimuth 133° 31' 21" a distance of 90.233 feet
 Azimuth 130° 21' 15" a distance of 100.058 feet
 Azimuth 123° 30' 23" a distance of 100.370 feet
 Azimuth 111° 41' 29" a distance of 26.112 feet
 Azimuth 124° 25' 26" a distance of 64.769 feet
 Azimuth 112° 44' 37" a distance of 100.062 feet
 Azimuth 109° 52' 44" a distance of 100.033 feet
 Azimuth 115° 42' 03" a distance of 159.542 feet
 Azimuth 97° 18' 37" a distance of 84.417 feet
 Azimuth 115° 52' 06" a distance of 59.232 feet
 Azimuth 103° 17' 14" a distance of 81.635 feet
 Azimuth 96° 43' 56" a distance of 61.512 feet
 Azimuth 108° 13' 49" a distance of 96.516 feet
 Azimuth 105° 29' 51" a distance of 81.036 feet
 Azimuth 81° 24' 50" a distance of 32.690 feet
 Azimuth 83° 59' 41" a distance of 94.832 feet
 Azimuth 87° 31' 10" a distance of 58.002 feet
 Azimuth 87° 30' 40" a distance of 93.971 feet

Azimuth 68° 12' 07" a distance of 91.493 feet
 Azimuth 70° 44' 01" a distance of 120.514 feet
 Azimuth 46° 36' 51" a distance of 80.341 feet
 Azimuth 71° 50' 28" a distance of 45.281 feet
 Azimuth 74° 56' 12" a distance of 85.125 feet
 Azimuth 95° 54' 34" a distance of 29.822 feet
 Azimuth 116° 58' 13" a distance of 52.484 feet
 Azimuth 123° 33' 08" a distance of 53.020 feet
 Azimuth 133° 22' 56" a distance of 52.608 feet
 Azimuth 124° 37' 36" a distance of 47.012 feet
 Azimuth 116° 49' 46" a distance of 73.657 feet
 Azimuth 119° 29' 51" a distance of 93.374 feet
 Azimuth 111° 56' 46" a distance of 100.084 feet
 Azimuth 111° 34' 29" a distance of 60.055 feet
 Azimuth 91° 38' 57" a distance of 42.053 feet
 Azimuth 106° 47' 56" a distance of 100.146 feet
 Azimuth 110° 48' 05" a distance of 100.032 feet
 Azimuth 123° 03' 50" a distance of 86.305 feet
 Azimuth 126° 58' 59" a distance of 101.313 feet
 Azimuth 125° 19' 11" a distance of 79.109 feet
 Azimuth 133° 40' 04" a distance of 63.269 feet
 Azimuth 142° 12' 32" a distance of 103.753 feet
 Azimuth 139° 30' 20" a distance of 103.081 feet
 Azimuth 155° 15' 32" a distance of 100.056 feet
 Azimuth 158° 41' 14" a distance of 100.409 feet
 Azimuth 151° 49' 17" a distance of 100.072 feet
 Azimuth 169° 50' 43" a distance of 42.714 feet
 to the position X=3,119,066.57 and Y=463,660.56, which is a point located approximately 70 feet downstream, southerly from the south bank point of a tributary bayou which drains from the northeast.

Thence, azimuth 163° 11' 09", crossing the mouth of said tributary bayou, a distance of 200.600 feet to the position X=3,119,008.55 and Y=463,852.56, which is a point located on the north bank point of said tributary bayou.

Thence, continuing with the meanders of said boundary, as follows:

Azimuth 160° 59' 32" a distance of 64.209 feet
 Azimuth 167° 45' 05" a distance of 100.081 feet
 Azimuth 174° 30' 50" a distance of 114.338 feet
 Azimuth 183° 01' 55" a distance of 104.750 feet
 Azimuth 188° 10' 28" a distance of 100.514 feet
 Azimuth 194° 22' 46" a distance of 115.017 feet
 Azimuth 190° 31' 24" a distance of 85.153 feet
 Azimuth 199° 35' 52" a distance of 100.515 feet
 Azimuth 192° 10' 09" a distance of 100.061 feet
 Azimuth 184° 09' 17" a distance of 64.879 feet
 Azimuth 214° 33' 48" a distance of 15.108 feet
 to the position X=3,119,087.49 and Y=464,793.65, which is a point located near the downstream point of a cove or nook, in the right ascending waters edge of Buffalo Camp Bayou.

Thence, azimuth 165° 52' 29", crossing the mouth of said cove a distance of 42.211 feet to the position X=3,119,077.19 and Y=464,834.58, which is a point located near the upstream point of said cove.

Thence, azimuth $173^{\circ} 37' 45''$, a distance of 115.639 feet to the position $X=3,119,064.36$ and $Y=464,949.49$, which is a point located near the downstream point of a cove or nook, in said right ascending waters edge.

Thence, azimuth $168^{\circ} 07' 09''$, crossing the mouth of said cove, a distance of 60.626 feet to the position $X=3,119,051.88$ and $Y=465,008.81$, which is a point located near the upstream point of said cove.

Thence, azimuth $157^{\circ} 21' 55''$, a distance of 35.368 feet to the position $X=3,119,038.27$ and $Y=465,041.45$, which is a point located near the downstream point of a cove or nook in said right ascending waters edge.

Thence, azimuth $148^{\circ} 36' 17''$, crossing the mouth of said cove, a distance of 89.023 feet to the position $X=3,118,991.90$ and $Y=465,117.43$, which is a point located near the upstream point of said cove.

Thence, continuing with the meanders of said boundary, as follows:

Azimuth $149^{\circ} 55' 14''$ a distance of 85.007 feet
Azimuth $161^{\circ} 43' 17''$ a distance of 97.291 feet
Azimuth $171^{\circ} 38' 01''$ a distance of 107.639 feet
Azimuth $171^{\circ} 01' 48''$ a distance of 76.333 feet
Azimuth $182^{\circ} 46' 14''$ a distance of 44.277 feet to the position $X=3,118,893.37$ and $Y=465,509.44$, which is a point located near the southeast bank point of a tributary bayou which drains from the northeast.

Thence, azimuth $163^{\circ} 21' 19''$, crossing the mouth of said tributary bayou, a distance of 84.741 feet to the position $X=3,118,869.10$ and $Y=465,590.62$, which is a point located near the northwest bank point of said tributary bayou.

Thence, continuing with the meanders of said boundary, as follows:

Azimuth $155^{\circ} 32' 46''$ a distance of 72.118 feet
Azimuth $170^{\circ} 49' 14''$ a distance of 28.651 feet to the position $X=3,118,834.68$ and $Y=465,684.54$, which is a point located near the downstream point of a cove or nook, in said right ascending waters edge.

Thence, azimuth $152^{\circ} 53' 38''$, crossing the mouth of said cove, a distance of 49.256 feet to the position $X=3,118,812.24$ and $Y=465,728.38$, which is a point located near the upstream point of said cove.

Thence, azimuth $160^{\circ} 06' 57''$, a distance of 41.020 feet to the position $X=3,118,798.29$ and $Y=465,766.95$, which is a point located near the southeast bank point of a tributary bayou which drains from the northeast.

Thence, azimuth $125^{\circ} 36' 25''$, crossing the mouth of said tributary bayou, a distance of 95.027 feet to the position $X=3,118,721.04$ and $Y=465,822.27$, which is a point located near the northwest bank point of said bayou.

Thence, azimuth $129^{\circ} 06' 41''$ a distance of 160.127 feet, in all, to the position $X=3,118,596.81$ and $Y=465,923.27$, which is the point of intersection with the south boundary of the Prison Commission of the State of Texas' Retrieve State Farm, for the northwest corner of this tract.

Thence, with the south boundary of said Retrieve State Farm, azimuth

266° 39' 57.9" a distance of 23,000 feet to the position X=3,118,619.77 and Y=465,924.61 and the point of beginning.

Containing 482.84812 acres of surface area, 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:

James R. Hickey
Ike J. Talbot
La Vern Rice
Freddie Brown
David Greene

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 Texas Water Rights Commission shall not approve bonds for the installation or construction of drainage facilities unless such installation and construction is first approved in writing by the Velasco Drainage District, nor shall the Texas Water Rights Commission approve any bonds of the District unless the plans and specifications for which the funds will be used have been approved by the City of Lake Jackson, Texas.

Section 8. The ordinances of the City of Lake Jackson, Texas, establishing rules and regulations governing plats and the subdivision of land shall apply to the territory comprising the District or any portion thereof which is now or which hereafter may be within the extraterritorial jurisdiction of such city. As used in this section, "extraterritorial jurisdiction" means the extraterritorial jurisdiction of a city as defined by Article 970a, V.T.C.S. as amended or as hereafter amended.

Section 9. The Legislature specifically finds and declares that the re-

quirements 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 10. 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 11. 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 1794 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 Buffalo Camp Farms 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; providing for approval of drainage plans by Velasco Drainage District and approval of plans and specifications by City of Lake Jackson prior to approval of Texas Water Rights Commission; providing for approval of Lake Jackson under provisions of Article 970a V.A.C.S.; 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 1794, as amended, was passed to engrossment.

HB 1725 ON SECOND READING

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

HB 1725, Creating Roman Forest Public Utility District No. 2 in Montgomery County.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1725 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 Montgomery County, Texas, to be known as Roman Forest Public Utility District No. 2, 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 Montgomery County, Texas, being 353.41 acres, more or less out of the Pryor Bryan Survey, A-76, and more particularly described by metes and bounds as follows:

Beginning at a 3/4" iron pipe in a fence corner, said pipe being S 00° 51' 08" E, 55.55 feet from a fence corner marking the northeast corner of that certain 1000-acre tract conveyed by instruments of record at Vol. 130, Page 279, Montgomery County Deed Records.

Thence, S 00° 51' 08" E, 3248.60 feet with the west line of a 3208-acre tract of land more fully described in a deed recorded in Volume 721, Page 792 of the Montgomery County Deed Records to a 5/8" iron rod.

Thence, N 79° 54' 09" E, 69.24 feet to a 5/8-inch iron rod.

Thence, N 70° 58' 39" E, 440.02 feet to a 5/8-inch iron rod.

Thence, S 19° 40' 00" E, 132.65 feet to a 5/8-inch iron rod.

Thence, N 82° 00' 00" E, 500.00 feet to a 5/8-inch iron rod.

Thence, S 80° 00' 00" E, 400.00 feet to a 5/8 inch iron rod.

Thence, S 63° 30' 00" E, 1230.00 feet to a 5/8-inch iron rod.

Thence, S 72° 08' 13" E, 276.14 feet to a 5/8-inch iron rod.

Thence, S 81° 15' 00" E, 450.00 feet to a 5/8-inch iron rod.

Thence, N 88° 50' 00" E, 810.00 feet to a 5/8-inch iron rod.

Thence, N 88° 50' 00" E, 295.00 feet to a point.

Thence, N 01° 55' 41" W, 720.00 feet to a point.

Thence, N 19° 25' 00" W, 1310.00 feet to a point.

Thence, N 27° 00' 12" E, 814.49 feet to a point.

Thence, East, 300.00 feet to a point.

Thence, North, 1290.00 feet to a point.

Thence, S 89° 04' 42" W, 4590.00 feet with the north line of said 3208-acre tract to the place of beginning.

Containing 353.41 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:

Bob D. Grundy
J. R. Gant
David P. Darnell
Henry L. Schulle
Matt Hall Benton

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 1725 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 Roman Forest Public Utility District No. 2, 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 1725, as amended, was passed to engrossment.

Representative Simmons entered the House and was announced present.

HB 1726 ON SECOND READING

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

HB 1726, Creating Roman Forest Public Utility District No. 3 in Montgomery County.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1726 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 Montgomery County, Texas, to be known as Roman Forest Public Utility District No. 3, 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 Montgomery County, Texas, being 381.98 acres, more or less out of the Pryor Bryan Survey, A-76, and more particularly described by metes and bounds as follows:

Commencing at a 3/4" iron pipe in a fence corner, said pipe being S 00° 51' 08" E, 55.55 feet from a fence corner marking the northeast corner of that certain 1000-acre tract conveyed by instrument of record at Vol. 130, Page 279, Montgomery County Deed Records.

Thence, N 89° 04' 42" E, 4590.00 feet with the north line of a 3208-acre tract of land more fully described in a deed recorded in Volume 721, Page 792 of the Montgomery County Deed Records, to a point marking the northwest corner of the herein described tract at place of beginning.

Thence South, 1290.00 feet to a point.

Thence West, 300.00 feet to a point.

Thence, S 27° 00' 12" W, 814.49 feet to a point.

Thence, S 19° 25' 00" E, 1310.00 feet to a point.

Thence, S 01° 55' 41" E, 720.00 feet to a point.

Thence, N 88° 50' 00" E, 1885.00 feet to a point.

Thence, S 76° 10' 00" E, 1520.00 feet to a point.

Thence, N 13° 15' 00" E, 1520.00 feet to a point.

Thence, N 46° 50' 00" E, 460.00 feet to a point.

Thence, N 08° 25' 56" E, 1636.38 feet to a point.

Thence, N 62° 00' 00" E, 465.00 feet to a point.

Thence, N 26° 15' 00" W, 815.00 feet to a point.

Thence, S 89° 04' 42" W, 4124.91 feet to the place of beginning.

Containing 381.98 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:

James D. Carlton
C. P. Embrey
Gerry States
Hubert Smith
George Paul Miles

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 1726 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 Roman Forest Public Utility District No. 3; 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 1726, as amended, was passed to engrossment.

(Mr. John Allen in the Chair)

Representatives Foreman and Heatly entered the House and were announced present.

HB 1661 ON SECOND READING

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

HB 1661, Creating LaPorte 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 1661 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 LaPorte 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 those certain tracts of land out of the Johnson Hunter Survey A-35 and the W. P. Harris Survey A-30, Harris County, Texas, and being more particularly described as follows:

Commencing at a point of intersection of the East line of the George B. McKinstry Survey A-47 with the North line of the W. P. Harris Survey A-30 and the South line of the Johnson Hunter Survey A-35;

Thence Southerly along the East line of the aforementioned George B. McKinstry Survey a distance of approximately 2,710 feet to a point, said point being in the East line of said George B. McKinstry Survey A-47 and being 350 feet North of the North right-of-way of McCabe Road; and being the Place of Beginning;

Thence Northerly along the East line of the George B. McKinstry Survey A-47 and the Richard Pearsall Survey A-625 a distance of 5,190 feet more or less to a point for corner, said point being the intersection of the South right-of-way of West "0" Street with the East line of the Richard Pearsall Survey A-625;

Thence Easterly along the South right-of-way of West "0" Street a distance of 326 feet to a point for corner;

Thence Southerly, parallel to and 326 feet East of the East line of the George B. McKinstry Survey A-47 and the Richard Pearsall Survey A-625 a distance of 400 feet to a point for corner;

Thence Easterly, parallel to and 400 feet South of the South right-of-way of West "0" Street a distance of 326 feet to a point for corner; said point lying in the East right-of-way of 16th Street;

Thence Northerly along the East right-of-way of 16th Street a distance of 460 feet to a point for corner, in the South boundary of the City of LaPorte, Texas; said South boundary being a projection of the North right-of-way of West "0" Street;

Thence Easterly along the South boundary of the City of LaPorte and the projection of the North right-of-way of West "0" Street a distance of 2,888 feet more or less to a point for corner, said point lying at the intersection of the West right-of-way of 7th Street projected north with the North right-of-way of West "0" Street and the South boundary of the City of LaPorte;

Thence Southerly along the West right-of-way of 7th Street a distance of 2,420 feet more or less to a point for corner in the South line of the Johnson Hunter Survey A-35 and the North line of the W. P. Harris Survey A-30;

Thence Easterly along the South line of the Johnson Hunter Survey A-35 and the North line of the W. P. Harris Survey A-30 a distance of 2,302 feet to a point, said point being the intersection of the South boundary of the Johnson Hunter Survey A-35, the North boundary of the W. P. Harris Survey A-30 and the South right-of-way of South "T" Street with the West right-of-way of State Highway 146 commonly referred to as the LaPorte-Seabrook Road;

Thence continuing Easterly along the South right-of-way of the Hunter Survey A-35 and the Harris Survey A-30, crossing State Highway 146, commonly referred to as the LaPorte-Seabrook Road for a distance of 1,250 feet more or less to a point for corner in the westerly shoreline of Galveston Bay;

Thence Southerly with the meanders of the westerly shoreline of Galveston Bay a distance of 680 feet more or less to a point for corner, said corner also being the Northeast corner of Oyster Bay Subdivision;

Thence Westerly along the North line of Oyster Bay Subdivision to the Northeast corner of Lot 5 out of Oyster Bay Subdivision;

Thence Southerly along the East line of Lot 5 out of Oyster Bay Subdivision a distance of 122.5 feet to the southeast corner of said Lot 5 and also being a point for corner for the herein described tract;

Thence Westerly along the South line of Lot 5 out of Oyster Bay Subdivision a distance of 75 feet to a point for corner and the southwest corner of said Lot 5;

Thence Southerly with the southward projection of the West line of said Lot 5, crossing a 60 foot wide street to the Northeast corner of Lot 19 out of Oyster Bay Subdivision, and continuing along the East line of said Lot 19 for a total distance of 182.5 feet to a point for corner and the Southeast corner of Lot 19 out of Oyster Bay Subdivision;

Thence Westerly along the South line of Lot 19 a distance of 75 feet to a point for corner and the southwest corner of Lot 19;

Thence Northerly along the West line of Lot 19 and its northward projection, crossing a 60 foot wide street to the Southwest corner of Lot 6 out of Oyster Bay Subdivision and continuing along the West line of Lot 6 for a total distance of 305 feet to a point for corner and the northwest corner of Lot 6;

Thence Westerly along the North line of Oyster Bay Subdivision and its westward projection across State Highway 146 commonly referred to as the LaPorte-Seabrook Road a distance of 557.5 feet to a point for corner in the West right-of-way of said State Highway 146;

Thence Southerly along the West right-of-way of State Highway 146 commonly referred to as the LaPorte-Seabrook Road a distance of 908.47 feet more or less to a point for corner, said corner being 1,532.70 feet South of the common North South boundary between the W. P. Harris Survey A-30, and the Johnson Hunter Survey A-35;

Thence Westerly parallel to and 1,532.70 feet South of the South line of the Johnson Hunter Survey A-35 and the north line of the W. P. Harris Survey A-30, a distance of 326 feet to a point for corner;

Thence Southerly, parallel to and 326 feet West of the West right-of-way of State Highway 146, commonly referred to as the LaPorte-Seabrook Road a distance of 807.30 feet to a point for corner;

Thence Westerly, parallel to and 840 feet North of the North right-of-

way of McCabe Road, a distance of 1,534 feet to a point for corner and the Northwest corner of the Shoreacres Mobile Home Park;

Thence Southerly along the West line of the Shoreacres Mobile Home Park a distance of 490 feet to a point for corner, said point being 350 feet North of the North right-of-way of McCabe Road;

Thence Westerly parallel to and 350 feet North of the North right-of-way of McCabe Road a distance of 3,926 feet more or less to the Place of Beginning.

Save and except a tract of land in W. P. Harris Survey A-30 Harris County, Texas described as follows:

Beginning at a point on the southwest corner of the W. P. Harris Survey A-30 Harris County, Texas;

Thence, north along the west line of said W. P. Harris Survey A-30 to the east right of way line of the Southern Pacific Railroad right-of-way;

Thence, southeast along the east right-of-way of the Southern Pacific Railroad right-of-way to the south line of said W. P. Harris Survey A-30;

Thence, west along the south line of said W. P. Harris Survey A-30 to the southwest corner of said W. P. Harris Survey A-30, the place of beginning.

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:

James R. Smith
Vernon Sheffield
George E. Sledge, Jr.
Ford Hubbard, Jr.
J. R. Spradling

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 1661 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 LaPorte 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 1661, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1661.

HB 1731 ON SECOND READING

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

HB 1731, Creating Knollwood Public Utility District in Trinity County.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1731 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 Trinity County, Texas, to be known as Knollwood 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 Trinity County, Texas, and being 616.275 acres, more or less, out of the John Andrews Survey, A-50, and the Wm. Richards Survey, A-35; being the residue of a 583-acre tract described in a deed to O. O. Thornton, recorded in Volume 123, Page 273, Trinity County Deed Records, and all of the land described in a deed to O. O. Thornton, recorded in Volume 121, Page 496, Trinity County Deed Records; and being described by metes and bounds, as follows:

Beginning at an iron rod in the east right-of-way line of a county road, said beginning point being S 27° 55' 00" E 50.8 feet from the northeast

corner of said 583-acre tract and the northeast corner of said Richards Survey.

Thence S 86° 46' 00" W 4620.43 feet along the south right-of-way line of said county road to an iron rod for corner in the west line of said 583-acre tract.

Thence S 02° 59' 01" E 259.28 feet along a fence line to a point in the centerline of a branch.

Thence Southwesterly with the meanders of said branch as follows:

N 63° 39' 59" W 156.16 feet
S 37° 18' 58" W 188.17 feet
N 71° 08' 59" W 288.04 feet
S 56° 34' 00" W 426.65 feet
S 26° 48' 59" W 417.31 feet
N 86° 07' 59" W 182.58 feet
S 17° 20' 58" W 310.59 feet
S 83° 55' 01" W 177.53 feet
S 14° 51' 56" W 117.09 feet to a point for corner in said branch.

Thence N 86° 18' 00" E 641.76 feet along a fence line to an iron rod for corner.

Thence S 03° 59' 00" E 2448.64 feet along a fence line, to an iron rod for corner in the north line of the E. L. Blair 200-acre tract.

Thence N 87° 18' 01" E 2608.67 feet along said Blair north line, to an iron rod for corner in the east line of said Andrews Survey.

Thence S 02° 48' 00" E 2636.28 feet along said Blair east line and the west line of said Thornton 583-acre tract, to the intersection of said line with the fee line of Lake Livingston.

Thence with the fee line of Lake Livingston as follows:

S 80° 12' 00" E 109.67 feet
S 61° 59' 00" E 455.88 feet
N 67° 06' 00" E 356.89 feet
S 73° 17' 00" E 320.64 feet
N 80° 59' 00" E 465.86 feet
N 03° 56' 00" W 1468.04 feet
N 37° 39' 00" E 959.18 feet
N 67° 30' 00" W 243.90 feet
N 11° 10' 00" E 228.13 feet
S 78° 11' 00" E 285.86 feet
N 05° 46' 00" E 368.29 feet
N 43° 01' 00" E 495.00 feet
N 64° 46' 00" E 507.90 feet
N 64° 49' 00" W 255.70 feet
N 17° 19' 00" W 117.80 feet
S 73° 55' 00" E 96.00 feet
S 70° 04' 00" E 330.60 feet
N 17° 58' 00" W 106.85 feet
N 34° 36' 00" E 325.80 feet

N 77° 18' 00" E 176.40 feet
N 16° 04' 00" W 258.90 feet
S 49° 47' 00" E 219.20 feet
N 32° 41' 00" E 291.70 feet
N 44° 16' 00" E 9.60 feet, to a point for corner.

Thence N 28° 33' 00" W 382.47 feet to an iron rod for corner at the northwest corner of a 0.3-acre tract.

Thence N 62° 05' 00" E 64.65 feet to a point for corner at the northeast corner of said 0.3-acre tract and being in the east line of said Richards Survey.

Thence N 27° 55' 00" W 2162.98 feet along the east line of said 583-acre tract and the east line of said Richards Survey, to the point of beginning.

Containing 616.275 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:

A. B. Cass, Jr.
D. E. Hughes, Jr.
Floyd Moore
Howard Gray
Carl Schulse

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 1731 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 Knollwood 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 1731, as amended, was passed to engrossment.

HB 1757 ON SECOND READING

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

HB 1757, Creating Windswept Utility District in Walker County.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1757 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 Walker County, Texas, to be known as Windswept 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:

A tract of land containing 1160 acres, recorded in Volume 229, Pages 129 through 139 of the Deed Records of Walker County, Texas, and being a part of the William Garrett Survey, A-208, and a part of the C. Edinburg Survey, A-186, Walker County, Texas and being more particularly described as follows:

Beginning at a concrete monument found in the south line of Windswept Downs, Section 1, according to the plat thereof recorded in Volume 174, Page 586 of the Deed Records of Walker County, Texas, said concrete monument also being the northeast corner of the M. G. Clements Survey, A-138, and the northwest corner of the John O. Baker Survey, A-83;

Thence N 89° 27' 41" W, along the south line of the said Garrett Survey and the south line of said Windswept Downs, Sections 1 and 2, passing the southwest corner of said Windswept Downs, Section 1, at 27.53 feet, passing the center-line of F. M. Road No. 247 at 82.71 feet, and passing the southeast corner of Windswept Downs, Section 2, according to the plat thereof recorded in Volume 174, Page 590 of the Deed Records of Walker County, Texas, at 137.89 feet, a total distance of 2,638.69 feet to a concrete monument found for the southwest corner of the said Garrett Survey, said corner being located in the east line of the John D. Murphy

Survey, A-384, and also being the southwest corner of said Windswept Downs, Section 2, and the northwest corner of the said M. G. Clements Survey;

Thence N 0° 08' 03" E, along the west line of the said Garrett Survey and the west line of said Windswept Downs, Section 2, a distance of 1,158.28 feet to a concrete monument found for the northeast corner of the said John D. Murphy Survey and the southeast corner of the C. Edinburg Survey, A-186;

Thence N 0° 24' 50" E, along the west line of the said Garrett Survey and the west line of said Windswept Downs, Section 2, also being the east line of the C. Edinburg Survey, passing the northwest corner of said Windswept Downs, Section 2 at 540.68 feet, in all a total distance of 1,281.37 feet to an iron rod for corner in the southwesterly right-of-way line of F. M. Road No. 247, (100 feet wide), as recorded in Volume 87, Page 618 of the Deed Records of Walker County, Texas;

Thence N 0° 03' 55" E, along the west line of the said Garrett Survey and the east line of the said C. Edinburg Survey, passing the center-line of said F. M. Road No. 247 at 83.37 feet, in all a total distance of 166.74 feet to an iron rod for corner in the northeasterly right-of-way line of said F. M. Road No. 247;

Thence N 36° 47' 07" W, along the northeasterly right-of-way line of said F. M. Road No. 247, passing the most southwesterly corner of Windswept Downs, Section 3, according to the plat thereof recorded in Volume 174, Page 588 of the Deed Records of Walker County, Texas, at 1,087.14 feet, in all a total distance of 1,546.84 feet to an iron rod for point of curvature of a curve to the right;

Thence in a northwesterly direction along the northeasterly right-of-way line of said F. M. Road No. 247, and the southwesterly line of said Windswept Downs, Section 3, and along said curve to the right (R=1,860.08 feet, $\Delta=23^{\circ} 09' 59''$) a distance of 752.09 feet to an iron rod for point of tangency of said curve;

Thence N 13° 37' 08" W, along the northeasterly right-of-way line of said F. M. Road No. 247 and the southwesterly line of said Windswept Downs, Section 3, a distance of 1,080.00 feet to an iron rod for corner in the north line of the said C. Edinburg Survey, said corner also being the most westerly corner of said Windswept Downs, Section 3;

Thence S 89° 51' 36" E, along the north line of the said C. Edinburg Survey and the north line of said Windswept Downs, Section 3, a distance of 1,502.00 feet to an iron rod for corner in the west line of the said Garrett Survey, said corner also being the northeast corner of the said C. Edinburg Survey, the southeast corner of the Joshua Hadley Survey, A-234, and an interior corner of said Windswept Downs, Section 3;

Thence N 0° 03' 55" E, along the west line of said Garrett Survey and the westerly line of said Windswept Downs, Section 3, passing the most northerly corner of said Windswept Downs, Section 3, at 919.69 feet, also being the southwesterly corner of Windswept Downs, Section 4, according to the Plat thereof recorded in Volume 174, Page 591 of the Deed Records of Walker County, Texas, passing the northeast corner of the said Joshua Hadley Survey at 2,861.00 feet also being the southeast corner

of the Henry Davis Survey, A-167, and passing the northwesterly corner of said Windswept Downs, Section 4, at 2,913.43 feet, in all a total distance of 4,563.75 feet to a concrete monument found for the northeast corner of the said Henry Davis Survey and the southwest corner of the J. J. McCafferty Survey, A-636;

Thence N 0° 24' 50" E, along the west line of said Garrett Survey a distance of 2,321.68 feet to a concrete monument found for the northeast corner of said McCafferty Survey and also being the southeast corner of the Moses Ford Survey, A-202;

Thence N 0° 03' 55" E, along the west line of said Garrett Survey, passing an iron rod at 1,476.66 feet, in all a total distance of 1,501.66 feet to a point in the southerly bank of Bedias Creek;

Thence along the meanders of the southerly bank of Bedias Creek the following courses and distances:

1.	N 72° 00' 00" E 136.00'	23.	N 30° 00' 00" E 120.00'
	N 20° 00' 00" E 108.00		S 78° 30' 00" E 90.00
	N 0° 30' 00" W 180.00		S 5° 30' 00" W 318.00
	N 52° 00' 00" E 80.00		S 30° 50' 00" E 190.00
	S 77° 30' 00" E 47.00		S 72° 00' 00" E 170.00
	S 31° 30' 00" E 302.00		N 55° 00' 00" E 515.00
	S 30° 00' 00" E 270.00		S 55° 30' 00" E 145.00
	S 35° 00' 00" E 183.00		S 14° 30' 00" E 270.00
	S 13° 30' 00" E 100.00		S 28° 30' 00" W 300.00
	S 12° 00' 00" W 295.00		N 87° 00' 00" W 204.00
	S 21° 30' 00" W 150.00		S 64° 30' 00" W 160.00
	S 14° 30' 00" E 102.00		S 18° 30' 00" W 133.00
	S 53° 30' 00" E 260.00		S 3° 00' 00" W 204.00
	S 6° 00' 00" E 522.00		S 23° 30' 00" E 212.00
	S 33° 30' 00" E 275.00		S 56° 00' 00" E 143.00
	S 9° 38' 00" W 226.27		S 73° 30' 00" E 170.00
	S 19° 54' 15" E 183.02		N 87° 30' 00" E 290.00
	S 49° 15' 00" E 228.00		N 68° 03' 45" E 153.05
	S 77° 00' 00" E 122.00		N 69° 23' 00" E 170.35
	N 66° 30' 00" E 430.00		N 61° 12' 00" E 126.00
	S 87° 45' 00" E 285.00		N 54° 17' 00" E 296.20
	N 66° 45' 00" E 190.00		N 89° 09' 00" E 133.64

to a point for corner;

Thence S 0° 53' 18" W along the east line of said 1160 acre tract, passing a concrete monument at 18.00 feet, in all a total distance of 772.81 feet to a concrete monument found in fence line;

Thence S 0° 24' 50" W, along the east line of said 1,160 acre tract and the east lines of said Windswept Downs, Sections 4 and 1, passing the northeast corner of said Windswept Downs Section 4 at 2,000.60 feet, passing the southeast corner of said Windswept Downs Section 4 at 4,373.40 feet, passing the northeast corner of said Windswept Downs Section 1 at 5,729.46 feet, in all a total distance of 9,896.64 feet to a concrete monument found for corner in the south line of the said Garrett Survey, said concrete monument also being the southeast corner of said Windswept Downs Section 1;

Thence S 87° 11' 16" W along the south line of the said Garrett Survey and the south line of said Windswept Downs Section 1, a distance of 1,391.46 feet to the Place of Beginning and containing 1,160 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:

Lamar Golding
David R. Williams
Robert A. Berg
Lynn B. Cole
Vicki L. Pyle

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 1757 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 Wind-swept Utility District of Walker 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 1757, as amended, was passed to engrossment.

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

HB 1609 ON SECOND READING

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

HB 1609, Creating Roman Forest Public Utility District No. 1 in Montgomery County.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1609 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 recla-

mation 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 Montgomery County, Texas, to be known as Roman Forest Public Utility District No. 1, 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 re-funding 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 Montgomery County, Texas, being 451.151 acres, more or less out of the Pryor Bryan Survey, A-76, and more particularly described by metes and bounds as follows:

Commencing at a 3/4" iron pipe in a fence corner, said pipe being S 00° 51' 08" E, 55.55 feet from a fence corner marking the northeast corner of that certain 1000-acre tract conveyed by instrument of record in Vol. 130, Page 279, Montgomery County Deed Records.

Thence, S 00° 51' 08" E, 3248.60 with the west line of a 3208-acre tract of land more fully described in a deed recorded in Volume 721, Page 792 of the Montgomery County Deed Records, to a 5/8-inch iron rod marking the northwest corner of tract herein described and the place of beginning.

Thence, N 79° 54' 09" E, 69.24 feet to a 5/8-inch iron rod.

Thence, N 70° 58' 39" E, 440.02 feet to a 5/8-inch iron rod.

Thence, S 19° 40' 00" E, 132.65 feet to a 5/8-inch iron rod.

Thence, N 82° 00' 00" E, 500.00 feet to a 5/8-inch iron rod.

Thence, S 80° 00' 00" E, 400.00 feet to a 5/8-inch iron rod.

Thence, S 63° 30' 00" E, 1230.00 feet to a 5/8-inch iron rod.

Thence, S 72° 08' 13" E, 276.14 feet to a 5/8-inch iron rod.

Thence, S 81° 15' 00" E, 450.00 feet to a 5/8-inch iron rod.

Thence, N 88° 50' 00" E, 810.00 feet to a 5/8-inch iron rod.

Thence, S 01° 55' 41" E, 1469.57 feet to a 5/8-inch iron rod.

Thence, S 11° 01' 00" W, 1884.89 feet to a 5/8-inch iron rod on the south line of said 3208-acre tract.

Thence, S 88° 39' 26" W, 3665.92 feet with the south line of said 3208-acre tract to a fence corner at the southwest corner of said 3208-acre tract.

Thence, S 00° 51' 08" E, 153.55 feet to a fence corner located at the southeast corner of a 112.9-acre tract of land more fully described in an instrument recorded in Volume 722, Page 502 of the Montgomery County Deed Records.

Thence, S 89° 04' 03" W, 3151.02 feet to a point in the center line of Peach Creek.

Thence, up the center line of Peach Creek with its meanders as follows:

N 08° 44' 10" E, 82.40 feet
 N 04° 33' 57" W, 266.68 feet
 N 51° 26' 55" W, 39.07 feet
 N 02° 14' 19" E, 187.38 feet
 N 35° 18' 38" E, 131.87 feet
 N 50° 04' 10" E, 176.94 feet
 N 19° 23' 52" E, 63.08 feet
 N 08° 01' 50" E, 101.36 feet
 N 03° 23' 24" W, 97.65 feet
 N 28° 54' 54" E, 125.36 feet
 N 05° 49' 20" E, 158.11 feet
 N 23° 24' 48" W, 86.34 feet
 N 55° 59' 23" W, 102.06 feet
 N 53° 25' 23" W, 218.17 feet
 N 32° 06' 23" W, 59.57 feet to a point at the northwest corner of said 112.9-acre tract.

Thence, N 89° 04' 03" E, 3166.73 feet to an iron rod at the northeast corner of said 112.9-acre tract.

Thence N 00° 51' 08" W, 2591.88 feet to the place of beginning.

Containing 451.151 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:

Robert E. Lewis
John Wildenthal
Ernest R. Clemmensen
Marx W. Edwards
T. E. Arnold

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 1609 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 Roman Forest Public Utility District No. 1; 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 1609, as amended, was passed to engrossment.

HB 1154 ON SECOND READING

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

HB 1154, Creating Montgomery County Utility District No. 2.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1154 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 Montgomery County, Texas, to be known as Montgomery County Utility District No. 2, 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:

300.00 acres of land in the E. Collard Survey, A-7, Montgomery County, Texas and a part of a called 1600.00 acre tract described in Volume 509, Page 291; more fully described as follows:

Beginning at a point in the South line of a graded road, being the Northwest corner of the Ed Hughes tract and the Northeast corner of the Crouch tract;

Thence North, 73°46' W, along the North line of the Crouch tract 250.00 feet to a stake on the Crouch North line and the Place of Beginning;

Thence North, 73°46' W, along the North line of the Crouch tract 3,193.50 feet to a stake on the Crouch North line and on the 201.00 foot contour line established by the San Jacinto River Authority;

Thence along said contour line the following:

(1) S 30°03' W,	79.9 ft.	(2) S 07°05' E,	85.7 ft.
(3) S 35°12' E,	152.7 ft.	(4) S 40°18' E,	124.4 ft.
(5) S 29°00' E,	89.1 ft.	(6) N 86°27' E,	63.8 ft.
(7) S 34°23' E,	24.5 ft.	(8) S 42°20' W,	53.4 ft.
(9) S 30°08' E,	73.5 ft.	(10) S 36°36' E,	49.8 ft.
(11) S 38°24' W,	18.5 ft.	(12) N 57°33' W,	59.8 ft.
(13) N 36°34' W,	51.9 ft.	(14) N 65°10' W,	68.8 ft.
(15) N 57°41' W,	140.8 ft.	(16) N 69°08' W,	65.0 ft.
(17) S 64°23' W,	106.8 ft.	(18) N 09°19' W,	41.2 ft.
(19) N 37°30' W,	79.7 ft.	(20) N 55°04' W,	113.7 ft.
(21) N 75°32' W,	108.9 ft.	(22) N 70°49' W,	55.2 ft.
(23) N 18°53' W,	81.7 ft.	(24) N 51°36' W,	69.3 ft.
(25) N 79°12' W,	69.1 ft.	(26) S 72°16' W,	76.8 ft.
(27) S 46°56' W,	81.0 ft.	(28) S 16°09' W,	134.2 ft.
(29) S 68°44' W,	70.5 ft.	(30) S 30°55' W,	68.4 ft.
(31) S 00°41' E,	76.3 ft.	(32) S 38°29' E,	97.4 ft.
(33) S 14°44' E,	36.3 ft.	(34) S 47°12' W,	48.4 ft.
(35) S 48°28' W,	64.6 ft.	(36) S 59°06' W,	34.2 ft.
(37) S 07°34' W,	67.7 ft.	(38) S 00°43' E,	52.1 ft.
(39) S 11°43' E,	75.5 ft.	(40) S 00°06' E,	89.7 ft.
(41) S 33°55' E,	98.5 ft.	(42) S 12°49' W,	61.1 ft.
(43) S 27°01' E,	67.3 ft.	(44) S 43°34' E,	61.0 ft.
(45) S 86°44' E,	59.0 ft.	(46) S 57°11' E,	82.0 ft.
(47) S 35°39' W,	94.5 ft.	(48) S 21°21' E,	63.9 ft.
(49) S 55°41' E,	52.4 ft.	(50) S 12°09' E,	97.5 ft.
(51) S 03°25' W,	44.7 ft.	(52) S 18°43' W,	38.2 ft.
(53) N 42°44' W,	17.7 ft.	(54) N 25°29' W,	66.4 ft.
(55) N 45°20' W,	47.2 ft.	(56) N 74°10' W,	52.0 ft.
(57) N 66°04' W,	100.8 ft.	(58) N 77°18' W,	75.7 ft.
(59) S 67°06' W,	92.3 ft.	(60) N 09°32' E,	99.4 ft.
(61) N 20°14' W,	38.9 ft.	(62) N 64°14' W,	90.3 ft.
(63) N 86°54' W,	29.3 ft.	(64) S 44°00' W,	106.6 ft.
(65) S 48°49' W,	50.7 ft.	(66) N 56°07' W,	52.5 ft.
(67) N 00°30' W,	68.2 ft.	(68) N 16°23' W,	54.8 ft.
(69) N 38°35' W,	224.4 ft.	(70) N 16°59' W,	113.6 ft.
(71) N 29°21' W,	117.9 ft.	(72) S 68°51' W,	143.7 ft.
(73) S 33°53' W,	93.8 ft.	(74) S 09°23' W,	294.0 ft.

(75) S 11°52' E,	121.9 ft.	(76) S 05°42' W,	65.0 ft.
(77) S 84°08' W,	50.8 ft.	(78) N 88°27' W,	215.8 ft.
(79) S 71°25' W,	124.7 ft.	(80) S 72°06' W,	271.2 ft.
(81) S 38°14' W,	96.1 ft.	(82) S 32°21' W,	75.0 ft.
(83) S 48°04' W,	74.2 ft.	(84) S 04°54' W,	93.1 ft.
(85) S 12°08' E,	164.2 ft.	(86) S 14°21' E,	85.0 ft.
(87) S 53°33' E,	106.5 ft.	(88) N 82°43' E,	98.8 ft.
(89) S 66°26' E,	83.8 ft.	(90) S 05°27' E,	66.4 ft.
(91) S 22°16' E,	83.4 ft.	(92) S 43°46' E,	89.2 ft.
(93) S 36°45' E,	139.9 ft.	(94) S 58°51' E,	108.6 ft.
(95) N 59°58' E,	285.0 ft.	(96) N 14°16' E,	60.6 ft.
(97) N 47°43' E,	45.7 ft.	(98) S 02°10' E,	119.8 ft.
(99) S 83°26' E,	87.8 ft.	(100) S 56°34' E,	60.7 ft.
(101) N 66°13' E,	79.4 ft.	(102) N 78°01' E,	205.6 ft.
(103) N 58°56' E,	149.6 ft.	(104) S 72°20' E,	154.3 ft.
(105) S 45°43' E,	218.6 ft.	(106) S 15°26' E,	84.1 ft.
(107) S 02°29' W,	185.8 ft.	(108) S 15°29' W,	93.0 ft.
(109) S 22°24' W,	111.0 ft.	(110) S 09°06' W,	96.1 ft.
(111) S 63°33' E,	129.2 ft.	(112) S 75°32' E,	111.4 ft.
(113) N 85°08' E,	104.1 ft.	(114) S 71°55' E,	98.7 ft.
(115) N 79°47' E,	211.3 ft.	(116) N 47°06' E,	217.6 ft.
(117) N 36°00' E,	212.8 ft.	(118) N 30°25' E,	120.6 ft.
(119) S 70°52' E,	58.6 ft.	(120) S 85°55' E,	135.6 ft.
(121) S 68°57' E,	71.4 ft.	(122) N 84°36' E,	145.8 ft.
(123) S 34°40' W,	41.6 ft.	(124) S 53°14' W,	66.9 ft.
(125) S 08°22' E,	102.8 ft.	(126) S 23°47' E,	98.9 ft.
(127) S 39°12' E,	182.5 ft.	(128) S 12°23' E,	56.2 ft.
(129) S 11°58' W,	238.5 ft.	(130) S 05°45' E,	271.4 ft.
(131) S 12°57' W,	175.5 ft.	(132) S 27°21' W,	111.4 ft.
(133) S 33°52' W,	137.3 ft.	(134) S 20°56' W,	180.4 ft.
(135) S 12°11' W,	141.2 ft.	(136) S 18°12' E,	80.3 ft.
(137) S 36°42' E,	93.4 ft.	(138) S 63°11' E,	84.7 ft.
(139) S 78°29' E,	62.6 ft.	(140) N 43°21' E,	413.6 ft.
(141) N 50°11' E,	94.0 ft.	(142) N 38°19' E,	118.7 ft.
(143) N 42°35' E,	176.6 ft.	(144) N 28°00' E,	95.1 ft.
(145) N 09°43' E,	95.6 ft.	(146) S 64°54' E,	75.2 ft.
(147) N 85°57' E,	76.2 ft.	(148) S 52°30' E,	56.5 ft.
(149) S 78°45' E,	124.8 ft.	(150) S 66°45' E,	68.7 ft.
(151) S 54°35' E,	140.2 ft.	(152) S 52°34' E,	71.3 ft.
(153) S 80°33' E,	102.9 ft.	(154) N 57°42' E,	74.7 ft.
(155) N 10°00' E,	105.5 ft.	(156) N 31°42' W,	172.2 ft.
(157) N 50°50' W,	105.8 ft.	(158) N 61°59' E,	50.9 ft.
(159) N 86°21' E,	175.5 ft.	(160) N 62°34' E,	129.1 ft.
(161) N 50°14' E,	155.1 ft.	(162) N 26°30' E,	118.3 ft.
(163) N 04°46' W,	142.8 ft.	(164) N 50°13' W,	39.1 ft.
(165) N 15°13' W,	32.8 ft.	(166) N 03°34' W,	45.3 ft.
(167) N 18°06' E,	25.0 ft.	(168) N 19°40' E,	51.2 ft.
(169) N 01°07' E,	139.2 ft.	(170) N 03°43' E,	39.7 ft.
(171) N 06°08' W,	98.9 ft.	(172) N 08°46' E,	86.2 ft.
(173) N 06°08' W,	184.4 ft.	(174) N 14°51' W,	143.7 ft.
(175) N 09°53' W,	95.2 ft.	(176) N 18°48' W,	169.8 ft.
(177) N 20°29' W,	135.0 ft.	(178) N 22°55' E,	72.9 ft.
(179) N 13°23' W,	70.6 ft.	(180) N 65°47' W,	41.8 ft.
(181) N 53°10' W,	33.7 ft.	(182) N 38°13' W,	33.4 ft.
(183) N 14°51' W,	37.2 ft.	(184) N 01°10' W,	56.8 ft.
(185) N 21°53' W,	49.3 ft.	(186) S 82°10' E,	54.9 ft.
(187) N 70°27' E,	42.9 ft.	(188) N 59°44' E,	59.0 ft.

(189) N 22°11' E,	47.1 ft.	(190) N 05°17' E,	36.4 ft.
(191) N 13°41' E,	52.7 ft.	(192) N 47°11' E,	36.4 ft.
(193) S 86°24' E,	46.8 ft.	(194) N 39°46' E,	37.6 ft.
(195) N 43°44' E,	32.2 ft.	(196) N 69°27' E,	40.5 ft.
(197) S 09°57' E,	47.0 ft.	(198) S 50°01' W,	54.0 ft.
(199) S 07°31' E,	51.6 ft.	(200) S 49°45' W,	26.1 ft.
(201) S 24°37' W,	58.7 ft.	(202) S 51°05' W,	44.0 ft.
(203) S 75°23' W,	50.4 ft.	(204) S 38°39' W,	38.6 ft.
(205) S 53°30' W,	35.9 ft.	(206) S 15°43' W,	61.2 ft.
(207) S 48°10' E,	89.7 ft.	(208) S 68°01' E,	45.5 ft.
(209) S 28°37' E,	101.4 ft.	(210) S 03°46' E,	61.4 ft.
(211) S 79°40' E,	38.9 ft.	(212) S 33°29' E,	97.6 ft.
(213) S 07°36' E,	114.2 ft.	(214) S 21°00' E,	65.9 ft.
(215) S 31°17' E,	248.2 ft.	(216) S 53°21' E,	135.6 ft.
(217) S 83°47' E,	62.7 ft.	(218) N 55°11' E,	67.5 ft.
(219) S 82°18' E,	85.6 ft.	(220) N 30°56' E,	44.4 ft.
(221) N 70°20' E,	14.9 ft.	(222) S 09°27' W,	58.1 ft.
(223) S 49°07' W,	41.2 ft.	(224) N 77°49' W,	45.2 ft.
(225) S 34°04' W,	75.4 ft.	(226) S 50°03' W,	77.0 ft.
(227) S 20°53' W,	81.1 ft.	(228) S 10°45' W,	140.4 ft.
(229) S 11°34' E,	229.8 ft.	(230) S 08°12' E,	132.7 ft.

to a stake on the 201.00 foot contour line, also the Ed Hughes West line and the Crouch East line;

Thence North, 16°09' E, along the Crouch East line 1,806.64 feet to a stake on the Crouch East line;

Thence North, 73° 46' W, 250.00 feet to a stake and a point for corner;

Thence North, 16°09' E, 674.66 feet to a stake on the Crouch North line, and the Place of Beginning, containing 300.00 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:

J. W. Lander
 George A. DeMontron, Jr.
 F. W. Head
 Ed Clarkson
 William H. Naylor

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 1154 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 Montgomery County Utility District No. 2; 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 1154, as amended, was passed to engrossment.

HB 1734 ON SECOND READING

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

HB 1734, Creating Jackrabbit 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 1734 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 Jackrabbit 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 422.75 acres, more or less, out of the W.C.R.R. Co. Survey, Sec. 13, A-909, W.C.R.R. Co. Survey, Sec. 16, A-1343 and the A. Marks, Jr., Survey, A-1439, and being more particularly described by metes and bounds as follows:

Beginning at a 3/4" iron pipe in a fence corner marking the intersection of the west right-of-way line of the Addicks-Satsuma Road (F.M. 1960) with the most southerly boundary line of the said A. Marks Survey A-1439;

Thence S 89° 39' 48" W along the southerly boundary line of said A. Marks Survey a distance of 1823.77 feet to a 2½" iron pipe at the southeast corner of the said W.C.R.R. Co. Survey, Sec. 13, and the southwest corner of said A. Marks, Jr. Survey;

Thence S 89° 32' 43" W along the southerly boundary line of said W.C.R.R. Co. Survey, Sec. 13, a distance of 2216.08 feet to a fence corner;

Thence S 89° 30' 48" W at 744.60 feet pass the east line of the W.C.R.R. Co. Survey, Sec. 16, A-1343, continuing in all a distance of 2014.66 feet to a point on the east line of a 50' Harris County Flood Control District Drainage Easement recorded in Volume 2279, Page 597 of the Harris County Deed Records.

Thence N 0° 46' 00" W along the east line of said drainage easement, a distance of 60.00 feet to a point;

Thence N 89° 30' 48" E at 1270.06 feet pass the west line of said W.C.R.R. Co. Survey, Sec. 13, continuing in all a distance of 2016.36 feet to a point;

Thence N 0° 52' 18" E a distance of 2912.05 feet to a railroad tie in a fence;

Thence S 88° 30' 25" W a distance of 786.45 feet to a 5/8" iron rod;

Thence N 0° 02' 30" E a distance of 3896.45 feet to a 5/8" iron rod on the south boundary line of W.C.R.R. Co. Survey, Sec. 11, A-910;

Thence N 89° 50' 57" E along the south boundary line of said W.C.R.R. Co. Survey, Sec. 11, a distance of 2372.27 feet to a fence corner at the southeast corner of said W.C.R.R. Co. Survey, Sec. 11, said corner also being on the west boundary line of the W. Smith Survey A-708;

Thence S 0° 09' 52" E along the west boundary line of said W. Smith Survey and the east line of said W.C.R.R. Co. Survey, Sec. 13, 2671.62 feet to the said southwest corner of said W. Smith Survey;

Thence N 89° 44' 24" E along the south line of said W. Smith Survey, a distance of 559.41 feet to an old 1½" iron pipe set at the northwest corner of said A. Marks Survey;

Thence S 0° 12' 13" E along the west line of said A. Marks Survey a distance of 3127.00 feet to a 5/8" iron rod;

Thence N 89° 39' 48" E a distance of 1819.88 feet to a 5/8" iron rod in the west right-of-way line of the aforesaid Addicks-Satsuma Road (F.M. 1960);

Thence S 0° 25' 03" E along said right-of-way line a distance of 1040.27 feet to the point of beginning and containing 422.75 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:

George O. Campbell, Jr.
Bette Daily
Larry Huse
Priscilla Martin
Yvonne Steely

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 1734 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 Jackrabbit 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 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 1734, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1734.

HB 1700 ON SECOND READING

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

HB 1700, Creating Prestonwood 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 1700 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 Prestonwood 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 121.3372 acres, more or less, out of the L. De Zavalla Survey, A-950, being the same tract described in deed recorded in Volume 8194, Page 235 of the Harris County Deed Records; and being more particularly described by metes and bounds as follows:

Beginning at a $\frac{3}{4}$ " iron pipe found marking the intersection of the north right-of-way line of Hargrave Road with the southwest right-of-way line of the T. & B. V. Railroad, said beginning point and $\frac{3}{4}$ " iron pipe having Lamber Coordinates of X=3,093,381.461 and Y=96,418.470, in conformance with the Texas State Plane Coordinate System, South Central Zone.

Thence, S 87° 48' 58" W 886.90 feet along the north right-of-way line of Hargrave Road to a $\frac{5}{8}$ " iron rod marking the most southern southwest corner of this tract.

Thence, N 2° 08' 31" W 91.51 feet to a $\frac{5}{8}$ " iron rod marking the lower interior corner of this tract.

Thence, N 34° 26' 19" W 767.74 feet to a $\frac{5}{8}$ " iron rod marking another interior corner of this tract.

Thence, S 87° 50' 05" W 554.72 feet to a $\frac{5}{8}$ " iron rod in a fence line for a corner of this tract.

Thence, N 34° 26' 46" W 2,059.07 feet with said fence to a $\frac{3}{4}$ " axle marking the most western northwest corner of this tract and a re-entrant corner of Tract 8 of the A. A. Hargraves partition, a map of which is recorded in Volume 17, Page 42, of the Map Records of Harris County.

Thence, S 88° 32' 38" W 46.32 feet to a $\frac{5}{8}$ " iron rod.

Thence, N 02° 24' 32" W 115.16 feet to a $\frac{5}{8}$ " iron rod.

Thence, S 87° 43' 01" W 200.22 feet to a point on the east right-of-way line of Schroeder Road.

Thence, N 02° 24' 41" W 539.62 feet with said east right-of-way line of Schroeder Road to a 1" iron pipe.

Thence, N 02° 25' 54" W 76.77 feet along the east right-of-way line of Schroeder Road to a $\frac{3}{4}$ " iron pipe marking the northwest corner of Tract 9 of said Hargraves partition.

Thence, N 87° 42' 57" E 572.04 feet with the common line between Tracts 9 and 10 of said partition, to a $\frac{3}{4}$ " iron pipe.

Thence, N 2° 40' 32" W 288.11 feet with the east line of said Tract 10 to a point for a corner of this tract near the Texas-Illinois pipe line.

Thence, N 47° 16' 56" E 819.57 feet to a $\frac{3}{4}$ " iron pipe in the southwest right-of-way line of the T. & B. V. Railroad, marking the northeast corner of this tract, also being the most northern corner of a 13.73-acre tract described in deed recorded in Volume 7195, Page 603 of the Deed Records of Harris County.

Thence, S 28° 00' 24" E 520.00 feet along said railroad right-of-way to an line of said T. & B. V. Railroad to a point.

Thence, N 61° 59' 36" E 50.20 feet to a point 50 feet distant from the center line of said railroad right-of-way.

Thence, S 28° 00' 24" E 1,223.58 feet along the southwest right-of-way old automobile tie rod marking the southeast corner of the aforementioned 13.73-acre tract.

Thence, S 27° 58' 59" E 2,763.48 feet along said right-of-way, to the place of beginning.

Containing 121.3372 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:

Sue S. Moreland
Frances Drummond
Peggy Ann Geiler
Elwyn L. Gamble
Lillie B. Stephens

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 1700 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 Prestonwood 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 1700, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1700.

HB 1699 ON SECOND READING

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

HB 1699, Creating Lake Forest 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 1699 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 Lake Forest 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:

379.748 acres of land in the P. J. Menard Survey, Abstract No. 592, and the J. H. Falkey Survey, Abstract No. 1579, Harris County, Texas, more particularly described as follows:

Beginning at an iron rod in the North line of said Menard Survey located South 89° 10' 38" West 2392.8 feet from a concrete monument marking the Northeast corner of said Menard Survey, said beginning point being the Northwest corner of the Jacob Woods 50 acre tract;

Thence South 0° 04' 54" West along a fence on the West line of said Woods 50 acre tract, at 2304.76 feet, passing a concrete monument at a fence corner marking the Southwest corner of said Woods 50 acre tract, and continuing in all 5686.46 feet to an iron rod on the Northeast side of Cypress Creek;

Thence N. 45° 06' 14" West 1502.4 feet along a fence to a fence corner;

Thence N. 45° 12' 03" West 621.0 feet along a fence to a "T" Rail;

Thence N. 45° 06' 43" West 1657.32 feet along a fence to a "T" Rail at a fence corner;

Thence S. 44° 50' 59" West 985.7 feet along a fence to a "T" Rail at an angle in said fence;

Thence S. 45° 00' 41" West 414.27 feet along a fence to a concrete monument at a fence corner in the Northeast line of Grant Road;

Thence N. 45° 00' 06" West 4010.56 feet along the Northeast line of Grant Road to a 1½ inch iron pipe at a fence corner;

Thence S. 89° 14' 50" East 2772.44 feet along a fence to a fence corner;

Thence S. 89° 22' 31" East 467.39 feet along a fence to a ¾ inch iron pipe;

Thence S. 89° 17' 30" East 1696.79 feet along a fence to a concrete monument at a fence corner;

Thence N. 0° 51' 31" East 1238.46 feet along a fence to a concrete monument at a fence corner in the North line of the P. J. Menard Survey;

Thence S. 89° 49' 37" East 1201.42 feet along a fence on the North line of said Menard Survey to a 1 inch iron pipe at a fence corner;

Thence N. 89° 41' 45" East 283.10 feet along a fence on the North line of said Menard Survey to a 2 inch iron pipe at a fence corner;

Thence N. 89° 10' 38" East 72.07 feet along a fence on the North line of said Menard Survey to the Place of Beginning and containing 379.748 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:

B. R. Tempel
E. J. Corolla, Jr.
William A. Carey
Louise Carey
Donald Quinn

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 1699 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 Lake Forest 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 1699, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1699.

HB 1689 ON SECOND READING

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

HB 1689, Creating Cypress-Klein 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 1689 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 Cypress-Klein 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:

Lying wholly in Harris County, Texas, and being 358.169 acres, more or less, situated in the George H. Delesdernier Survey, A-229, and being more particularly described by metes and bounds as follows:

Beginning at a point marking the Northeast corner of a 61.30 acre tract, conveyed by Ray D. Wilson to O'Neal Morris, recorded by instrument in Volume 7177, Page 319, of the Harris County Deed Records;

Thence, S 31° 50' 32" E, 7510.47 feet to a point on the centerline of Cypress Creek;

Thence, following the centerline meanders of Cypress Creek as follows:

S 86° 41' 47" W, 175.14 feet;
 N 22° 54' 33" W, 55.75 feet;
 N 41° 13' 04" W, 117.02 feet;
 N 44° 02' 53" W, 101.98 feet;
 N 52° 29' 49" W, 100.12 feet;
 N 59° 00' 31" W, 151.49 feet;
 N 72° 08' 39" W, 146.77 feet;
 N 84° 36' 14" W, 91.90 feet;
 S 59° 20' 30" W, 69.36 feet;
 S 68° 19' 08" W, 75.03 feet;
 S 78° 53' 17" W, 80.37 feet;
 N 69° 45' 09" W, 149.30 feet;
 S 22° 55' 42" W, 192.23 feet;
 N 31° 50' 18" W, 264.78 feet;
 N 87° 22' 40" W, 125.29 feet;
 N 76° 58' 55" W, 102.88 feet;
 N 66° 39' 11" W, 168.66 feet;
 N 78° 36' 53" W, 42.44 feet;
 S 54° 45' 47" W, 84.09 feet;
 S 62° 55' 39" W, 322.27 feet;
 S 81° 17' 55" W, 310.52 feet;
 N 57° 26' 35" W, 239.76 feet;
 S 77° 26' 07" W, 129.13 feet;
 S 32° 41' 47" W, 111.88 feet;
 S 16° 06' 25" W, 89.84 feet; to a point for corner;

Thence, N 31° 27' 11" W, 1104.36 feet to a point for corner;

Thence, S 57° 55' 59" W, 646.40 feet to a point on the Easterly right-of-way line of Stuebner-Airline Road;

Thence, N 31° 58' 44" W, 263.27 feet along the Easterly right-of-way line of Stuebner-Airline Road to an angle point;

Thence, N 31° 56' 46" W, 262.98 feet along the Easterly right-of-way line of Stuebner-Airline Road to an angle point;

Thence, N 31° 52' 48" W, 672.30 feet along the Easterly right-of-way line of Stuebner-Airline Road to an angle point;

Thence, N 31° 54' 04" W, 1750.42 feet along the Easterly right-of-way line of Stuebner-Airline Road to a point for corner;

Thence, N 57° 59' 47" E, 674.11 feet to a point for corner;

Thence, N 31° 07' 40" W, 598.38 feet to an angle point;

Thence, N 31° 31' 02" W, 399.94 feet to a point for corner;

Thence, N 57° 59' 56" E, 350.01 feet to a point for corner;

Thence, N 30° 47' 27" W, 784.82 feet to a point for corner, said point being on the Southerly right-of-way line of Spring-Louetta Road;

Thence, N 58° 09' 23" E, 60.00 feet along the Southerly right-of-way line of Spring-Louetta Road to a point for corner;

Thence, S 30° 47' 27" E, 784.65 feet to a point for corner;

Thence, N 57° 59' 56" E, 358.33 feet to a point for corner;

Thence, S 31° 51' 34" E, 859.11 feet to a point for corner;

Thence, N 58° 34' 00" E, 273.41 feet to a point for corner;

Thence, N 31° 50' 48" W, 1644.94 feet to a point for corner, said point being on the Southerly right-of-way line of Spring-Louetta Road;

Thence, N 58° 00' 00" E, 1229.32 feet along the Southerly right-of-way line of Spring-Louetta Road to the Point of Beginning, containing 358.169 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:

Gerald Sud
Thomas F. Hetherington
Chris P. Ploog
Hansen Steele
Jarrell Bahme

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 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 1689 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 Cypress-Klein 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 1689, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1689.

HB 1040 ON SECOND READING

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

HB 1040, Creating Spring Creek Forest 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 1040 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 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 Creek Forest 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 268.767 acres of land, more or less, out of the Elijah Harbour Survey, A-367, the Daniel Spell Survey, A-743, and the Peter Mitchell Survey, A-568, and being more particularly described as follows:

Being a 273.767-acre tract, more or less, more particularly described by metes and bounds as follows:

Beginning at a 1¼" axle in the northwest right-of-way of Louetta Road, at the recognized southeasterly corner of the John House Survey, A-314, having plane coordinates of X=3,102,353.66 feet and Y=813,304.84 feet and in conformance with the Statewide Plane Coordinate System, Texas South Central Zone.

Thence N 33° 41' 00" W 2214.49 feet along a fence line to a 5/8" iron rod marking an angle point.

Thence N 34° 25' 31" W 1615.14 feet along an old down fence, to a ½" iron pipe marking an angle point.

Thence N 34° 16' 57" W 1262.46 feet along a fence line, to a 1" axle marking the most western corner of this tract.

Thence N 55° 02' 38" E 3152.93 feet along a fence line, to a 5/8" iron rod marking the most northern corner of this tract.

Thence S 33° 41' 26" E 1107.84 feet along a fence line, to a fence corner.

Thence N 56° 00' 37" E 190.00 feet along a fence line, to the centerline of Spring Gully.

Thence with the meanders of the centerline of Spring Gully as follows:

S	16°	47'	53"	E	85.89	feet
S	37°	56'	17"	E	175.84	feet
S	44°	06'	37"	E	107.91	feet
S	49°	17'	51"	E	117.92	feet
S	62°	35'	22"	E	92.96	feet
S	49°	02'	53"	E	46.97	feet
S	22°	35'	13"	W	45.94	feet
S	14°	39'	39"	E	79.90	feet
S	10°	42'	20"	E	57.92	feet
S	25°	59'	28"	E	40.95	feet
S	41°	59'	45"	W	34.96	feet
S	25°	43'	27"	E	50.94	feet
S	2°	31'	43"	W	87.88	feet
S	43°	53'	32"	E	23.00	feet

Thence S 54° 13' 07" W 208.53 feet to a 1¼" iron pipe for corner.

Thence S 6° 18' 07" W 1180.00 feet to a 1¼" iron pipe for corner.

Thence S 54° 13' 07" W 915.00 feet to a 1¼" iron pipe for corner.

Thence S 34° 05' 44" E 2148.84 feet to a 5/8" iron rod in the northwest right-of-way line of Louetta Road for the most southerly east corner of this tract.

Thence with said northwest right-of-way line of Louetta Road as follows:

S 53° 46' 24" W 29.25 feet to a 5/8" iron rod
S 55° 57' 36" W 546.95 feet to a 5/8" iron rod
S 55° 58' 07" W 400.91 feet to a 1/2" iron pipe
S 55° 57' 15" W 381.18 feet to the place of beginning

Containing 273.767 acres of land, more or less.

Save and Except herefrom a certain 5-acre tract, being more particularly described by metes and bounds as follows:

Commencing at a 1 1/4" axle in the northwest right-of-way line of Louetta Road, marking the recognized southeasterly corner of the John House Survey, having Plane Coordinates of X=3,102,353.66 feet and Y=813,304.84 feet and in conformance with the Statewide Plane Coordinate System, Texas South Central Zone.

Thence N 33° 41' 00" W 2214.49 feet along a fence to a 5/8" iron rod marking an angle point.

Thence N 34° 25' 31" W 1615.14 feet along an old down fence to a 1/2" iron pipe marking another angle point.

Thence N 55° 55' 07" E 663.77 feet to a 5/8" iron rod marking the western corner and true place of beginning of said 5-acre tract, said iron rod having plane coordinates of X=3,100,762.173 feet and Y=816,851.774 feet in conformance with the Statewide Plane Coordinate System, Texas South Central Zone; said corner being also the western corner of the same 5-acre tract described in deed recorded in Volume 6394, Page 418 of the Harris County Deed Records.

Thence N 55° 45' 27" E 557.25 feet to a 1" galvanized iron pipe marking the most northern corner of said 5-acre tract.

Thence S 34° 41' 05" E 289.56 feet to a 3/4" iron pipe marking an interior corner of said 5-acre tract.

Thence N 55° 07' 57" E 97.62 feet to a 5/8" iron rod marking the most easterly north corner of said 5-acre tract.

Thence S 33° 54' 24" E 87.40 feet to a 5/8" iron rod marking the most easterly corner of said 5-acre tract.

Thence S 55° 51' 48" W 654.09 feet to a 1/2" iron rod marking the most southern corner of said 5-acre tract.

Thence N 34° 37' 33" W 374.68 feet to the place of beginning and containing 5 acres of land, more or less.

Leaving a net total of 268.767 acres of land, more or less, in the tract hereinabove described.

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:

Dudley Wayne Hargrove, Sr.
David L. Brown
Archie B. Carroll
Harry R. Jones, Jr.
Glenn D. Graff

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 1040 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 Creek Forest 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 1040, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1040.

HB 1774 ON SECOND READING

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

HB 1774, Creating Windfern Forest 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 1774 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 Windfern Forest 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:

318.672 acres of land in the Andrew Lawson Survey, Abstract No. 523, Harris County, Texas, more particularly described as follows:

Beginning at a fence corner located at the intersection of the south line of said Lawson Survey with the west line of Windfern Road;

Thence S 89° 59' 05" W 3956.11 feet along the south line of said Lawson Survey to its southwest corner on the north side of White Oak Bayou;

Thence N 0° 31' W along the west line of said Lawson Survey, crossing the center line of Philippine Road at 873.53 feet and continuing in all 3492.58 feet to an iron pipe at a fence corner marking the northwest corner of said Lawson Survey;

Thence N 89° 44' E 3973.36 feet along a fence on the north line of said Lawson Survey to an iron pipe at a fence corner in the west line of Windfern Road;

Thence S 0° 14' E along the west line of Windfern Road, at 2969.83 feet crossing the center of Philippine Road, and continuing 3509.91 feet in all to the Place of Beginning.

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:

Donald W. Pender
Billy E. Mills
David A. Jett
Jeraldine Register
Sonja J. Denmon

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 1774 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 Windfern Forest 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 1774, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1774.

HB 1844 ON SECOND READING

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

HB 1844, Creating the Encanto Real 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 1844 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 Encanto Real 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 re-funding 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:

A 233.717 acre tract of land being a part of and out of two abstracts, the F. P. Herring Survey, Abstract A-369 and the James Cooper Survey, Abstract A-189, both being in Harris County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a point in the North Right-of-Way Line of the Missouri Pacific Railroad (I.&G.N. R.R. Co.) where said North Line intersects the West Line of the F. P. Herring Survey, Abstract A-369 (also being the East Line of the James Cooper Survey, Abstract A-189); said point being the Place of Beginning;

Thence, North 00 degrees, 07 minutes West, along the common line between the beforesaid two abstracts, a distance of 547.54 feet to a point for a corner;

Thence, South 89 degrees, 42 minutes, 47 seconds West, a distance of 1,475.52 feet to a point for a corner;

Thence, South 01 degrees, 21 minutes, 06 seconds East, a distance of 229.28 feet to a point for a corner; said point being in the North Line of the hereinbefore described railroad right-of-way;

Thence, North 78 degrees, 04 minutes, 46 seconds West, along the North Line of the hereinbefore described railroad right-of-way, a distance of 2,228.29 feet to a point for a corner;

Thence, North 00 degrees, 07 minutes, 29 seconds West, a distance of 1,544.83 feet to a point for a corner;

Thence, South 86 degrees, 20 minutes, 42 seconds East, a distance of 1,129.90 feet to a point for a corner;

Thence, South 00 degrees, 15 minutes, 35 seconds East, a distance of 222.55 feet to a point for a corner;

Thence, North 89 degrees, 43 minutes, 39 seconds East, a distance of 1,049.95 feet to an angle point, said angle point being in the East Right-of-Way Line of Rothwood Road (Volume 6030, Page 38, Harris County Deed Records);

Thence, North 89 degrees, 31 minutes, 10 seconds East, a distance of 12.61 feet to an angle point;

Thence, North 89 degrees, 42 minutes, 26 seconds East, a distance of

1,459.53 feet to a point for a corner, said point being in the common line between the two hereinbefore referenced abstracts;

Thence, North 00 degrees, 26 minutes East, along the common line between the beforesaid two abstracts, a distance of 1,497.28 feet to an angle point;

Thence, North 00 degrees, 25 minutes East, continuing along the common line between the beforesaid two abstracts a distance of 1,810.18 feet to a point for a corner;

Thence, along the meanders of Spring Creek as follows:

South 47 degrees, 14 minutes East, a distance of 317.00 feet,
 South 77 degrees, 31 minutes East, a distance of 173.00 feet,
 North 79 degrees, 40 minutes East, a distance of 278.00 feet,
 South 82 degrees, 10 minutes East, a distance of 357.00 feet,
 North 85 degrees, 50 minutes East, a distance of 340.00 feet,
 South 87 degrees, 03 minutes East, a distance of 123.00 feet,
 South 68 degrees, 49 minutes East, a distance of 178.00 feet,
 South 42 degrees, 41 minutes East, a distance of 251.00 feet,
 South 77 degrees, 34 minutes East, a distance of 86.71 feet,
 to the junction of Spring Creek with the centerline of an unnamed gulley;

Thence, along the meanders of said unnamed gulley as follows:

South 41 degrees, 00 minutes West, a distance of 123.00 feet,
 South 87 degrees, 21 minutes West, a distance of 131.00 feet,
 South 30 degrees, 57 minutes East, a distance of 182.00 feet,
 South 59 degrees, 25 minutes West, a distance of 122.00 feet,
 North 87 degrees, 45 minutes West, a distance of 302.00 feet,
 South 76 degrees, 15 minutes West, a distance of 150.00 feet,
 South 36 degrees, 45 minutes West, a distance of 235.00 feet,
 South 13 degrees, 49 minutes West, a distance of 335.00 feet,
 South 40 degrees, 27 minutes East, a distance of 207.00 feet,
 South 23 degrees, 47 minutes East, a distance of 155.00 feet,
 South 35 degrees, 55 minutes West, a distance of 322.10 feet,
 South 07 degrees, 36 minutes East, a distance of 248.00 feet,
 South 08 degrees, 54 minutes West, a distance of 121.00 feet,
 South 47 degrees, 06 minutes East, a distance of 189.00 feet,
 South 13 degrees, 14 minutes East, a distance of 125.00 feet,
 South 66 degrees, 31 minutes West, a distance of 134.00 feet,
 South 52 degrees, 21 minutes West, a distance of 365.70 feet,
 South 09 degrees, 56 minutes East, a distance of 88.00 feet,
 South 51 degrees, 47 minutes West, a distance of 314.00 feet,
 South 32 degrees, 33 minutes West, a distance of 368.00 feet,
 South 07 degrees, 57 minutes East, a distance of 195.00 feet,
 South 57 degrees, 21 minutes East, a distance of 261.00 feet,
 South 34 degrees, 14 minutes East, a distance of 163.00 feet,
 South 75 degrees, 28 minutes West, a distance of 164.00 feet,
 South 40 degrees, 44 minutes East, a distance of 172.00 feet,
 South 26 degrees, 18 minutes West, a distance of 132.00 feet,
 South 53 degrees, 59 minutes East, a distance of 65.00 feet,
 South 35 degrees, 56 minutes West, a distance of 268.00 feet,
 South 23 degrees, 08 minutes West, a distance of 362.00 feet,
 South 27 degrees, 27 minutes West, a distance of 418.00 feet,
 South 33 degrees, 08 minutes West, a distance of 276.39 feet,

to a point for a corner in the North Line of the before referenced railroad right-of-way;

Thence, North 78 degrees, 01 minutes West, along the North Line of the before referenced railroad right-of-way, a distance of 31.30 feet to the Place of Beginning and containing 233.717 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:

J. L. Dannheim
Jack Corbett
J. McDonald
S. C. Van Eman
D. G. Whitten

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 1844 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 Encanto Real 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 1844, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1844.

Representative Angly entered the House and was announced present.

HB 1385 ON SECOND READING

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

HB 1385, Creating Harris County Utility District No. 15.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1385 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. 15, 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 a tract or parcel containing 315.812 acres of land in Block 4, Section 13 of the W.C.R.R. Co. Survey A-922, Harris County, Texas and being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone;

Commencing at a point for reference, a 2" Galvanized Iron Pipe recognized as the southeast corner of the said W.C.R.R. Survey, A-922, said point being on the south line of a 50.00 foot wide road conveyed to Harris County as recorded in Volume 787, Page 701 of the Harris County Deed Records;

Thence N 02°35'49" W, for a distance of 50.08 feet to a point on the north line of a 50.00 foot wide road conveyed to Harris County, as recorded in Volume 787, Page 701 of the Harris County Deed Records;

Thence with the east line of the said W.C.R.R. Survey, A-922, the following courses and distances:

N 02°35'49" W, for a distance of 899.66 feet to a point for corner;
N 02°22'41" W, for a distance of 150.28 feet to a point for corner;
N 02°29'08" W, for a distance of 1549.06 feet to the Point of Beginning;

Thence N 02°29'08" W, for a distance of 1167.82 feet to a point for corner;

Thence N 84°11'03" W, for a distance of 90.85 feet to a point for corner;

Thence N 02°29'08" W, for a distance of 1270.79 feet to a point for corner;

Thence N 18°49'18" W, for a distance of 208.07 feet to a point for corner on the north line of the said W.C.R.R. Survey, A-922;

Thence with the north line of the said W.C.R.R. Survey, A-922, S 87°22'04" W, for a distance of 5112.75 feet to a point for corner on the east line of the North Houston Bammel Road;

Thence with the east line of the North Houston Bammel Road, the following courses and distances:

S 03°10'19" E, for a distance of 31.01 feet to a point for corner;
S 08°51'20" E, for a distance of 201.00 feet to a point for corner;
S 03°08'20" E, for a distance of 200.00 feet to a point for corner;
S 01°43'06" W, for a distance of 199.97 feet to a point for corner;
S 02°25'41" E, for a distance of 2011.43 feet to a point for corner;

Thence leaving the east line of said North Houston Bammel Road, N 87°28'42" E, for a distance of 5252.88 feet to the Point of Beginning and containing 315.812 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:

Coach Gavrel
Tommy Deane
Fred Curry
Dwight Caldwell
Jack Dean

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 1385 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. 15; 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 1385, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1385.

HB 922 ON SECOND READING

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

HB 922, Creating Dove Meadows Municipal 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 922 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 Dove Meadows Municipal 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:

A tract of land containing 191.7686 acres and being a part of and out of the John Jones Survey, Abstract No. 481 and being a part of that 288.73 acre tract conveyed to Ben Blum as described in Volume 3456, Page 363, of the Deed Records of Harris County, Texas; said 191.7686 acres being more particularly described by metes and bounds as follows:

Commencing at a point in the Southerly Right-of-Way line of Spring-Stuebner Road, said point also being in the Westerly Right-of-Way line of a Harris County Flood Control Easement as described in Volume 7050, Page 550 of the Deed Records of Harris County, Texas; said point also being the Place of Beginning of the herein described tract of land;

Thence, South 89 degrees, 37 minutes, 59 seconds West, along the

Southerly Right-of-Way line of Spring-Stuebner Road, a distance of 1,447.83 feet to a point for a corner;

Thence, South 00 degrees, 09 minutes, 02 seconds East, a distance of 4,033.43 feet to a point for a corner; said point being in the Northerly Line of a Harris County Flood Control Easement as described in Volume 3336, Page 152, of the Deed Records of Harris County, Texas.

Thence, North 89 degrees, 22 minutes, 44 seconds East, continuing along the Northerly Line of the before mentioned Harris County Flood Control Easement, a distance of 1,152.55 feet to a point for a corner; said point being in the Westerly Line of Harris County Flood Control District's Right-of-Way as described in Volume 7050, Page 550 of the Deed Records of Harris County, Texas;

Thence, North 00 degrees, 34 minutes, 44 seconds West, continuing along the Westerly Line of the before mentioned Harris County Flood Control District's Right-of-Way, a distance of 60.00 feet to a point for a corner;

Thence, North 89 degrees, 22 minutes, 44 seconds East, continuing along the Northerly Line of the before mentioned Right-of-Way, a distance of 445.25 feet to a point for a corner;

Thence, North 63 degrees, 11 minutes, 22 seconds East, continuing along the Northwesterly Line of the before mentioned Right-of-Way, a distance of 293.02 feet to a point for a corner;

Thence, North 37 degrees, 00 minutes, 00 seconds East, continuing along the Northwesterly Line of the beforementioned Right-of-Way, a distance of 591.08 feet to a point for a corner;

Thence, North 30 degrees, 57 minutes, 00 seconds East, continuing along the Northwesterly Line of the beforementioned Right-of-Way, a distance of 231.01 feet to a point for a corner;

Thence, North 24 degrees, 54 minutes, 00 seconds East, continuing along the Northwesterly Line of the beforementioned Right-of-Way, a distance of 430.87 feet to a point for a corner;

Thence, North 14 degrees, 17 minutes, 00 seconds East, continuing along the Northwesterly Line of the beforementioned Right-of-Way, a distance of 192.70 feet to a point for a corner;

Thence, North 06 degrees, 57 minutes, 00 seconds West, continuing along the Westerly Line of the beforementioned Right-of-Way, a distance of 192.70 feet to a point for a corner;

Thence, North 17 degrees, 34 minutes, 00 seconds West, continuing along the Southwesterly Line of the beforementioned Right-of-Way, a distance of 420.76 feet to a point for a corner;

Thence, North 24 degrees, 11 minutes, 00 seconds West, continuing along the Southwesterly Line of the beforementioned Right-of-Way, a distance of 252.56 feet to a point for a corner;

Thence, North 30 degrees, 48 minutes, 00 seconds West, continuing along the Southwesterly Line of the beforementioned Right-of-Way, a distance of 1,702.31 feet to a point for a corner;

Thence, North 00 degrees, 06 minutes, 00 seconds East, continuing along the Westerly Line of the beforementioned Right-of-Way, a distance of 300.43 feet to the Place of Beginning; said described tract of land containing 191.7686 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:

F. L. Andry
C. J. Bertrand,
Roy Buzbee,
J. E. Lewis,
H. R. Wieghat

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 922 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 Dove Meadows Municipal 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 922, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 922.

HB 611 ON SECOND READING

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

HB 611, Creating Oakmont 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 611 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 Oakmont 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 552.75 acres, more or less, situated in the John Brock Survey, A-122, and being more particularly described by metes and bounds as follows:

Commencing for reference at the most northerly southwest corner of said John Brock Survey, said corner also being the southeast corner of the Isaac Bunker Survey, A-120.

Thence, N 01° 39' 00" W 3086.02 feet along the west line of said John Brock Survey and the east line of said Isaac Bunker Survey to the point of beginning and southwest corner of the tract herein described.

Thence, N 01° 39' 00" W 4964.72 feet along the west line of said John Brock Survey and the east line of said Isaac Bunker Survey to a 2-inch axle in the south line of the Andrew Lawson Survey, A-509, said axle also marking the northwest corner of the tract herein described.

Thence, N 89° 29' 00" E 4893.93 feet along the north line of said John Brock Survey and the south line of said Andrew Lawson Survey to a 2-inch iron pipe marking the Northwest corner of the Levi Gosling Survey, A-280, said iron pipe also marking the northeast corner of the tract herein described.

Thence, S 00° 39' 12" E 4963.76 feet along the east line of said John Brock Survey and the west line of said Levi Gosling Survey to a point for the southeast corner of the tract herein described.

Thence, S 89° 29' 00" W 4807.57 feet to the point of beginning.

Containing 552.75 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:

Ted L. Bellmont
Milton H. Pyndus
Jim Brown
Jerry Kirkpatrick
Dugal Pope

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 611 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 Oakmont 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 611, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak, Braun, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 611.

HB 1152 ON SECOND READING

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

HB 1152, Creating Montgomery County Utility District No. 3.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1152 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding the 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 Montgomery County, Texas, to be known as Montgomery County Utility District No. 3, 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 Montgomery County, Texas, being 299.3694 acres of land, more or less, out of the William C. Clark Survey, Abstract Number 6, and the John T. Vince Survey, Abstract Number 41, and being more particularly described by metes and bounds as follows:

Beginning at the intersection of the northeasterly boundary line of the 120 foot right of way for State Highway Number 105 with the Common line between the said William C. Clark Survey, and the said John T. Vince Survey;

Thence S 89° 26' 28" W., 1,114.12 feet along the common line between the said William C. Clark Survey, and the John T. Vince Survey, to a point for the most westerly southwest corner of the tract of land described herein.

Thence N 00° 11' 43" W., 354.14 feet to a point in the southwesterly boundary line of the 120 foot right of way for State Highway Number 105 at an angle point in the westerly line of the tract of land described herein.

Thence N 00° 27' 10" W., 130.64 feet to a point in the said northeasterly boundary line of the 120 foot right of way for State Highway Number 105 at an angle point in the westerly line of the tract of land described herein.

Thence N 00° 59' 59" W., 4,196.63 feet to a point on the 201 foot contour as established for Lake Conroe by the San Jacinto River Authority for the northwest corner of the tract of land described herein.

Thence in an easterly direction with the meanders of the said 201 foot contour as follows:

S 59° 30' 00" E., 96.33 feet
S 76° 40' 00" E., 120.92 feet
N 67° 18' 00" E., 145.88 feet
N 86° 15' 00" E., 142.85 feet
S 76° 47' 00" E., 120.61 feet
N 72° 50' 00" E., 120.06 feet

N 57° 47' 00" E., 128.80 feet
 N 69° 53' 00" E., 151.80 feet
 S 86° 19' 00" E., 130.75 feet
 S 80° 45' 00" E., 174.45 feet
 S 65° 04' 00" E., 139.44 feet
 S 40° 34' 00" E., 109.95 feet
 S 10° 52' 00" E., 179.45 feet
 S 31° 50' 00" W., 182.73 feet
 S 02° 13' 00" E., 141.99 feet
 S 11° 06' 00" W., 140.88 feet
 S 65° 03' 00" W., 152.00 feet
 S 41° 20' 00" W., 187.92 feet
 S 47° 18' 00" W., 207.19 feet
 S 73° 02' 00" W., 139.65 feet
 S 82° 04' 00" W., 167.43 feet
 S 84° 12' 00" W., 85.62 feet
 S 28° 11' 00" E., 23.10 feet
 S 58° 31' 00" E., 102.22 feet
 S 60° 06' 00" E., 200.62 feet
 S 25° 32' 00" E., 204.20 feet
 S 09° 01' 00" E., 89.90 feet
 N 73° 29' 00" E., 73.90 feet
 N 48° 34' 00" E., 330.10 feet
 S 89° 59' 00" E., 208.50 feet
 S 28° 58' 00" E., 196.90 feet
 S 11° 12' 00" E., 162.50 feet
 S 41° 52' 00" E., 175.48 feet
 S 54° 25' 00" E., 227.70 feet
 S 56° 41' 00" E., 71.50 feet
 N 12° 45' 00" W., 167.15 feet
 N 01° 31' 00" W., 319.30 feet
 N 04° 40' 00" W., 160.00 feet
 N 09° 39' 00" E., 211.80 feet
 N 23° 08' 00" E., 113.80 feet
 N 30° 27' 00" E., 286.70 feet
 N 36° 30' 00" E., 295.60 feet
 N 56° 33' 00" E., 110.70 feet
 S 69° 22' 00" E., 109.68 feet
 S 59° 51' 00" E., 128.80 feet
 S 30° 54' 00" E., 88.90 feet and
 S 55° 19' 00" E., 37.10 feet to a point for the northeast corner of tract of land described herein.

Thence S 03° 56' 26" E., 4,029.33 feet to a point on the common line between the said William C. Clark Survey and the said John T. Vince Survey, for an angle point in the east line of the tract of land described herein.

Thence S 00° 41' 10" E., 1,692.14 feet to a point for the southeast corner of the tract of land described herein.

Thence S 89° 54' 50" W., 1,014.00 feet to a point for the most southerly southwest corner of the tract of land described herein.

Thence N 00° 41' 10" W., 1,683.77 feet to a point on the common line between the said William C. Clark Survey, and the said John T. Vince Survey, for an interior corner of the tract of land described herein.

Thence S 89° 26' 28" W., 767.42 feet along the common line between the said William C. Clark Survey, and the said John T. Vince Survey to the Point of Beginning.

Containing 299.3694 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:

Perrin W. White
Martin Grissett
Robert J. Matjeka
Mrs. Brenda Ellis
Madeline L. Hill

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 1152 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 Montgomery County Utility District No. 3; 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 1152, as amended, was passed to engrossment.

(Mr. Poerner in the Chair)

Representative Johnson entered the House and was announced present.

SB 252 ON SECOND READING
(Mr. Tom Holmes—House Sponsor)

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

SB 252, Relating to the salary of the official shorthand reporter for the 43rd Judicial District.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 252, First House Printing, by striking the words "less than Six Thousand Dollars (\$6,000) per annum, nor" in lines 28-29.

The committee amendment was adopted without objection.

SB 252, as amended, was passed to third reading.

SB 978 ON SECOND READING
(Mr. Von Dohlen—House Sponsor)

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

SB 978, Prohibiting the use of data obtained by persons conducting immunization surveys under the auspices of the State Department of Health in any suit against a physician involving an injury relating to the immunization of an individual.

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

VOTES RECORDED

Representatives Poff and Nabers requested to be recorded as voting Nay on the passage to third reading of SB 978.

Representatives Dean Neugent and Floyd entered the House and were announced present.

SB 236 ON SECOND READING
(Mr. Wyatt—House Sponsor)

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

SB 236, Eliminating the qualification that cities, etc., with authority to enforce land use restrictions contained in subdivision dedications must be situated in a county having a certain population.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 236 as follows:

(1) Strike Section 1 and substitute the following:

"This Act applies to incorporated cities, towns, or villages if the incorporated city, town, or village does not have zoning ordinances and provided the city, town, or village passes an ordinance that requires uniform application and enforcement of this Statute to all property and citizens."

The committee amendment was adopted without objection.

SB 236, as amended, was passed to third reading.

SB 977 ON SECOND READING
(Mr. Von Dohlen—House Sponsor)

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

SB 977, Relating to immunization data on individuals.

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

SB 133 ON SECOND READING
(Mr. Clayton—House Sponsor)

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

SB 133, Relating to the absence from office of a county judge.

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 133.

Representative Lee entered the House and was announced present.

SB 261 ON SECOND READING
(Mr. Carl Parker—House Sponsor)

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

SB 261, Relating to employers' liability and workmen's compensation laws in relation to death benefits.

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

SB 39 ON SECOND READING
(Mr. Haynes—House Sponsor)

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

SB 39, Permitting the use of certain seines to catch limited amounts of shrimp for personal use on the Gulf beach of certain counties.

The bill was read second time.

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

Committee Amendment to SB 39

Amend SB 39 by striking all below the enacting clause and substituting the following:

Section 1. It is lawful to take for personal use not more than 100 pounds of shrimp (in their natural state with heads attached) per seine per day during the open season in the outside waters of this state as defined in the Texas Shrimp Conservation Act, Article 4075-b, R.C.S.; provided that it shall be unlawful to use any such seine within one mile of any natural or man-made pass leading from the inside waters to the outside waters of this state. Any seine used for the purpose of taking shrimp for personal use shall not exceed 400 feet in length, the mesh of which shall not be less than one and one-half inch square mesh except for the bag and 50 feet on each side of the bag, the mesh of which shall not be larger than one inch square mesh. The seine must be manually operated and all shrimp and other marine life not kept by the seining party shall be returned to the water. Provisions of Section 4, Article 4075-b, R.C.S. shall apply to all such shrimp taken. It is unlawful to sell any shrimp taken as permitted in this Act.

Sec. 2. Unless otherwise provided by law, every person in a seining party who exceeds any privilege granted by this Act shall be deemed guilty of a violation of the Texas Shrimp Conservation Act, Article 4075-b, R.C.S. and shall be fined in accordance with the Act.

Sec. 3. Emergency Clause.

The committee amendment was adopted without objection.

SB 39, as amended, was passed to third reading.

SB 302 ON SECOND READING
(Mr. Heatly—House Sponsor)

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

SB 302, Authorizing the Texas Parks and Wildlife Commission to locate and designate certain areas with markers or monuments.

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

Representative Dee John Davis entered the House and was announced present.

SB 911 ON SECOND READING
(Mr. Ogg—House Sponsor)

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

SB 911, Relating to hotel occupancy tax.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 911 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Subsections (b) and (d), Section 3, Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended by Section 1, Chapter 563, Acts of the 60th Legislature, Regular Session, 1967 (Article 1269j-4.1, Vernon's Texas Civil Statutes), are amended to read as follows:

"(b) Such revenue bonds may be issued when duly authorized by an ordinance passed by the governing body of such city and shall be secured by a pledge of and be payable from all or any designated part of the revenues of said public improvements or said parking or storage facilities, as may be provided in the ordinance or ordinances authorizing the issuance of such bonds. To the extent that such revenues may have been pledged to the payment of revenue or revenue refunding bonds which are still outstanding, the pledge securing the proposed bonds shall be inferior to the previous pledge or pledges. Within the discretion of the governing body of the city, and subject to limitations contained in previous pledges, if any, in addition to the pledge of revenues a lien may be given on all or any part of the physical properties acquired out of the proceeds from the sale of such bonds.

"(d) If any such city leases as lessee any one or more such public improvements, structures, parking areas or facilities, such city shall have authority to pledge to the lease payments required to be made by such city all or any part of the revenues of such public improvements, structures, parking areas or facilities."

Sec. 2. Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended by Section 1, Chapter 563, Acts of the 60th Legislature, Regular Session, 1967 (Article 1269j-4.1, Vernon's Texas Civil Statutes), is amended by adding Sections 3a, 3b, 3c, and 3d to read as follows:

"Section 3a. Any such city is hereby authorized to levy by ordinance a tax upon the cost of occupancy of any sleeping room furnished by any hotel, where the cost of occupancy is at the rate of \$2 or more per day. Such tax may not exceed three percent of the consideration paid by the occupant of the sleeping room to the hotel.

"Section 3b. All ordinances heretofore passed and adopted by the governing body of any such city levying a tax upon the cost of occupancy of any sleeping room furnished by any hotel, where such cost of occupancy is at the rate of Two Dollars (\$2) or more per day and such tax is equal to or less than three percent (3%) of the consideration paid by the occupant of such room to such hotel, and any bonds heretofore issued that are secured in whole or in part by a pledge of such tax, are hereby in all respects validated and held to be enforceable as of the respective date of passage and adoption of said ordinances levying such tax or issuing such bonds. All such occupancy taxes to be levied or attempted to be levied pursuant to such ordinances are hereby validated and declared fully

enforceable to the same extent as if levied or attempted to be levied pursuant to valid laws duly enacted by the Legislature of this state specifically providing authority for the passage and adoption of such ordinances and the levy of such taxes.

"Section 3c. (a) The revenue derived from any occupancy tax authorized or validated by this Act may only be used for:

"(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities including, but not limited to, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities for the parking or storage of motor vehicles or other conveyances located at or in the immediate vicinity of the convention center facilities;

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

"(3) for advertising for general promotional and tourist advertising of the city and its vicinity and conducting a solicitation and operating program to attract conventions and visitors either by the city or through contracts with persons or organizations selected by the city.

"(b) Any city which levies and collects an occupancy tax which is authorized or validated by this Act may pledge a portion of the revenue derived therefrom to the payment of the bonds which the city may issue pursuant to the provisions of Section 3 of this Act, if such bonds are issued solely for one or more of the purposes set forth in the preceding subsection; provided that any city which levies and collects such tax shall reserve a portion of the tax revenue equal to at least one-half of one percent of the cost of occupancy and may reserve all of the tax revenue from the cost of the occupancy of hotel rooms for the purpose of advertising and conducting solicitation programs to acquaint potential users with public meeting and convention facilities, and for the promotion of tourism and advertising of the city and its vicinity either by the city or through contract with persons or organizations selected by the city;

"Section 3d. As hereinabove employed, the following words, terms and phrases are defined as follows:

"(a) 'Hotel' shall mean any building or buildings in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, houses, or courts, lodging houses, inns, rooming houses, or other buildings where rooms are furnished for a consideration, but 'hotel' shall not be defined so as to include hospitals, sanitariums, or nursing homes.

"(b) 'Consideration' shall mean the cost of the room in such hotel only if the room is one ordinarily used for sleeping, and shall not include the cost of any food served or personal services rendered to the occupant of such room not related to the cleaning and readying of such room for occupancy.

"(c) 'Occupancy' shall mean the use or possession, or the right to the use or possession, of any room in a hotel if the room is one ordinarily used for sleeping and if the occupant's use, possession, or right to use or possession extends for a period of less than thirty (30) days.

“(d) ‘Occupant’ shall mean anyone, who, for a consideration uses, possesses, or has a right to use or possess any room in a hotel if the room is one ordinarily used for sleeping.”

Sec. 3. 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.

SB 911, as amended, was passed to third reading.

Representatives Vale and Williamson entered the House and were announced present.

SB 76 ON SECOND READING
(Mr. Burgess—House Sponsor)

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

SB 76, Relating to the dumping or otherwise disposing of trash, etc., on highways, rights-of-way, etc., or on private property or into any inland or coastal waters of Texas.

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

SB 32 ON SECOND READING
(Mr. Joe Allen—House Sponsor)

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

SB 32, Requiring salesmen of explosives to keep records of such sales.

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

SB 921 ON SECOND READING
(Mr. Von Dohlen—House Sponsor)

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

SB 921, Amending SB 31, 62nd Legislature, to codify Catastrophe Property Insurance Pool Act; concerning applicability to certain insurance companies.

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

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on the passage to third reading of SB 921.

SB 671 ON SECOND READING
(Mr. Carl Parker—House Sponsor)

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

SB 671, Relating to the selection of persons for jury service in certain counties.

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

SB 448 ON SECOND READING
(Mr. Tom Holmes—House Sponsor)

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

SB 448, Relating to the salary and office budget of ex officio county school superintendents in certain counties.

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 448.

SB 588 ON SECOND READING
(Mr. Atwell—House Sponsor)

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

SB 588, Permitting the Parks and Wildlife Department to promulgate rules for the protection of persons and property in state parks.

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

VOTES RECORDED

Representatives Poff and Nabers requested to be recorded as voting Nay on the passage to third reading of SB 588.

SB 786 ON SECOND READING
(Mr. Atwell—House Sponsor)

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

SB 786, Authorizing the Board of Control to take bids on contracts to remove rough fish from public fresh waters as requested by the Parks and Wildlife Department.

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

SB 261—VOTE RECONSIDERED

Mr. Pickens moved to reconsider the vote by which SB 261 was passed to third reading.

The motion prevailed without objection.

Mr. Pickens offered the following amendment to SB 261:

Amend SB 261 by striking all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled An Act amending employers' liability and workmen's compensation laws of the state; amending Section 8a, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, to add to the list of beneficiaries, "dependent grandchildren"; and to provide that in the case of death where guardian has not been appointed for a beneficiary who is disqualified for taking because of lunacy, infancy or other disqualifying cause, payments may be made directly to the person having custody of the person of such beneficiary, who shall be entitled to receive and receipt for such payments unless or until the association is notified that a guardian has been appointed in which event payments shall thereafter be made to such guardian; providing that this Act shall not affect any rights which have vested or accrued prior to the effective date hereof, and remaining prior laws in effect, insofar as injuries sustained prior to the effective date hereof; providing for a savings clause; repealing all laws in conflict; and declaring an emergency.

The above amendment was adopted.

SB 261, as amended, was passed to third reading.

(Mr. Solomon in the Chair)

SB 902 ON SECOND READING

(Mr. Cavness—House Sponsor)

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

SB 902, Relating to dangerous drugs; defining drugs bearing a veterinary prescription legend as dangerous drugs and requiring drug manufacturers and drug wholesalers to be registered with the Commissioner of Health.

The bill was read second time.

Mr. Von Dohlen offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 902, First Printing, by inserting "or device" between "drug" and "which" on line 51, page 2.

The committee amendment was adopted without objection.

SB 902, as amended, was passed to third reading.

SB 971 ON SECOND READING
(Mr. Lombardino—House Sponsor)

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

SB 971, Relating to the immunization of persons attending elementary or secondary schools or institutions of higher education, etc.

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

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on the passage to third reading of SB 971.

SB 87 ON SECOND READING
(Mr. Pickens—House Sponsor)

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

SB 87, Relating to suit and representation by next friend of certain persons.

The bill was read second time.

Mr. John Hannah offered the following amendment to the bill:

Amend SB 87, Second Printing, by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Article 1994, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

“Article 1994

“Minors, lunatics, idiots or non compos mentis persons who have no legal guardian may sue and be represented by ‘next friend’ under the following rules:

1. In such cases when a judgment is recovered for money or other personal property the value of which does not exceed One Thousand, Five Hundred Dollars (\$1,500), the court may by order entered of record, authorize such next friend or other person to take charge of such money or other property for the use and benefit of the plaintiff when he has executed a proper bond, (in a sum at least double the value of the property) payable to the county judge, conditioned that he will pay said money with lawful interest thereon or deliver said property and its increase to the person entitled to receive the same when ordered by the court to do so, and that he will use such money or property for the benefit of the owner under the direction of the court. The bond shall be in a sum at least double the value of the property and money recovered, with the exception that a bond which is

executed by the next friend or other person taking charge of the money or property, as principal, and by a solvent surety company authorized under the laws of Texas to execute such bonds, as surety, shall be in a sum equal to the value of the property and money recovered.

"2. The judge of the court in which the judgment is rendered upon an application and hearing, in term time or vacation, may provide by decree for an investment of the funds accruing under such judgment. Such decree, if made in vacation, shall be recorded in the minutes of the succeeding term of the court.

"3. The person who takes such money or property shall receive such compensation as the court may allow and shall make such disposition thereof as the court may order; and he shall return such money or property into court upon the order of the court.

"4. If any person has an interest in such recovery, the court may hear evidence as to such interest, and order such claim, or such part as is deemed just, to be paid to whoever is entitled to receive the same.

"5. If not otherwise invested in the manner provided in this Article, any moneys recovered by the plaintiff, regardless of the amount, may be invested as follows by either the next friend or the clerk of the court:

"(a) in savings accounts or certificates of any savings and loan association domiciled in this state provided such accounts are insured by the Federal Savings & Loan Insurance Corporation; or

"(b) in interest-bearing time deposits in any bank doing business in this state provided the payment of such time deposits is insured by the Federal Deposit Insurance Corporation; and if such moneys are so invested in such manner as to prevent the withdrawal of such moneys from the financial institution in which they are invested without an order of the court no bond shall be required of the 'next friend' in respect to such moneys until the same are withdrawn from such financial institution, at which time the court shall order such bond to be made as may be appropriate under the other provisions of this Article, or the court may order such funds turned over directly to the person entitled thereto upon the court finding that the previous disability has ceased to exist."

Sec. 2. The importance of this legislation and the crowded conditions 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 87, as amended, was passed to third reading.

SB 492 ON SECOND READING
(Mr. Price—House Sponsor)

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

SB 492, Authorizing the Board of Directors of the Texas A&M University System to acquire by certain means certain land in the name of the State of Texas for the use and benefit of the Texas Forest Service.

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

SB 130 ON SECOND READING
(Mr. Joe Allen—House Sponsor)

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

SB 130, Relating to branch offices for absentee voting by personal appearance in certain counties.

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

SB 592 ON SECOND READING
(Mr. Haynes—House Sponsor)

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

SB 592, Relating to automobiles for each commissioner in certain counties.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to third reading of SB 592.

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

SB 634 ON SECOND READING
(Mr. Cavness—House Sponsor)

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

SB 634, Providing for a cost of living adjustment of firemen's pension allowances and firemen's beneficiaries' allowances in certain cities.

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

SB 948 ON SECOND READING
(Mr. Bigham—House Sponsor)

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

SB 948, Increasing shorthand reporter's salary for the 27th Judicial District.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 948 as follows:

(1) strike the words, in the quoted Section 3, "less than \$12,000 nor."

(2) renumber Sections 2 and 3 as Sections 3 and 4, respectively, and add a new Section 2 to read as follows:

"Sec. 2. Sections 1 and 2, Chapter 95, Acts of the 59th Legislature, Regular Session, 1965 (Article 2326j-39, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. The Judge of the 146th and the Judge of the 169th Judicial Districts of Texas, composed of Bell County, shall appoint an official shorthand reporter for his respective district in the manner now provided for district courts. The reporter shall have the qualifications and duties as provided by General Law.

"Section 2. (a) In addition to transcript fees, the official shorthand reporter shall receive an annual salary of not more than \$14,000 as authorized by the district judge and with the approval of the Commissioners Court of Bell County.

"(b) The salary shall be paid monthly out of the general fund, the jury fund, or any other fund available for the purpose as determined by the Commissioners Court of Bell County."

Committee Amendment No. 2

Amend SB 948 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the compensation of official shorthand reporters for the 27th, 146th, and 169th Judicial Districts; amending Chapter 10, Acts of the 60th Legislature, Regular Session, 1967 (Article 2326j-54, Vernon's Texas Civil Statutes); amending Sections 1 and 2, Chapter 95, Acts of the 59th Legislature, Regular Session, 1965 (Article 2326j-39, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

The committee amendments were severally adopted without objection.

SB 948, as amended, was passed to third reading.

SB 727 ON SECOND READING
(Mr. Slider—House Sponsor)

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

SB 727, Adding Parks and Wildlife Department vehicles to those of state agencies exempt from inscription requirements.

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

VOTES RECORDED

Representatives Kubiak, Adams, and Nabers requested to be recorded as voting Nay on the passage to third reading of SB 727.

SB 172 ON SECOND READING
(Mr. Agnich—House Sponsor)

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

SB 172, Prohibiting the interstate transportation and sale of endangered species of wildlife.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 172 by striking all below the enacting clause and substituting the following:

Section 1. (a) Purpose. The Legislature of the State of Texas hereby finds and declares that certain species or subspecies of fish or wildlife are threatened with extinction and entitled to preservation and protection as a matter of general state concern. The Federal Endangered Species Conservation Act of 1969 (16 U.S.C. sec. 668aa et seq.) and the Lacey Act (18 U.S.C. secs. 42-44) together provide for the protection of fish or wildlife threatened with worldwide extinction by prohibiting the importation of endangered fish or wildlife and by restricting and regulating interstate and foreign commerce in fish or wildlife taken in violation of state, federal, and foreign laws. The states, however, must also assume their responsibility for conserving these fish or wildlife and for restricting the taking, possession, transportation, processing, or sale of endangered fish or wildlife within their respective jurisdictions to assure their continued survival and propagation for the aesthetic, recreational, and scientific purposes of future generations. The Legislature finds that by eliminating the taking, possession, sale, or offer for sale, of species threatened with extinction in the State of Texas, and by establishing a program for conservation and restoration of these endangered species, their potential for continued existence will be strengthened.

(b) Definitions. For the purposes of this Act, the term—

(1) "fish or wildlife" means any wild mammal, fish, wild bird, amphibian, reptile, mollusk or crustacean, or any part, products, egg, or offspring thereof, or the dead body or any part thereof; or any product made therefrom;

(2) "person" means any individual, firm, corporation, association or partnership;

(3) "Director" means the Executive Director of the Texas Parks and Wildlife Department.

(c) Endangered Species.

(1) Notwithstanding any other provision of this Article, the taking, transportation, possession, processing, sale, or offer for sale within the State of Texas of any fish or wildlife on any of the following lists as of the effective date of this Act is prohibited, except, as provided in subsection (e): (i) the United States' List of Endangered Foreign Fish and Wildlife (Part 17 of Title 50 of the Code of Federal Regulations, Appendix A); (ii) the United States' List of Endangered Native Fish and Wildlife (Part 17 of Title 50 of the Code of Federal Regulations, Appendix D); (iii) species or subspecies of fish or wildlife established as threatened with statewide extinction, pursuant to the provisions of paragraphs (c) (2) to (c) (5).

(2) Forty-five days from the effective date of this Act, the Director shall declare, by order filed with the Secretary of State, a proposed list of those species and subspecies of fish or wildlife which he deems to be threatened with statewide extinction in accordance with paragraph (c) (5), giving their common and scientific names by species and subspecies. Said order shall become effective forty-five days after it is filed, during which period public comments will be solicited and received. The Director shall hold a public hearing. The Director may thereafter amend such order prior to the effective date thereof to add species and subspecies to the list, or to remove only such fish or wildlife which he may determine are not threatened with statewide extinction, as defined in paragraph (c) (5).

(3) The Director may, at any subsequent time, or upon the petition of three interested persons, conduct a departmental review of any species or subspecies of fish or wildlife on the statewide list, provided that such persons present substantial scientific evidence to warrant such a review, and he may by order amend the state's list accordingly. This order shall be effective immediately upon filing. The Director shall conduct a review of the state's endangered species list within not more than two calendar years from date of enactment and every two years thereafter and submit to the Governor a summary report of the scientific data used to support all amendments to the state's endangered species list during that biennium.

(4) In the event the federal lists are hereafter modified by additions or deletions, such modifications may be accepted as binding under section (c) (1) if, after a scientific determination in accordance with subsection (c) (5), the Director files with the Secretary of State an order accepting such modifications for the state. The Director may, on his own motion, and after a determination in accordance with subsection (c) (5), declare by order that species or subspecies not appearing on the federal lists are threatened with statewide extinction. Any order filed under this paragraph shall be effective immediately upon filing.

(5) The Director shall inventory and investigate the status of all species and subspecies of fish and wildlife which are found in this state to determine whether they are threatened with statewide extinction. For the purposes of this Act, fish or wildlife shall be deemed to be "threatened with statewide extinction" whenever the Director determines, based upon the best scientific and commercial data available to him, and after consultation with other state game directors, federal agencies, and other interested persons and organizations, that the continued existence of such fish or wildlife is endangered in this state due to any of the following factors: (i) the

destruction, drastic modification, or severe curtailment of its habitat, or (ii) its overutilization for commercial or sporting purposes, or (iii) the effect on it of disease or predation, or (iv) other natural or man-made factors affecting its continued existence.

(6) This Act shall not apply to coyotes, cougars (also commonly known as mountain lions or panthers), prairie wolves and snakes.

(7) The Director is authorized to issue regulations to implement this subsection.

(d) Enforcement.

(1) Any person who violates the provisions of paragraph (c) (1), or any regulations issued pursuant thereto, or whoever violates any regulation or permit issued under subsection (e), shall be punished by a fine of not more than \$500 or 6 months in jail, or both. Each violation shall be a separate offense.

(2) Any officer employed and authorized by the Director, or any peace officer of the State of Texas or any police officer or peace officer of any municipality or county within the State of Texas, shall have authority to execute a warrant to search for and seize any goods, business records, merchandise or fish or wildlife taken, employed, used, or possessed in connection with a violation of any subsection of this Act. Any such officer may, without a warrant, arrest any person who such officer has probable cause to believe is violating, in his presence or view, any such subsection, or any regulation or permit provided for by this Act. An officer or agent who has made an arrest of a person in connection with any such violation may search such person or business records at the time of arrest and seize any fish or wildlife, records, or property taken, used, or employed in connection with any such violation.

(3) Goods, merchandise, fish or wildlife, or records seized under the provisions of paragraph (d) (2) shall be held by an officer or agent of the Texas Parks and Wildlife Department pending disposition of court proceedings, and thereafter be forfeited to the state for destruction or disposition as the Director may deem appropriate; provided that, prior to forfeiture, the Director may direct the transfer of fish or wildlife so seized to a qualified zoological, educational, or scientific institution for safe-keeping, costs assessable to the defendant. The Director is authorized to issue regulations to implement this paragraph.

(e) Permits. The Director shall permit, under such terms and conditions as he may prescribe by regulation, the taking, exportation, transportation, or possession of any fish or wildlife which is threatened with statewide extinction, for educational, or scientific purposes and for propagation of such fish or wildlife in captivity, unless such exportation, possession, transportation, or taking is prohibited or permitted by any federal law or regulation, or any other law of the State of Texas. The Director shall further permit the sale or disposal of such fish or wildlife provided, however, that they have been raised in captivity.

(f) Conservation.

(1) The Director shall conduct research on the endangered species of

this state, and he shall utilize the land acquisition and other authorities vested in his office to carry out a program in the State of Texas for conserving, protecting, restoring, and propagating selected state endangered species. In addition to the land acquisition authorities vested in his office, the Director is hereby authorized to acquire by purchase, donation, or otherwise, lands or interests therein needed to carry out the purposes of this Act relating to the conservation, protection, restoration, and propagation of selected state endangered species.

(2) The Governor shall review other programs administered by him and, to the extent practicable, utilize such programs in furtherance of the purposes of this Act. The Governor shall also encourage other state and federal agencies to utilize their authorities in furtherance of the purposes of this Act.

(3) In carrying out the programs authorized by this Act, the Director shall cooperate to the maximum extent possible with the federal government, with other states, and with counties within the State of Texas, and he may enter into agreements with the counties for the administration and management of any area established under this program for the conservation of the state's endangered species.

(g) Miscellaneous.

(1) None of the provisions of this Act shall be construed to apply retroactively or to prohibit entry into the State of Texas of fish or wildlife which may be lawfully imported into the United States or taken or removed from another state; provided that, this paragraph shall not be construed to permit the taking and removal from another state into this state of fish or wildlife on the federal endangered species lists.

(2) If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 2.

All laws and parts of laws in conflict with this Act are repealed.

Section 3. 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 shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Jim Nugent and Mr. Poerner offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to SB 172, as amended, by striking Subsection (e) of Section 1 and substituting the following:

“(e) Permits. The Director shall permit, under such terms and conditions as he may prescribe by regulation, the taking from the wild of any fish or wildlife which is threatened with statewide extinction, for education,

or scientific purposes and for propagation of such fish or wildlife in captivity, unless such taking is prohibited or permitted by any federal law or regulation, or any other law of the State of Texas. The Director shall encourage the propagation of endangered species by the private sector and nothing in this Act shall prohibit the possession, transportation, exportation, sale or disposal of fish or wildlife propagated by the private sector."

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

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

Committee Amendment No. 2

Amend SB 172 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act to prohibit the manufacture, distribution, sale, purchase, or possession of any merchandise or product made from any animal or part of any animal listed on the United States Lists of Endangered Fish and Wildlife; to declare and protect species or subspecies of fish or wildlife threatened with extinction in this state; to provide a penalty for violations of this section; and to provide for conservation and study of fish and wildlife threatened with extinction in this state.

The committee amendment was adopted without objection.

SB 172, as amended, was passed to third reading.

SB 216 ON SECOND READING
(Mr. Cavness—House Sponsor)

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

SB 216, Allowing eligible members of the Employees Retirement System to claim credit for certain service.

The bill was read second time.

Mr. Nabers offered the following amendment to the bill:

Amend SB 216 by adding Section 2 to read as follows:

Section 2. Subsection E., Section 3, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes) is amended to read as follows:

"E. Any person who was an Elective State Official and who has served in the Legislature of the State of Texas and who has not less than eight years creditable service may become a member of the Employees Retirement System by paying into such system Two Hundred Eighty Eight Dollars (\$288) for each year of creditable service, provided that at the time the person elects to become a member, that person is employed by

the State of Texas. Such application shall be made on forms provided by the Board, and, thereupon, such person shall be entitled to all the privileges and benefits of such system."

and renumber the following sections accordingly.

The amendment was adopted without objection.

SB 216, as amended, was passed to third reading.

VOTES RECORDED

Representatives Pickens, Nabers, and Doran requested to be recorded as voting Nay on the passage to third reading of SB 216.

SB 410 ON SECOND READING (Mr. Braecklein—House Sponsor)

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

SB 410, Relating to certain counties in which there are three or more courts having any of the jurisdiction conferred upon district courts.

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

SB 792 ON SECOND READING (Mr. Blanton—House Sponsor)

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

SB 792, Providing for the receiving, safekeeping and disbursing of all moneys belonging to the county by the county treasurer.

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

(Mr. Adams in the Chair)

COMMITTEE MEETING

Mr. Harding asked unanimous consent of the House that the Committee on Parks and Wildlife be permitted to meet at this time.

There was no objection offered.

HB 910 ON SECOND READING

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

HB 910, Authorizing cities in an emergency to provide emergency housing, set maximum retail prices and suspend competitive bidding requirements, etc.

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 2 of HB 910, to read as follows:

Section 2. That Section 8, HB 263, Chapter 877, Acts of the 61st Legislature, Regular Session, 1969, compiled as Article 5890e, Section 8, Vernon's Texas Civil Statutes, be and the same is hereby amended to read hereafter as follows:

"Section 8. The declaration of state of emergency by any city or town as provided for in this statute, except as otherwise expressly provided herein, shall automatically terminate at the end of seven (7) days after the time of declaration of said state of emergency, unless declared for a shorter period or terminated at an earlier time by the governing body of said city or town. Subject to the prior approval by the Governor, such state of emergency, and all powers incident thereto, may be extended by the governing body of said city or town for as many successive like periods of not in excess of seven (7) days after the time of declaration as may be reasonably necessary to protect the health, life, and property of the city and its inhabitants."

Committee Amendment No. 2

Amend HB 910, First Printing, on page 5, line 8 by striking the words "Section 7" and substituting therefor the words "Section 8".

The committee amendments were severally adopted without objection.

HB 910, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak and Nabers requested to be recorded as voting Nay on the passage to engrossment of HB 910.

HB 938 ON SECOND READING

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

HB 938, Relating to seizure of obscene material and injunctive and other judicial proceedings concerning obscene material.

The bill was read second time.

Mr. Williamson moved that consideration of HB 938 be postponed until 11:00 a.m., Wednesday, May 26, 1971.

The motion prevailed without objection.

HB 1567 ON SECOND READING

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

HB 1567, Amending Article 4413 (32a), V.T.C.S., concerning Inter-agency Planning Councils.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1567 by striking all below the enacting clause and insert the following:

Section 1. Section 1 of HB 276, Acts of the 60th Legislature, Regular Session, 1967, Chapter 417 (Article 4413 (32a), V.A.C.S.) is hereby amended to read as follows:

"Section 1. Findings, Purpose, and Definitions. The Legislature hereby finds and declares that:

(a) Findings and Purpose.

(1) There is an imperative need to maximize the prudent use of governmental revenues.

(2) Planning is a governmental purpose and function of the state and its political subdivisions.

(3) The people of Texas have a fundamental interest in the orderly and coordinated development of the state and its regions.

(4) Texas has a positive interest in the establishment of a coordinated state and regional planning process and in the preparation and maintenance of plans for the orderly development of human, physical, economic, and environmental resources of the state and its regions.

(5) The continued growth of the state and the general distribution of its population present problems which can be met only by coordinated programs and approaches.

(b) Definitions.

(1) 'Division'—means the Division of Planning and Coordination, Office of the Governor, as created by this Act.

(2) 'Director'—means the Director of the Division of Planning and Coordination, Office of the Governor, as created by this Act.

(3) 'Agency' — includes any state board, commission, department, or office created by the Texas Constitution or under the authority of the Constitution.

(4) 'Review and Comment'—means a project notification and review system to facilitate coordinated planning on an intergovernmental basis.

(5) 'State Clearinghouse'—means the agency to perform review and comment functions.

(6) 'State Planning Region' or 'Region'—means a logical grouping of counties delineated by an executive order by the Governor of Texas in December 1968, and amendments thereto, which provides a framework for the coordination of functional planning activities of state agencies and

which provides a guide to state and federal agencies in the development of regions for the delivery of programs and services; and, are used by the Governor in approving the boundaries of Regional Planning Commissions.

(7) 'Regional Planning Commissions' or 'Regional Councils'—means voluntary associations of local governments as legally organized under Article 1011m, Vernon's Annotated Civil Statutes, as amended."

Section 2. Section 4 of House Bill Number 276, Acts of the 60th Legislature, Regular Session, 1967, Chapter 417 (Article 4413 (32a), V.A.C.S.) is hereby amended to read as follows:

"Section 4. Division of Planning and Coordination: Creation, Organization, Powers, and Duties.

(a) There is created a Division of Planning and Coordination in the Executive Office of the Governor. The division shall consist of the Governor as the State's Chief Planning Officer, a director, who shall be appointed by the Governor and serve at his pleasure, and other employees as deemed necessary.

(b) The Governor, through the division shall encourage comprehensive and coordinated planning of the affairs of state government. The Governor may inquire into the methods of planning and program development in the conduct of the affairs of state government; he may establish guidelines for utilizing the review and comments on all state agency applications for federal grant and loan assistance; he may provide adequate records for planning and program purposes; and he may prescribe standards for effective planning, programming, and coordination.

(c) The Governor, with the consent of any state agency, may request the state agency to furnish the division with such personnel, equipment, and services as are necessary to enable it to carry out its project or program responsibilities and duties.

(d) The Governor may delegate any of his powers, duties, and responsibilities, as conferred by this Act, to the director of the division or any other state officer or agency.

(e) The division shall be the principal staff agency of the Executive Office of the Governor to effect plans for the orderly development of the state's human, physical, economic, and environmental resources, and shall coordinate programs required to implement those plans. The division shall provide information, assistance, and support to the Governor in his role as the state's chief executive, to the Legislature, and to state agencies. The division shall serve as the focal point for coordinating state responses to federal programs.

(f) Responsibilities of the Division of Planning and Coordination.

(1) The division shall serve as the State Clearinghouse on applications for federal grant or loan assistance as provided by the Federal Office of Management and Budget Circular A-95 or succeeding circulars and guidelines.

(2) The division shall provide for the review and comment on all state plans of state agencies, and shall provide for the review and comment

on all state agency applications for federal grant or loan assistance; and shall establish policies and guidelines for the effective review and comment on state plans and applications for federal grant or loan assistance.

(3) The division shall delineate State Planning Regions and develop policies and guidelines to be utilized by state agencies and Regional Planning Commissions in coordinating the delivery of programs and services.

(4) The division shall serve as the focal point in the Executive Office of the Governor for Interagency Planning and Program Coordination.

(5) The division may serve as the Governor's representative to administer provisions of Article 1011m, Vernon's Annotated Civil Statutes, as amended, which provides for state financial assistance, technical services, policy development, and assistance to Regional Planning Commissions.

(6) The division shall assist the Governor in meeting responsibilities of the Governor and the state as required by federal legislation.

(7) The division shall perform such duties as the Governor may deem necessary to carry out the responsibilities of the Governor as Chief Planning Officer of the State.

(8) The division may apply for and accept advances, loans, grants, contributions, and any other form of assistance from the federal government, the state, or other public body, or from other sources, public or private, for the purposes of this Act, and enter into and carry out contracts or agreements in connection therewith; and include in any contract for financial assistance with the federal government such conditions imposed pursuant with federal laws as it may deem reasonable and appropriate and which are not inconsistent with the purposes of this Act.

(9) The division may exercise all other powers necessary and proper for the discharge of its duties, including the promulgation of reasonable rules and regulations; but nothing in this Act shall be construed to limit the responsibility of the state departments, agencies, or institutions as provided by existing state law.

Section 3. Severability Clause. 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 4. Emergency Clause. The fact that there is a great need for planning and coordination creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1971, and it is so enacted.

The committee amendment was adopted without objection.

HB 1567, as amended, was passed to engrossment.

HB 1716 ON SECOND READING

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

HB 1716, Requiring certain transporters of motor vehicles to make a check of the title to such vehicles and establish the right of possession in person tendering the vehicles for transportation.

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

HB 1006 ON SECOND READING

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

HB 1006, Correcting the Texas Education Code by codifying certain omitted provisions.

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

VOTES RECORDED

Representatives Adams and Nabers requested to be recorded as voting Nay on the passage to engrossment of HB 1006.

HB 1708 ON SECOND READING

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

HB 1708, Relating to allowances for traveling expenses and automobile depreciation of members of the commissioners court in connection with the use of privately owned automobiles for traveling on official business within the county .

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

HB 760 ON SECOND READING

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

HB 760, Relating to compensation of county officials in certain counties.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 760 by striking quoted Section 1C in Section 1 of the bill and substituting the following:

"Section 1C. In each county of the State of Texas having a population of not less than 12,150 nor more than 12,300, according to the last preceding

Federal Census, the commissioners court shall fix the salaries of the officials named in this Act at a sum of not more than Fifteen Thousand Dollars (\$15,000) per annum; and the salaries of the justices of the peace shall be fixed at a sum of not more than Ten Thousand Dollars (\$10,000) per annum, all salaries to be paid in twelve (12) equal monthly installments; providing that no salary covered by this Act shall be set at a lower figure than that actually paid on the effective date of this section. Section 18 of this Act does not apply to salaries set under this section."

The committee amendment was adopted without objection.

HB 760, as amended, was passed to engrossment.

SB 694 ON SECOND READING
(Mr. Shannon—House Sponsor)

The Chair laid before the House, in lieu of HB 1426, on its second reading and passage to third reading,

SB 694, Relating to automobile allowances and expenses for district clerks.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 694, First House Printing, by adding, in line 16, the words "and the county clerk" after the word "clerk", and by striking the words "clerk or his" in line 17 and substituting the words "clerks or their" therefor.

Committee Amendment No. 2

Amend SB 694, First House Printing, in line 10, in the caption, by adding the words "and the county clerk" between the word "clerk" and the semi-colon.

The committee amendments were severally adopted without objection.

SB 694, as amended, was passed to third reading.

HB 1426—LAID ON THE TABLE SUBJECT TO CALL

Mr. Shannon moved that HB 1426 be laid on the table subject to call.

There was no objection offered and it was so ordered.

COMMITTEE MEETING

Mr. Lemmon asked unanimous consent of the House that the Committee on Elections be permitted to meet at this time.

There was no objection offered.

HB 1325 ON SECOND READING

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

HB 1325, Permitting a peace officer to take bail in misdemeanor cases.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1325 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Articles 17.05 and 17.20, Code of Criminal Procedure, 1965, are amended to read as follows:

"Article 17.05. When a bail bond is given.

"A bail bond is entered into either before a magistrate, upon an examination of a criminal accusation, or before a judge upon an application under habeas corpus; or it is taken from the defendant by a peace officer if authorized by Article 17.20, 17.21, or 17.22."

"Article 17.20. Bail in misdemeanor.

"The sheriff, or other peace officer, in cases of misdemeanor, shall, whether during the term of the court or in vacation, where he has a defendant in custody, take of the defendant a bail bond."

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.

Mr. Spurlock offered the following amendment to Committee Amendment No. 1:

Amend HB 1325, Second Printing, Committee Amendment No. 1, on page 2, line 15 by deleting the word "shall" and substituting the word "may."

Mr. Doyle moved to table the above amendment.

The motion to table prevailed.

Committee Amendment No. 1 was adopted.

HB 1325, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Adams requested to be recorded as voting Nay on the passage to engrossment of HB 1325.

HB 882 ON SECOND READING

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

HB 882, Relating to requirements for application for licensure by the Texas State Board of Medical Examiners.

The bill was read second time.

Mr. Von Dohlen offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 882, First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Article 4501, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 4501. All applicants for license to practice medicine in this state not otherwise licensed under the provisions of law must successfully pass an examination by the Texas State Board of Medical Examiners. The Texas State Board of Medical Examiners is authorized to adopt and enforce rules of procedure not inconsistent with the statutory requirements. An applicant, to be eligible for the examination, must be a citizen of the United States, or have filed his declaration of intention to become a citizen, and must present satisfactory proof to the Board that he is at least twenty-one (21) years of age, of good moral character, who has completed sixty (60) semester hours of college courses other than in medical school, which courses would be acceptable, at the time of completing same, to the University of Texas for credit on a Bachelor of Arts Degree or a Bachelor of Science Degree, and who is a graduate of a medical school or college which was approved by the Texas State Board of Medical Examiners at the time the degree of Doctor of Medicine or Doctor of Osteopathy was conferred. Application for examination must be made in writing verified by affidavit, and filed with the Texas State Board of Medical Examiners on forms prescribed by the said Board, accompanied by a fee of Fifty Dollars (\$50). All applicants shall be given due notice of the date and place of such examination; provided that the partial examinations provided for in Article 4503 of the Revised Civil Statutes of Texas shall not be disturbed by this Article. Provided further that all students regularly enrolled in medical schools whose graduates are now permitted to take the medical examination prescribed by law in this state shall upon completion of their medical college courses be permitted to take the examination prescribed herein. If any applicant, because of failure to pass the required examination, shall be refused a license, he or she, at such time as the Texas State Board of Medical Examiners may fix, shall be permitted to take a subsequent examination, upon such subjects required in the original examination as the Board may prescribe, upon the payment of such part of Fifty Dollars (\$50) as the Board may determine to be reasonable. In the event satisfactory grades shall be made on the subjects prescribed and taken on such reexamination, the Board may grant the applicant a license to practice medicine. The Board shall determine the credit to be given examinees on answers turned in on the subjects of complete and partial examination, and its decision thereon shall be final. Provided, however, the

secretary may issue a temporary license to practice medicine to an applicant only after he has filed his completed application, together with an additional fee of Ten Dollars (\$10), with the secretary of the Texas State Board of Medical Examiners, and that all of the other requirements as required for a permanent license are complied with; such temporary license shall be valid only until the date of the next Board meeting, and at that date the temporary license automatically expires, and is of no further effect. If the applicant fails the examination, no further permit shall be issued until he has successfully passed the examination, or is eligible for and has been granted reciprocity."

Sec. 2. Article 4503, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 4503. All examinations for license to practice medicine shall be conducted in writing in the English language, and in such manner as to be entirely fair and impartial to all individuals and to every school or system of medicine. All applicants shall be known to the examiners only by numbers, without names, or other method of identification on examination papers by which members of the Board may be able to identify such applicants or examinees, until after the general averages of the examinees' numbers in the class have been determined, and license granted or refused. Examinations shall be conducted on and cover those subjects generally taught by medical schools, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine or doctor of osteopathy conferred by schools or colleges of medicine approved by the Board; and such examinations shall also be conducted on and cover the subject of medical jurisprudence. Upon satisfactory examination conducted as aforesaid under the rules of the Board, applicants shall be granted license to practice medicine. All questions and answers, with the grades attached, authenticated by the signature of the examiner, shall be preserved in the executive office of the Board for one year. All applicants examined at the same time shall be given identical questions. All certificates shall be attested by the seal of the Board and signed by all members of the Board, or a quorum thereof. The Board may in its discretion give examination for license in two (2) parts. The first part shall include such of the required scientific branches of medicine above named as may be prescribed by the Board. The second, or final, part of the examination shall not be given until the applicant has graduated and has received a diploma from a school or college of medicine approved by the Board as provided in Article 4501 of the Revised Civil Statutes of Texas of 1925, as amended by this Act. The Board may in its discretion admit to partial examination applicants who have successfully completed the work of the first two (2) years of the college course required of licentiates. The application for partial examination must be in writing, accompanied by an affidavit made by the dean, or registrar, of a reputable medical college within the meaning of the law, showing that the applicant has successfully completed the work of the first two (2) years of said course, and by a fee of Fifteen Dollars (\$15). The Board may prescribe all other prerequisites of such applications. No license shall be granted to any applicant who has successfully passed such partial examination until all legal requirements for granting license have been complied with. All partial examinations must be conducted in the same manner and under the same rules prescribed for complete, or full, examination. The fee for second, or final, examination shall be Twenty-five Dollars (\$25)."

Sec. 3 Article 4505, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 4505. The State Board of Medical Examiners may refuse to admit persons to its examinations, and to issue license to practice medicine to any person, for any of the following reasons:

"(1) The presentation to the Board of any license, certificate, or diploma, which was illegally or fraudulently obtained, or when fraud or deception has been practiced in passing the examination.

"(2) Conviction of a crime of the grade of a felony, or one which involves moral turpitude.

"(3) Habits of intemperance, or drug addiction, calculated, in the opinion of the Board, to endanger the lives of patients.

"(4) Unprofessional or dishonorable conduct which is likely to deceive or defraud the public. Unprofessional or dishonorable conduct shall include, but shall not be limited, to the following acts:

"(A) The commission of any act which is a violation of the Penal Code of Texas when such act is connected with the physician's practice of medicine. A complaint, indictment, or conviction of a Penal Code violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be sufficient for action by the Board under this section.

"(B) Failure to keep complete and accurate records of purchases and disposals of drugs listed in Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code), or of narcotic drugs. A physician shall keep records of his purchases and disposals of the aforesaid drugs to include, but not limited to, date of purchase, sale or disposal of such drugs by the doctor, the name and address of the person receiving the drugs and the reason for disposing of or dispensing the drugs to such person. A failure to keep such records shall be grounds for revoking, cancelling, suspending or probating the license of any practitioner of medicine.

"(C) Writing prescriptions for or dispensing to a person known to be an habitual user of narcotic drugs or dangerous drugs, or to a person who the doctor should have known was an habitual user of narcotic or dangerous drugs. This provision shall not apply to those persons being treated by the physician for their narcotic use after the physician notifies the Texas State Board of Medical Examiners in writing of the name and address of such person being so treated.

"(D) The writing of false or fictitious prescriptions for narcotic drugs or dangerous drugs listed in Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code).

"(E) Prescribe or administer a drug or treatment which is nontherapeutic in nature or nontherapeutic in the manner such drug or treatment is administered or prescribed.

"(5) The violation, or attempted violation, direct or indirect, of any of the provisions of this Act, either as a principal, accessory, or accomplice.

"(6) The use of any advertising statement of a character tending to mislead or deceive the public.

"(7) Advertising professional superiority, or the performance of professional service in a superior manner.

"(8) The purchase, sale, barter, or use, or any offer to purchase, sell, barter, or use, any medical degree, license, certificate, diploma, or transcript of license, certificate, or diploma, in or incident to an application to the Board of Medical Examiners for license to practice medicine.

"(9) Altering, with fraudulent intent, any medical license, certificate, diploma, or transcript of medical license, certificate, or diploma.

"(10) The use of any medical license, certificate, diploma, or transcript of any such medical license, certificate, or diploma, which had been fraudulently purchased, issued, counterfeited, or materially altered.

"(11) The impersonation of, or acting as proxy for, another in any examination required by this Act for a medical license.

"(12) The impersonation of a licensed practitioner, or permitting, or allowing, another to use his license, or certificate to practice medicine in this state, for the purpose of treating, or offering to treat, sick, injured, or afflicted human beings.

"(13) Employing, directly or indirectly, any person whose license to practice medicine has been suspended, or association in the practice of medicine with any person or persons whose license to practice medicine has been suspended, or any person who has been convicted of the unlawful practice of medicine in Texas or elsewhere.

"(14) Performing or procuring a criminal abortion or aiding or abetting in the procuring of a criminal abortion or attempting to perform or procure a criminal abortion or attempting to aid or abet the performance or procurement of a criminal abortion.

"(15) The aiding or abetting, directly or indirectly, the practice of medicine by any person not duly licensed to practice medicine by the Texas State Board of Medical Examiners.

"(16) The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this subsection the Board shall, upon probable cause, request a physician to submit to a mental or physical examination by physicians designated by it. If the physician refuses to submit to the examination, the Board shall issue an order requiring the physician to show cause why he will not submit to the examination and shall schedule a hearing on the order within 30 days after notice is served on the physician. The physician shall be notified by either personal service or by certified mail with return receipt requested. At the hearing, the physician and his attorney are entitled to present any testimony and other evidence to show why the physician should not be required to submit to the examination. After a complete hearing the Board shall issue an order either requiring the physician to submit to the examination or withdrawing

the request for examination. An appeal from the decision of the Board shall be under Article 4506."

Sec. 4. Title 71, Chapter 6, Revised Civil Statutes of Texas, 1925, as amended, is amended, by adding Article 4509a, to read as follows:

"Article 4509a. Certification of Certain Health Organizations. The Texas State Board of Medical Examiners shall, on a form adopted by the Board and under the rules promulgated by the Board, approve and certify any health organization formed by persons licensed by the Texas State Board of Medical Examiners upon application by the said organization and presentation of satisfactory proof to the Board that such organization is:

"(1) a nonprofit corporation under the provisions of the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes);

"(2) that the nonprofit corporation is organized for any or all of the following purposes: the carrying out of scientific research and research projects in the public interest in the fields of medical sciences, medical economics, public health, sociology, and related areas; the supporting of medical education in medical schools through grants and scholarships; the improving and developing of the capabilities of individuals and institutions studying, teaching, and practicing medicine; the delivery of health care to the public; the engaging in the instruction of the general public in the area of medical science, public health, and hygiene, and related instruction useful to the individual and beneficial to the community; and

"(3) that the nonprofit corporation shall be organized and incorporated by persons licensed by the Board and, provided, further, that the directors and/or trustees of such organization and their successors in office shall be persons licensed by the Board, and actively engaged in the practice of medicine.

"Provided, however, that the Board may, at its discretion, refuse to approve and certify any such health organization making application to the Board if in the Board's determination, the applying nonprofit corporation is established or organized or operated in contravention to or with the intent to circumvent any of the provisions of this Act."

Sec. 5. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 6. In the event that any section, or part of a section, or provision of this Act shall be held unconstitutional, invalid, or inoperative, this shall not affect the remaining sections or parts of sections of this Act, but the remainder of this Act shall be given effect as if the invalid, unconstitutional, or inoperative section, or any part or section of such section or provision had not been included.

Sec. 7. 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 separate 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 882, as amended, was passed to engrossment.

HB 575 ON SECOND READING

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

HB 575, Relating to increasing the filing fee for suits for divorce or dissolution of marriage in certain counties.

The bill was read second time.

Mr. Beckham and Mr. Hendricks offered the following amendment to the bill:

Amend HB 575 on line 14 after the figure 33,030, by adding the following: "and in any county with a population of not less than 80,000 nor more than 84,000, and in any county with a population of not less than 66,500 nor more than 68,000 population."

The amendment was adopted without objection.

HB 575, as amended, was passed to engrossment.

HB 1557 ON SECOND READING

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

HB 1557, Relating to defining certain deceptive practices in the conduct of any trade or commerce; making a pyramid style or multi-level investment plan a deceptive practice.

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

HB 1564 ON SECOND READING

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

HB 1564, Relating to defining certain deceptive practices in the conduct of any trade or commerce; making basing a charge for repair of any item upon a guarantee or warranty a deceptive trade practice.

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

HB 1585 ON SECOND READING

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

HB 1585, Prohibiting the use of the chain referral sales plan in connection with the sale of goods or anything of value.

The bill was read second time.

Mr. Hale offered the following amendment to the bill:

Amend HB 1585 by striking all of Section 1 of HB 1585 and inserting in lieu thereof the following:

"Section 1. Amend Section (b), Article 10.01, Chapter 10, Title 79, Revised Civil Statutes of Texas, 1925, as amended by adding Subsection (16) to read as follows:

"10.01(b)(16) The use or employment of a chain referral sales plan in connection with the sale, or offer to sell, of goods, merchandise or anything of value.

"For purposes of this Act chain referral sales plan means the use or employment of any sales technique, plan, arrangement or agreement whereby a buyer or prospective buyer is partially induced to purchase merchandise in consideration of the seller's promise or representation that buyer shall have the right to receive compensation or consideration in any form whatsoever for furnishing to the seller names of other prospective buyers."

The amendment was adopted without objection.

HB 1535, as amended, was passed to engrossment.

HB 1650 ON SECOND READING

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

HB 1650, Relating to the definition of narcotic drugs; making the sale and use of heroin and cannabis illegal, etc.

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

SB 514 ON SECOND READING

(Mr. Harold Davis—House Sponsor)

The Chair laid before the House, in lieu of HB 1010, on its second reading and passage to third reading,

SB 514, Relating to licenses, categories, activities, fees and insurance requirements for certain persons and dealers of liquefied petroleum gas.

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

VOTE RECORDED

Mr. Adams requested to be recorded as voting Nay on the passage to third reading of SB 514.

HB 1010—LAID ON THE TABLE SUBJECT TO CALL

Mr. Harold Davis moved that HB 1010 be laid on the table subject to call.

There was no objection offered and it was so ordered.

(Mr. Jungmichel in the Chair)

HB 1472 ON SECOND READING

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

HB 1472, Relating to priority of a lien of warehouseman.

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

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on the passage to engrossment of HB 1472.

HB 853 ON SECOND READING

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

HB 853, Providing for the establishment of a Food Stamp Program; providing for assessments for the handling of the Food Stamp Program.

The bill was read second time and was passed to engrossment

VOTES RECORDED

Representatives Kubiak and Adams requested to be recorded as voting Nay on the passage to engrossment of HB 853.

HB 458 ON SECOND READING

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

HB 458, Validating creation and organization of conservation and reclamation districts as provided herein.

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

VOTES RECORDED

Representatives Braun and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 458.

HB 1832 ON SECOND READING

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

HB 1832, Relating to the name and the board of directors of the Nueces River Conservation and Reclamation District.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1832 by adding a new subsection immediately following subsection "i" of Section 5 reading as follows:

"j. In the event the authority or municipality or any other political subdivision, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, rerouting or changing the grade of, or altering the construction of, any highway, railroad, electric transmission line, telegraph or telephone properties and facilities, or pipeline, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the authority, municipality or any other political subdivision. The term 'sole expense' shall mean the actual cost of such relocation, raising, lowering, rerouting, or change in grade or alteration of construction to provide comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility."

The committee amendment was adopted without objection.

HB 1832, as amended, was passed to engrossment.

HB 969 ON SECOND READING

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

HB 969, Eliminating the limits of \$15 a day for no longer than 100 days on a hospital's or clinic's lien for services on a cause of action of an injured person.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 969, First Printing, by adding the following between the words "rate for such services" and the semicolon on line 43, page 1:

" , in no event to exceed Fifty Dollars (\$50) per day for room and meals, in addition to all other services furnished by such hospital for not longer than 100 days; and the fact that such hospital's method of classification regarding ability to pay for said services is intended solely to secure such hospital's lien on a medically indigent's cause of action for personal injuries shall not be construed as avoiding the provisions of this lien statute".

Committee Amendment No. 2

Amend HB 969 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to a hospital or clinic's lien for services on a cause of action of an injured person; amending Section 3, Chapter 85, General Laws, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 5506a, Vernon's Texas Civil Statutes); and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 969, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on the passage to engrossment of HB 969.

HB 967 ON SECOND READING

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

HB 967, Relating to the information to be included in an abstract of judgment by the clerk of the court.

The bill was read second time.

Mr. Poerner offered the following amendment to the bill:

Amend HB 967 by striking the words "social security number" in Subdivision (2) of Section 1 of the bill and substituting the words "driver's license number".

The amendment was adopted without objection.

HB 967, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Nabers requested to be recorded as voting Nay on the passage to engrossment of HB 967.

HB 1777 ON SECOND READING

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

HB 1777, Authorizing notaries public who are stockholders of corporations owning a certain amount of stock, to take acknowledgments of instruments in which such corporation is interested.

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

HB 1097—LAID ON THE TABLE SUBJECT TO CALL

Mr. Price moved that HB 1097 be laid on the table subject to call.

There was no objection offered and it was so ordered.

SB 574 ON SECOND READING
(Mr. Cobb—House Sponsor)

The Chair laid before the House, in lieu of HB 1168, on its second reading and passage to third reading,

SB 574, Relating to the creation of the Governor's Commission on Physical Fitness and its powers and duties.

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

VOTE RECORDED

Mr. Nabers requested to be recorded as voting Nay on the passage to third reading of SB 574.

HB 1168—LAID ON THE TABLE SUBJECT TO CALL

Mr. Cobb moved that HB 1168 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HB 883 ON SECOND READING

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

HB 883, Relating to the use of state park facilities by persons 18 years of age or older.

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

HB 202 ON SECOND READING

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

HB 202, Prohibiting the barter, etc., of certain fish from the waters of Lake Arrowhead.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 202, First Printing, by striking all below the enacting clause and inserting the following:

Section 1. Section 1, Chapter 37, Acts of the 39th Legislature, 1925 (Article 952a, Vernon's Texas Penal Code), is amended to read as follows:

"Section 1. It shall be unlawful for any person, firm or corporation, or their agent, or agents, to barter, or sell, or offer for barter or sale, or to buy any bass, perch, crappie or catfish, or any other fish, except minnows taken from any of the waters which are located in the valley of the Big Wichita River from where the lower or diversion dam on the Big Wichita River is located, which was built by the Wichita County Water Improvement District No. 1, in the northeast corner of Archer County, Texas, and from said dam and above the same up the valley of said Big Wichita River to the storage dam on said river built by said Wichita County Water Improvement District No. 1, in Baylor County, Texas, and up the valley of said river from said storage dam as far as the water by said storage dam is impounded in said river in Baylor County, Texas, or in any water which is impounded in Archer County, Texas, and in Baylor County, Texas, by said diversion dam, or in any water which is in Baylor County, Texas, by said storage dam, or in any water in Lake Wichita in Wichita County, Texas, and in Archer County, Texas, or in any water impounded

by the dam across Holliday Creek forming said Lake Wichita in Wichita County, Texas, or in any water in the Big Wichita River in Baylor County, Texas, connecting with the big reservoir, or Lake Kemp, created by the storage dam, with the diversion reservoir, or Diversion Lake, formed in Baylor County or Archer County, Texas, by said diversion dam, or in any water of the irrigation canals connected with said Lake Kemp or said diversion dam, or in any water in laterals leading off from said canals in Baylor County, Texas, Archer County, Texas, Wichita County, Texas, or Wilbarger County, Texas, or in any water in Wichita County, Texas, or Archer County, Texas, in the lateral, canal, or drainage ditch leading from what is known as the South Side Canal out of said Diversion Lake from a point in the said South Side Canal in Section No. 16, of Denton County school lands, League No. 4, Wichita County, Texas, to Holliday Creek and thence down Holliday Creek to Lake Wichita in Wichita and Archer Counties, Texas, or in any water of Lake Arrowhead located in Clay or Archer Counties, or in any water of Buffalo Creek Reservoir, Lake Iowa Park, or Old City Lake, located in Wichita County."

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 202, as amended, was passed to engrossment.

HB 202—VOTE RECONSIDERED

Mr. Allred moved to reconsider the vote by which HB 202 was passed to engrossment.

The motion prevailed without objection.

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

Committee Amendment No 2

Amend HB 202, First Printing, by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act prohibiting the barter, sale, offer for barter or sale, or purchase of certain fish from the waters of Lake Arrowhead, Buffalo Creek Reservoir, Lake Iowa Park, or Old City Lake; amending Section 1, Chapter 37, Acts of the 39th Legislature, 1925 (Article 952a, Vernon's Texas Penal Code); and declaring an emergency.

The committee amendment was adopted without objection.

HB 202, as amended, was passed to engrossment.

HB 779 ON SECOND READING

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

HB 779, Relating to textbooks for children enrolled in kindergarten classes in the public schools of the state.

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

HB 1351 ON SECOND READING

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

HB 1351, Providing for operation of a branch, center, or extension as authorized by the board of trustees of a public junior college district.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1351 by striking all below the enacting clause and substituting the following:

Section 1. Section 51.073, Texas Education Code, is amended to read as follows:

“Section 51.073. Powers and Duties. (a) The board of trustees of a junior college district shall be governed in the establishment, management, and control of the junior college by the general law governing the establishment, management, and control of independent school districts insofar as the general law is applicable.

“(b) The board of trustees of a junior college district is hereby authorized to establish and operate branch campuses, centers, or extension facilities, without regard to the geographical bounds of the junior college district, provided that each branch campus, center, or extension facility is approved by the appropriate state educational agency.

“(c) Such branch campuses, centers, or extension facilities shall be within the role and scope of the junior college as determined by the appropriate state educational agency.

“(d) The board of trustees of a junior college district may accept or acquire by purchase or rent land and facilities in the name of the junior college district without regard to the geographical bounds of the junior college district.

“(e) Before any course may be offered by a junior college within the district of an operating public junior college it must be established that the public junior college is not capable of or is unable to offer the course. After the need is established and the course is not locally available, then the junior college may offer said course when approval is granted by the appropriate state educational agency.

“(f) The board of trustees of a junior college district may enter cooperative agreement with independent, common, or county school districts, state or federal agencies as may be required to perform the services as outlined in this Act.

“(g) Out-of-district branch campuses, centers, or extension facilities of junior colleges existing prior to the passage of this Act shall be reviewed by the appropriate state educational agency to determine their feasibility and desirability with respect to the junior college and the population of the geographical area served by the branch campus, center, or extension facility.”

Sec. 2. 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.

Sec. 3. 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 1351, as amended, was passed to engrossment.

(Mr. McKissack in the Chair)

HB 1459 ON SECOND READING

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

HB 1459, Relating to composition of administrative judicial districts.

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 1459.

HB 1755 ON SECOND READING

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

HB 1755, Extending duration of mineral leases on certain state lands.*

The bill was read second time.

Mr. Cobb offered the following amendment to the bill:

Amend HB 1755 by striking out the date “January 1, 1973” in line 4 of the quoted Section 2 and substituting in lieu thereof the date “December 1, 1971”.

The amendment was adopted without objection.

HB 1755, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Kubiak and Patterson requested to be recorded as voting Nay on the passage to engrossment of HB 1755.

HB 502 ON SECOND READING

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

HB 502, Providing exemption from the franchise tax for certain non-profit corporations engaged in the business of owning residential property used as cooperative housing.

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

VOTES RECORDED

Representatives Kubiak, Adams, Clayton, Rosson, Nabers, and Patterson requested to be recorded as voting Nay on the passage to engrossment of HB 502.

HB 158 ON SECOND READING

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

HB 158, Increasing the number of alternative members of the Board of Adjustment from two to four.

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

HB 1635 ON SECOND READING

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

HB 1635, Authorizing annexation of streets, highways and alleys by the governing bodies of certain cities; prescribing the method for the annexation.

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

HB 733 ON SECOND READING

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

HB 733, Expanding coverage of the Radiation Control Act.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 733 by deleting Section 3, subparagraph (b)(2), page two, and by inserting in lieu thereof the following:

"Any electronic devices capable of stimulated emission of radiation to such energy density levels as to reasonably cause bodily harm."

Committee Amendment No. 2

Amend HB 733 by deleting Section 3, subparagraph (b)(3), page two, and by inserting in lieu thereof the following:

"Any device capable of producing sonic, ultrasonic or infrasonic waves in the energy range to reasonably cause detectable bodily harm as a result of the operation of an electronic circuit in such device."

The committee amendments were severally adopted without objection.

HB 733, as amended, was passed to engrossment.

HB 780 ON SECOND READING

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

HB 780, Relating to operation and teachers of public school kindergartens.

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

VOTES RECORDED

Representatives Calhoun, Hawn, Short, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 780.

HB 6 ON SECOND READING

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

HB 6, Establishing minimum safety standards for tires used on motor vehicles, etc.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 6 by striking all below the enacting clause and substituting the following:

Section 1. After January 1, 1973, no person may sell or exchange, or offer for sale or exchange, any private passenger automobile tire or any private passenger automobile equipped with tires, unless the tires are in safe operating condition, as defined by Section 4 of this Act.

Sec. 2. No tire may be deemed to be in safe operating condition if the tire has:

(1) A fabric break, or a cut in excess of one inch in any direction as measured on the outside of the tire and deep enough to reach the body

cords, or has been repaired temporarily by the use of blowout patches or boots;

(2) any bump, bulge, or knot related to separation or partial failure of the tire structure;

(3) any portion of the ply or cord structure exposed; or

(4) completely worn that portion of the tire tread which under normal operating pressure, conditions, and load could be in contact with the surface of the road.

Sec. 3. (a) No tire may be deemed to be in safe operating condition if the tire does not have, in at least two distinct locations, at least 1/16 inch tread depth.

(b) The exposure of 50 percent of two tread-depth indicators on a tire, indicating that less than 1/16 inch tread depth remains on the tire, permits a presumption that a tire is not in safe operating condition under the standard established under Subsection (a) of this section.

Sec. 4. Any tire not included within the provisions of Sections 2 or 3 of this Act shall be deemed to be in safe operating condition.

Sec. 5. Any person violating the provisions of Section 1 of this Act is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$500 nor more than \$2,000.

Sec. 6. 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.

Mr. Joe Allen offered the following amendment to Committee Amendment No. 1:

Amend the committee substitute for HB 6 by renumbering Section 6 as Section 7 and adding a new Section 6 to read as follows:

"Sec. 6. As used in this Act, 'private passenger automobile' means a motor vehicle of the private passenger or station wagon type and does not include a motor vehicle used as a public and livery conveyance for persons."

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

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

Committee Amendment No. 2

Amend HB 6 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to prohibiting the sale or exchange of certain tires; prescribing a penalty; and declaring an emergency.

The committee amendment was adopted without objection.

HB 6, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Adams, Clayton, Kaster, Rosson, Short, and Poerner requested to be recorded as voting Nay on the passage to engrossment of HB 6.

SB 927 ON SECOND READING (Mr. Tupper—House Sponsor)

The Chair laid before the House, in lieu of HB 1719, on its second reading and passage to third reading,

SB 927, Relating to composition of Board of Trustees of the Firemen, Policemen, and Fire Alarm Operators' Pension Fund in certain cities.

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

HB 1719—LAID ON THE TABLE SUBJECT TO CALL

Mr. Tupper moved that HB 1719 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HB 470 ON SECOND READING

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

HB 470, Providing financial aid for families adopting hard-to-place children.

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

VOTES RECORDED

Representatives Calhoun and Short requested to be recorded as voting Nay on the passage to engrossment of HB 470.

HB 1009 ON SECOND READING

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

HB 1009, Providing for occupational and technical training on branch campuses and centers of Central Texas College.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1009 by striking all after "facilities in" in Sec. 4 and substituting Travis County in lieu thereof.

The committee amendment was adopted without objection.

Mr. Harold Davis offered the following amendment to the bill:

Amend HB 1009 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act to provide occupational and technical training and support courses on branch campuses and centers or extensions of Central Texas College in Travis County; and declaring an emergency.

The amendment was adopted without objection.

HB 1009, as amended, was passed to engrossment.

HB 1770 ON SECOND READING

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

HB 1770, Validating contracts and bond financing for disposal of salt water by water power control districts.

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

HB 1862 ON SECOND READING

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

HB 1862, Authorizing refund of moneys paid under a mineral lease on public land when exploration is prevented by governmental action.

The bill was read second time.

Mr. Cates offered the following amendment to the bill:

Amend HB 1862 as follows:

(1) Strike the phrase "State Land Board" in the quoted Section 11a in Section 1 of the bill and substitute the phrase "School Land Board."

(2) In the final sentence of the quoted Section 11a in Section 1 of the bill, between the phrase "against the state" and the phrase "in any court" insert the phrase "within two years after the expiration of the lease."

The amendment was adopted without objection.

HB 1862, as amended, was passed to engrossment.

HB 1789 ON SECOND READING

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

HB 1789, Providing for employment of certified public accountants for audit of Firemen's Relief and Retirement Fund.

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 1789.

COMMITTEE MEETING

Mr. Cavness asked unanimous consent of the House that the Committee on Motor Transportation be permitted to meet at this time.

There was no objection offered.

HB 1510 ON SECOND READING

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

HB 1510, Relating to placing serial numbers on motorcycles and their engines.

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

HB 1798 ON SECOND READING

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

HB 1798, Relating to the employment of a probation officer in Anderson County.

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

(Mr. Floyd in the Chair)

HB 1873 ON SECOND READING

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

HB 1873, Increasing salary of shorthand reporter of the 32nd Judicial District.

The bill was read second time.

Mr. Clayton offered the following amendment to the bill:

Amend HB 1873 by adding the following: "with the consent of the com-

missioners court" after the word district when it first appears in the first sentence of Section 1 quoted Section 1.

The amendment was adopted without objection.

HB 1873, as amended, was passed to engrossment.

HB 603 ON SECOND READING

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

HB 603, Making certain statute relating to city contracts with conservation and reclamation districts for water supply applicable to all cities including Home Rule Cities, having a population of 500,000 or more.

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

HB 1273 ON SECOND READING

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

HB 1273, Granting State Board of Insurance power to revoke the certificate of authority of any insurance company.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1273 by striking Section 1 thereof and substituting in lieu of such Section the following:

"Section 1. Subsection (j) of Article 8.24, Texas Insurance Code, as amended, is amended so as to read hereafter as follows:

"(j) The State Board of Insurance shall have authority to suspend or revoke the certificate of authority of any insurance carrier authorized to do business in Texas under this article, if the Board, after notice and opportunity for hearing, shall find that such carrier has systematically, with neglect and with willful disregard, failed to comply with its obligations derived from the contracts of insurance, and the laws applicable thereto, as contained in policies issued in the State of Texas.

"Any carrier aggrieved by an order of the Board hereunder shall be entitled to appeal therefrom pursuant to the provisions of Article 1.04(f) of the Insurance Code."

The committee amendment was adopted without objection.

HB 1273, as amended, was passed to engrossment.

HB 1489 ON SECOND READING

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

HB 1489, Making possession of an illegally killed game bird or animal a violation.

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

VOTE RECORDED

Mr. Nabers requested to be recorded as voting Nay on the passage to engrossment of HB 1489.

HB 1287 ON SECOND READING

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

HB 1287, Relating to filing of false instruments with the State Board of Insurance.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1287 by striking all below the enacting clause and substituting the following:

Section 1. Section 1, Chapter 493, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 21.47, Vernon's Texas Insurance Code), is repealed.

Sec. 2. The Texas Insurance Code, as amended, is amended by adding an Article 21.47 to read as follows:

"Article 21.47. False Statement in Written Instrument; Penalty

"Any person who makes, files or uses any instrument in writing required to be made to or filed with the State Board of Insurance or the Insurance Commissioner, either by the Insurance Code or by rule or regulation of the State Board of Insurance knowing such instrument contains any false, fictitious, or fraudulent statement or entry with regard to any material fact, shall be fined not more than \$5,000 or imprisoned for not more than five years in the state penitentiary or both."

Sec. 3. 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.

Mr. Rosson offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1287, Second Printing, as follows:

(1) Insert "knowingly or wilfully" between "who" and "makes" on line 27 of page 2.

(2) Strike the words appearing between "Insurance" on line 30 and "contains" on line 35, on page 2, and substitute the phrase "when the instrument in writing".

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

HB 1287, as amended, was passed to engrossment.

HB 1293 ON SECOND READING

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

HB 1293, Creating State Commission for the Deaf.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1293 by striking the word "must" in Section 6, paragraph (b) on line 43 and inserting in lieu thereof "should preferably".

The committee amendment was adopted without objection.

HB 1293, as amended, was passed to engrossment.

HB 1565 ON SECOND READING

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

HB 1565, Establishing Parks and Wildlife Operating Fund in State Treasury.

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

VOTE RECORDED

Mr. Clayton requested to be recorded as voting Nay on the passage to engrossment of HB 1565.

HB 249 ON SECOND READING

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

HB 249, Relating to the regulation of practices used in the collection of debts.

The bill was read second time.

Mr. Harold Davis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 249 by striking all below the enacting clause and substituting the following:

"Section 1. Definitions. As used in this subchapter:

"(1) 'Claim' means any obligation or alleged obligation arising out of a consumer transaction.

"(2) 'Debt collection' means any action, conduct, or practice in soliciting claims for collection or in collecting claims owed or due, or alleged to be owed or due a creditor by a consumer.

"(3) 'Debt collector' means any person engaging directly or indirectly, in debt collection, and includes any person who sells, or offers to sell, forms represented to be a collection system, device, or scheme, intended or calculated to be used to collect claims.

"(4) 'Consumer' means an individual that seeks or acquires real or personal property, services, money, or credit for personal, family, or household purposes.

"(5) 'Consumer transaction' means a transaction in which one or more of the parties is a consumer.

"(6) 'Creditor' means a party to a consumer transaction other than a consumer.

"(7) 'Person' means individual, corporation, trust, partnership, incorporated or unincorporated association, or any other legal entity.

"Section 2. Threats or Coercion. No debt collector may collect or attempt to collect any money alleged to be due and owing by any threats, coercion, or attempts to coerce which employ any of the following practices:

"(1) using or threatening to use violence or other criminal means to cause harm to the person or property of any person;

"(2) falsely accusing or threatening to falsely accuse any person of fraud or any other crime;

"(3) intentionally representing or threatening to represent to a third party that a consumer is willfully refusing to pay a nondisputed debt when the debt collector knows that the debt is disputed by the consumer for any reason;

"(4) threatening to sell or assign to another the obligation of the consumer with an attending representation that the result of such sale or assignment would be that the consumer would lose any defense to the claim or would be subject to illegal collection attempts;

"(5) threatening that the debtor will be arrested for nonpayment of a claim without proper court proceedings; however, nothing herein shall

prevent a debt collector from informing the debtor that the debtor may be arrested after proper court proceedings;

“(6) threatening that nonpayment of an alleged claim will result in the seizure, repossession, or sale of any property of that person without proper court proceedings; however, nothing herein shall prevent a debt collector from exercising or threatening to exercise a statutory or contractual right of seizure, repossession, or sale which does not require court proceedings; or

“(7) threatening to take any action prohibited by law.

“Section 3. Harrassment; Abuse. In connection with the collection of or attempt to collect any claim alleged to be due and owing by a person, no debt collector may unreasonably oppress, harass, or abuse any person by methods which employ the following practices:

“(1) using profane or obscene language or language that is intended to unreasonably abuse the hearer or reader;

“(2) placing telephone calls without disclosure of the name of the individual making the call, and with the intent to annoy, harass, or threaten any person at the called number;

“(3) causing expense to any person in the form of long distance telephone tolls, telegram fees, or other charges incurred by a medium of communication, without first disclosing the name of the person making the telephone call or transmitting the communication; or

“(4) causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with the intent to annoy or harass any person at the called number.

“Section 4. Unfair or Unconscionable Means. No debt collector may collect or attempt to collect any claim by unfair or unconscionable means employing the following practices:

“(1) seeking or obtaining any written statement or acknowledgment in any form that specifies that a consumer's obligation is one incurred for necessities of life where the original obligation was not in fact incurred for such necessities; or

“(2) collecting or attempting to collect any interest or other charge, fee, or expense incidental to the principal obligation unless such interest or incidental fee, charge, or expense is expressly authorized by the agreement creating the obligation or legally chargeable to the consumer.

“Section 5. Fraudulent, Deceptive, or Misleading Representations. No debt collector may collect or attempt to collect claims or obtain information concerning a consumer by any fraudulent, deceptive, or misleading representations which employ the following practices:

“(1) using any name while engaged in the collection of claims other than the true business name of the debt collector;

“(2) falsely representing that the debt collector has information in his

possession or something of value for the consumer to solicit or discover information about the consumer;

"(3) failing to clearly disclose, in any communication with the debtor, the name of the person to whom the claim has been assigned or is owed at the time of making any demand for money;

"(4) failing to clearly disclose, in any communication with the debtor, that the debt collector is attempting to collect a claim, unless such communication is for the purpose of discovering the whereabouts of the debtor;

"(5) using any written communication which fails to clearly indicate the name of the debt collector and the debt collector's street address, when the written notice refers to an alleged delinquent debt;

"(6) using any written communication which is mailed from or demands a response to a place other than the debt collector's or creditor's street address or local post office box;

"(7) falsely representing the character, extent, or amount of a claim against a consumer or of its status in any legal proceeding;

"(8) falsely representing that any debt collector is vouched for, bonded by, affiliated with, or an instrumentality, agent, or official of this state or any agency of federal, state, or local government;

"(9) using, distributing, or selling any written communication which simulates or falsely represents to be a document authorized, issued, or approved by a court, an official, a governmental agency, or any other legally constituted or authorized governmental authority, or which creates a false impression about its source, authorization, or approval; or using any seal or insignia or design which simulates that of any governmental agency;

"(10) representing that an existing obligation of the consumer will be increased by the addition of attorney's fees, investigation fees, service fees, or other fees or charges when the addition of such fees or charges may be awarded only at the court's discretion in a court proceeding;

"(11) representing that an existing obligation of the consumer may or will be increased by the addition of attorney's fees, investigation fees, service fees, or other fees or charges when in fact such fees or charges clearly cannot legally be added to the existing obligation;

"(12) falsely representing the status or true nature of the services rendered by the debt collector or his business;

"(13) using any written communication which violates or fails to conform to the United States Postal laws and regulations;

"(14) using any communication which purports to be from any attorney or law firm, when in fact it is not; or

"(15) representing that a debt has been turned over to an attorney or an independent organization engaged in the business of collecting past due accounts, when in fact it has not.

"Section 6. Use of Debt Collectors by Creditors. No creditor may knowingly use any debt collector who repeatedly and continuously violates the provisions of this Act.

"Section 7. Penalties. Any person who violates a provision of this Act is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than \$100 nor more than \$500 for each violation.

"Section 8. Remedies. None of the provisions of this Act shall affect or alter any remedies at law or in equity otherwise available to debtors or creditors.

"Section 10. Emergency. 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."

Mr. Tupper offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 249 by adding a new section 5a, to read as follows:

No person shall use the term "credit bureau", "retail merchants", or "retail merchants association" in his business or trade name unless such person is in fact engaged in gathering, recording, and disseminating favorable as well as unfavorable information relative to the credit worthiness, financial responsibility, paying habits and other similar information regarding individuals, firms, corporations and any other legal entity being considered for credit extension so that a prospective creditor may be able to make a sound decision in the extension of credit. Nor shall any person use any other term of similar import or meaning in its corporate or trade name, or in any other manner, so as to create the false impression that such person is in the business of gathering, recording, and disseminating such information. This paragraph shall not apply to any corporation which was in existence on March 1, 1971, and which had the phrase "credit bureau", "retail merchants", or "retail merchants association" in its corporate name.

The amendment was adopted without objection.

Mr. Tupper offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 249, Second Printing, as follows:

(1) Strike lines 33 and 34, page 3, and substitute the following: "debt is in dispute for any reason and the consumer has notified the debt collector in writing of the dispute;"

(2) Strike the semicolon following "proceedings" on line 42, page 3, and add "in cases where the debtor has violated the penal laws of this state;"

(3) Insert "wilful" between "the" and "intent" on line 57, page 3, and on line 3, page 4.

(4) Strike "local" on line 37, page 4.

(5) Strike Section 6, lines 8-10, page 5, and substitute the following:

"Section 6. Use of Independent Debt Collectors. No creditor may knowingly use any independent debt collector who repeatedly and continuously engages in acts or practices which are prohibited by this Act after the creditor has received notice that an independent debt collector is engaging in such acts or practices."

The amendment was adopted without objection.

Mr. Kubiak offered the following amendment to Committee Amendment No. 1:

Amend HB 249, Committee Amendment No. 1, by deleting Section 9 and renumbering the remaining section.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

HB 249, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Wayne and Clayton requested to be recorded as voting Nay on the passage to engrossment of HB 249.

HB 1861 ON SECOND READING

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

HB 1861, Relating to levy, assessment, and taxes in certain common school districts.

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

HB 1280 ON SECOND READING

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

HB 1280, Relating to false papers and cards of identification.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1280 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Any person who, for the purpose of identifying himself, presents any paper, card, or document that he knows contains false information commits a misdemeanor punishable by a fine not to exceed \$200.

Section 2. Any person who produces, reproduces and sells, or possesses with intent to sell cards or papers that he intends to be used to furnish false identification commits a felony punishable by confinement in the penitentiary for not less than two years and not more than five years.

Section 3. 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 1280, as amended, was passed to engrossment.

HB 1796 ON SECOND READING

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

HB 1796, Creating branch offices for tax assessors and collectors in counties with a population between 27,700 and 27,900.

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

HB 1831 ON SECOND READING

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

HB 1831, Regulating the quail season in Van Zandt County.

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

HB 1851 ON SECOND READING

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

HB 1851, Authorizing the General Land Office to sell certain land to the Boy Scouts of America.

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

HB 1810 ON SECOND READING

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

HB 1810, Authorizing the Texas Parks and Wildlife Department to acquire certain Spanish Missions in Milam County.

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

HB 1849 ON SECOND READING

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

HB 1849, Permitting home-rule cities to issue revenue bonds for parking facilities.

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

HB 1772 ON SECOND READING

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

HB 1772, Giving jurisdiction in eminent domain cases on appeal to the 76th District Court.

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

SB 281 ON SECOND READING

(Mr. Daniel—House Sponsor)

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

SB 281, Relating to making remedies against units of government exclusive in certain cases.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 281 by striking all below the enacting clause and substituting therefor the following:

Section 1. Section 12, Chapter 292, Acts of the 61st Legislature, Regular Session, 1969 (Article 6252-19, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 12. (a) The judgment or settlement in an action or claim under this Act shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of a unit of government whose act or omission gave rise to the claim.

"(b) The state or a political subdivision may not require any employee to purchase liability insurance as a condition of his employment where the state or political subdivision is insured by a policy of liability insurance.

"(c) The remedy against units of government provided by this Act for

personal injury or death, resulting from the operation by any employee of a unit of government of any motor vehicle or motor driven equipment while acting within the scope of his office or employment, shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his estate whose act or omission gave rise to the claim to the extent that the unit of government would be liable under the Act.

“(d) In the event that a unit of government is determined to be not liable by a court of competent jurisdiction for any reason other than a fact determination that there existed no negligent act or omission which would give rise to a cause of action, then the claimant shall have a cause of action against the employee or his estate in the same manner and to the same extent that such cause of action existed prior to the effective date of the said Texas Tort Claims Act. For purposes of this section any applicable statutes of limitations are hereby tolled.

“(e) To the extent of any conflict between the provisions of this section and the provisions of Section 6, the provisions of this section shall prevail.”

Section 2. Section 9, Chapter 292, Acts of the 61st Legislature, Regular Session, 1969 (Article 6252-19, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 9. The Attorney General of Texas shall defend all actions brought under the provisions of this Act against any unit of government whose authority and jurisdiction is coextensive with the geographical limits of the State of Texas. All units of government represented by the Attorney General shall make reports of all incidents which could possibly give rise to claims under this Act, to the Attorney General, in the manner and on the forms prescribed by the said Attorney General. All units of government whose area of jurisdiction is less than the entire State of Texas shall employ their own counsel in accordance with the organic act under which such unit of government is operating; provided, however, that all units of government are hereby expressly authorized to purchase policies of insurance providing protection for such units of government, their officers, agents and employees against claims brought under the provisions of this Act, and when they have acquired such insurance, they are further authorized to relinquish to the company providing such insurance coverage the right to investigate, defend, compromise and settle any such claim. In the case of suits defended by the Attorney General, he may be fully assisted by counsel provided by insurance carrier. Neither the existence or amount of insurance shall ever be admissible in evidence in the trial of any case hereunder, nor shall the same be subject to discovery.”

Section 3. The crowded condition of the calendars in both Houses plus the fact that the present law has caused injustices, increases the importance of this amendment and 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 the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Daniel offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to SB 281 by striking all of Section 1 and substituting the following in lieu thereof:

Section 1. Section 12, Chapter 292, Acts of the 61st Legislature, Regular Session, 1969 (Article 6252-19, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 12. (a) The judgment or settlement in an action or claim under this Act shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of a unit of government whose act or omission gave rise to the claim.

"(b) The state or a political subdivision may not require any employee to purchase liability insurance as a condition of his employment where the state or political subdivision is insured by a policy of liability insurance.

"(c) The remedy against units of government provided by this Act for personal injury or death, resulting from the operation by any employee of a unit of government of any motor vehicle or motor driven equipment while acting within the scope of his office or employment, shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his estate whose act or omission gave rise to the claim to the extent that the unit of government would be liable under the Act.

"(d) In the event that a unit of government is determined to be not liable by a court of competent jurisdiction for any reason other than a fact determination that there existed no negligent act or omission which would give rise to a cause of action, then the claimant shall have a cause of action against the employee or his estate in the same manner and to the same extent that such cause of action existed prior to the effective date of the said Texas Tort Claims Act. For purposes of this section any applicable statutes of limitations are hereby tolled.

"(e) To the extent of any conflict between the provisions of this section and the provisions of Section 6, the provisions of this section shall prevail.

"(f) Nothing contained in subsections (c), (d) or (e) above shall apply to any incorporated city, town or village."

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

Mr. Daniel offered the following amendment to the bill:

Amend SB 281 by striking all above the enacting clause, and substituting the following:

A bill to be entitled An Act amending Section 12, Chapter 292, Acts of the 61st Legislature, Regular Session, 1969 (Article 6252-19, Vernon's Texas Civil Statutes), making remedies against certain units of government, other than incorporated cities, towns and villages, exclusive in certain cases, providing exceptions and tolling statutes of limitations modifying Section 6 to the extent of any conflict; amending Section 9, Chapter 292, Acts of the 61st Legislature, Regular Session, 1969 (Article

6252-19, Vernon's Texas Civil Statutes), providing that all units of government represented by the Attorney General shall make reports to the Attorney General of all incidents which could possibly give rise to claims under the Texas Tort Claims Act; and declaring an emergency.

The amendment was adopted without objection.

SB 281, as amended, was passed to third reading.

VOTES RECORDED

Representatives Salter, Clayton, and Short requested to be recorded as voting Nay on the passage to third reading of SB 281.

HB 474 ON SECOND READING

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

HB 474, Relating to the governance, operation, etc., of The University of Texas System and component institutions of The University of Texas System.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 474 by striking Section 3 and substituting in lieu thereof the following:

"Sec. 3. The Board of Regents of The University of Texas System is authorized to operate, maintain, and administer The University of Texas Marine Science Institute at Port Aransas as a part of and under the direction and control of The University of Texas at Austin. The University of Texas Marine Science Institute at Port Aransas shall: Conduct a comprehensive instructional program in marine science, resources, and engineering at the graduate level and offer undergraduate courses for those students interested in the marine environment; perform basic and applied research as a Coastal Zone Laboratory in the coastal marine environment; and may provide a shore-based facility, including, but not limited to, laboratories, boats, classrooms, dormitories, and a cafeteria for faculty and students who are engaged in studies of the marine environment."

The committee amendment was adopted without objection.

Mr. Bigham offered the following amendment to the bill:

Amend HB 474 by striking Section 5 and substituting the following:

Sec. 5. This Act is intended as a codification of existing law, and no substantive change in the current statute law of the state is intended.

The amendment was adopted without objection.

HB 474, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

Austin, Texas, May 21, 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 adopted the Conference Committee report on HB 43 by the following vote: 24 Yeas, 7 Nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on SB 43 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 73 and SB 818 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Schwartz, Mauzy, Blanchard, Wilson and McKool.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to Senate Bills: 910, 900, 350, and 249, by viva voce vote.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 666 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 409 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 711 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to Senate Bills: 134, 463, 700 and 701 by 31 Yeas, 0 Nays.

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

SCR 111, By Brooks: Recalling HB 1622 for further consideration of the Senate.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HB 779—VOTE RECONSIDERED

Mr. Traeger moved to reconsider the vote by which HB 779 was passed to engrossment.

The motion prevailed without objection.

SB 437 ON SECOND READING
(Mr. Traeger—House Sponsor)

The Chair laid before the House, in lieu of HB 779, on its second reading and passage to third reading,

SB 437, Relating to textbooks for children enrolled in kindergarten.

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

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on the passage to third reading of SB 437.

HB 779—LAID ON THE TABLE SUBJECT TO CALL

Mr. Traeger moved that HB 779 be laid on the table subject to call.

There was no objection offered and it was so ordered.

(Speaker in the Chair)

ADJOURNMENT

Mr. Jim Nugent moved that the House adjourn until 1:20 p.m. today.

The motion prevailed without objection.

The House accordingly, at 1:10 p.m., adjourned until 1:20 p.m. today.

EIGHTIETH DAY—FRIDAY, MAY 21, 1971

The House met at 1:20 p.m. and was called to order by the Speaker.

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

Mr. Speaker	Braun	Doran	Harris
Adams	Burgess	Doyle	Hawkins
Agnich	Bynum	Dramberger	Hawn
Allen, Joe	Caldwell	Earthman	Haynes
Allen, John	Calhoun	Farenthold	Head
Allred	Carrillo	Finck	Heatly
Angly	Cates	Finnell	Hendricks
Atwell	Cavness	Finney	Hilliard
Atwood	Christian	Floyd	Holmes, T.
Baker	Clark	Foreman	Howard
Bass, B.	Clayton	Gammage	Hubenak
Bass, T.	Coats	Garcia	Hull
Beckham	Cobb	Golman	Johnson
Bigham	Craddick	Grant	Jones, D.
Blanton	Cruz	Graves	Jones, E.
Blythe	Daniel	Hale	Jones, G.
Bowers	Davis, D.	Hanna, Joe	Jungmichel
Boyle	Davis, H.	Hannah, John	Kaster
Braecklein	Denton	Harding	Kilpatrick