Fifty-fourth Legislature in 1955, and 
by Chapter 384, passed at the Regu-
lar Session of the Fifty-fifth Legis-
lature in 1957, all relating to the 
Canadian River Municipal Water Au-
thority; providing that a majority in 
number of the Authority’s Board of 
Directors shall constitute a quorum 
for the transaction of any and all 
business; providing that a majority 
vote of a quorum present shall be 
sufficient in all official actions ex-
ccept as otherwise specifically provid-
ed; providing that water service 
charges, rates and penalties may be 
fixed only by unanimous vote of a 
quorum present at a regular meet-
ing; providing that after having 
contracted with the Authority for 
a water supply, no member city 
shall be eliminated from the Au-
thority by virtue of failure to call 
or carry subsequent contract elec-
tions; providing for the removal of 
procedures requiring notice of the 
Authority’s Board of Directors’ 
intent to call bond elections and pro-
visions for member city requests for 
withdrawal from the Authority upon 
receipt of notice of its intention to 
call a bond election; ratifying, con-
firming and validating (a) the crea-
tion of the Canadian River Municipal 
Water Authority and all proceedings 
and actions taken in connection with 
its present organization; (b) the or-
deration of its Board of Directors 
as from time to time constituted; 
(c) all acts and proceedings here-
tofore accomplished by its Board 
of Directors; (d) all elections here-
tofoe held in the Authority; (e) the 
authorization and execution of 
contracts between the Authority and 
the United States dated November 
28, 1960; (f) that the indictment 
shall not require the naming of the specific narcotic 
drug; and declaring an emergency.”

Has carefully compared same and 
finds it correctly engrossed.

H. G. WELLS, Chairman.

THIRTY-THIRD DAY 
(Continued)
(Tuesday, March 14, 1961)

The House met at 10:00 o'clock 
am., and was called to order by the 
Speaker.

The Invocation was offered by the 
Reverend Clinton Kersey, Chaplain, 
as follows:

“Heavenly Father, as we come to 
the labors of this Legislative day 
and before we become involved in 
the routine of our labor, we pause 
in this moment, Lord, to seek Thy 
help. Though we are experienced in 
the ways of men, we know all too 
little of the ways of God. But Thou 
knowest us by our names and by 
our needs.

Forgive us Lord, our failure to ap-
ply to ourselves the standard of 
conduct we demand of others. Give 
us wisdom and courage. In Christ’s 
Name we pray.—Amen.”

LEAVES OF ABSENCE GRANTED

The following Member was granted 
leave of absence on account of im-
potent business:

Mr. Townsend for today on motion 
of Mr. Bridges.

The following Member was granted 
leave of absence on account of ill-
ness in his family:

Mr. Read for today on motion 
of Mr. Johnson of Dallas.
Mr. Floyd asked unanimous consent of the House that House Bill No. 247 be recommitted to the Committee on Committees.

There was no objection offered and it was so ordered.

HOUSE RESOLUTION NO. 5 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment.

H. J. R. No. 5, A Joint Resolution

"Proposing an amendment to Article III of the Constitution of the State of Texas by adding thereto a new section to be known as Section 52a, which would authorize the governing body of any city or town in this State upon approval of a majority of the resident property-taxpaying voters of such city or town to grant public money or property or exemption from ad valorem taxes for a period of time not to exceed five (5) years as an inducement for the establishment and operation of commercial, manufacturing, or industrial business enterprises within such city or town, where no enterprise identical as to manufactures, products or commerce selling more than twenty-five per cent (25%) of its total manufactures, products or commerce within the county in which said city or town is located, is then functioning within the county in which such new enterprise is to be located; providing for the necessary election and the form of the ballot; and providing for the necessary proclamation and publication."

H. J. R. No. 5 was read second time on March 7, and further consideration was postponed until 11:00 o'clock a.m. today.

Mr. Butler offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend House Joint Resolution 5, by striking all below the resolving clause and substituting therefor the following:

"Section 1. Article III of the Constitution of the State of Texas is amended by the addition of a new section to be known as Section 52a which shall read as follows:

"Sec. 52a. The Legislature may enact legislation authorizing any incorporated city, town or village to lend its credit in an amount not to exceed Twenty Cents (20¢) per One Hundred Dollars ($100) of the assessed value, for city tax purposes, of real property in the city, town or village, for the acquisition of industrial sites and structures to be leased by the city, town or village to retire the credit extended. Any such extension of credit shall be made subject to the approval of the Texas Industrial Commission or any State agency which may succeed to its powers and duties and subject to the approval of the voting majority of the resident owners of real property in the city, town or village."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1982, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment permitting legislation authorizing incorporated cities, towns or villages to lend credit in an amount not to exceed Twenty Cents (20¢) per One Hundred Dollars ($100) of the assessed value, for city tax purposes, of real property in the city, town or village, for the acquisition of industrial sites and structures to be sold or leased by the city, town or village to retire the credit extended, subject to the approval of the Texas Industrial Commission and subject to the approval of a voting majority of the resident owners of real property in the city, town or village."

AGAINST the Constitutional Amendment permitting legislation authorizing incorporated cities, towns or villages to lend credit in an amount not to exceed Twenty Cents (20¢) per One Hundred Dollars ($100) of the assessed value, for city tax purposes, of real property in the city, town, or village, for the acquisition of industrial sites and structures to be sold or leased by the city, town or village to retire the credit extended, subject to the approval of the Texas Industrial Commission and subject to the approval of a voting majority of the resident owners of real property in the city, town or village."
The amendment was adopted.

House Joint Resolution No. 5 was then passed by the following vote:

**Yeas-109**


**Nays—24**

HOUSE BILL NO. 559 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 559, a bill to be entitled "An Act amending paragraph (1), Article 11.03, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, so as to extend the application of the occupation tax on the gross receipts of certain gas, electric and water utilities to all intrastate gross receipts from the sale of gas, electricity and water, and imposing said tax at a uniform rate of 1.997% of all such gross receipts; and declaring an emergency."

The bill was read second time on March 1, considered on March 6 and further consideration was postponed until 11:00 o'clock a.m. March 13, with Committee Amendment No. 1 pending.

Mr. Carriker moved that further consideration of House Bill No. 559 be postponed until 10:00 o'clock a.m., March 27.

Mr. Cory moved that H. B. No. 559 be tabled.

A record vote was requested on the motion to table H. B. No. 559.

The motion to table H. B. No. 559 was lost by the following vote:

**Yeas—65**

Adams of Lubbock
Adams of Titus
Andrews
Artsell
Bansfield, Mrs.
Barnes
Bartram
Bell
Berry
Blalock
Boren
Buchanan
Butler
Cole of Harris
Connel
Cook
Cory
Coxen
Crain
Crews
Cushing
Dall, Miss

Moore
Muehlebach
Nugent
Oliver
Pease
Pipkin
Quilliam
Rapp
Ratliff
Richards

Nays—79

Alanis
Allen
Ball
Ballman
Barlow
Bass
Bridges
Burgess
Caldwell
Cannon
Carriker
Chapman
Cole of Hunt
Collins
Cotten
Cotul
de la Garza
Dewey
Eckhardt
Fletcher
Gladden
Giannini
Hale
Haring
Harrington
Haynes
Hinshaw
Hollowell
Huguley
Hussey
Isaacks, Miss
Jamestown
Johnson of Bexar
Johnson of Bell
Jones of Travis
Kilpatrick
Lock
Larry

Present—Not Voting

Krooth

Absent

Ehrle

Absent—Excused

Read
Mr. Korioth (present), who would vote "Nay", with Mr. Townsend (absent) who would vote "Yea".

The motion to postpone H. B. No. 245 until 10:00 o'clock a.m., March 21, prevailed.

HOUSE BILL NO. 245 ON FINAL PASSAGE

The Speaker laid before the House, as postponed business, on its final passage,

H. B. No. 245, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to contract for medical care and treatment; and declaring an emergency."

The bill was read third time on March 6, considered on March 7 and further consideration of the bill was postponed until 11:00 o'clock a.m., March 13.

Mr. McGregor of El Paso offered the following amendment to the bill:

Amend House Bill 245 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. The Board of Texas State Hospitals and Special Schools may contract for the support, maintenance, care and treatment of mentally ill patients committed to its jurisdiction or for whom the Board is legally responsible. Such contracts shall be made only where such care is not available to the patient within a one hundred mile radius of the patient's residence. Such contracts may be made between the Board and political subdivisions or agencies of this State or the Federal Government.

Section 2. Authority to contract provided herein shall be cumulative of all other contractual rights of the Board for Texas State Hospitals and Special Schools.

Section 3. The fact that from time to time institutions under the control and management of the Board for Texas State Hospitals and Special Schools become overcrowded making it impossible to adequately treat and care for such persons 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 said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Yezak offered the following amendment to the substitute amendment by Mr. James:

Amend the substitute amendment by inserting at the end of Section 1 the following:

"Provided such contracts shall not include the assignment of any lien accruing to the State."

The amendment to the substitute amendment by Mr. James was adopted.

The substitute amendment by Mr. James, for the amendment by Mr. McGregor of El Paso, was lost.
Mr. Yezak offered the following amendment to the amendment by Mr. McGregor of El Paso:

Amend the amendment by inserting at the end of Section 2 the following:

"Provided such contracts shall not include the assignment of any lien accruing to the State."

The amendment was adopted.

The amendment by Mr. McGregor of El Paso, as amended, was adopted (having received the necessary two-thirds vote).

H. B. No. 246 was passed by the following vote:

<table>
<thead>
<tr>
<th>Yea</th>
<th>Adyams of Lubbock</th>
<th>Garcia</th>
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<tr>
<td></td>
<td>Allen</td>
<td>Bailey</td>
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Nay-10

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<tr>
<th>Adams of Titus</th>
<th>Johnson of Dallas</th>
<th>Andrews</th>
<th>Arwell</th>
<th>James</th>
<th>Jarvis</th>
<th>Absent</th>
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<tr>
<td>Cole of Harris</td>
<td>Richards</td>
<td>Ehrle</td>
<td>Roberts of Dawson</td>
<td>Muster</td>
<td>Smith of Bexar</td>
<td>Absent—Excused</td>
</tr>
</tbody>
</table>

Read Townsend

Mr. McGregor of El Paso moved to reconsider the vote by which H. B. No. 246 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, March 14, 1961

Hon. James A. Turman, Speaker of the House of Representatives.

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

S. B. No. 42, Authorizing certain Junior College Districts to extend boundaries; and declaring an emergency.
S. B. No. 241, Authorizing increase in number of assistants for Criminal District Attorney of Smith County; and declaring an emergency.

S. B. No. 249, Making unlawful the stealing of dogs; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL, Secretary of the Senate.

BILLs AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally the following enrolled bills and resolutions:

S. B. No. 38, "An Act relating to authorized Investments by a guardian of an estate of money on hand belonging to the ward beyond that which may be necessary for the education and maintenance of such ward; and amending Section 389 of The Texas Probate Code, Acts 1955, Fifty-fourth Legislature, p. 88, Ch. 56, so as to add thereto a new subdivision (g) authorizing such guardian to invest such money in interest bearing time deposits which may be withdrawn on or before one year after demand in any bank to the extent that the payment of such deposit is insured by the Federal Deposit Insurance Corporation and declaring an emergency."

S. B. No. 140, "An Act amending the Texas Probate Code by adding thereto a Section 105a containing reciprocity provisions authorizing out-of-State banks and trust companies, including national banks, to act in certain fiduciary capacities in the State of Texas, when and to the extent that banks and trust companies organized under the laws of the State of Texas, national banks, and national banks, with their principal offices in this State, are permitted to so act in other states, territories or the District of Columbia; providing conditions upon which such right to act in this State may be exercised; providing for service of notice or process upon such out-of-State banks and trust companies; prohibiting such banks and trust companies from establishing or maintaining places of business or soliciting fiduciary business in this State, etc., and declaring an emergency."

S. B. No. 142, "An Act amending the Texas Probate Code by adding thereto a Section 105a containing reciprocity provisions authorizing out-of-State banks and trust companies, including national banks, to act in certain fiduciary capacities in the State of Texas, when and to the extent that banks and trust companies organized under the laws of the State of Texas, national banks, and national banks, with their principal offices in this State, are permitted to so act in other states, territories or the District of Columbia; providing conditions upon which such right to act in this State may be exercised; providing for service of notice or process upon such out-of-State banks and trust companies; prohibiting such banks and trust companies from establishing or maintaining places of business or soliciting fiduciary business in this State, etc., and declaring an emergency."

S. B. No. 141, "An Act amending Article 1 of Chapter III of the Texas Banking Code of 1943, as amended, codified as Article 342-291, Vernon's Texas Civil Statutes; Section 315 of the Texas Probate Code; and Section 35L of the Texas Trust Act, as amended, codified as Article 7425b-35L, Vernon's Texas Civil Statutes, in such manner as to clarify, harmonize and confirm the provisions of those statutes dealing with action without bond by banks with trust powers and by trust companies authorized to serve as trustee, executor, administrator, guardian, receiver, or, although without general depository powers, depository for any moneys paid into Court; and declaring an emergency."

S. B. No. 147, "An Act authorizing the Board of Regents of the West Texas State Teachers College to quitclaim certain property; and declaring an emergency."

S. C. R. No. 24, Suspending the Joint Rules to consider S. B. No. 290, relative to the Veterans Land Board Special Fund No. 53.

S. C. R. No. 25, Authorizing Board for Texas State Hospitals and Special Schools to acquire property from the United States of America.
CONGRATULATORY RESOLUTION ADOPTED

H. S. R. No. 350, by Mr. Smith of Jefferson: Congratulating Mrs. Eloise Milam.

On the motion of Mr. Kilpatrick, the names of all the Members of the House were added to the resolution as signers thereof.

HOUSE BILL NO. 63 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 63, A bill to be entitled "An Act amending Article 2094, Revised Civil Statutes of Texas, as last amended, to provide use of jury wheel for counties of at least ten thousand (10,000) population and all counties of two (2) or more District Courts; and declaring an emergency."

The bill was read second time on March 7, and further consideration was postponed until 11:30 o'clock a.m., March 13.

Mr. Crews offered the following amendment to the bill:

Amend House Bill No. 63 by striking the words "regardless of population" and inserting therefor the following:

"and having a population of at least five thousand (5,000) according to the last preceding Federal Census."

The amendment was adopted.

Mr. Adams of Titus offered the following amendment to the bill:

Amend H. B. 63 by replacing on line 17 the number 10,000 with 20,000.

Mr. Crews moved to table the amendment by Mr. Snelson.

The motion to table prevailed.

Mr. Crews offered the following amendment to the bill:

Amend House Bill No. 63 by placing a comma after "Federal Census" and striking the words "and in all counties having two (2) or more District Courts, regardless of population."

Mr. Crews moved to reconsider the vote by which H. B. No. 63 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

We voted no on the passage of H. B. 63. Because we have good Petit Jurors in our counties and do not need the change.

LEON THURMAN, RENAL B. ROBSON

REASON FOR VOTE

I voted no on the bill requiring Jack, Parker and Wise counties to purchase jury wheels.

JAMES COTTEN

REASON FOR VOTE

Please show the following voting "No" on engrossment of H. B. 63.

COLLINS, BARNES, MUTSCHER.

HOUSE BILL NO. 239 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 239, A bill to be entitled "An Act amending the Election Code of the State of Texas, enacted by Chapter 492, Acts of the 82nd Legislature, Regular Session, 1981, by adding thereto a new section to provide for the filing of applications for nomination by candidates of political parties making nominations for State, district and county offices by convention; and declaring an emergency."

The bill was read second time on yesterday and further consideration postponed until 10:00 o'clock a.m. today.

Mr. Harrington offered the following committee amendment to the bill:
Committee Amendment No. 1

House Bill 239 is amended by striking all below the enacting clause and substituting the following in lieu thereof:

"Section 1. The Election Code of the State of Texas, 1951, is amended by adding a new article thereto, Article 224a, to read:

"Section 1. The Election Code of the State of Texas, 1951, is amended by adding a new article thereto, Article 224a, to read:

'Sec. 1. No person shall be nominated by any state, district, or county convention held pursuant to Articles 222, 223, and 224 of this Code unless he has filed with the chairman of the appropriate executive committee an application requesting that his name be placed before the convention as a candidate for nomination. The application shall conform to the requirements of Article 190 of this Code (Article 13.12, Election Code, Vernon's Texas Civil Statutes), and shall be filed in the same manner and within the time prescribed by that Article, except that it shall request that the candidate's name be placed before the convention instead of requesting that his name be placed on the general primary ballot.

'Sec. 2. A person who has been nominated by a convention may decline the nomination, but he shall not be eligible for nomination by that party to any other office to be voted on at the same election except as a candidate for an unexpired term where the vacancy in office occurred subsequent to the tenth day preceding the deadline for filing as prescribed herein.'

'Sec. 3. The fact that parties not now required to hold primaries are given undue advantage in being able to name their candidates after candidates required to hold primaries are chosen 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 said 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.'

HARRINGTON,
LEWIS,
COWEN.

The amendment was adopted.

H. B. No. 239 was passed to engrossment.

HOUSE BILL NO. 239 ON THIRD READING

Mr. Harrington moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 239 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—128
Adams of Titus
Allen
Allen
Andrews
Atwell
Bailey
Ballman
Baxfield, Mrs.
Barlow
Barnes
Bass
Bell
Berry
Blaine
Boyd
Boyd
Buchanan
Burgess
Butler
Caldwell
Cannon
Carrick

Nay—1
de la Garza
de la Garza
Duff, Miss
Duff, Miss
Duff, Miss
Dufau
Dunaway
Dunham
Eckhardt
Ehrla
Fairchild
Fleming
Fleming
Gibbens

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The Speaker then laid House Bill No. 229 before the House on third reading and final passage.

The bill was read third time and was passed.

**HOUSE BILL NO. 36 ON SECOND READING**

The Speaker laid before the House its second reading and passage to engrossment.

H. B. No. 36. A bill to be entitled "An Act making findings and declaring policies relating to occupational safety; defining terms or this Act; providing duties of employers as to occupational safety; creating within the State Industrial Accident Board a division of occupational safety; authorizing said Board, after public hearing, to make and publish occupational safety rules for places of employment; etc., and declaring an emergency."

The bill was read second time.

Mr. Hughes of Grayson moved that consideration of House Bill No. 36 be postponed until 10:00 o'clock a.m., next Monday, March 20.

The motion prevailed.

**HOUSE BILL NO. 61 ON SECOND READING**

The Speaker laid before the House its second reading and passage to engrossment.

H. B. No. 61. A bill to be entitled "An Act setting up health standards for Grade A milk for pasteurization produced outside of the State of Texas and imported to points within; and requiring that such persons authorizing the importation of such milk certify that the milk is produced in accordance with standards for the production of milk in Texas; providing for inspection of foreign milk producers; providing for permit fees; providing for penalties, and declaring an emergency."

The bill was read second time.

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

Amend House Bill 61 by striking all below the enacting clause and substituting in lieu thereof the following:
The name of this Act shall be "Texas Equal Health Standards Milk Sanitation Act of 1961."

Sec. 2. Declaration of Purpose.

The purpose of this Act is to more effectively utilize the existing agencies and departments of the State of Texas in regulating, processing, and distributing milk and milk products, to the end that milk imported into Texas shall be produced under equally high and equivalent standards with milk produced in this state, thereby preventing the dumping of foreign milk of an unknown quality into this state. Texas consumers then will be assured of a full supply of wholesome, high quality milk, cream, and milk products, etc., at a cheaper cost to the consumer.

Sec. 3. From and after the effective date of this Act, no person, officer, or inspector authorized under the laws of this state or any municipality within the state, to inspect or regulate the production of fluid milk of whatever quality, shall in anywise approve, grant or issue a permit for, or otherwise authorize Grade A milk for pasteurization to be imported into this state unless the same is produced in accordance with standards, rules, regulations, and Statutes governing production of milk in the State of Texas; and no such person, officer, or inspector shall in anywise authorize or permit the importation of Grade A milk for pasteurization into this state regardless of the grade, unless such person, officer, or inspector shall certify that such fluid milk was produced under equivalent rules and regulations required for the production of milk in the State of Texas. Nothing herein shall be construed as requiring any more frequent or different inspections of foreign dairy farms or loads of foreign milk that is made on Texas Dairy Farms or loads of milk from such farms. However, no inspector, under the terms of this Act, shall be required to inspect each separate load or milk; and it shall be sufficient if such inspector has issued a certificate approving the farms, cows, barns, sheds, and equipment, etc., where such milk is being produced, the same as required under the health statutes and ordinances of the State of Texas, and the municipalities thereof.

And it shall be deemed a compliance of this Act if inspections required by this Act are made as often as twice a year or at intervals as often as six months, unless such inspectors are informed and have good reason to believe that a producer of milk shipped into this state is violating the provisions of the health codes of the State of Texas, or any municipality thereof, relating to the inspection, quality, and standards of milk consumed or to be consumed by the people in this state, in which case such inspector shall proceed immediately to make inspections as required and provided for in this Act, including the inspection of a load or loads of milk until such inspector is satisfied that such milk is being produced in compliance with the health code of the State of Texas and the municipalities thereof, relating to milk, and that such code or ordinances are being no longer violated.

Sec. 4. The enforcement of the provisions of this Act shall be the responsibility of the Texas State Department of Health, which Department is hereby charged with the duty of enforcing the provisions of this Act. Said Department is hereby authorized to require the payment of a reasonable fee for any inspection required or made in the enforcement of this Act; such fee to be levied against the foreign producer or carrier desiring a permit or other authority for the importation of milk, make, or cause to be made, by personnel under its jurisdiction, the necessary inspections to determine that full compliance is being made with all standards, rules, regulations, and Statutes governing production of milk in the State of Texas; and in the event it finds such compliance is being made by said applicant, it shall issue a permit to such applicant upon receipt of the prescribed fee.

Sec. 5. Any such person, officer, or inspector authorized under the laws of this state or any municipality within the state who shall issue, authorize, permit, or certify the im-
portation of any such fluid milk into the State of Texas without having a personal knowledge of the facts contained in his said authorization, permit, or certification, shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00), and shall be immediately removed from the office he holds, but it shall not be a violation of the provisions of this Section for any such person, officer, or inspector, etc., to make such authorization, permit, or certification, if the same is based upon the personal knowledge of any other person, officer, or inspector who is under the jurisdiction of and is authorized and employed by this state or any municipality thereof to make such authorizations or certifications, or to issue such permits.

Sec. 6. If any section, subsection, sentence, clause, phrase, word, or part of this Act or the applications thereof are for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act; and the Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, phrase, word, or part thereof despite the fact that one or more section, subsection, sentence, clause, phrase, word, or parts thereof be declared unconstitutional.

Sec. 7. The fact that there are times when milk is imported into this state which has been produced under conditions and circumstances of much lower standards than required for the production of said milk in the State of Texas; and the further fact that such milk, if produced in Texas, would not meet the standards and requirements set up by the Texas State Department of Health, or any of the Health Departments of the various municipalities of this state; and the further fact that on occasions the duly authorized persons authorized to inspect and lay down rules and regulations for the production of milk have been, in the past, accepting certificates from non-resident milk inspectors who are not amenable to the laws of this state, and who have been certifying milk as meeting the production standards for milk in the State of Texas, which milk, if produced in Texas, would be condemned and prohibited from sale under a Grade "A" label, 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 said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Woods offered the following amendment to the amendment by Mr. Burgess:

Amend amendment to H. B. No. 61 by striking from Section 5 thereof all words following "the State of Texas" and substituting in lieu thereof the following: "without having a sworn statement from an officer or inspector of the state from which the fluid milk is to be imported that the producer and handler of the fluid milk meets all specifications of the United States Public Health Service Milk Ordinance shall be guilty of a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars ($50) nor more than Two Hundred Dollars ($200) and shall be immediately removed from the office he holds."

Mr. Burgess moved to table the amendment by Mr. Woods.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Woods to the amendment by Mr. Burgess prevailed by the following vote:

Yea—81
Adams of Lubbock Cannon
Adams of Titus Carriker
Alaniz Chapman
Bailey Cole of Hunt
Ballman Collins
Barlow Corn
Barnes Cottles
Bass Cowles
Berry Crews
Boysen Curington
Buchanan Dewey
Burgess Duff, Miss
Butler Dungan
Caldwell Ehrle

nited States Public Health Service Milk Ordinance shall be guilty of a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars ($50) nor more than Two Hundred Dollars ($200) and shall be immediately removed from the office he holds."

Mr. Burgess moved to table the amendment by Mr. Woods.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Woods to the amendment by Mr. Burgess prevailed by the following vote:

Yea—81
Adams of Lubbock Cannon
Adams of Titus Carriker
Alaniz Chapman
Bailey Cole of Hunt
Ballman Collins
Barlow Corn
Barnes Cottles
Bass Cowles
Berry Crews
Boysen Curington
Buchanan Dewey
Burgess Duff, Miss
Butler Dungan
Caldwell Ehrle
Mr. Dungan moved the previous question on the passage to engrossment of H. B. No. 61 with pending amendment and the motion was lost.

MESSAGE FROM THE SENATE

Austin, Texas, March 14, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

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

S. B. No. 319, Creating Court of Domestic Relations for Jefferson County; and declaring an emergency.

Respectfully,

CHARLES A. SCHNABEL,
Secretary of the Senate.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read several times and referred to the appropriate Committees, as follows:

By Mr. Nugent:

H. B. No. 922, A bill to be entitled "An Act creating a water control and improvement district under Article XVI, Section 59 of the Constitution of Texas, to be known as 'Kimble County Water Control and Improvement District No. 1,' comprising lands lying within the County of Kimble, Texas; providing for approval by qualified, resident, taxable property owners of the District; prescribing its powers and duties including the powers necessary to co-operate fully with the Federal Government, its agencies and departments, under Public Law 566, 83rd Congress, Chapter 23, 2nd Session, H. R. 6788, as amended by Public
By Mr. Nugent:

H. B. No. 923. A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution of Texas comprising certain territory contained in Kerr County, Texas, to be known as Kerr County (Center point) Water Control and Improvement District, constituting the same a governmental agency and body politic and corporate and a municipal corporation; defining the boundaries thereof and finding that all land and property therein except that excluded will be benefited and that an election shall be necessary to confirm the organization of the district nor shall hearings be held on a plan of taxation but the ad valorem plan shall be used; prescribing the rights, powers, privileges and duties of said district and incorporating the General Law pertaining to water control and improvement districts not to conflict or inconsistent with the provisions of this Act; providing for a Board of Directors, their terms, the filling of vacancies, the election of successors, and prescribing the purpose for which bonds may be issued; the methods of securing the payment and the procedure for the issuance of such bonds; requiring all bonds except refunding bonds be approved by the resident qualified property taxing voters whose property has been duly rendered for taxation and providing terms and conditions for such bonds and the sale thereof; prescribing the manner in which such elections shall be called, held, and notice thereof given; exempting the district's bonds from taxation; providing that the district shall have the power to fix rates and charges for services furnished; providing for a District Depository and the methods of its selection; making applicable to the district Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain and providing that the cost of relocation, raising, removing or changing the grade or altering the construction of any highway, railroad, electric transmission line or telegraph properties and that all bonds except those issued or sold shall be borne by the district; providing that bonds of the district shall be authorized investments in certain instances and shall be eligible to secure the deposit of certain funds; providing for the sale of the property of the district, including the power or authority to sell paper; and declaring the district a governmental agency and body politic and corporate and a municipal corporation; enacting provisions incidental and relating to the subject; providing a severance clause, and declaring an emergency.”

Referred to the Committee on Conservation and Reclamation.
By Mr. Dewey:
H. B. No. 924, A bill to be entitled "An Act to amend Section 1 of Chapter 487, Acts of the 51st Legislature, 1949, so as to increase the House membership on the Legislative Budget Board, to authorize a Legislative Auditing and Hearing Committee of said Board, to prescribe such Committee's duties, and to provide for the termination of membership on said Board; and containing an emergency clause."
Referred to the Committee on State Affairs.

By Mr. Cole of Harris:
H. B. No. 925, A bill to be entitled "An Act amending Chapter 28, Acts of the 42nd Legislature, Third Called Session, 1932, as amended, relating to the use of certain devices for taking fish from certain waters of Brazoria, Harris, Galveston and Chambers Counties; providing penalties; and declaring an emergency."
Referred to the Committee on Game and Fisheries.

By Mr. Cole of Harris:
H. B. No. 926, A bill to be entitled "An Act amending Article 4045 of the Revised Civil Statutes of Texas, 1925, relating to the use and possession of seines or nets in certain waters of the State of Texas; and declaring an emergency."
Referred to the Committee on Game and Fisheries.

By Mr. Lack:
H. B. No. 927, A bill to be entitled "An Act establishing procedures for the lease of certain minerals under certain cemeteries, and declaring an emergency."
Referred to the Committee on Oil, Gas and Mining.

By Mr. Ballman:
H. B. No. 928, A bill to be entitled "An Act to raise revenue by amending Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, so as to increase the rates of certain occupation and excise taxes and to impose new occupational, excise and income taxes; providing for administration and enforcement; providing for judicial review and enforcement; and imposing penalties."
Referred to the Committee on Revenue and Taxation.

By Mr. Ballman:
H. B. No. 929, A bill to be entitled "An Act to raise revenue by amending Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, so as to increase the rates of certain occupation and excise taxes and to impose new occupational, excise and income taxes; providing for administration and enforcement; providing for judicial review and enforcement; and declaring an emergency."
Referred to the Committee on Revenue and Taxation.

By Mr. Floyd:
H. B. No. 930, A bill to be entitled "An Act amending Article 109, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925 (Section 4, Chapter 241, Acts of the 44th Legislature, 1935) (Section 5, Chapter 310, Acts of the 45th Legislature 1937), relating to the control of cigarette vending machines for tax purposes, to read as follows; and declaring an emergency."
Referred to the Committee on Revenue and Taxation.

By Mr. Alaniz:
H. B. No. 931, A bill to be entitled "An Act relating to the Texas Fair Employment Practice Act; prohibiting certain practices of discrimination because of race, color, religious creed, ancestry, age, sex or national origin by the State of Texas and by all Administrative Agencies, Boards and Commissions, or Departments thereof of the State of Texas and of any county, city or political subdivision thereof and by all public owned or operated transportation systems and public utilities of the State of Texas and of any county, city or political subdivision thereof as herein defined; creating the Texas Fair Employment Practices Commission; defining its function, powers and duties; providing for procedure and enforcement; providing for formulation of an educational program to prevent prejudice; providing for judicial review and enforcement; and imposing penalties."
Referred to the Committee on State Affairs.

By Messrs. Smith of Bexar and Johnson of Bexar:
H. B. No. 932, A bill to be entitled "An Act relating to an audit or
AN ACT amending Article 2906 of the Revised Civil Statutes of Texas, 1925, as amended, to provide for the closing of all public schools of the State of Texas on Veterans Day, November 11th of each year; and declaring an emergency.

Referred to the Committee on Education.

By Messrs. Bass and Mc Coppin:
H. B. No. 936, A bill to be entitled
"An Act imposing an excise and use tax on the sale or generation of electricity; providing exemptions; and providing for administration and enforcement; providing an effective date; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Collins: (By Request)
H. B. No. 937, A bill to be entitled
"An Act setting limits on deer hunting in Tyler, Jasper, and Newton Counties; providing penalties for violation; repealing all laws in conflict; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Collins: (By Request)
H. B. No. 938, A bill to be entitled
"An Act relating to the regulatory authority of the Game and Fish Commission in Tyler, Jasper and Newton Counties; amending Section 19 of Chapter 19, Acts of the Fifty-fifth Legislature, Second Called Session, 1957, to make the Act applicable to all of Tyler County, including Precinct 4; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Collins:
H. B. No. 939, A bill to be entitled
"An Act amending Section 1 of Chapter 69, Acts of the Fifty-fifth Legislature, Regular Session, 1957 (codified as Article 2922-24, Vernon's Texas Civil Statutes), to provide for determination, separately for whites and separately for negroes, of the number of professional nun allocations for Foundation School Program Act and Fund purposes under a sparse area formula; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Rosas:
H. B. No. 935, A bill to be entitled
"An Act amending Article 2906 of the Revised Civil Statutes of Texas, 1925, as amended, to provide for the closing of all public schools of the State of Texas on Veterans Day, November 11th of each year; and declaring an emergency."

Referred to the Committee on Education.

By Messrs. McGregor of McLennan, Lewis, Latimer and Watson:
H. B. No. 933, A bill to be entitled
"An Act amending Section 1, Chapter 134, Acts of the Forty-third Legislature, Regular Session, 1933, as last amended by Chapter 485, Acts of the Fifty-fifth Legislature, Regular Session, 1957, respecting the rates of tuition or registration fees to be charged by the institutions of higher education supported in whole or in part by the public funds appropriated from the State Treasury; providing for the establishment of Tuition Scholarships and the rules and regulations of administering the same; providing that the increase contained herein shall be used for increasing teacher's salaries and for additional teachers; and defining the resident and non-resident student classifications for the purposes of this Act; providing certain exceptions for students attending Junior Colleges; and establishing the rates of tuition or registration fees to be charged in the Medical and Dental Schools of The University of Texas; repealing all laws in conflict herewith; providing nothing herein shall repeal Article 2654b, Acts of the Forty-first Legislature, 1929, Second Called Session, Page 90, Chapter 52, Section 1; and Article 2654b-1, Acts of the Forty-third Legislature, 1933, First Called Session, Page 10, Chapter 6, Acts of the Forty-eighth Legislature, 1945, Page 588, Chapter 337, Section 1, and Acts of the Forty-ninth Legislature, 1945, Page 592, Chapter 335, Section 1, and Acts of the Fifty-third Legislature, 1953, Page 75, Chapter 52, Section 1; containing a severability clause; providing an effective date for the enforcement hereof; and declaring an emergency."

Referred to the Committee on Education.

Books, records and accounts of utilities owned in whole or in part by cities having a population of more than 560,000 and less than 670,000 by the State Auditor; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.
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By Mr. Collins:
H. B. No. 940, A bill to be entitled "An Act amending Section 6 of Subsection 6 of Section 1 of Article III of Chapter 334, Acts of the 51st Legislature, 1949, relating to the method of determining and allotting certain principal units for certain school districts; and declaring an emergency." 
Referred to the Committee on Education.

By Mr. Collins:
H. B. No. 941, A bill to be entitled "An Act amending Subsection 6 of Section 1 of Article III of Chapter 334, Acts of the 51st Legislature, 1949, relating to the method of determining and allotting certain principal units for certain school districts; and declaring an emergency." 
Referred to the Committee on Education.

By Mr. McGregor of McLennan:
H. B. No. 942, A bill to be entitled "An Act increasing the punishment authorized by law for offenses when the property has historical significance; providing for the additional punishments of a fine of not less than One Dollar ($1.00) nor more than One Thousand Dollars ($1,000) or confinement in a County jail or State penitentiary of not less than one (1) day nor more than ten (10) years, or both; and declaring an emergency." 
Referred to the Committee on Criminal Jurisprudence.

By Mr. Rapp:
H. B. No. 943, A bill to be entitled "An Act amending Section 1 of Chapter 42, Acts of the 56th Legislature, Second Called Session, 1959, to provide that proof of ownership or lease of certain lands may be made by parol evidence; and declaring an emergency." 
Referred to the Committee on State Affairs.

By Mr. LaVelle:
H. B. No. 945, A bill to be entitled "An Act amending Article 944-1 of the Penal Code of the State of Texas (Acts 1933, 43rd Leg., p. 842, ch. 341; as amended by Acts 1934, 43rd Leg. and C.S., p. 49, ch. 21, sec. 1; as amended by Acts 1943, 46th Leg. p. 33, ch. 31, sec. 1); creating a Boxing and Wrestling Commission; defining its powers
and duties; repealing all laws in conflict; providing for separability; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Guffey:

H. B. No. 948, A bill to be entitled "An Act levying a tax on the production of petrochemicals in Texas at 10% of market value, amending Title 122A, Taxation-General of the Civil Statutes of Texas, 1925, by adding thereto a new chapter to be known as Chapter 56; defining terms; providing for administration, enforcement and penalties; providing for severability; repealing all laws in conflict; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Korloth:

H. B. No. 949, A bill to be entitled "An Act amending Article 12.03 of Vernon's Revised Civil Statutes of Texas, Title 122A, Taxation-General, so as to exclude state banks from the application of the franchise tax, repealing Article 12.05; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Korloth:

H. B. No. 950, A bill to be entitled "An Act amending Article 1106a of Vernon's Texas Penal Code, defining the word 'person' and providing that every director, officer, agent, employee, or member of any firm, co-partnership, association, or corporation participating in, aiding, or abetting any violation of this Act shall be subject to the punishment provided herein; making it unlawful for any person, with exceptions, to open and refill or reuse the container, can, tank, pump, or other distributing device of any manufacturer, processor, or distributor, for the purpose of offering for sale or selling lubricating oils, greases, and similar products therefrom when said container, can, tank, pump, or distributing device bears the trade-mark, symbol, sign, or other distinguishing mark of said manufacturer, processor, or distributor, or of his products; providing that the possession of any refilled container, can, tank, pump, or distributing device shall be prima facie evidence of possession thereof for the purpose of sale; making it unlawful to imitate the design, symbol, or trade name of recognized brands of gasolines, motor fuels, lubricating oils, greases, or similar products or to expose for sale or sell, gasoline, motor fuels, lubricating oils, greases, or similar products under any trade mark, trade name, or other distinguishing mark, other than those of the manufacturer, processor, or distributor of such products, or to aid or assist any person in the violation of the Act; prescribing penalties; providing a saving clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Hinson:

H. B. No. 952, A bill to be entitled "An Act to raise revenue for the State of Texas by the imposition of temporary increases in the rate of certain taxes, permits and licenses and the imposition of additional taxes; amending Chapters 2, 6, 11, 13, 15, 16, and 23 and Article 19.02 of Chapter 19 of Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, amending Articles 1 and 2 of the Texas Liquor Control Act, as amended; amending Chapter 2 of Title 122, Revised Civil Statutes of Texas, 1925; amending Chapter 4 of Title 78, Revised Civil Statutes of Texas, 1925; amending Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, by adding thereto a new chapter to be known as Chapter 65, imposing a tax on the recordation of certain instruments; providing for effective dates for such taxes; providing for severability; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Shipley:

H. B. No. 953, A bill to be entitled "An Act to amend Chapter Two of Title Six of the Penal Code of Texas, 1925, making it a felony for possessing poll tax receipt of own, or for possessing more than one poll tax receipt of own, and providing penalties; repealing all laws in conflict; containing a savings clause; and declaring an emergency."

Referred to the Committee on State Affairs.
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Referred to the Committee on State Affairs.

By Mr. Eckhardt:
H. B. No. 954, A bill to be entitled "An Act to Amend and Re-enact Chapter 274, page 466, Section 1, Acts of the 48th Legislature, so that an additional period is provided in which practicing architects who were practicing on May 22, 1937, may register and receive a certificate without examination; and declaring an emergency."
Referred to the Committee on State Affairs.

By Mr. Walker:
H. B. No. 965, A bill to be entitled "An Act authorizing the commissioners court of each county to protect the public health, safety, and general welfare by regulating junk yards; providing penalties for violation of regulations made by the county commissioners court; and declaring an emergency."
Referred to the Committee on State Affairs.

By Mr. Wilson of Potter:
H. B. No. 956, A bill to be entitled "An Act limiting the power of the Board of Insurance Commissioners to promulgate certain rating plans for certain private passenger automobiles; amending the Insurance Code, Subchapter A, Chapter Five, by adding thereto a new Article to be known as Article 5.01a; repealing all laws in conflict; and declaring an emergency."
Referred to the Committee on Insurance.

By Mr. Wilson of Potter:
H. B. No. 957, A bill to be entitled "An Act amending Section 10 of Senate Bill No. 383, Chapter 177, Page 390, General and Special Laws of the State of Texas, Acts of the Forty-second Legislature, Regular Session, 1931, as amended, being codified as Section 10 of Article 46a, Vernon's Texas Civil Statutes; providing for the confidentiality of adoption records filed with the State Department of Public Welfare; providing a repealing clause, a saving clause, and declaring an emergency."
Referred to the Committee on Judiciary.

By Mr. Dewey:
H. B. No. 958, A bill to be entitled "An Act amending Article 2094, Revised Civil Statutes of Texas, 1925, as amended, relating to jury wheels, and declaring an emergency."
Referred to the Committee on Judiciary.

By Mr. Ratliff:
H. B. No. 959, A bill to be entitled "An Act authorizing the commissioners court of certain counties to purchase land outside the county to be used for facilities in connection with supplying commodities for the use and benefit of persons whose welfare is the responsibility of the county or its political subdivisions; and declaring an emergency."
Referred to the Committee on Counties.

By Mr. Korioth:
H. B. No. 960, A bill to be entitled "An Act to provide additional revenues to permit support of State services at an adequate level by imposing a corporation income tax, providing for administration of said tax, providing for dispositions of the proceeds from said tax; and declaring an emergency."
Referred to the Committee on Revenue and Taxation.

By Mr. McLain:
H. B. No. 961, A bill to be entitled "An Act to authorize the Game and Fish Commission to enter into contracts or agreements with the Corps of Engineers for the eradication of noxious vegetation in the navigable waters of this State; and declaring an emergency."
Referred to the Committee on Game and Fisheries.

By Mr. James:
H. B. No. 962, A bill to be entitled "An Act amending Article 431 of the Penal Code of the State of Texas, 1925, so as to set out expressly that it is unlawful for any officer or agent of any corporation to fail or refuse to keep true, accurate and current certain minimum records of the corporation, designating the person subject to the provisions of this Act; prescribing the penalty for violations; providing a savings clause;
providing a severability clause; and declaring an emergency.”

Referred to the Committee on Judiciary.

By Mr. James:
H. B. No. 967, A bill to be entitled “An Act authorizing the Commissioners Courts of the Counties of the 31st Judicial District to supplement the salary of the District Attorney of the 31st Judicial District; and declaring an emergency.”

Referred to the Committee on Counties.

By Messrs. Peeler and Bridges:
H. B. No. 966, A bill to be entitled “An Act authorizing counties to contract for, and pay the premiums of liability insurance protection for members of boards and committees which, by law, have autonomous powers; repealing conflicting laws and parts of laws to the extent of such conflict; containing a savings clause; and declaring an emergency.”

Referred to the Committee on Counties.

By Messrs. McIlhany:
H. B. No. 965, A bill to be entitled “An Act amending Article 1366 of the Revised Civil Statutes of Texas, 1925, relating to the authority of the Attorney General to examine the books of accounts, minutes, ledgers, etc., of corporations so as to provide for certain minimum records required to be kept true, accurate and current by said corporations.”

Referred to the Committee on Judiciary.

By Mr. Pipkin:
H. B. No. 964, A bill to be entitled “An Act amending Section 1 of Chapter 387, Acts of the 55th Legislature, Regular Session, 1957, codified as Article 3.62-1, Vernon’s Texas Civil Statutes, Insurance Code, to include insurers liable under marine insurance policies, and to define, in that term is used hereinafter, the term ‘marine insurer’, to repeal all laws or parts of law in conflict therewith; containing a savings clause; and declaring an emergency.”

Referred to the Committee on Judiciary.

By Mr. Garrison In The Chair

By Mr. Pipkin:
H. B. No. 963, A bill to be entitled “An Act amending Article 1366 of the Revised Civil Statutes of Texas, 1925, relating to the authority of the Attorney General to examine the books of accounts, minutes, ledgers, etc., of corporations so as to provide for certain minimum records required to be kept true, accurate and current by said corporations.”

Referred to the Committee on Judiciary.

By Mr. McIlhany:
H. B. No. 967, A bill to be entitled “An Act authorizing the Commissioners Courts of the Counties of the 31st Judicial District to supplement the salary of the District Attorney of the 31st Judicial District; and declaring an emergency.”

Referred to the Committee on Counties.

By Messrs. Peeler and Bridges:
H. B. No. 968, A bill to be entitled “An Act authorizing counties to contract for, and pay the premiums of liability insurance protection for members of boards and committees which, by law, have autonomous powers; repealing conflicting laws and parts of laws to the extent of such conflict; containing a savings clause; and declaring an emergency.”

Referred to the Committee on Counties.

By Messrs. Peeler, Glusing, Bridges and Hale:
H. B. No. 969, A bill to be entitled “An Act authorizing a special education program for pre-school children who are severely orthopedically handicapped; providing for instructional units; requiring the Texas Education Agency to develop the program and establish certification standards for teachers instraining such programs; providing for financing; providing a severability clause; and declaring an emergency.”

Referred to the Committee on Appropriations.

By Messrs. Peeler, Bridges and Hale:
H. B. No. 970, A bill to be entitled “An Act validating (a) Nueces County Water Control and Improvement District Number 4 (b) the present boundaries of the District (c) the organization of its Board of Directors and all governmental acts and proceedings heretofore accomplished (d) the outstanding bonds of the District and the levy and collection of taxes and the fixing of water rates and charges in support thereof; providing that no further hearings on exclusion of land shall be necessary and that the ad valorem basis of levying taxes shall be employed without further hearings on a plan of taxation; providing that the District...
shall be empowered to acquire and provide sanitary and storm sewer facilities; providing that bonds of the District shall be authorized instruments and eligible to secure deposits of public funds in certain instances; declaring the District essential; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Peeler:
H. B. No. 971, A bill to be entitled "An Act relating to poll taxes and the payment thereof; amending Article 2.01 of Title 122A, Taxation-General, of the Revised Civil Statutes of Texas, and Sections 41 and 75 of the Election Code of the State of Texas (Articles 3.09 and 7.10, Vernon's Texas Election Code); re-defining the persons liable for the portion of the state poll tax levied for the benefit of the free schools and for the portion levied for general revenue purposes; clarifying and fixing the time and place for payment; requiring certain information relative to fulfillment of residence requirements on poll tax receipts and lists of qualified voters; providing that no county shall levy a poll tax, but authorizing each county to levy a fee for collecting the state tax, and providing for disposition of the county fee; providing a saving clause; providing for severability; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Peeler:
H. B. No. 972, A bill to be entitled "An Act authorizing Nueces County Drainage and Conservation District Number 2 to conduct its affairs in certain respects under and pursuant to the provisions of Article XVI, Section 9 of the Constitution of the State of Texas, relating to term of office, eligibility and compensation of the Commissioners of such District; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Guffey:
H. B. No. 973, A bill to be entitled "An Act to provide for the mandatory appointment of building inspectors responsible to the State Building Commission, and to provide for their functions and duties, amending Section 9 of Chapter 514, Acts of the 54th Legislature, Regular Session, 1955; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Wilson of Potter:
H. R. No. 974, A bill to be entitled "An Act amending Article 725b of the Penal Code, Acts 1937, 45th Legislature, page 393, Chapter 169, as amended by amending Section 8 as amended Acts 1941, 47th Legislature, page 457, Chapter 382, subsection 1 in regard to exempted preparations; by amending Section 9, subsection (1) as amended Acts 1941, 47th Legislature, page 647, chapter 392, subsection 2; Acts 1943, 48th Legislature, page 346, chapter 325, subsection 1 in regard to records to be kept and to purchases without prescriptions; providing for a saving clause; providing for severability; and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Cannon:
H. B. No. 975, A bill to be entitled "An Act relating to liability of property annexed to the Bistine Municipal Water Supply District for bonds issued by the District prior to the annexation of the property, amending Section 5 of Chapter 369, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. McGregor of McLennan:
H. B. No. 976, A bill to be entitled "An Act creating the Texas Ranger Historical Commission; providing for the appointment of the members thereof by the Governor for six year terms; providing that no member shall receive compensation for his service thereon; providing for no appropriations to either create or maintain the office or post thereof; authorizing this Commission to accept contributions and to purchase and sell items of historical interest to support the same with local funds; authorizing and directing the Department of Public Safety to pro-
vide necessary Texas Ranger personnel to run the said office of post; authorizing the Commission to employ other necessary personnel and to pass rules and regulations to govern the same; providing sever­ability; and declaring an emergency.

Referred to the Committee on State Affairs.

By Messrs. McGregor of El Paso and Kennard:

H. B. No. 977, A bill to be entitled "An Act amending Section 3 of Article 8309b (Acts, 1947, 50th Legis., Ch. 235, p. 417, as amended), Sections 2 and 6 of Article 8309c (Acts 1949, 51st Legis., Ch. 428, p. 797, as amended), Section 2 of Article 8309d (Acts 1951, 52nd Legis., Ch. 316, p. 622, as amended), Sections 2 and 6 of Article 8309e (Acts 1952, 53rd Legis., Ch. 287, p. 804, as amended), and Sections 2 and 7 of Article 8309f (Acts 1957, 56th Legis., Ch. 282, p. 634, as amended) so as to conform certain enumerated provisions thereof to certain enumerated provisions of the Workman's Compensation Law which have been from time to time amended and may hereafter be amended, and as so conformed to adopt the same; provid­ing necessary personnel; and declaring an emergency."

Referred to the Committee on Judiciary.

By Messrs. McGregor of El Paso and Kennard:

H. B. No. 978, A bill to be entitled "An Act to amend the Workman's Compensation Insurance Law, Title 121, Civil Statutes of Texas, 1925, as amended, so as to provide for a maximum weekly benefit not to exceed Fifty Dollars ($50) in all instances where benefits under said law are specified; repealing conflicting laws, providing for sever­ability; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Wilson of Trinity:

H. B. No. 979, A bill to be entitled "An Act limiting the provisions of this Act to Trinity County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any bird or any animal in said County at any time; to take, kill or trap any fur-bearing animal in said County; to take or attempt to take any fresh-water fish or other aquatic life in public waters of said County by any means or method; prescribing the legislative policy with respect to the wildlife resources in said County; conferring upon the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation, the taking of the wildlife resources of said County; requiring the Game and Fish Commission to make investigations with respect to the deletion and waste of the wildlife resources of said County; authorizing the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said County; defining depletion and waste; providing for the issuance of antlerless deer permits; providing for the adoption of proclama­tions, orders, rules or regulations of the Game and Fish Commission and the effective period thereof; providing for the publication of the regulation; providing venue for suits to test the validity of this Act or of the proclamations, orders, rules or regulations of the Commission; providing penalties; providing for the forfeiture of licenses; defining wild­life resources; repealing certain laws; prescribing a period of time within which the Game and Fish Commission may conclude its investi­gations, hold its hearings and promulgate its proclamations, rules, regulations and orders; providing a savings clause; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Wilson of Trinity:

H. B. No. 980, A bill to be entitled "An Act relating to the taking, possess­ing and transporting of minnows in certain counties; amending Chapter 121, Acts of the 48th Legislature, 1949, to permit the taking, possess­ing, and transporting of not more than two thousand (2,000) minnows in any one day in Trinity County; and declaring an emergency."

Referred to the Committee on Game and Fisheries.
By Mr. Wilson of Trinity:
H. B. No. 981, A bill to be entitled "An Act relating to commercial fishing in certain counties; amending Section 2 of Chapter 297, Acts of the 52nd Legislature, Regular Session, 1951, as amended, by removing Angelina County from the list of counties in which commercial fishing is illegal; and declaring an emergency."
Referred to the Committee on Game and Fisheries.

By Mr. Tharman:
H. B. No. 982, A bill to be entitled "An Act to provide for the State Board of Insurance Commissioners to appoint a Board to be constituted under the supervision of the State Board of Insurance Commissioners; the purpose to be the hearing of claims on Hospitalization, Sickness, and Accident Policies which have been refused by the insurer; providing for the insurer to deposit the amount of claim with the Board pending the outcome of the hearing; giving the Board power to determine whether such a claim should be paid; providing for a system of appeals in a trial de novo to the District Court; providing for bad faith on part of insurer in refusing to abide by the decision of the Board or in failing to deposit amount of claim; and providing for the State Board of Insurance to promulgate reasonable rules and regulations to be followed in such hearing; and declaring an emergency."
Referred to the Committee on State Affairs.

By Mr. Snelson:
H. B. No. 983, A bill to be entitled "An Act amending Article 7160, Revised Civil Statutes of Texas, 1925, by adding a new section to be known as Section 22; exempting certain property from taxation; and declaring an emergency."
Referred to the Committee on Revenue and Taxation.

By Mr. Struve:
H. B. No. 984, A bill to be entitled "An Act amending Paragraph (b) of Section 1 of Chapter 196, Acts of the 43rd Legislature, Regular Session, 1941, as amended, relating to the granting of Tuition Scholarships; and declaring an emergency."
Referred to the Committee on Appropriations.

By Mr. Struve:
H. B. No. 985, A bill to be entitled "An Act to provide for refund of enrollment fees to students of The University of Texas, such refunds being proportional to the percentage of the semester remaining after the student's withdrawal from a course; providing for an optional payment of Hospital, Texas Union, and Student Service fees for students registering for only one course; and declaring an emergency."
Referred to the Committee on State Affairs.

By Messrs. Struve, Mullen and Gladden:
H. B. No. 986, A bill to be entitled "An Act repealing Chapter 621, Acts of the 51st Legislature, Regular Session, 1949, as amended, relating to the filing of oaths with the registrar or president of any State-supported college or university as a prerequisite to registration; and declaring an emergency."
Referred to the Committee on State Affairs.

By Mr. Struve:
H. B. No. 987, A bill to be entitled "An Act providing for the creation of a lien upon agricultural crops in favor of any person furnishing petroleum products for use in farm machinery and implements, and in irrigation pumps and machinery, for the production of such crops; providing for the fixing and the enforcement of such lien; repealing all laws and part of laws in conflict with this Act; declaring that the unconstitutionality of any part of this Act shall not affect the remainder thereof; and declaring an emergency."
Referred to the Committee on Judiciary.

By Mr. Struve:
H. B. No. 988, A bill to be entitled "An Act relating to the hunting of ducks and geese with a shotgun upon certain waters of Lake Corpus Christi; amending Chapter 225, Acts of the 47th Legislature, Regular Session, 1941, as amended, to permit the hunting of ducks and geese with a shotgun during the open season"
on the waters of Lake Corpus Christi lying within Live Oak County; and declaring an emergency.

Referred to the Committee on Game and Fisheries.

By Mr. Struve:

H. B. No. 990, A bill to be entitled "An Act to provide additional revenues to permit support of State services at an adequate level by imposing a corporate and personal income tax; defining terms; providing for assessment and purpose; providing rates; providing for administration of tax; determining allocation of income by corporations, insurance and surety companies; and individuals; providing for returns and payments, retention of records and making further appropriate provisions in regard to returns; providing a lien for taxes; providing for changes made by federal government and for settlement and resettlement of taxes; providing for judicial review and refunds and credits; providing for severability and declaring taxes due and payable to be a penalty therefor; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Struve:

H. B. No. 991, A bill to be entitled "An Act levying a flat rate income tax of one percent (1%) on individuals and fiduciaries based on adjusted gross income; providing enforcement, administrative and penal provisions; providing severability, general repealing and emergency clauses."

Referred to the Committee on Revenue and Taxation.

By Mr. Wells:

H. B. No. 992, A bill to be entitled "An Act amending Section 41, Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, so as to authorize inspection of accident reports by the general public; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Slack, Miss Isaacks and Mr. Floyd:

H. B. No. 993, A bill to be entitled "An Act prohibiting the State Board of Education from adopting any policy rules, regulations or other plans, as prerequisite for accreditation or other approval, which would require any School District to hire or assign any guidance counselor or supervisor or require such as a part time duty of any superintendent, principal or teacher."

Referred to the Committee on Education.

By Mr. Kortoth:

H. B. No. 994, A bill to be entitled "An Act amending Section 2 of Article 8307, Revised Civil Statutes of Texas, 1925, as amended, so as to provide that one member of the Industrial Accident Board shall be employed as a wage earner in some business or industry which is covered by the Employers' Liability and Workmen's Compensation Insurance Law; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Caldwell:

H. B. No. 995, A bill to be entitled "An Act relating to the establishment of a hospital district conterminous to the West Columbia, Brazoria, and Damon Independent School Districts; providing funding, administration and procedure; and declaring an emergency."

Referred to the Committee on State Affairs.

By Messrs. Cannon and Wells:

H. B. No. 996, A bill to be entitled "An Act amending Section 41 of Article I of the Texas Liquor Control Act, as amended, to make the second or any subsequent offense of selling or possessing for the purpose of sale any alcoholic beverages in violation of the Liquor Control Act a felony and to prescribe a penalty therefor; and declaring an emergency."

Referred to the Committee on Liquor Regulation.

By Mr. Struve:

H. B. No. 997, A bill to be entitled "An Act to be known as the Texas Citizens' Job Protection Act, to prohibit and make unlawful the employment of professional strike-breakers in place of employees involved in a labor dispute; to prohibit and make
unlawful recruitment and furnishing of employees to replace employees involved in a labor dispute, by a person or agency not directly involved in the labor dispute, and the employment of persons so recruited or furnished; to prohibit and make unlawful recruiting of or advertising for employees to take the place of employees engaged in a labor dispute without stating that the employment offered is in place of employees involved in a labor dispute; providing for a severability clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Ratcliff:
H. B. No. 599. A bill to be entitled "An Act relating to the licensing of certain Business Brokers and Dealers and Consultants; providing for the definition of certain words and phrases; providing for the administration of this Act; providing for certain exemptions; providing certain procedures, rules and regulations in the licensing and administration of the Act; providing for penalties for the violation of the provision of this Act; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Townsend:
H. B. No. 999. A bill to be entitled "An Act limiting the provisions of this Act to the County of Lampasas making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any antlerless deer, wild turkey, quail, or fish in said County after May 1, 1961; prescribing the legislative policy with respect to the antlerless deer, wild turkey, quail, and fish in said County; conferring upon the Game and Fish Commission authority to regulate, by proclamation, order, rule or regulation, the taking of antlerless deer, wild turkey, quail, and fish of said County; requiring the Game and Fish Commission to make investigations with respect to the depletion and waste of the antlerless deer, wild turkey, quail and fish of said County; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the said wildlife resources of said County; defining depletion and waste; providing for the issuance of the antlerless deer permits; providing for the adoption of proclamations, orders, rules and regulations of the Game and Fish Commission; providing for petition and election in such County on an ordinance, rule or regulation adopted by the Commission; providing for the effective period of regulations; providing for the publication of the regulations; providing for the authority of the Commission; providing a penalty for the violation of any of the provisions of this Act as well as any order, rule, or regulation of the Commission; providing for the forfeiture of licenses; making it unlawful to purchase a new license and providing a penalty therefor; providing for the effective date of this Act; providing a saving clause; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Hinson:
H. B. No. 1000. A bill to be entitled "An Act levying certain taxes and increasing certain taxes ten per cent (10%) for a period of one year to provide revenue for the support of State services and retire the General Revenue Fund deficit; making transfers and allocations of taxes and funds; providing certain exemptions; providing for the collection, administration, enforcement and allocation of said taxes; providing penalties for violations of this Act; providing an effective date; providing for repeal of conflicting statutes; providing for severability; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Watson:
H. B. No. 1002. A bill to be entitled "An Act to require registration with the Texas State Department of Health of any person, firm or corporation who shall slaughter cattle, calf, sheep, swine, goat, poultry or domestic rabbit for human consumption; authorizing the issuance of registration certificates; authorizing the charging of registration fees appropriating the use of fees to the Department; providing certain exceptions; providing for penalty for
By Mr. Gladden:

H. B. No. 1004, A bill to be entitled "An Act providing additional compensation for the county judge of Tarrant County for his service as a member of the juvenile board; providing that such compensation shall be in addition to all other compensation now provided or allowed by law for said county judge; providing that the commissioners court of Tarrant County shall provide the necessary funds for such compensation; and declaring an emergency.”

Referred to the Committee on Counties.

By Messrs. Watson, Garrison, Piersall, Cannon, McIlhany, Keenard, Korioth, Collins, Ballman, Wilson of Trinity and Atwell:

H. B. No. 1006, A bill to be entitled "An Act changing the name of the Commission of Control for the Battleship Texas, known as the Battleship Texas Commission, to the Texas Navy Commission, and adding to its duties and responsibilities in connection with the Texas Navy as a voluntary arm of civil defense and disaster relief; providing for the keeping of a roster of personnel and the receipt of funds by the Commission from admission receipts, donations and the purchase and sale of appropriate articles incident to the Texas Navy; repealing conflicting laws and parts thereof; providing a severability clause; and declaring an emergency.”

Referred to the Committee on State Affairs.

By Mr. Eckhardt:

H. B. No. 1007, A bill to be entitled "An Act amending Article 19 of the Penal Code, 1935, and defining the words ‘whoever,’ ‘person,’ ‘any person,’ and ‘anyone,’ and the pronouns ‘he,’ ‘it,’ and ‘they,’ referring to these terms, and similar words to include public and private corporations unless there is an express declaration to the contrary; and declaring an emergency.”

Referred to the Committee on Criminal Jurisprudence.

By Mr. Eckhardt:

H. B. No. 1008, A bill to be entitled "An Act to raise revenue by amending Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, by adding thereto a new Chapter to be known as Chapter 22 imposing a tax on the income received by persons from dividends and interest; providing for administration and enforcement; and declaring an emergency.”

Referred to the Committee on Revenue and Taxation.

By Mr. Korioth:

H. B. No. 1009, A bill to be entitled "An Act changing Section 3 and Section 6 of Chapter 9, Acts of the 65th Legislature, 1st Called Session, 1957, relating to representatives of corporations unless there is an express declaration to the contrary; and declaring an emergency.”

Referred to the Committee on Representation Before the Legislature.
shall be deemed continuously present in said court, after the plea of not guilty is entered, or appearance made, until final disposition is made of such cases: further providing that if a corporation shall be found guilty and a fine imposed, a judgment shall be entered, having the same force and effect and shall be enforced against such corporation in the same manner as if the judgment were recovered in a civil action; and declaring an emergency.

Referred to the Committee on Criminal Jurisprudence.

By Mr. Eckhardt:

H. B. No. 1011. A bill to be entitled "An Act to provide additional revenues to permit support of State services at an adequate level by (1) levying a tax on the occupation of producing natural gas, defining "Producers" so as to include "Severance Producers" and "Dedicated Reserve Producers," recognizing the interests of said Producers as an interest in land, levying a tax of 1.606 cents per thousand cubic feet on each MCF of gas produced in the State of Texas against such Producers (with exceptions), providing a division formula for the paying of such tax by each Producer or combination of Producers (including Severance Producers and Dedicated Reserve Producers), and further defining and describing persons to whom the tax applies, providing exclusions; (2) levying a tax on the occupation of producing oil so as to reduce the tax on producers of less than 1,000 barrels of oil per month to 4¢ or 4¢ (under the specified conditions) and levying a tax at graduated rates based on the quantity of oil produced, above such amount; (3) imposing a corporation income tax in lieu of the present corporate franchise tax; and (4) imposing an excise tax on the sale of gas, electricity, telephone, and telegraph service; with respect to (1), (2), (3), and (4) as listed above, providing for administration and enforcement, providing an effective date, repealing all provisions in conflict, providing for severability, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Ballman:

H. B. No. 1012, A bill to be entitled "An Act concerning the management, control, and disposition by a married woman of her separate property, both real and personal, amending Article 4614, Revised Civil Statutes of Texas, 1925, as amended to provide that a married woman residing out-of-state may elect to manage her separate property in Texas; and declaring an emergency."

Referred to the Committee on Judicary.

By Mr. Ballman:

H. B. No. 1013, A bill to be entitled "An Act creating a Hospital District for Ochiltree County, Texas, and providing for taxation, issuance of bonds, acceptance and receipt of existing facilities, assumption of liabilities, and obligations, by said Hospital District; providing a savings clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Struve:

H. B. No. 1014, A bill to be entitled "An Act conditioned upon the adoption of a constitutional amendment abolishing payment of the poll tax as a prerequisite for voting, to provide a general registration system for voters and to require registration as a prerequisite for voting at all elections; providing that the County Clerk shall be the Registrar of Voters in each county, and providing for duties of the Secretary of State as administrative head; providing for the manner and time of registration; requiring declaration of political party affiliation as a prerequisite for voting in party primaries; making other provisions for effectuating the purposes of this Act; stating the effect of this Act on existing laws relating to poll taxes, exemption certificates, and lists of qualified voters, and repealing conflicting laws to the extent of conflict; providing for the effective date; providing for severability; and declaring an emergency."

Referred to the Committee on State Affairs.
By Mr. Hollowell:

H. B. No. 1016, A bill to be entitled "An Act amending Subdivision (1) or Section 126, Chapter 276, Acts of the 39th Legislature, Regular Session, 1925 (compiled as Subdivision (1) of Article 7880-126 Vernon's Annotated Civil Statutes) as last amended by Section 3, Chapter 276, Acts of the 42nd Legislature, Regular Session, 1931; providing that either party may demand a trial by jury in the appeals to the District Court; deleting the provision that said appeals shall be set for hearing either in term time, or in vacation, before the Court without the intervention of a jury; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. LaValle:

H. B. No. 1017, A bill to be entitled "An Act applying to certain incorporated cities and towns located on the coast of the Gulf of Mexico, or any channel, canal, bay, or inlet connected therewith (referred to hereafter as 'city'); authorizing such city to build, construct, purchase, acquire, improve, enlarge, extend, repair, maintain, or replace any and all improvements and facilities which the governing body thereof deems to be necessary or convenient to the proper operation of the ports or harbors or such city, and providing certain things that said improvements and facilities shall include; authorizing the issuance of tax bonds and revenue bonds for the purpose of providing funds for any of such improvements and facilities; and containing provisions relating to said bonds and said improvements and facilities and the revenues or income therefrom; authorizing the mortgaging and encumbering of the physical properties of said improvements and facilities as additional security for revenue bonds; authorizing the placing of the management and control of such improvements and facilities in the governing body of the city or in a board of trustees; authorizing the issuance of tax refunding bonds and revenue refunding bonds, and containing provisions relating thereto; providing that this Act is cumulative of existing laws, but providing that the provisions of this Act shall govern and prevail over such existing laws and shall take precedence over city charter provisions; validating proceedings heretofore had and actions heretofore taken and contracts heretofore entered into by any such city, but excepting from such validation certain pending litigation; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. James:

H. B. No. 1018, A bill to be entitled "An Act amending Article 16, Subchapter 1, of Chapter 97, Acts of the 49th Legislature, Regular Session, 1943, to provide that the Attorney General shall no longer be a member of the Banking Board; providing that a member of the Finance Commission shall be elected by said Commission to serve on the Banking Board; and declaring an emergency."

Referred to the Committee on Banks and Banking.

By Mr. Snelson:

H. B. No. 1019, A bill to be entitled "An Act relating to the appointment, qualifications, duties and compensation of official shorthand reporter for the District Court of the One Hundred Twelfth District of Texas; fixing maximum and minimum salary to be paid; in addition to compensation for transcripts, statement of facts and other fees; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

Referred to the Committee on Counts.

By Messrs. Pieratt and Collins:

H. B. No. 1021, A bill to be entitled "An Act relating to taxation of pedigreed dogs; exempting Hounds; giving the Comptroller of Public Accounts the authority to administer the tax; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Messrs. Stewart of Wichita and Connell:
March 14, 1961

H. B. No. 1023, A bill to be entitled "An Act authorizing the pledging of eighty per cent (80%) of the tuition fees collected at Mid-Western University to secure bonds or warrants for the purpose of acquiring, constructing, repairing and equipping buildings and other permanent improvements and for acquiring necessary sites therefor; prescribing the terms and conditions upon which such bonds or warrants may be issued; providing that should any additional appropriation be made for permanent improvement, then this Act may be cumulative of other laws; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Stewart of Wichita and Connell:
H. B. No. 1022, A bill to be entitled "An Act to be cited as the Wichita County Hospital District Law; providing for an election on the question of creating a county-wide hospital district in Wichita County pursuant to authority granted by Article IX, Section 5 of the Constitution of the State of Texas; providing for the management of the district; providing for assumption of county assets and indebtedness; providing for issuance of bonds and for the levy of a tax not to exceed Seventy-Five Cents ($0.75) on each One Hundred Dollar ($100) valuation; setting out the powers and duties of the Board of Directors of the district; providing that the district shall have the power of eminent domain; providing that the facilities of the district may be inspected by authorized representatives of the Texas State Department of Health or the Texas Department of Public Welfare; providing that the county attorney of Wichita County shall represent the district; limiting the taxing power of the City of Wichita Falls and Wichita County after creation of the district; prescribing financial responsibility of patients and their relatives for care and treatment in hospital district facilities; authorizing the district to accept donations, gifts and endowments; providing a severability clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Watson:
H. B. No. 1024, A bill to be entitled "An Act transferring to the State Board of Water Engineers the powers and duties originally vested in the State Reclamation Engineer under Chapters 5 and 6, Title 128, Revised Civil Statutes of Texas, 1925, as amended, and under general and special laws, and all powers and duties of the State Reclamation Engineer vested by law in the Commissioner of the General Land Office by Acts of the 46th Legislature, 1939, Title: Water, Chapter 1, page 764 (codified as Article 5421b-1, Vernon's Annotated Civil Statutes of Texas), herein referred to as Chapter 1; and transferring all books, papers, records and pending business pertaining to the exercise of the powers and duties under said Chapter 1; repealing said Chapter 1 to the extent it is in conflict herewith; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Byrnes (by request):
H. B. No. 1025, A bill to be entitled "An Act relating to the production of natural gas; amending Portions of Acts 1899, page 68, Acts 1913, page 213; Acts 1931, Forty-Second Legislature First Called Session, page 46, Chapter 26, Section 2; Acts 1933, Forty-Third Legislature, First Called Session, page 233, Chapter 100; Acts 1933, Forty-Third Legislature, First Called Session, page 225, Chapter 58, Sec.1; Acts 1935, Forty-Fourth Legislature, page 314, Chapter 120 (codified as Sections 13 and 15 of Article 6008, Vernon's Texas Civil Statutes); adding provisions limiting the extent to which the production of natural gas may be restricted; containing a repealing and severability clause; and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Eckhardt:
H. B. No. 1026, A bill to be entitled "An Act providing for the punishment of a corporation found guilty
of a crime by fine in lieu of punishment by imprisonment."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Eckhardt:
H. B. No. 1027, A bill to be entitled "An Act relating to petit juries in counties using the jury wheel; amending Article 2102 of the Revised Civil Statutes of Texas, 1921; providing that in those counties which draw two separate jury panels for the week, the Commissioners Court shall provide a room or place for each panel and the sheriff shall assign a deputy to look after each panel; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Hinson:
H. B. No. 1028, A bill to be entitled "An Act amending Chapter 1, Acts of the 54th Legislature, Third Called Session, 1960, known as the 'Severance Beneficiary Tax' codified as Articles 22.01 - 22.09, Chapter 2Z of Title 12A of the Revised Civil Statutes of Texas; amending Sub-section (4) of Article 22.02 so as to clarify the intention of the Legislature and clearly limit the liability for the tax to severance beneficiaries who contract directly with producers; and clarifying the definition of 'severance beneficiary.'"

Referred to the Committee on Revenue and Taxation.

By Mr. Garrison:
H. B. No. 1029, A bill to be entitled "An Act amending Article 21.14 of the Insurance Code of Texas, Acts, 1951. Fifty-second Legislature, as amended, by adding a new Section 27, providing that no insurance agent, subject to the provisions of Article 21.14 shall be liable to any insurance company for the return of any commission upon the cancellation of any policy or contract of insurance on property or risks in this state, unless such liability is specifically provided for in a written agreement between the company and the agent; providing that such liability may not be enforced unless as a condition precedent thereto the company has paid the agent the return premiums arising by virtue of the cancellation of the contract of insurance and providing the manner in which such payment may be made; providing that such liability shall be enforced only on policies or contracts of insurance cancelled at the request of the agent or cancelled in the ordinary course of business by the insurance company with limitations; providing that this Act shall not affect any rights which have vested or accrued prior to the effective date hereof; providing a saving clause, repealing all laws in conflict, providing the effective date of this Act; and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Garrison:
H. B. No. 1030, A bill to be entitled "An Act amending Article 430, Tex. as Penal Code; prohibiting solicitation by attorneys, fee-splitting, information to attorneys by medical personnel for solicitation purposes, and the representation of solicited clients; making solicitation and subsequent employments of attorney prima facie evidence of violation; making solicited attorneys' contracts void, and providing for suits of proceedings, discharge of counsel, injunctive actions by the attorney general and/or county attorney and the general manner thereof; fixing the venue of the injunction a misdemeanor and providing certain penalties therefor; repealing conflicting laws and parts of laws; providing for severability; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Garrison:
H. B. No. 1031, A bill to be entitled "An Act amending Article 228, Section 3 (1) of the Insurance Code of Texas, Acts, 1961, 54th Legislature, as amended, by Acts 1965, 54th Legislature, providing for offsets in cases of mutual debts and credits by the insurer and another person in connection with any claim or proceeding under this article; providing that in the event of cancellation of any policy or contract of insurance on any property risk in this state prior to the normal expiration date thereof, that the agent may replace the same with another policy or contract of insurance within seven (7) days from
the date of cancellation thereof; providing that the agent shall not be considered a volunteer in such event; providing that if such policy or contract of insurance is replaced without charge to the policy holder for such unexpired term, that the insurance agent is subrogated to the rights of the policy holder in the unearned premium; providing that such amount of unearned premium shall be considered a mutual debt between the insurer and the insurance agent and that such debt shall be an offset against any claim brought under this article by an insurer or liquidator for unearned premiums on any policy or contract of insurance cancelled by court order entered in a delinquency proceeding; providing a saving clause; repealing all laws in conflict; and declaring an emergency.

Referred to the Committee on Insurance.

By Mr. Eckhardt:

H. B. No. 1032, A bill to be entitled "An Act relating to petit juries in counties using the jury wheel; amending Article 2101 of the Revised Civil Statutes of Texas, 1925, providing that in counties having two or more criminal district courts and two or more district courts, two separate jury panels for the week may be drawn, one of which shall be drawn by and be in attendance upon those courts which have a criminal docket and the other to be drawn by and be in attendance upon those courts which have a civil docket; and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. James (by request):

H. B. No. 1033, A bill to be entitled "An Act to provide that where any intrastate rate or charge prescribed by the Railroad Commission or established by railroads or motor carriers is higher than the interstate rate or charge on the same commodity for a like distance within Texas, or between the same points in Texas, the lower of such rates or charges shall be applied for intrastate application; repealing all laws in conflict to the extent of the conflict only; and declaring an emergency."

Referred to the Committee on Motor Traffic.

By Mr. Stewart of Galveston:

H. B. No. 1034, A bill to be entitled "An Act amending Article 4357, Revised Civil Statutes of Texas, 1925, as last amended by Chapter 366, 56th Legislature, 1959, to provide that all claims to be paid from appropriations shall be presented within two (2) years after the date of the beginning of the biennium for which such appropriations were made; and declaring an emergency."

Referred to the Committee on Claims and Accounts.

By Mr. Stewart of Galveston:

H. B. No. 1035, A bill to be entitled "An Act amending Chapter 7, Acts of the 47th Legislature of Texas, Regular Session, 1941, relating to certain cities bordering upon the Gulf of Mexico; validating bonds heretofore issued and proceedings and actions of such cities and their governing bodies in connection with such bonds, validating conveyances or grants of properties and rights in properties, real or personal, to any such city, in connection with or relating to any park improvement or pier acquired or constructed, under the provisions of said Chapter 7; providing a severability clause; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Stewart of Galveston:

H. B. No. 1036, A bill to be entitled "An Act providing that it shall be unlawful to sell or offer for sale, any rat poison, insect poison, or any other preparation which contains thallium sulphate or any other thallium compound; declaring violation of this Act to be a misdemeanor punishable by a fine, and prescribing a penalty for the violation thereof; and declaring an emergency."
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Referred to the Committee on Public Health.

By Mr. Stewart of Galveston:
H. B. No. 1037, A bill to be entitled "An Act amending Section 6 of Chapter 177, General Laws of the State of Texas, Acts of the 52nd Legislature, Regular Session, 1951, as compiled as Article 46a of the Revised Civil Statutes of Texas, as last amended by Chapter 249, Acts of the 52nd Legislature, 1951, so as to clarify the adoption procedure in the case of the children of parents whose parental rights have been terminated by the Juvenile Court or other court of competent jurisdiction; and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Stewart of Galveston:
H. B. No. 1038, A bill to be entitled "An Act concerning taxation; levying a Texas Business Invoice Tax; defining certain terms; providing for administration and collection of said tax, providing for a tax on the use of certain articles upon which the Texas Business Invoice Tax has not been paid; prescribing certain penalties; providing for an allocation of taxes from the Hotel Occupancy Tax (Chapter 23, Title 121A Taxation-General), enacted by Acts 1959, 56th Legislature, Third Called Session, Chapter 1) and for the allocation of tax proceeds from the Act; amending Chapters 6, 23 and 24, Acts 1959, 56th Legislature, Third Called Session; repealing present Section 24, Acts 1959, 56th Legislature, Third Called Session; providing an effective date; and declaring an emergency."
patients; providing an effective date; and declaring an emergency.”

Referred to the Committee on Public Health.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions were today laid before the House, read severally first time and referred to the appropriate Committee, as follows:

By Mr. Bailey:
H. J. R. No. 65, A Joint Resolution “Proposing an Amendment to Section 51-b of Article 3 of the Constitution of the State of Texas by adding thereto a Paragraph (f), to provide that upon completion of all building projects for which appropriations have been made, then all remaining funds in the building fund and all funds that would accrue thereto will be transferred to a fund for relief of needy and destitute veterans of World War I.”

Referred to the Committee on Constitutional Amendments.

By Mr. Quilliam:
H. J. R. No. 66, A Joint Resolution “Proposing an amendment to Article VI of the Constitution of the State of Texas by adding a new section thereto, Section 2a, to provide for voting on electors for President and Vice-President by otherwise qualified United States Citizens who have moved into or out of the State preceding a Presidential election.”

Referred to the Committee on Constitutional Amendments.

By Mr. Murray:
H. J. R. No. 67, A Joint Resolution “Proposing an amendment to Article 6, Section 3a of the Constitution of the State of Texas relating to certain elections and the qualifications of voters in such elections.”

Referred to the Committee on Constitutional Amendments.

By Mr. Price:
H. J. R. No. 68, A Joint Resolution “Proposing an amendment to Section 49-b, Article III of the Constitution of Texas permitting the resale of forfeited lands of the Veterans’ Land Fund to be sold to such purchasers in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now provided by law or as may hereafter be provided by law, providing for an election and the issuance of a proclamation therefor.”

Referred to the Committee on Constitutional Amendments.

By Messrs. Latimer and Barnes:
H. J. R. No. 69, A Joint Resolution “Proposing an amendment to Section 33, Article III of the Constitution of the State of Texas so as to provide that bills for raising revenue may originate in either the House of Representatives or in the Senate; and providing for the necessary proclamation, publication, and election.”

Referred to the Committee on Constitutional Amendments.

By Mr. Caldwell:
H. J. R. No. 70, A Joint Resolution “Proposing an amendment to Article IX of the Constitution of the State of Texas by adding thereto a new section authorizing the creation of a hospital district conterminous with the West Columbia, Brazoria, and Damon Independent School Districts; and providing a mode of funding.”

Referred to the Committee on Constitutional Amendments.

By Messrs. Roberts of Dawson, Cotten and Stewart of Wichita:
H. J. R. No. 71, A Joint Resolution “Proposing an amendment to Section 17 of Article VII of the Constitution of the State of Texas, relating to Legislative control of the use of certain funds described therein, redefining the purposes for which such funds may be used, and including Midwestern University in the list of those to receive funds, beginning June 1, 1968.”

Referred to the Committee on Constitutional Amendments.

By Mr. Struve:
H. J. R. No. 72, A Joint Resolution “Proposing an Amendment to Section 4 of Article III of the Constitution of the State of Texas, providing the term of office of members of the House of Representatives shall be four (4) years, which term shall be concurrent to the term of
the member of the Senate representing the district of the member of the House of Representatives."

Referred to the Committee on Constitutional Amendments.

By Mr. Butler:
H. J. R. No. 73, A Joint Resolution
"Proposing an amendment to Article 16 of the Constitution of the State of Texas prohibiting the passage of legislation to permit wagering on horse races."

Referred to the Committee on Constitutional Amendments.

By Mr. Melibaap:
H. J. R. No. 74, A Joint Resolution
"Proposing an amendment to Section 9 of Article III of the Constitution of the State of Texas to provide for the election of a Speaker on the last day of any regular session to serve as Speaker whose term of office shall commence at the next general election; providing that in the event such elected Speaker does not represent a district at the next session, he shall constitute the one hundred fifty-first member of the House of Representatives; providing additional election in the event the Speaker is unable to serve."

Referred to the Committee on Constitutional Amendments.

By Mr. Struve:
H. J. R. No. 75, A Joint Resolution
"Proposing an amendment to Sections 2 and 4 of Article VI of the Constitution, repealing the provision making the payment of a poll tax a qualification of an elector and requiring the Legislature to pass a general registration law for voters."

Referred to the Committee on Constitutional Amendments.

By Mr. James:
H. J. R. No. 76, A Joint Resolution
"Proposing an amendment to Article III of the Constitution of the State of Texas by repealing Section 2A so as to permit equality of representation in the House of Representatives."

Referred to the Committee on Constitutional Amendments.

By Mr. Kerith:
H. J. R. No. 77, A Joint Resolution
"Proposing an amendment to Section 3, Article IX of the Constitution of the State of Texas prohibiting the manner of adopting, amending and abrogating county home rule charters; authorizing the Legislature to provide for consolidation and classification of counties, optional forms of county government, and inter-county cooperation."

Referred to the Committee on Constitutional Amendments.

By Mr. Ballman:
H. J. R. No. 78, A Joint Resolution
"Proposing an amendment to Article 9, of the Constitution of the State of Texas, by adding a new section thereto to be known and described as Section 9, providing that the Legislature may authorize the creation of a hospital district co-extensive with the limits of Ochiltree County, Texas, authorizing the levying and rates of taxes; providing for the acquisition of land and properties for hospital uses, as well as the maintenance and operation of the same; and authorizing the issuance of tax bonds for the purpose of the purchase, construction, acquisition, repair, or renovation of improvements; and further providing that any enabling acts shall not be invalid because of their anticipatory character."

Referred to the Committee on Constitutional Amendments.

SENATE BILL ON FIRST READING

The following Senate Bill, received from the Senate, was today laid before the House, read first time and referred to the appropriate Committee, as follows:

S. B. No. 42 to the Committee on School Districts.

VOTE RECORDED

By unanimous consent of the House, Mr. Watson was granted permission to be recorded as voting "yea" on passage of S. B. No. 187 on March 9, 1951.

RECESS

Mr. Dewey and Mr. Oliver moved that the House recess until 1:30 o'clock p.m. today.

The motion prevailed.
In accordance with the motion to recess the House at 1:05 o'clock p.m., took recess until 2:10 o'clock p.m. today.

**AFTERNOON SESSION**

The House met at 2:10 o'clock p.m. and was called to order by the Speaker.

**CONSIDERATION OF LOCAL AND UNCONTESTED BILLS**

The House, in accordance with a previous motion, proceeded to the consideration of the Local and Uncontested Bill Calendar.

(Mr. Korioth in the Chair)

**SENATE BILL NO. 144 ON SECOND READING**

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

S. B. No. 144, Relating to the increasing or decreasing of the amount of water which may be appropriated or stored; and declaring an emergency.

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

**SENATE BILL NO. 171 ON SECOND READING**

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

S. B. No. 171, Validating county park bond elections, and declaring an emergency.

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

**HOUSE BILL NO. 387 ON SECOND READING**

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

H. B. No. 387, A bill to be entitled "An Act making it unlawful to hunt, take or kill deer in Cooke and Grayson Counties at any time; providing penalties for violations; and declaring an emergency."

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

**HOUSE BILL NO. 396 ON SECOND READING**

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

H. B. No. 396, A bill to be entitled "An Act establishing a juvenile board in Morris County, prescribing the membership of the board and providing for the compensation of its members; providing who shall be the juvenile officer; providing compensation and expenses of the juvenile officer; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill 396, page 1, Section 2, line 2 and 3, by deleting the words "less than Six Hundred Dollars ($600) nor..."

The amendment was adopted.

House Bill No. 396 was then passed to engrossment.

**HOUSE BILL NO. 424 ON SECOND READING**

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

H. B. No. 424, A bill to be entitled "An Act limiting the provisions of this Act to the County Burnet making it unlawful except under the provisions of this Act, for any person to hunt, take, kill or attempt
to kill, or possess, any game bird or game animal in said County at any time; to take, kill or trap any fur-bearing animal in said County or to take or attempt to take any fish or other aquatic or marine animal from said County by any means or method; providing the powers, duties and authority of the Game and Fish Commission; requiring the Game and Fish Commission to make investigation with respect to the depletion and waste of the wildlife resources; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said County; defining depletion and waste; providing for the issuance of the antlerless deer permits; providing for a public hearing; etc., and declaring an emergency.

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

HOUSE BILL NO. 430 ON SECOND READING

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

H. B. No. 430, A bill to be entitled "An Act providing for the hunting, taking, and killing of squirrels in Red River County; repealing all laws in conflict; providing penalties; and declaring an emergency."

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

HOUSE BILL NO. 494 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 494, A bill to be entitled "An Act creating the Denton State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying school statistics; and creating an emergency."

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

HOUSE BILL NO. 610 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 610, A bill to be entitled "An Act relating to an open archery season on certain wild game; amending Section 2A of Chapter 189, Acts of the 56th Legislature, Regular Session, 1959, to remove Burnet County from the list of counties to which the Act is not applicable; and declaring an emergency."

The bill was read second time.

Mr. Martin offered the following amendment to the bill:

Amend H. B. No. 610 by striking all below the enacting clause and substituting therefor the following:

"Section 1. Section 2A of Chapter 189, Acts of the 56th Legislature, Regular Session, 1959, as last amended by Chapter 30, Acts of the 65th Legislature, 2nd Called Session, 1969 (codified as Article 379-1, Penal Code of Texas) is amended to read as follows:

"Sec. 2A. The provisions of this Act shall not be applicable in whole or in part to the following counties: Anderson, Angila. Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Blanco, Borden, Bosque, Bowie, Brazoria, Brewster, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Cherokee, Colorado, Comanche, Comal, Coryell, Culb, Crockett, Crosby, Dallam, Dallas, Deaf Smith, Delta, DeWitt, Dickens, Dimmit, Eastland, Ector, Edwards, Ellis, Erath, Fannin, Fayette, Fisher,
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 said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted. House Bill No. 510 was then passed to engrossment.

HOUSE BILL NO. 611 ON SECOND READING

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

H. B. No. 611, A bill to be entitled "An Act relating to the hunting, taking, or killing of wild quail in Camp County; amending Section 1 of Chapter 67, Acts of the Fifty-second Legislature, Regular Session, 1951, by making it lawful to hunt, take, or kill wild quail in Camp County on any day except Sunday during a specified season; and declaring an emergency."

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

HOUSE BILL NO. 617 ON SECOND READING

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

H. B. No. 617, A bill to be entitled "An Act amending Section 1 of Chapter 183, Acts of the 51st Legislature, Regular Session, 1949, as amended, by removing doves from the open season provided for certain game in McMullen County; and declaring an emergency."

The bill was read second time and was passed to engrossment.
HOUSE BILL NO. 632 ON SECOND READING

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

H. B. No. 632, A bill to be entitled "An Act making it unlawful to kill deer in Morris County before November, 1963; and declaring an emergency."

The bill was read second time.

Mr. Adams of Titus offered the following amendment to the bill:

Amend H. B. 632 by adding to Section 1 the words "and Camp" between the words "Morris County."

The amendment was adopted.

House Bill No. 632 was then passed to engrossment.

HOUSE BILL NO. 633 ON SECOND READING

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

H. B. No. 633, A bill to be entitled "An Act providing an open season when it shall be lawful to hunt, take or kill squirrels in Morris County, and declaring an emergency."

The bill was read second time.

Mr. Adams of Titus offered the following amendment to the bill:

Amend H. B. 633 by adding to Section 1 between the words Morris County and Texas the words "Camp County."

The amendment was adopted.

House Bill No. 633 was then passed to engrossment.

SENATE BILL NO. 90 ON SECOND READING

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

S. B. No. 90, Fixing and making certain the amount of compensation to be paid to District and Criminal District Judges; providing the time and method of payments; providing for the compensation of substitute Judges; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Senate Bill 90 by striking therefrom all below the enacting clause and substituting in lieu thereof the following:

Section 1. In any County in this State having a population of not less than six hundred thousand (600,000) nor more than seven hundred thousand (700,000) according to the last preceding Federal Census, the Judges of the several District Courts of such Counties shall receive, in addition to the salary paid by the State to them and to other District Judges of this State, a sum of money, to be approved by the Commissioners Court of said Counties, of not less than Four Thousand Five Hundred Dollars ($4,500) nor more than Six Thousand Dollars ($6,000) annually, to be paid in equal monthly installments out of the General Fund or Officers Salary Fund of such Counties. The Commissioners Court may make proper budget provision for the payment thereof.

Section 2. This Act shall be cumulative of existing laws, and any laws in conflict herewith are repealed to the extent of such conflict only.

Section 3. The fact that District Judges in the more densely populated Counties have heavier living expenses, and that they are not adequately compensated for administrative services performed by them in such Counties 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 said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Mr. Bell offered the following committee amendment to the bill:
Committee Amendment No. 2

Amend Senate Bill No. 90 by striking therefrom all above the enacting clause and substituting in lieu thereof the following:

"An Act to fix and make certain the amount of compensation to be paid District Judges from the County funds by Counties which now have, or may hereafter have, a population of not less than six hundred thousand (600,000) nor more than seven hundred thousand (700,000) according to the last preceding Federal Census, providing the time and method of payment, authorizing the amendment of the County budget; providing this Act is cumulative of existing laws; repealing all laws in conflict to the extent of conflict only; and declaring an emergency."

The amendment was adopted.

Senate Bill No. 90 was then passed to third reading.

HOUSE BILL NO. 83 ON SECOND READING

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

H. B. No. 83, A bill to be entitled "An Act amending, repealing from and adding to Chapter 276, Acts of the 46th Legislature, p. 594 (1937), as subsequently amended by Spec. L., Acts of the 46th Legislature, p. 1052 (1939), Chapter 60, Acts of the 53rd Legislature, p. 82 (1953), Chapter 594, Acts of the 55th Legislature, p. 1469 (1957), Chapter 57, Acts of the 56th Legislature, p. 78 (1959), and as codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), is hereby amended by adding thereto a new Subsection (h) so that Section 1 shall hereafter read as follows:

"Sec. 1. Definitions. The words and phrases used in this Act shall, unless the same be inconsistent with the context, be construed as follows:

(a) 'District' shall mean the San Antonio River Authority.

(b) 'Section 59' shall mean Section 59 of Article 16 of the Constitution of Texas, as the same now provides.

(c) 'Chapter 25' shall be understood to mean Chapter 25 of the General Laws passed by the Thirty-ninth Legislature of Texas at the Regular Session, which adjourned on March 15, 1926, and where not otherwise provided therein, to include any present or future amendment thereof.

(d) 'Board' or 'Directors' shall be understood to mean the Board of Directors of this District, or the members thereof in their official capacity.

(e) 'Federal' shall mean or relate to the Government of the United States of America, and/or its functions or subsidiary agencies.

(f) 'State' shall mean or relate to the Government of the State of Texas, and/or such of its functions and agencies as are appropriate to accomplish the objects of this Act.
(g) "Persons" means and includes an individual, partnership, association, corporation, business trust, legal representative, or receiver of any organized group of persons.

"Professional services" shall mean those services rendered, either individually or by firms, by accountants, attorneys, engineers, surveyors, geologists, physicians, surgeons, laboratory technicians, bond brokers, fiscal advisers, appraisers, statisticians, researchers and by each other vocations, callings, occupations or employments involving labor, skill, education, special knowledge and compensation or profit, but the labor and skill involved therein being predominately mental or intellectual rather than physical or manual."

Section 2. Section 2 of Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, (codified under Article 280-119, Vernon's Civil Statutes of the State of Texas), is hereby amended so as to hereafter read as follows:

"Sec. 2. District Created. Under the authority of, and in pursuance with the policy of, Section 5 of Article 16, of the Constitution of Texas, there is hereby created within the State of Texas, in addition to other districts into which the state has heretofore been divided, a Conservation and Reclamation District to be known as 'San Antonio River Authority' (hereinafter called the 'District') which is hereby declared to be a governmental agency, a municipality, body politic and corporate, vested with all the authority and full sovereignty of the state, in behalf of the State, insofar as is intended by this Act, and with the authority to exercise the powers, rights, privileges and functions hereinafter specified. The creation of such District is hereby determined to be essential to the accomplishment of the purposes of Section 6 of Article 16 of the Constitution of the State of Texas, including but not limited to the construction, maintenance and operation of navigable canals or waterways, hereinafter authorized, and the control of the waters of those parts of all rivers, streams and tributaries thereof which are within the boundaries of the District as hereinafter defined."

Section 3. Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, (codified under Article 280-119, Vernon's Civil Statutes of the State of Texas), is hereby amended by adding a new section which contains matter formerly appearing in Section 2 and which also contains new matter as follows:

"Sec. 3-a. Boundaries of the District. The District shall include all of that part of the State of Texas within the boundaries of the Counties of Bexar, Wilson, Karnes and Goliad."

"It is hereby found and determined that all of the land included in the District will be benefited by the exercise of the power conferred by this Act."

Section 4. Section 3 of Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, (codified under Article 280-119, Vernon's Civil Statutes of the State of Texas), is hereby amended by re-organizing said section, by revising certain subsections thereof and by adding thereto new sections and sub-sections which are presently set forth in other existing sections and sub-sections of said Chapter, so that the entire section shall hereafter read as follows:

"Sec. 3. Powers of the District. The District is hereby invested with all of the powers of the State of Texas under Article 16, Section 9, of the Constitution of the State of Texas to effectuate the construction, maintenance and operation of navigable canals or waterways, to effectuate flood control, to effectuate the conservation and use, for all beneficial purposes, of ground, storm, flood and unappropriated flow waters in the District, to effectuate irrigation, to effectuate soil conservation, to effectuate sewage treatment, to effectuate pollution prevention, to encourage and develop parks, recreational facilities and to preserve fish, to effectuate forestation and reforestation, and to do all things as are required therefor, subject only
to: (i) declarations of policy by the Legislature of the State of Texas as to the use of water; (ii) continuing supervision and control by the State Board of Water Engineers and any board or agency which may thereafter succeed to its duties; (iii) the provisions of Sect. 4, p. 212, Acts of the Thirty-fifth Legislature, 1917, as subsequently amended (codified under Article 7471, Vernon's Civil Statutes of the State of Texas), prescribing the priorities of uses for water; and (iv) the rights heretofore or hereafter legally acquired in water by municipalities and other users. Subject to the foregoing, it shall be the duty of the District to exercise for the greatest practicable measure of the conservation and beneficial utilization of all ground, storm, flood and unappropriated flow waters of the District, in the manner and for the particular purposes specified hereinafter in this Section 3 and elsewhere in this Act the following powers, rights, privileges and functions, to-wit:

"(a) Navigation:

"(1) To promote, construct, maintain and operate, and/or to make practicable, promote, aid and encourage, the construction, maintenance and operation of navigable canals or waterways and all navigational systems or facilities auxiliary thereto using the natural bed and banks of the San Antonio River to its junction with the Guadalupe River where practicable and thence traversing such route as may be found by the District to be most feasible and practicable to connect with the Intracoastal Canal and/or with any new canal to be constructed and/or with any harbor at or near San Antonio Bay or the Gulf of Mexico, and also using such new correlated artificial waterways, locks, works and other facilities so as to connect the watershed area of the San Antonio River, including navigation to or at a point near the City of San Antonio, with the Intracoastal Canal and/or with any new canal to be constructed and/or with any harbor at or near San Antonio Bay or the Gulf of Mexico;

"(2) To control, develop, store and use the natural flow and floodwaters of the San Antonio River and its tributaries for the purpose of operating and maintaining said navigable canals or waterways and all navigational systems or facilities auxiliary thereto, provided, however, that such navigational use shall be subordinate to consumptive use of water, and navigation shall be incidental thereto;

"(3) In the case of the construction of said navigable canals or waterways and all navigational systems or facilities auxiliary thereto by the Federal Government or otherwise, the District shall have the power to construct, maintain and operate lateral connecting canals and turning basins to serve local needs, and shall also have the power to provide, construct, acquire, purchase, take over, lease from others, lease to others, and to maintain and operate, develop and/or by franchise control wharves, docks, warehouses, grain elevators, bunkering facilities, belt or terminal railroads, floating plants, lighters, towing facilities, and all other facilities incident to or in aid of the efficient operation and development of said canals or waterways and all navigational systems or facilities auxiliary thereto, and any ports incident thereto, whether the same be upon land or upon water;

"(4) In the event the construction and/or maintenance and operation of said navigable canals or waterways and all navigational systems or facilities auxiliary thereto is taken over by the Federal Government or any agency of the Federal Government, then and in such event the District shall be fully authorized to make...
and enter into any such contracts as may be lawfully required by the Federal Government, including the assignment and transfer of property and rights of property and easements and privileges and any and all other lawful things and acts as may be necessary and required in order to meet the requirements of the Federal Government or any agency of the Federal Government in taking over the construction and/or maintenance and operation of said navigable canals or waterways and all navigational systems or facilities auxiliary thereto;

“(5) The District may grant a franchise or right to any person, body politic or corporate for the use of said navigable canals or waterways and all navigational systems or facilities auxiliary thereto or any facility thereof in aiding navigation and no person or body politic or corporate may provide, maintain or operate any facility aid of navigation in any way connected with said navigable canals or waterways and all navigational systems or facilities auxiliary thereto and intended for use by the public within the meaning of this Act, except by and under the franchise granted by this District, in the form of any ordinance as provided by this Act, which franchise may be for any term not to exceed fifty (50) years. Such ordinance granting franchise may contain provisions for the payment of reasonable fees, and/or other charges to be paid to the District, and shall contain provisions adequate to regulate the fees, tolls, rates or exactions to be demanded for the use of, or service to be rendered by any means or facility to be provided or operate under any such franchise, to the end that the same will be uniform, reasonable, and without discrimination against any person, both as to charges and the conditions of use or service, and such ordinance shall contain all provisions reasonably required to procure service adequate to serve the public necessity and convenience. The District may grant a franchise for the design, construction, repair, enlargement, alteration, maintenance, operation of, and service from, or use of any facility to be provided for use in aid of navigation on said navigable canals or waterways and all navigational systems or facilities auxiliary thereto, whether upon land, or in or upon water. The right hereby granted shall include the right to require uniform and adequate analytic accounting systems and forms, periodic verified reports based thereon, and the right of audit by the District, and other reasonable regulations designed to protect the public. In order to procure observance of the conditions of a franchise granted hereunder, and/or compliance with the rules and regulations established by ordinance of the District (to be adopted and promulgated as elsewhere is provided in this Act) hereunder such ordinance may provide reasonable and commensurate penalties fixed by General Law in Texas, and not to exceed the limit for penalties as fixed elsewhere in this Act. The forfeiture or suspension of a franchise granted under this Act, where not otherwise provided in any such franchise, may be only because of discrimination or service, affording use, or in taking or demanding a toll, rate or charge. Forfeiture or suspension of a franchise granted hereunder, unless otherwise provided in any such franchise, shall be upon a decree of a District Court within the County in which this District may locate, against the District. The District may likewise by ordinance establish rules necessary or designed to protect the physical property owned or operated by another under a franchise hereunder granted, and/or to effect the safety or efficient use of the same, and in such ordinance may provide reasonable and commensurate penalties for the violation thereof, which penalties shall be cumulative of other penalties provided by the General Law of Texas, and not to exceed the limit for penalties as fixed elsewhere in this Act;
“(b) Flood Control: To Prevent and aid in preventing damage to persons and property by the overflow of any and all rivers, streams or tributaries thereof within the District;

“(c) Water Conservation, Storage, Procurement, Distribution and Supply:

“(1) To store and conserve to the greatest beneficial use the storm, flood and unappropriated flow waters of any and all rivers, streams or the tributaries thereof within the District, so as to prevent the escape of any water without maximum beneficial use either within or without the District;

“(2) For the conservation of water for uses either within or without the District, including providing water supply for cities and towns, and the right to sell water and stand-by service to any person, firm, or corporation, including cities and towns and other public agencies within or without the District, provided that it is the intent of this Act to establish a District that is concerned primarily with the conservation, control, storage, distribution and sale of water in bulk quantities in the public interest and only incidentally with the retail sale of water insofar as it does not compete with municipal water distributors and then only when necessary or convenient as a service to the public;

“(3) To acquire water appropriation permits either within or without the District directly from the State Board of Water Engineers or to purchase or otherwise acquire such permits or certified filings either within or without the District from the owners thereof;

“(4) To purchase water, water supply facilities or conservation storage capacity either within or without the District directly from the United States Government, through the Secretary of the Army or the Secretary of the Interior or any other of its officials authorized to make such contracts, or from the State of Texas or any agency thereof, or from any privately financed reservoirs, unaided conservation storage capacity at any dam within or without the District now constructed or to be constructed either by or with the

“(5) To execute water supply contracts with users of water within or without the District, included in the services for which the District may contract, and for which it may make charges, is that of stand-by service as well as for the actual delivery of water;

“(6) To provide water for the development of commercial and industrial enterprises within or without the District;

“(7) To bring water into the boundaries of the District;

“(8) To construct, acquire, equip, to acquire storage rights at, and operate and maintain dams and reservoirs, either within or without the District, had in carrying out the powers conferred upon the District, or to exercise such powers in conjunction with others;

“(9) To contract, operate and maintain or otherwise provide water supply lines, water purification and water pumping systems and facilities either within or without the District;

“(10) Power to execute contracts with municipalities and others involving the construction of reservoirs, dams, water supply lines, water purification and pumping facilities, and the furnishing of water supply service substantially in the manner prescribed by Chapter 342, Acts of the Regular Session of the 51st Legislature, for Districts organized and created pursuant to Article 16, Section 59, of the Constitution, extended so as to permit such contracts with individuals, partnerships, and all classes of corporations and to permit the inclusion of provisions for the operation, maintenance and ownership of such properties, but the powers granted the District in this subsection are not to be considered a limitation on the powers, rights, privileges and functions otherwise granted herein;

“(11) To acquire from the United States Government, through the Secretary of the Army or the Secretary of the Interior or any other of its officials authorized to make such contracts, or from the State of Texas or any agency thereof, or from any privately financed reservoirs, unaided conservation storage capacity at any dam within or without the District now constructed or to be constructed either by or with the
assistance of the United States Government or the State of Texas, or by both. It may acquire additional conservation storage capacity which may be provided at any such dam;

"(d) Irrigation: To provide water for irrigation of lands within and without the District, and incident thereto, to construct, operate, and maintain supply lines and pumping systems and facilities either within or without the District;

"(e) Soil Conservation: For the conservation of soils and other surface resources within the District against destructive erosion, thereby preventing the increased flood menace incident thereto, and for the prevention of sedimentation and silting of lands, channels and reservoirs, including the right either to act as local sponsoring agent of upstream soil and water conservation and flood prevention projects authorized by State or Federal Agencies in conjunction with Soil Conservation Districts or to aid and supplement the work of such upstream soil and water conservation and flood prevention projects authorized by the Secretary of Agriculture of the United States for defraying costs of operating and maintaining such projects, in accordance with regulations prescribed by the Secretary of Agriculture; provided, however, that any portion of the total construction cost of any such project which is allocable to flood control and/or soil conservation shall be paid for or financed by funds which have their source in the county in which each particular project is situated and which funds may be of any kind or character, except taxes collected in accordance with the provisions of Sections 16-a and 16-b of this Act;

"(f) Sewage Treatment: As necessary aid to the conservation, control, preservation, purification and distribution of surface and ground waters within the District, the District shall have the power to construct, own, operate, main-

"(g) Pollution Prevention: To provide for the study, correcting and control of both artificial and natural pollution of all ground or surface waters within the District and any river, stream or tributary thereof within the District. In this connection, the District is given the power by ordinance to promulgate rules and regulations with regard to such pollution, both artificial and natural, with the right of policing by said District to enforce such rules and regulations and of providing reasonable and commensurate penalties for the violation of any such rules and regulations, which penalties shall be cumulative of any penalties fixed by General Law in Texas, and not to exceed the limit for penalties as fixed elsewhere in this Act;

"(h) Parks, Recreational Facilities and Preservation of Fish: For the encouragement and development of parks, recreational facilities and the preservation of fish, the District shall have the power to acquire and maintain or otherwise provide sewage gathering, treatment and/or disposal services, to charge for such services, and to make contracts in reference thereto with counties, municipalities and others;

"(i) Forestation and Reforestation: To forest and reforest and aid in foresting and reforesting of all areas within the District;

"(j) Contractual: To make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act, with the
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United States, its agencies, the State of Texas, its agencies, counties, cities, all municipal corporations, political subdivisions and districts, and with private persons, partnerships, associations and corporations. The District shall make and execute such contracts and instruments in accordance with the following procedures:

"(1) Concerning any contract for the sale, purchase, procurement, distribution and/or supply of water or conservation storage capacity, or for the treatment, transmission and disposal of sewage, or for the construction of a navigable canal or waterway, or any contract authorized by Sect. 1, Chap. 84, p. 140, Acts of the Fifty-second Legislature, 1951, as subsequently amended (codified under Article 7848b, Vernon's Civil Statutes of the State of Texas), the Board of Directors shall cause a notice describing the general nature of such contract to be published once each week for three (3) consecutive weeks in a newspaper of general circulation in each county in the District. In addition to such publication a copy of such notice shall be transmitted by the Manager of the District, registered or certified mail, to the Judge of each county within the District, to the Mayor of each incorporated municipality within the District, and to the Manager or presiding Director of every water district within the District which has registered with the State Board of Water Engineers under Chapter 42, p. 227, Acts of the Fifty-fourth Legislature, Regular Session, 1935, as subsequently amended (codified under Article 2286j, Vernon's Civil Statutes of the State of Texas), such notice to be mailed not less than twenty (20) days before the regular meeting at which such contract is to be considered for the first time. Such contract may be considered and acted upon at the regular meeting at which such contract is to be considered for the first time. The affirmative vote of at least seven (7) members of the Board shall be required for the approval or confirmation or ratification of any such contract. Of those seven (7) affirmative votes, at least four (4) affirmative votes shall be cast by Board members from Bexar County, at least one (1) affirmative vote shall be cast by a Board member from Wilson County, at least one (1) affirmative vote shall be cast by a Board member from Karnes County, and at least one (1) affirmative vote shall be cast by a Board member from Goliad County. The District may use any such contract as the sole basis, or as a supplement to the basis, for securing its bonds:

"(2) Concerning any construction, maintenance, operation or repair contract, contract for the purchase of material, equipment or supplies or any contract for services other than professional services, the Board shall award such contract to the lowest and best bidder after publication of a notice to bidders once each week for three (3) consecutive weeks before awarding the contract if such contract will require an estimated expenditure of more than Two Thousand Dollars ($2,000) or if such contract is for a term of six (6) months or more. Such bid shall be sufficient if it states the price or the terms and conditions of the contract, the material, equipment or supplies to be purchased, or the non-professional services to be rendered and states where and the terms upon which copies of plans, specifications or other pertinent information may be obtained. Members of the Board of Directors shall be ineligible to submit such bids. The publication of said notice shall be in a newspaper of general circulation in the county or the counties in which the contract is to be performed, said newspaper or newspapers to be designated by the Board of Directors. In addition to publishing said notice in a newspaper of general circulation, such notice may also be published in any other appropriate publication. Bids shall be opened at the place specified in the published notice and shall be announced by the
Manager or other officer designated by the Board; provided, how-
ever, that said place of opening and announcing the bids shall al-
ways be open to the public. Accord-
ing to the amount of the lowest and best bid, the District
may thereafter make and execute any such contract by and through ei-
ther its Executive Committee or its Board of Directors. Any provi-
sion of this subsection to the con-
trary notwithstanding, the District
may purchase surplus property
from the United States by negoti-
ated contract and without the nec-
cessity of advertising for bids.

"(k) General:

"(1) This District hereby is
vested with such title and right of
control as the State has, or may have, in, to and concerning
the natural bed, banks, and waters of the
San Antonio River in its entire
length, and all of its tributaries
as are within the District, as said
District is defined in Section 2-a
of this Act, and the District here-
by is further vested with such
title and right of control as the
State has, or may have, in, to and concerning the natural bed
and banks of any other navigable
stream or tributary thereof as
may be located within the Dis-
trict, as said District is defined
in Section 2-a of this Act; which
vesting, however, shall be in
trust, and to authorize said Dis-
trict to make such use, and/or
disposition of such lands and
right[s] (and the proceeds, income,
revenues, or trading values there-
from), as in actual experience may
prove to be reasonably required
for, or in aid of, the accom-
mplishment of the purposes of this Act;

"(2) To make preliminary in-
vestigations and surveys in the
manner and for the purposes spec-
cified in said Chapter 25 (either
independently at its own cost, or
jointly with others, or to contrib-
ute, one-fifth the cost thereof when done;
yet another), whereby to procure
cooperation by the Government of the
United States of America, to the
end that any project lawfully
within the purposes of this Act may
be approved for construction
as a Federal project under such
contractual terms and conditions
as may be demanded by the Fed-
eral Congress;

"(3) To expend all sums rea-
sonably deemed to be necessary or
expedient for seeking cooperation
in accomplishing the objects of this
Act from the Federal Government,
and/or any and all other persons,
creatures, or entities, whether nat-
ural, or creatures of law or con-
tract;

"(4) Subject to the provisions
of this Act from time to time to
sell or otherwise dispose of any
property of any kind, real, per-
sonal, or mixed, or any interest
therein, which shall not be neces-
sary to the carrying on of the
business of the District;

"(5) To overflow and inundate
any public lands and public pro-
erty and to require the relocation
of roads and highways in manner
and to the extent permitted to
districts organized under General
Laws pursuant to Section 59 of
Article 16 of the Constitution of
the State of Texas. In the event
that the District, in the exercise
of the power of eminent domain or
power of relocation, or any other
power granted hereunder, makes
necessary the relocation, raising,
re-routing or changing the grade
of, or altering the construction
of any railroad, or street railway,
all such necessary relocation, raise,
re-routing, changing of grade or
alteration of construction shall
be accomplished at the sole ex-
 pense of the District;

"(6) To construct, extend, im-
prove, maintain and reconstruct,
to cause to be constructed, ex-
tended, improved, maintained, and
reconstructed, and to use and
operate, any and all facilities of
any kind necessary or convenient
to the exercise of such powers,
rights, privileges, and functions;

"(7) To sue and to be sued
in its corporate name;

"(8) To adopt, use, and alter
a corporate seal;

"(9) To adopt, and to amend
its bylaws for the management of
its affairs;

"(10) To appoint officers,
agents, employees and profession-
al consultants, none of whom shall
have any interest, direct or in-
direct in any contracts awarded by the District;

(11) To prescribe the duties and fix the compensation of all officers, agents, employees and professional consultants;

(12) To acquire by purchase, lease, gift, or in any other lawful manner and to maintain, use, and operate any and all property of any kind, real, personal or mixed, or any interest therein, within the boundaries of the District, necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act, in the manner provided by General Law with respect to condemnation or, at the option of the District, in the manner provided by the Statutes relative to condemnation by Districts organized under General Law pursuant to Section 59 of Article 16 of the Constitution of the State of Texas;

(13) To condemn lands used or dedicated for cemetery purposes in the manner provided by the General Law or Texas where reasonably necessary to effectuate the powers, rights, privileges and functions of the District, provided, however, that, when such power of condemnation is sought to be exercised with respect to any Perpetual Care cemetery, as defined in Article 912n, Vernon's Civil Statutes of the State of Texas, as to the condemnation of any such Perpetual Care cemetery or portion thereof, jurisdiction is hereby conferred for such purpose on the District Court or Courts of the county in which such cemetery land or any part thereof may be located, and such condemnation proceeding shall likewise involve the issue of the removal of the dedication thereof as such Perpetual Care cemetery and the issue of the necessity of such taking;

(14) To borrow money for its corporate purposes and to execute proper notes or other evidences of indebtedness, and without limitation of the generality of the foregoing, to borrow money and accept grants from the United States of America or such corporation or agency may require; and to make and issue its negotiable bonds for money borrowed in the manner and to the extent provided in Section 16. Nothing in this Act shall authorize the issuance of any bonds, notes, or other evidences of indebtedness of the District except as specifically provided in this Act, and no issuance of bonds, notes, or other evidences of indebtedness, except as specifically provided in this Act, shall ever be authorized except by an Act of the Legislature;

(15) To obtain loans from and accept grants from the United States and its agencies, and from the State of Texas, and its agencies, and it shall have the right to participate in and be the beneficiary of any plan which may be evolved by the State or Federal Government for guaranteeing or otherwise subsidizing the obligations of the District;

(16) The District shall have the power to adopt and promulgate by ordinance all reasonable rules and regulations for purposes elsewhere provided in this Act and generally to secure and protect any and all of its property and all of its works of improvement, and to regulate residence, hunting, fishing, boating and camping, and all recreational and business privileges on any navigable river of the District, or any reservoir of the District, or upon any land owned by the District. The District may prescribe reasonable and commensurate penalties for the violation of any and all such rules and regulations of the District, which penalties shall be cumulative of any penalties fixed by the General Law in Texas and shall not exceed fines of more than Two Hundred Dollars ($200), or imprisonment for not more than one hundred eighty (180) days, or may provide for both such fine and imprisonment. The penalties hereby authorized may be enforced only after complaint or indictment lawfully had, and the proceedings to enforce same shall be in a Court of competent jurisdiction within the County in which any offense under said rules and reg-

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ulations may have been committed, provided, however, that no rule or regulation which provides a penalty for the violation thereof shall be in effect, as to enforcement of the penalty, until five (5) days next after the District may have caused a substantive statement of the particular rule or regulation and the penalty for the violation thereof to be published once a week for three (3) consecutive weeks in a newspaper of general circulation in each county in which it is to be effective. The substantive statement so to be published shall be as condensed as is possible to afford an intelligent direction of the mind to the act forbidden by the rule or regulation; (one (1) notice may embrace any number of regulations;) there must be embraced in the notice advice that breach of the particular regulation, or regulations, will subject the violator to the infliction of a penalty and there also shall be included in the notice advice that the full text of the regulation sought to be enforced is on file in the principal office of the District, where the same may be read by any interested person. Five (5) days after the third publication of the notice hereby required, the advertised regulation shall be in effect, and ignorance of any such regulation shall not constitute a defense to a prosecution for the enforcement of a penalty and, the rules and regulations authorized hereby, after the required publication, shall judicially be known to the courts and shall be considered of a nature like unto that of valid penal ordinances of a city of the State. The District shall be primarily liable for any court costs incurred hereunder, and the cost to maintain any offender committed for imprisonment hereunder. Any fines imposed in any such proceeding and paid in money shall be payable to this District and directed as its Board may direct;

"(17) To designate an official newspaper of the District in each county in the District, each of which newspapers shall be a newspaper having general circulation in the county in which it is situated;

"(18) To acquire such rights-of-way as are necessary to construct, operate and maintain such roads as are necessary for the ingress and egress to any work of improvement or to any park, recreational facility, or fish or wildlife preserve or reserve;

"(19) To grant concessions and franchises upon the premises of any works of improvement or any park, recreational facility or fish or wildlife preserve or reserve to any person or corporation;

"(20) When germane to the accomplishment and the purpose of this Act, and not otherwise adequately provided by Chapter 15, or provided elsewhere in this Act, the Directors of the District shall have the power to adopt and promulgate ordinances, which may be done by a majority (except as specifically provided elsewhere in this Act) of those Directors present at any meeting held in compliance with the provisions of the bylaws at which there must be a majority of the Board, constituting a quorum. No notice shall be required before the passage of such ordinance, except such notices of special or regular meetings of the Board as may be provided by the bylaws and except as specifically provided elsewhere in this Act. After having adopted such ordinances, the Directors shall cause certified copies of same to be forthwith filed as a record in the office of the County Clerk of each county situated in whole or in part within the District, and within which such ordinance is intended to have application; whereupon the ordinance shall be in full force and effect, and there after all courts and persons shall be held to have knowledge thereof, just as though the same had been embraced in the body of this Act, and the County Clerk in any county is authorized and directed to file and record all certified copies of such ordinances in the Deed Record of such county and to charge therefor the same fees as is provided for recording deeds of conveyance. And the powers of said District to adopt ordinances
shall include, among other things as follows: in any case in which said Chapter 25 does not provide a specific power or right germane to, or appropriate, or adequate to accomplish an object of this Act, and such specific power has been or hereafter may be conferred by law on Counties, Cities, Water Improvement Districts, Water Control and Improvement Districts, Drainage Districts, Navigation Districts, Canal Corporations, Channel and Dock Corporations, Deep Water Corporations, Railway Corporations, Terminal Railway Corporations, Telegraph and Telephone Corporations, or other like creatures of the law, then, to the extent required to make adequate herein the powers and rights of this District, it may by ordinance adopt and have as part of the law of its being so much of the power and right of any of the herein designated creatures of the law as will enable it effectively to accomplish that purpose of this Act. The adoption of a power or mode of procedure hereunder shall not be held to include any incidental limitation which would impede the lawful accomplishment of the purposes of this Act. As to this there shall be no limit hereof save such as would violate the provisions of the Constitution of the United States and the State of Texas concerning the rights of others;

"(21) This District shall have all powers and rights, and regulation for government and procedure, as are contained in said Chapter 25, which shall be cumulative of those provided by this Act, and those rules for procedure which may be provided by ordinances adopted by the District under other provisions of this Act."

Section 5. Section 4 of Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended (Codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), entitled "Further Powers of the District", is hereby repealed.

Section 6. Section 5 of Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended (Codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), entitled "Granting Franchises", is hereby repealed.

Section 7. Section 7 of Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended (Codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), entitled "Enforcement of Penalties," is hereby repealed.  

Section 8. Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended (Codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), is hereby amended by adding thereto a new section, as follows:

"Sec. 4. a. Master Plan. It shall be the duty of the District to prepare a master plan for the maximum development of the soil and water resources of the entire District, including plans for the complete utilization, for all economically beneficial purposes, of the water resources of the District. The master plan shall be filed with and approved by the State Board of Water Engineers. The master plan may be amended or supplemented from time to time by the District, provided that a copy of such amendment or supplement to the master plan shall be filed with and approved by the State Board of Water Engineers. The first master plan, as amended or supplemented, shall be effective for a period of ten (10) years, as computed from the date of its approval by the State Board of Water Engineers. Upon the expiration of each ten (10) year period the District shall revise its master plan and a copy of said revised master plan shall be filed with and approved by the State Board of Water Engineers. Prior to the adoption of the master plan, or any amendment or supplement thereto or revision thereof, the Board of Directors shall give notice to the public that it proposes to adopt such master plan, or any amendment or supplement thereto or revision thereof, by causing a notice describing its general nature to be published once each week for three (3) consecutive weeks in a newspaper of circulation in each county in the District. In addition to such publication, a copy of such notice shall be transmitted by the Manager of the District, by registered or certified mail, to the
Board of Water Engineers shall hold a hearing at which the proponents of the proposed water development plan and the District shall have an opportunity to present their evidence and recommendations to the State Board of Water Engineers. The State Board of Water Engineers shall approve or disapprove such proposed water development plan notwithstanding any provision of the District's master plan in accordance with the provisions of Chapter 1, Title 159, Revised Civil Statutes of Texas, as amended. Said master plan, and all amendments or supplement thereto or revisions thereof, shall be prepared so as to effectuate Chapter 159, Sections 4 and 5, p. 21, Acts of the 42nd Legislature, 1931 (codified under Articles 7472b and 7472d, Vernon's Civil Statutes of the State of Texas), and the rules and regulations of the State Board of Water Engineers.

Section 9. Section 9 of Chapter 276, Acts of the Forty-First Legislature. 1937, as subsequently amended (Codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), is hereby amended so as to hereafter read as follows:

"Sec. 9. Governing body of the District; Qualifications of members of the Board; Vacancies; Term of office. The government and control of the District shall be vested in a Board of Directors consisting of twelve (12) members, six (6) of whom shall be elected from Bexar County, two (2) of whom shall be elected from Wilson County, two (2) of whom shall be elected from Karnes County, and two (2) of whom shall be elected from Goliad County. The six (6) directors elected to serve as the first elected directors of the Bexar County shall at the first meeting of the Board following their election determine by lot which two (2) directors shall serve until January 1, 1963, which two (2) directors shall serve until January 1, 1965, and which two (2) directors shall serve until January 1, 1967. The two (2) directors elected to serve as the first elected directors from Wilson County shall at the first meeting of the Board following their election de-
termine by lot which director shall serve until January 1, 1965, and which director shall serve until January 1, 1967. The two (2) directors elected to serve as the first elected directors from Karnes County shall at the first meeting of the Board following their election determine by lot which director shall serve until January 1, 1965, and which director shall serve until January 1, 1967. The two (2) directors elected to serve as the first elected directors from Goliad County shall at the first meeting of the Board following their election determine by lot which director shall serve until January 1, 1965, and which director shall serve until January 1, 1967.

The successor of each of the aforementioned first elected directors shall be elected at large from the County of his predecessor to serve for a term of six (6) years. All directors shall hold office until their successors have been elected and have qualified by taking the oath of office. Before entering upon the duties of his office, each member of the Board shall take the Constitutional Oath of Office and the same shall be filed in written form with the Secretary of the Board. Vacancies occurring in the Board from any county shall be filled by appointment by the Governor of the State, with the advice and consent of the Senate, for such unexpired term. Any person over the age of twenty-one years, residing within the District and within the county from which he is elected or appointed and possessing the qualifications of a juror shall be eligible to be elected or appointed to serve as a director. Immediately after this Act becomes effective, the Board of Directors of the District, who are named in Section 9 of this Act, shall by ordinance call an election to be held in accordance with the General Laws of the State. All matters relating to such election shall be filed in written form with the Secretary of State, and the said Board of Directors shall give notice of said election in each county by registered or certified mail, to the County Judge of each county from which the directors are elected or appointed and direct that said election be held on the first Tuesday after the first date of publication of such notice. The said Board of Directors shall give notice of said election in each county by causing a notice of such election to be published once each week for three (3) consecutive weeks in a newspaper of general circulation in each county in the District. In addition to such publication, a copy of such notice shall be transmitted by the Manager of the District, by registered or certified mail, to the County Judge of each County within the District, such notice to be mailed not more than three (3) days after the first date of publication. The first election so called shall be held on the first Tuesday following thirty (30) days after the first date of publication of such notice. The ordinance providing for such election and for the notice thereof shall name the officers of the election and direct that said election be held in accordance with the General Laws of the State. All matters relating to such election shall be filed.

Section 10. Section 10 of Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended (Codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), entitled "Qualifications of Members of Board," is hereby repealed.

Section 11. A new Section 10 of Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended (Codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), is hereby adopted so that said Section 10 shall hereafter read as follows:

"Sec. 10. Election of Directors. Within ninety (90) days after this Act becomes effective, the Board of Directors of the District, who are named in Section 9 of this Act, shall by ordinance call an election to be held at such polling place or places within the counties of Bexar, Wilson, Karnes and Goliad as it may deem proper for the election of the following Directors: Six (6) directors from Bexar County; two (2) directors from Wilson County; two (2) directors from Karnes County; and two (2) directors from Goliad County. The said Board of Directors shall give notice of said election in each county by causing a notice of said election to be published once each week for three (3) consecutive weeks in a newspaper of general circulation in each county in the District. In addition to such publication, a copy of such notice shall be transmitted by the Manager of the District, by registered or certified mail, to the County Judge of each County within the District, such notice to be mailed not more than three (3) days after the first date of publication. The first election so called shall be held on the first Tuesday following thirty (30) days after the first date of publication of such notice. The first election so called shall be held on the first Tuesday following thirty (30) days after the first date of publication of such notice. The ordinance providing for such election and for the notice thereof shall name the officers of the election and direct that said election be held in accordance with the General Laws of the State. All matters relating to such election shall be filed.
with the Secretary of the said Board, and the results of the election in each county shall be canvassed and certified by the said Board. The ordinance calling the election and all action pertaining to the election shall be entered in the minutes of the District, and certified copies thereof shall be filed upon the Deed Records of each county in the District. After the first election to elect Directors to succeed the said Board, all elections within the District shall be carried out in accordance with rules set forth in the bylaws, and the results of all elections shall be canvassed by the Board of Directors of the District at the regular meeting next following each biennial election. All elections after said first election shall be held on a date in the month of November and at the polling places designated by the Board of Directors of the District, and said election may be held coincidently and in conjunction with the general elections. The terms of office of Directors elected at each election after the said first election shall commence on the first day of January following their election. In all elections, including the said first election, the following rules shall apply:

"(a) Those persons seeking to have their names placed on the official ballot shall make application to the Secretary of the Board in accordance with rules prescribed by the Board either in the ordinance calling the election or in the bylaws.

"(b) The Secretary of the Board shall make up the official ballot for each county from the names of candidates who have filed applications, and the placing of the names of the candidates on the ballots shall be determined by lot. The drawing of lots for the placing of the names of the candidates on the ballots shall be by the Secretary of the Board, and all candidates, or their designated representatives, may be present at such drawing.

"(c) The candidates receiving the greatest number of votes, that is a plurality, shall be declared elected. Should there be a tie in the votes received, the winner of the election shall be determined by lot in a manner approved by the majority of the Board."

Section 12. Section 11 of Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, (Codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), is hereby amended so as to hereafter read as follows:

"Sec. 11. Compensation and Expenses of Directors. The Directors of the District shall be entitled to Twenty Dollars ($20.00) per day for each day of official service, whether sitting as a Board or serving on a committee of the Board, and in addition thereto shall be entitled to reimbursement for all expenses necessarily incurred by reason of such service. A meeting shall be deemed a day of service, provided that no charge shall be made for more than one meeting held on any one day, and no Director shall be paid per diem in excess of one hundred and fifty (150) days in any one fiscal year, exclusive of reimbursement for expenses, as compensation for service rendered as a Director and as a member of a committee. All fees for services as a Director or as a member of a committee and all necessary expenses in connection with such service shall be paid out of funds raised in the county from which the Director is elected or appointed."

Section 13. Section 12 of Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended (Codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), is hereby amended so as to hereafter read as follows:

"Sec. 12. Removal of Directors and Officers. Any Director or Officer shall be subject to removal or suspension from office by the affirmative vote of eight (8) Directors for incompetency, official misconduct, official gross negligence, habitual drunkenness or for inattendants at six (6) consecutive regular meetings of the Board; provided, that no Director or Officer shall be removed or suspended from office until charges in writing are filed against him and he is given the opportunity of a fair hearing before the Board of Directors."

Section 14. Section 13 of Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended...
Deemed proper, an Assistant Chairman, a Vice-Chairman, a Secretary and a Treasurer, and, if deemed proper, an Assistant Secretary and an Assistant Treasurer, who need not be members of the Board of Directors and who may be granted limited powers in the bylaws. The Board of Directors shall have the power: "(a) To exercise all the powers, rights, privileges and functions conferred by law upon the District; "(b) To adopt all such bylaws as are not inconsistent with the law. The bylaws may provide for the designation by the Board of an Executive Committee of five (5) members upon whom the District's Manager may call for policy decisions and advice concerning matters which arise between meetings of the Board and which may authorize, on behalf of the District, the execution of any contract involving the expenditure of an amount no greater than Ten Thousand Dollars ($10,000); "(c) To appoint and fix the salary of a Manager, who shall be the chief executive officer of the District. The Manager shall employ and supervise, subject to policies promulgated by the Board, all employees, agents, accountants, attorneys, engineers and others rendering professional services necessary and required to accomplish the purposes of this Act. The Manager may execute, on behalf of the District, any contract involving the expenditure of an amount no greater than One Thousand Dollars ($1,000); "Except as specifically provided elsewhere in this Act, all the powers, rights, privileges and functions of the District may be exercised by a majority of those Directors present at any meeting of the Board (or of the Executive Committee if the sum involved is no greater than Ten Thousand Dollars ($10,000) held in compliance with the provisions of the bylaws at which meeting there must be present a majority of the Board (or of the Executive Committee), constituting a quorum. "Said Board of Directors shall have all such additional powers as may be conferred on this District by the other provisions of this Act and said Chapter 25, and of said Article 14, Section 59, of the Constitution of the State of Texas; provided, however, that members of the Board shall be ineligible to engage in any transaction for gain or profit with the District. "The Directors and all Officers of the District who are not Directors of the Water Board shall be responsible for the management and control of all affairs of the District in connection therewith, the Board of Directors shall have the power:
shall, within fifteen (15) days after their election or appointment, file a good and sufficient bond with the Secretary of the Board; the official bond of each Director and Officer shall be in the sum of Five Thousand Dollars ($5,000), shall be payable to the District, shall be conditioned upon the faithful performance of their duties as such Directors or Officers, and shall be subject to approval by the Secretary of the Board.

Section 14. Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, (codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), is hereby amended by adding thereto a new section as follows:

"Sec. 14-a. Audit. A complete system of accounts shall be kept by the District in accordance with generally accepted principles of accounting. The State Auditor shall annually audit the books and accounts of the District in such manner as to enable him to report to the Legislature as to the manner and purpose of the expenditure of all funds of the District. Such audit shall cover the fiscal year from July the first to June the thirteenth, and a report thereof shall be made before the first day of January each year, a copy of which shall be filed with the Governor of Texas, the Lieutenant Governor of Texas, the Attorney General of Texas, the Speaker of the House of Representatives, the County Judges of each county included in the District and with each State Senator and Member of the House of Representatives of each county within the District. The State Auditor, after completing such report, shall prepare a detailed statement showing the actual cost of such audit and shall certify such statement to the Governor of the State of Texas for his approval; and such statement, when approved by the Governor, shall be delivered to the Manager of the District, and the District shall forthwith deposit such sum in the State Treasurer, which sum shall be placed in the General Fund of the State of Texas. Nothing herein shall prohibit the District from employing the professional services of an independent Certified Public Accountant or firm of Certified Public Accountants for any purpose. All books, accounts, cost estimates, records, papers and archives of the District shall be kept and maintained at the District's general office and shall be open to public inspection at all reasonable times."

Section 17. Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, (Codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), is hereby amended by adding thereto a new section as follows:

"Sec. 15-a. Taxation. Subject to the limitation as to the maximum rate of tax as prescribed in this Section, the District may levy and collect throughout the territory of the District such ad valorem taxes as are voted at an election or elections called by the Board for that purpose and conducted throughout the territory of the District. The maximum rate of tax which can be levied and collected for any year shall be Two Cents ($0.02) on the One Hundred Dollars ($100) of taxable property based on its assessed valuation, in accordance with the following conditions and procedures:

"(a) The Board of Directors of the District and the Territory may, by ordinance, call an election to submit to the voters for approval such taxation; provided that a public hearing to discuss the proposed tax issue shall be held in each county in the District, said public hearing to be held not less than ten (10) days nor more than twenty-five (25) days prior to the scheduled date of any such election, and said hearings shall be called by the Board of Directors of the District and notice of the time, date, place and purpose of said meeting shall be given by publishing said notice at least one (1) newspaper of general circulation in each county where the meeting is to be held at least ten (10) days prior to such hearing:

"(b) Only qualified electors, owning taxable property within the boundaries of the District and who have duly rendered their property for taxation shall be entitled to vote in any such election. An elector otherwise qualified shall be entitled to vote in the county of his residence and at the polling place.
designated for the precinct of his residence. The ordinance calling the election shall specify the polling place or places in each of the several counties. The notice of election will be sufficiently as to any county within the District if it states that the election is to be held throughout the territory comprising the District and if it specifies the polling place or places in such county. But it shall not be necessary to publish such details except in the county to which they are applicable;

"(c) Returns of the elections shall be made to the Board, and the Board shall canvass the returns of the election and adopt an ordinance declaring the results thereof. The Board may levy taxes within the maximum rate thus voted if a majority of the votes cast throughout the District are in favor of the levy of the tax and if a majority of the votes cast in any three (3) counties in the District are in favor of the levy of the tax;

"(d) The rate of tax shall be uniform throughout the territory comprising the District, and shall be certified by the chairman and the Secretary of the Board of Directors of the District to the Tax Assessor and the Tax Collector of each included county;

"(e) After an election has resulted favorably to the levy of a tax, the Board of Directors may borrow money payable therefrom and may evidence such loan by a negotiable note given in the name of the District;

"(f) Any taxes thus collected shall be used for the purpose of general administration, preparation of the Master Plan provided for in Section 4-a, and for other planning and services with respect to any of the purposes, rights, privileges and functions of the District; provided, however, that none of the taxes thus collected shall be used for or finance construction of any dams, reservoirs, levees, channels, pipelines or other major physical works of the District, or pay for the cost of any right-of-way, acquisition, or damages awarded by any Court under Article 1, Section 17, of the Constitution of the State of Texas. It is the intent of this Act that any taxes thus collected will enable the District to develop a Master Plan for the maximum development of the soil and water resources of the District, it being hereby found and determined that the benefits to be realized from such maximum development can be obtained only through area-wide participation and planning. It is the intent of this Act that the construction of any dams, reservoirs, levees, channels, pipelines or other major physical works of the District shall be paid for or financed by revenue bonds of the District to be redeemed either by the sale of services or by taxes to be levied by a county or municipality and paid over to the District as an independent contractor or said county or municipality. It is likewise the intent of this Act that any taxes thus collected may be used to pay for the operation, repair and/or maintenance of any flood control, soil conservation, watershed protection and/or erosion structures or works of improvement constructed in cooperation with the Federal Government; provided, however, that any such operation, repair and/or maintenance costs shall be paid for out of taxes thus collected in the county in which the particular structure or work of improvement is situated. It is further the intent of this Act that the taxes authorized by this Section 15-a thus collected shall not be pledged to the redemption of any bonds of the District.

Section 18. Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, (codified under Article 289.14, Civil Statutes of Texas), is hereby amended by adding therein a new section as follows:

"Sec. 15-b. Rendition, Assessment, Levyin, and Collection of Taxes. The rendition and assessment of property for taxation and the collection of taxes for the benefit of the District shall be in accordance with the law applicable to counties, insofar as such law is applicable. Renditions shall be to the County
Tax Assessor of the county in which the property is taxable for State and County purposes. It shall be the duty of the Assessor and Collector in such county to cause to be placed on the county tax rolls such additional column or columns as are needed to show the tax levied by the District and the amount thereof based on the value of such property as assessed, finally for State and County purposes by the Board of Equalization of such county. The fee for assessng and collecting taxes shall be two per cent (2%) of the taxes collected, such fee to be paid over and disbursed in each county as are other fees of office. All of the laws for the enforcement of State and County taxes shall be available to the District. The District has the right to cause the officers of each county to enforce the taxes due to the District in that county, as provided in the law for the enforcement of State and County taxes. Taxes assessed and levied for the benefit of the District shall be payable at such place or places within or without the State of Texas, as such resolution or resolutions authorizing any bonds may provide. Any resolution or resolutions authorizing the issue of bonds of any power or powers conferred by the Statutes of Texas, as subsequently amended, (codified under Article 8216-119, Vernon’s Civil Statutes, as such resolutions may contain provisions, which shall be part of the contract between the District and the holders thereof, from time to time: (a) reserving the right to redeem such bonds at
such time or times, in such amount and at such prices, not exceeding one hundred and five per cent (105%) of the principal amount thereof, plus accrued interest as may be provided; (b) providing for the setting aside of sinking funds or reserve funds and the regulation and disposition thereof; (c) pledging to secure the payment of the principal of and interest on such bonds and of the sinking fund or reserve fund payments agreed to be made in respect of such bonds, any part or all of the revenue and income of every kind and character from any source whatsoever thereafter received by the District; (d) prescribing the purposes to which such bonds or any bonds thereafter to be issued, or the proceeds thereof, may be applied; (e) agreeing to fix and collect rates, charges, and assessments sufficient to produce net revenues adequate to pay the items specified above in subdivisions (a), (b) and (c) of this Section; and prescribing the use and disposition of all revenues; (f) prescribing limitations upon the issuance of additional bonds and upon the agreements which may be made with the purchasers and successive holders thereof; (g) with regard to the construction, extension, improvement, reconstruction, operation, maintenance, and repair of the properties of the District and carrying of insurance upon all or any part of said properties covering loss or damage or loss of use and reconstruction, operation, maintenance, and repair of the properties of the District and carrying of insurance upon all or any part of said properties covering loss or damage or loss of use and occupancy resulting from specified risks; (h) fixing the procedure, if any, by which the District shall desire, the terms of any contract with the holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (i) by the execution and delivery by the District to a bank or trust company authorized by law to accept trusts, or to the United States of America or any officer or agency thereof, of indentures and agreements for the benefit of the holders of such bonds, setting forth any or all of the agreements herein authorized to be made with or for the benefit of the holders of such bonds and such other provisions as may be customary in such indentures or agreements; and (j) such other provisions not inconsistent with the provisions of this Act, as the Board may approve.

Any such resolution and any indenture or agreement entered into pursuant thereto may provide that in the event that:

"(a) default shall be made in the payment of the interest of any or all bonds when and as the same shall become due and payable, or"

"(b) default shall be made in the payment of the principal of any or all bonds when and as the same shall become due and payable, whether at the maturity thereof by call for redemption or otherwise, or"

"(c) default shall be made in the performance of any agreement made with the purchasers or successive holders of any bonds.

"And such default shall have continued such period, if any, as may be prescribed by said resolution in respect thereof, the trustee under the indenture or indentures entered into in respect of the bonds, authorized thereby, or if there shall be no such indenture, a trustee appointed in the manner provided in such resolution or resolutions by the holders of twenty-five per cent (25%) in aggregate principal amount of the bonds authorized thereby and at the time outstanding, may, and upon the written request of the holders of twenty-five per cent (25%) in aggregate principal amount of the bonds authorized thereby and at the time outstanding, shall, in his or its own name, but for the equal proportionate benefit of the holders of all such bonds, and with or without having possession thereof:

"(1) by mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the holders of such bonds;

"(2) bring suit upon such bonds and/or the appurtenant coupons;

"(3) by action or suit in equity, require the District to account
as if it were the trustee or an express trust for the bondholders;

“(4) by action or suit in equity, to declare any acts or things which may be unlawful or in violation of the rights of the holders of such bonds; and/or

“(5) after such notice to the holders, such bonds due and payable, and if all defaults shall have been made good, then with the written consent of the holders of twenty-five per cent (25%) in aggregate principal amount of such bonds at the time outstanding annul such declaration and its consequences; provided, however, that the holders of more than a majority in principal amount of the bonds authorized thereby and at the time outstanding shall by instrument or instruments in writing delivered to such trustee have the right to direct and control any and all action taken or to be taken by such trustee under this paragraph. Any such resolution, indenture, or agreement may provide that in any such suit, action, or proceeding any such trustee, whether or not all of such bonds shall have been declared due and payable or with or without possession of any thereof, shall be entitled as of right to the appointment of a receiver who may enter and take possession of all or any part of the properties of the District and operate and maintain the same, and fix, collect, and receive rates and charges sufficient to provide revenues adequate to apply the items set forth in subparagraphs (a), (b) and (c) of Section 16 hereof and costs and disbursements of such suit, action, or proceeding and to apply such revenues in conformity with the provisions of this Act and the resolution or resolutions authorizing such bonds. In any suit, action, or proceeding by any such trustee, the reasonable fees, counsel fees and expenses of such trustee and of the receiver or receivers, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the Court shall be a first charge upon any revenues pledged to secure the payment of such bonds. Subject to the provisions of the Constitution of the State of Texas, the Courts of the County of Bexar shall have jurisdiction of any such suit, action or proceeding by any such trustee on behalf of the bondholders and of all property involved therein. In addition to the powers hereinabove specifically provided for, each such trustee shall have and possess all powers necessary or appropriate for the exercise of any thereof, or incident to the general representation of the bondholders in the enforcement of their rights.

“Before any bonds shall be sold by the District, a certified copy of the proceedings for the issuance thereof, including the form of such bonds, together with any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General, and if he shall find that such bonds have been issued in accordance with law, and if he shall approve such bonds, he shall execute a certificate to that effect which shall be filed in the office of the Comptroller of the State of Texas and be recorded in a record kept for that purpose. In lieu of the approval by the Attorney General, the District may institute proceedings as authorized by Chapter 316, Acts of the Regular Session of the 56th Legislature, 1959. No bonds shall be issued until the same shall have been registered by the Comptroller, who shall so register the same if the Attorney General shall have filed with the comptroller his certificate approving the bonds and the proceedings for the issuance thereof as hereinafore provided.

“All bonds approved by the Attorney General as aforesaid, and registered by the Comptroller as aforesaid, and issued in accordance with the proceedings as approved, shall be valid and binding obligations of the District and shall be incontestable for any cause from and after the time of such registration.

“Nothing herein shall prevent the District from making a private sale of its bonds to the Texas Water Development Board under such terms and conditions as District's Board of Directors shall in their discretion deem advisable, and such sale is specifically authorized by this Act.”

"(4) by action or suit in equity, to declare any acts or things which may be unlawful or in violation of the rights of the holders of such bonds; and/or

“(5) after such notice to the holders, such bonds due and payable, and if all defaults shall have been made good, then with the written consent of the holders of twenty-five per cent (25%) in aggregate principal amount of such bonds at the time outstanding annul such declaration and its consequences; provided, however, that the holders of more than a majority in principal amount of the bonds authorized thereby and at the time outstanding shall by instrument or instruments in writing delivered to such trustee have the right to direct and control any and all action taken or to be taken by such trustee under this paragraph. Any such resolution, indenture, or agreement may provide that in any such suit, action, or proceeding any such trustee, whether or not all of such bonds shall have been declared due and payable or with or without possession of any thereof, shall be entitled as of right to the appointment of a receiver who may enter and take possession of all or any part of the properties of the District and operate and maintain the same, and fix, collect, and receive rates and charges sufficient to provide revenues adequate to apply the items set forth in subparagraphs (a), (b) and (c) of Section 16 hereof and costs and disbursements of such suit, action, or proceeding and to apply such revenues in conformity with the provisions of this Act and the resolution or resolutions authorizing such bonds. In any suit, action, or proceeding by any such trustee, the reasonable fees, counsel fees and expenses of such trustee and of the receiver or receivers, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the Court shall be a first charge upon any revenues pledged to secure the payment of such bonds. Subject to the provisions of the Constitution of the State of Texas, the Courts of the County of Bexar shall have jurisdiction of any such suit, action or proceeding by any such trustee on behalf of the bondholders and of all property involved therein. In addition to the powers hereinabove specifically provided for, each such trustee shall have and possess all powers necessary or appropriate for the exercise of any thereof, or incident to the general representation of the bondholders in the enforcement of their rights.

“Before any bonds shall be sold by the District, a certified copy of the proceedings for the issuance thereof, including the form of such bonds, together with any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General, and if he shall find that such bonds have been issued in accordance with law, and if he shall approve such bonds, he shall execute a certificate to that effect which shall be filed in the office of the Comptroller of the State of Texas and be recorded in a record kept for that purpose. In lieu of the approval by the Attorney General, the District may institute proceedings as authorized by Chapter 316, Acts of the Regular Session of the 56th Legislature, 1959. No bonds shall be issued until the same shall have been registered by the Comptroller, who shall so register the same if the Attorney General shall have filed with the comptroller his certificate approving the bonds and the proceedings for the issuance thereof as hereinafore provided.

“All bonds approved by the Attorney General as aforesaid, and registered by the Comptroller as aforesaid, and issued in accordance with the proceedings as approved, shall be valid and binding obligations of the District and shall be incontestable for any cause from and after the time of such registration.

“Nothing herein shall prevent the District from making a private sale of its bonds to the Texas Water Development Board under such terms and conditions as District's Board of Directors shall in their discretion deem advisable, and such sale is specifically authorized by this Act.”
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Section 20. Section 18-a of Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, (codified under Article 2260-119, Vernon's Civil Statutes of the State of Texas), is hereby repealed.

Section 21. Section 18 of Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, (codified under Article 2260-119, Vernon's Civil Statutes of the State of Texas), is hereby amended so as to hereafter read as follows:

"Sec. 18. Property of the District.

(a) Prohibition Against Encumbering Property. Nothing in this Act shall be construed as authorizing the District, or the receiver of its property, or any court, to sell, lease or otherwise encumber any of its property of any kind, real, personal or mixed, or any interest therein, or to acquire any such property or interest subject to a mortgage or conditional sale; provided, however, that this subsection shall not be construed as preventing the pledging of any and all revenues and income of the District of every kind and character and from any source whatever, except ad valorem taxes collected by the District in accordance with Sections 15-a and 15-b of this Act.

(b) Disposition of Property. Nothing in this Act shall be construed as authorizing the District, or the receiver of its property, or any court, to sell, lease or otherwise encumber any of its property of any kind, real, personal or mixed, or any interest therein, unless such sale, lease or other disposition has been generally authorized by this Act; provided, however, that the District may sell for cash any such property or interest therein of an aggregate value not exceeding the sum of Two Hundred Thousand Dollars ($200,000), in any one fiscal year, under the following terms and conditions:

(1) The Board, by the affirmative vote of eight (8) members thereof, shall have determined that said property or interest is not convenient to the business of the District and, by the same vote, shall have agreed as to the appraised value of said property or interest therein:

(2) The Board shall cause a notice of such proposed sale to be published once each week for three (3) consecutive weeks in a newspaper of general circulation in the county or counties in which said property or interest therein is situated if the appraised value of said property or interest therein is in excess of One Thousand Dollars ($1,000) and if the said property or interest therein is not partial or total consideration in a transaction for the exchange of properties;

(3) If the Board shall have determined that said property or interest therein is not convenient to the business of the District and that the appraised value of said property or interest is not in excess of One Thousand Dollars ($1,000), the Manager of the District shall proceed to sell said property or interest therein upon the terms he deems appropriate and shall execute, on behalf of the District, such instruments as are necessary to effectuate the sale;

(4) If the Board shall have determined that said property or interest therein is not convenient to the business of the District, that the appraised value of said property or interest therein is in excess of One Thousand Dollars ($1,000), and that said property or interest therein is in partial or total consideration in a transaction for the exchange of properties, the Board shall proceed to sell said property without publishing a notice of such sale upon the terms it deems appropriate and shall execute, on behalf of the District, such instruments as are necessary to effectuate the exchange of properties;

(5) If the Board shall have determined that said property or interest therein is not convenient to the business of the District and that the appraised value of said property or interest therein is in excess of One Thousand Dollars ($1,000), and after notice has been published as hereinbefore provided, the Board shall consider at the regular meeting next following the last date of advertisement all offers of purchase, shall
determine by the affirmative vote of eight (8) members thereof the terms of such sale, and shall execute, on behalf of the District, such instruments as are necessary to effectuate the sale.

"(c) Property Exempt from Forced Sale. All property of the District shall be at all times exempt from forced sale, and nothing in this act shall authorize the sale of any of the property of the District under any judgment rendered in any suit, and such sales are hereby prohibited and forbidden."

Section 22. Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, (codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), is hereby amended by adding thereto a new section, as follows:

"Sec. 21-a. Contract with Bexar County. Recognizing the fact that the District has heretofore entered into a contract with the Commissioners' Court of Bexar County, Texas, for the purpose of financing the construction of certain flood control and soil conservation works of improvement in Bexar County, the District is hereby prohibited from spending any income or revenue derived from said contract, and all amendments thereto or reformations thereof, for any purpose other than those which are specifically provided for therein; provided, however, that a reasonable amount of said income or revenue may be allocated by the Board for the payment of the District's overhead, operational costs and the fees of the Directors who reside in Bexar County."

Section 23. Section 22 of Chapter 276, Acts of the Forty-fourth Legislature at its First Called Session, that the power and authority granted by said Act creating said Guadalupe-Blanco River Authority shall supersede and control over any power or authority granted by this Act.

"It is further especially provided that no provision of this Act shall have the effect of divesting any person, firm or corporation of any vested riparian rights heretofore vested, or any vested rights derived under existing permits for the appropriation and use of public waters heretofore issued by the State Board of Water Engineers, or any vested rights derived under any certified filings heretofore filed with said Board.

"It is further especially provided that nothing in this Act shall impair or supersede the authority and supervision granted to the State Board of Water Engineers under the general laws of the State of Texas or under the rules formulated by said State Board in accordance with said general laws, any provision of this Act to the contrary notwithstanding."

Section 24. Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, (codified under Article 8280-119, Vernon's Civil Statutes of the State of Texas), is hereby amended by adding thereto a new section, as follows:

"Sec. 25. Severability Clause. The provisions of this Act are severable. If any section, subsection, provision or part whatsoever of this Act should be held to be void as in violation of the Constitution, it shall not affect the validity of the remaining portions thereof, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions hereof, regardless of the invalidity of any part."

Section 25. The validity of the collection or receiving of taxes, revenue or other income of, by and for the District, of any bonds or other securities of the District of the issuance thereof, or of any elections conducted hereafter authorizing taxation or the issuance of bonds or other securities of the District shall not be affected or impaired by the provisions of this Act.
Section 26. If any provision of this Act or the application thereof to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 27. Wherever there is any conflict between this Act and any other laws or parts of laws, or any provisions of said Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, the provisions of this Act shall prevail.

Section 28. Severability Clause. The provisions of this Act are severable. If any section, subsection, provision or part whatsoever of this Act should be held to be void as in violation of the Constitution, it shall not affect the validity of the remaining portions thereof, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions hereof, regardless of the invalidity of any part.

Section 29. Emergency Clause. The fact that the future water supply of the entire area included in said District, as redefined in this Act, is critically short, and the fact that the District must immediately engage itself in detailed studies of this shortage and must evolve plans to alleviate said shortage, and the fact that the improvements contemplated by this Act are vitally necessary both for the purpose of providing an adequate supply of water to said District and for the purpose of preventing serious soil erosion and flooding within the District and of preventing serious pollution of ground and surface waters within the District 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 said Rule is hereby suspended, and the Constitutional Rule requiring bills to become effective ninety days from and after their passage, and the said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

House Bill No. 83 was then passed to engrossment.

**HOUSE BILL NO. 297 ON SECOND READING**

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

H. B. No. 297, A bill to be entitled  "An Act to establish the County Criminal Court Number Four of Dallas County, Texas; to define the jurisdiction thereof and to conform to such change the jurisdiction of the County Court of Dallas County, the County Criminal Court of Dallas County, the County Criminal Court No. 3 of Dallas County, and the County Criminal Court No. 2 of Dallas County; and providing for the transfer of pending appeals of convictions had under the laws of the State of Texas and municipal ordinances of the municipalities located in Dallas County, Texas, from the County Criminal Court of Dallas County, and the County Criminal Court No. 2 of Dallas County and the County Criminal Court No. 3 of Dallas County to the County Criminal Court No. 4 of Dallas County; declaring the validity in the transferred cases of writs and processes extant at the time of such transfer; granting said Court certain powers; etc., and declaring an emergency."

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

**HOUSE BILL NO. 266 ON SECOND READING**

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

H. B. No. 266, A bill to be entitled  "An Act amending Article 5695 of the Revised Civil Statutes of Texas (1925), providing that the Commissioner of Agriculture shall issue a certificate of authority to all persons engaged in a business of weighing for the public, making a charge for such certificate, depositing such fees into the Treasury, and prescribing duties of Commissioner for testing weighing devices, repealing all laws in conflict; providing a savings clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.
HOUSE BILL NO. 351 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 351, A bill to be entitled "An Act to reorganize the Forty-second and the Ninetieth Judicial Districts of the State of Texas by removing Shackelford County from the Forty-second Judicial District and adding Shackelford County to the Ninetieth Judicial District and making certain other provisions relating thereto; and declaring an emergency."

The amendment was adopted. House Bill No. 351 was then passed to engrossment.

HOUSE BILL NO. 353 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 536, A bill to be entitled "An Act amending Chapter 459, Acts of the 56th Legislature, Regular Session, 1959, pertaining to the Valley Creek Water Control District of Nolan, Runnels and Taylor Counties; finding a benefit to all land and other property within the District; providing District was and is created to serve a public use and benefit; restating the field notes of the District without making any changes in the boundaries of the District nor including or excluding any lands or other property; finding a closure and related matters; exempting property of the District from taxation; providing for bonds of District to be eligible investments; providing for the amount and kind of bonds for directors; providing for failure to call director elections and other matters relating to the Board of Directors; providing for no election for confirmation and no hearing for exclusion; adopting the ad valorem plan of taxation for the District; etc., and declaring an emergency."

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

(Speaker in The Chair.)

HOUSE BILL NO. 61 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment, H. B. No. 61, relating to setting up health standards for pasteurization for Grade A milk produced outside the State.

The bill was read second time on this morning with Committee Amendment No. 1 pending.
Mr. James moved that the House adjourn until 3:15 o'clock p.m. today.

The motion to adjourn was lost.

CONSIDERATION OF H. B. NO. 61

Mr. Watson offered the following amendment to the Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. 61, by inserting after Section 2, a new Section to be numbered Section 3 and re-numbering the following Sections, to-wit:

"Section 2. Definition.
(1) 'Personal Knowledge' shall mean the actual knowledge of the inspector of the dairy at the time of the inspection.
(2) 'Inspector' as used in this Act shall mean a recognized and qualified agent, or employee of the Department of Health.
(3) 'Certificates' as used in this Act shall mean that a qualified inspector has inspected the dairy. The said certificate shall be interchangeable between municipalities and Department of Health inspectors.

Mr. Burgess moved to table the amendment by Mr. Watson to the Committee Amendment No 1.

The motion to table the amendment by Mr. Watson prevailed.

Mr. Burgess moved that further consideration of House Bill No. 61 be postponed until 11:00 o'clock a.m., Thursday, March 23.

The motion prevailed.

The Benediction was offered by the Honorable B. H. Dewey, Jr., as follows:

"Father, dismiss us with Thy blessing. In Christ's name we pray. —Amen."

In accordance with the motion to adjourn, the House at 3:27 o'clock p.m., adjourned until 3:30 o'clock p.m. today.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills and a resolution as follows:

Banks and Banking: H. B. No. 576.
Livestock and Stock Raisting: H. B. No. 695.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, March 13, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 587, a bill to be entitled "An Act relating to a Hospital District within the boundaries of County Commissioners Precinct No. 4 of Comanche County; amending Section 1 of Chapter 9, Acts of the Fifty-sixth Legislature, First Called Session, 1959, to enable the Hospital District to issue bonds for the purpose of purchasing or acquiring, equipping, maintaining, and operating a hospital system; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, March 13, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 587, directing the Board for Texas State Hospitals and Special Schools to enter into negotiations with the City of Big Spring for a new contract to cover increased demands for water for the Big Spring State Hospital.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.