of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, rerouting, changing of grade or alteration of conservation shall be accomplished at the sole expense of the District; providing for the government thereof; providing for elections; defining the powers of the District, for taxes and collection of revenues, and authorizing the approval of bonds by the Attorney General; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

SENT TO GOVERNOR

May 7, 1963

H. B. No. 92.
H. B. No. 116.
H. B. No. 359.
H. B. No. 446.
H. B. No. 581.
H. B. No. 782.
H. B. No. 953.

SIXTY-SIXTH DAY
(Continued)

(Wednesday, May 8, 1963)

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

H. B. No. 412. A bill to be entitled "An Act to authorize the appointment of an official shorthand reporter of the 31st Judicial District of Texas; fixing maximum and minimum salary to be paid in addition to compensation for transcripts, statements or facts and other fees; and fixing allowance for travel and hotel expense; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

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

H. B. No. 516. A bill to be entitled "An Act abolishing the office of County Attorney of Upshur County and creating the office of Criminal District Attorney of Upshur County; providing for appointment of the Criminal District Attorney until the next general election, and thereafter for his election; prescribing his qualifications, powers, duties, and compensation; providing for appointment and compensation of an assistant and a secretary, and prescribing the powers and duties of the assistant; authorizing payment of expenses of the Criminal District Attorney and

We may find the true meaning of life.

"Through Christ our Lord we pray. Amen."

LEAVE OF ABSENCE GRANTED

Mr. Petty was granted leave of absence for today on account of important business, on motion of Mr. Pendleton.

CONSIDERATION OF LOCAL AND UNCONTESTED BILLS

In accordance with a previous motion, the House proceeded to the consideration of local and uncontested bills.

HOUSE BILL NO. 412 ON SECOND READING

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

H. B. No. 412. A bill to be entitled "An Act to authorize the appointment of an official shorthand reporter of the 31st Judicial District of Texas; fixing maximum and minimum salary to be paid in addition to compensation for transcripts, statements or facts and other fees; and fixing allowance for travel and hotel expense; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

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

H. B. No. 516. A bill to be entitled "An Act abolishing the office of County Attorney of Upshur County and creating the office of Criminal District Attorney of Upshur County; providing for appointment of the Criminal District Attorney until the next general election, and thereafter for his election; prescribing his qualifications, powers, duties, and compensation; providing for appointment and compensation of an assistant and a secretary, and prescribing the powers and duties of the assistant; authorizing payment of expenses of the Criminal District Attorney and
The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 536, A bill to be entitled "An Act authorizing the commissioners court in each of certain counties to furnish an automobile, including expenses of operation thereof, to each county commissioner for use in official business; repealing conflicting laws; and declaring an emergency."

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

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 607, A bill to be entitled "An Act amending Section 1, Chapter 493, Acts of the Fifty-second Legislature, 1951, as amended, prescribing the deer season in Harrison County; providing that deer with pronged horns and other deer as permitted by the Game and Fish Commission may be killed in Harrison County; and declaring an emergency."

The amendment was adopted without objection.

House Bill No. 610 was then passed to engrossment.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 672, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 75th Judicial District of Texas; providing for severability; and declaring an emergency."

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

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 610, A bill to be entitled "An Act fixing an open archery season on wild buck deer in Angelina County, from October 26 to November 15 of each year, both dates inclusive; and declaring an emergency."

The bill was read second time.

Mr. Foreman offered the following amendment to the bill:

Amendment No. 1

Amend H. B. No. 610 by striking the numbers "26" and "15" in Section 1 and substituting the numbers "2" and "15" respectively.

The amendment was adopted without objection.

House Bill No. 610 was then passed to engrossment.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 728, A bill to be entitled "An Act providing for employment of one juvenile officer to serve any or all counties within the 69th Judicial District, and establishing means for fixing and paying the salary and expenses of such juvenile officer; providing that any school district, city or town within the 69th Judicial District may participate in using the services of such juvenile officer; making other provision to effectuate the purpose of the Act; and declaring an emergency."

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

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 729, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 75th Judicial District of Texas; providing for severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.
May 8, 1963

officer by meeting certain conditions; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1
Amend House Bill No. 729 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. (a) A juvenile officer may be employed to serve any or all counties at their request within the 69th Judicial District by appointment of the District Judge of the 69th Judicial District. The annual salary of such officer shall be fixed by the District Judge of the 69th Judicial District with the approval of Commissioners Courts of the counties participating in an amount not to exceed Eight Thousand Dollars ($8,000.00). The total salary of such juvenile officer shall be derived from the participating counties in the same proportion as the population in each county using the services of such officer bears to the total population of all counties participating. Populations used shall be those of the last preceding federal census.

(b) Such juvenile officer may be reimbursed by each county in which he renders services to the county for actual expenses for meals and lodging while serving such county, and for travel expenses at the rate fixed by the commissioners court of each county contributing to his salary.

(c) Any school district, city or town within the 69th Judicial District may participate in the services of such juvenile officer by contributing to the total expenses of such officer in an amount fixed by the district judge of the 69th Judicial District. When any school district, city or town contributes to the salary of such juvenile officer, then the total amount to be contributed by the counties may be reduced in the amount contributed by any school district, city or town.

Section 2. The importance of this legislation and the crowded condi-
tion of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

The amendment was adopted without objection.

House Bill No. 729 was then passed to engrossment.

HOUSE BILL NO. 752 ON SECOND READING

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

H. B. No. 752, A bill to be entitled "An Act relating to the creation of a conservation and reclamation district to be known as the Lower Rio Grande Water Conservancy District, and providing for its administration, rights, powers, duties, and operating procedures; authorizing the district court to punish for contempt in certain cases; providing that the act shall be cumulative of other acts where not inconsistent or in conflict; providing for severability; and declaring an emergency."

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

HOUSE BILL NO. 766 ON SECOND READING

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

H. B. No. 766, A bill to be entitled "An Act providing for the salary and payment thereof of the official shorthand reporter of the 88th Judicial District of Texas; and declaring an emergency."

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

HOUSE BILL NO. 771 ON SECOND READING

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

H. B. No. 771, A bill to be entitled "An Act authorizing the employment of a stenographer or secretary for the County Judge in all counties of the State having a popula-
tion of not less than forty-one thousand (41,000) inhabitants and not more than forty-three thousand (43,000) inhabitants according to the last preceding Federal Census; and declaring an emergency."

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

HOUSE BILL NO. 779 ON SECOND READING

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

H. B. No. 779, A bill to be entitled "An Act repealing Chapter 49, Acts of the 44th Legislature, Regular Session, Spec. Laws 1935, which prohibits oyster dredging in the Head Waters of Matagorda Bay; and declaring an emergency."

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

HOUSE BILL NO. 858 ON SECOND READING

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

H. B. No. 858, A bill to be entitled "An Act repealing Chapter 49, Acts of the 44th Legislature, Regular Session, Spec. Laws 1935, which prohibits oyster dredging in the Head Waters of Matagorda Bay; and declaring an emergency."

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

HOUSE BILL NO. 811 ON SECOND READING

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

H. B. No. 811, A bill to be entitled "An Act to authorize and require the appointment of an official shorthand reporter of the 104th Judicial District of Texas; fixing maximum and minimum salary to be paid in addition to compensation for transcripts, statement of facts and other fees; and fixing allowance for travel and hotel expense; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause and declaring an emergency."

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

HOUSE BILL NO. 906 ON SECOND READING

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

H. B. No. 906, A bill to be entitled "An Act authorizing both the County Judge and the County Attorney of Jim Hogg County to employ a secretary; fixing the minimum and maximum salary of such secretaries; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. 906 by striking the words "County Judge" from the last sentence in Section 1 and substituting in lieu thereof the words "County Commissioners Court."

The amendment was adopted without objection.

House Bill No. 906 was then passed to engrossment.

HOUSE BILL NO. 939 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,
May 8, 1963

H.B. No. 939, A bill to be entitled “An Act providing for the compensation of the official shorthand reporters of the 9th Judicial District of Texas; providing for the manner of payment; and declaring an emergency.”

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 1 of House Bill No. 939 by inserting the words “not more than” between “shall receive a salary of” and “Nine Thousand Six Hundred Dollars.”

The amendment was adopted without objection.

House Bill No. 939 was then passed to engrossment.

H.B. No. 940, A bill to be entitled “An Act providing for the compensation of the official shorthand reporter of the Second 9th Judicial District of Texas; providing for the manner of payment; and declaring an emergency.”

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 1 of House Bill No. 940 by inserting the words “not more than” between “shall receive a salary of” and “Nine Thousand Six Hundred Dollars.”

The amendment was adopted without objection.

House Bill No. 940 was then passed to engrossment.

H.B. No. 974, A bill to be entitled “An Act amending Section 2 of Senate Bill No. 32, Chapter 43, Acts of the 57th Legislature, 3rd Called Session, 1962; repealing all laws and parts of laws in conflict here-with; and declaring an emergency.”

The bill was read second time and passed to engrossment.

H.B. No. 975, A bill to be entitled “An Act creating and establishing Bowie County Road District No. 1-A, in Bowie County, Texas, under Article III, Section 52 of the Constitution of Texas for the purpose of the construction, operation and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds and prescribing the procedure therefor; directing the levy, assessment and collection of a tax for the payment of principal of and interest on said bonds; providing for the custody and disbursement of the funds of the District; providing that the fact that a portion of the District hereby created is also included in another Road District shall not affect the District hereby created or its powers hereby granted; determining that all of the lands in said district shall be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency.”

The bill was read second time and passed to engrossment.
HOUSE BILL NO. 1014 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 1014, A bill to be entitled "An Act to authorize and require the appointment of an official shorthand reporter of the 68th Judicial District of Texas; fixing a maximum and minimum salary to be paid in addition to compensation for transcripts; statement of facts and other fees; and fixing allowance for travel and hotel expense; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause and declaring an emergency."

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

HOUSE BILL NO. 1023 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 1023, A bill to be entitled "An Act restricting lands on which a person may hunt, take or kill wild fox in Angelina County; providing a penalty; and declaring an emergency."

Amendment No. 1
Amend H. B. 1023 by striking in Section 1 the words "hunt, take, or kill" and substituting therein the words "shoot or attempt to shoot or trap."

The amendment was adopted without objection.

House Bill No. 1023 was then passed to engrossment.

HOUSE BILL NO. 1024 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 1024, A bill to be entitled "An Act relating to the creation, administration, and financing of a hospital district to be known as the Booker Hospital District, to be located in the western quarter of Lipscomb County, Texas; providing a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.
May 8, 1963 HOUSE JOURNAL 1687

HOUSE BILL NO. 1027 ON SECOND READING

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

H. B. No. 1027, A bill to be entitled "An Act authorizing the commissioners court of Jim Hogg County to supplement the salary of the District Judge of the 49th Judicial District of Texas, making other provisions relating thereto, and declaring an emergency."

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

HOUSE BILL NO. 1030 ON SECOND READING

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

H. B. No. 1030, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as Pearland Municipal Utility District of Brazoria County, Texas; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. 1030 by striking everything below the enacting clause and inserting in lieu thereof the following:

Section 1. Chapter 244, Acts of the Fifty-seventh Legislature, creating Rotan Municipal Water Authority by providing that certain additional territory shall be contained therein; providing for an election to be held in such added territory for the assumption of its proper portion of the indebtedness of the authority; providing that if such election fails to receive a majority vote, The Board of Directors shall detach such territory; enacting other provisions related to the subject; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. 1031 by striking everything below the enacting clause and inserting in lieu thereof the following:

Section 1. Chapter 244, Acts of the Fifty-seventh Legislature, creating Rotan Municipal Water Authority by providing that certain additional territory shall be contained therein; providing for an election to be held in such added territory for the assumption of its proper portion of the indebtedness of the authority; providing that if such election fails to receive a majority vote, The Board of Directors shall detach such territory; enacting other provisions related to the subject; and declaring an emergency."

The amendment was adopted without objection.

House Bill No. 1030 was then passed to engrossment.

HOUSE BILL NO. 1031 ON SECOND READING

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

H. B. No. 1031, A bill to be entitled "An Act amending Chapter 244, Acts of the Fifty-seventh Legislature creating Rotan Municipal Water Authority by providing that certain additional territory shall be contained therein; providing for an election to be held in such added territory for the assumption of its proper portion of the indebtedness of the authority; providing that if such election fails to receive a majority vote, The Board of Directors shall detach such territory; enacting other provisions related to the subject; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. 1031 by striking everything below the enacting clause and inserting in lieu thereof the following:

Section 1. Chapter 244, Acts of the Fifty-seventh Legislature, creating Rotan Municipal Water Authority by providing that certain additional territory shall be contained therein; providing for an election to be held in such added territory for the assumption of its proper portion of the indebtedness of the authority; providing that if such election fails to receive a majority vote, The Board of Directors shall detach such territory; enacting other provisions related to the subject; and declaring an emergency."

The amendment was adopted without objection.

House Bill No. 1031 was then passed to engrossment.

HOUSE BILL NO. 1032 ON SECOND READING

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

H. B. No. 1032, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as Pearland Municipal Utility District of Brazoria County, Texas; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. 1032 by striking everything below the enacting clause and inserting in lieu thereof the following:

Section 1. Chapter 244, Acts of the Fifty-seventh Legislature, creating Rotan Municipal Water Authority by providing that certain additional territory shall be contained therein; providing for an election to be held in such added territory for the assumption of its proper portion of the indebtedness of the authority; providing that if such election fails to receive a majority vote, The Board of Directors shall detach such territory; enacting other provisions related to the subject; and declaring an emergency."

The amendment was adopted without objection.

House Bill No. 1032 was then passed to engrossment.

HOUSE BILL NO. 1033 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,
Thence, in a northwesterly direction along the common line between Sections 58 and 61 to the mid-point of the east line of Section 61, being equal distance from the northeast corner and the southeast corner of said Section 61;

Thence, in a southwesterly direction along the mid-section line equal distance from the north and south line and crossing Section 61 and continuing southwesterly to a point in the center of Section 62. Said point being equal distance from the north, south, east and west lines of said Section 62;

Thence, in a southeasterly direction along the mid-section line of Section 62 equal distance from the east and west lines of said Section 62 to a point in the south line of said Section 62 and the north line of Section 63. Said point being equal distance from the southeast corner and the southwest corner of said Section 62;

Thence, in a northwesterly direction along the south line of Section 62 to the southwest corner of said Section 62, the southeast corner of Section 63, the northeast corner of Section 65 and the northwest corner of Section 64;

Thence, in a southeasterly direction along the east line of said Section 64 and the west line of said Section 63 to a point in the present boundary line of the Roton Municipal Water Authority. Said point being equal distance from the northeast corner and the southwest corner of said Section 64;

Thence, in a southwesterly direction along the mid-section line equal distance from the north and south lines and crossing Sections 64 and 67 to a point in the west line of said Section 67. Said point being equal distance between the southwest and northwest corners of said Section 67;

Thence, in a northwesterly direction along the west line of Section 67 passing the northwest corner of said Section 67 and continuing in a northwesterly direction along the west line of Section 66 to a point in the west line of said Section 66 equal distance from the northeast and southwest corners of said Section 66;

Thence, in a northeasterly direction along the mid-section line of Section 66 to a point in the center of said Section 66 equal distance from the east and west lines and the north and south lines;

Thence, in a northwesterly direction along the mid-section line of Section 66 to a point in the north line of said Section 66. Said point being equal distance from the northwest and northeast corners of said Section 66;

Thence, in a northeasterly direction along the north line of Section 66 to the northeast corner of said Section 66 and the southwest corner of Section 102;

Thence, in a northwesterly direction along the east line of said Section 66 to a point in the center of Section 102 and 104 and 106 to the mid-point of the west line of said Section 104;

Thence, in a southeasterly direction along the common line between Sections 104 and 106 to the mid-point of the west line of said Section 105, being equal distance from the northwest corner and the southwest corner of said Section 105;

Thence, in a northeasterly direction along the mid-section line equal distance from the north and south lines and crossing Sections 105, 106, 107, 108, 109 and 110 to a point in the east line of said Section 110 and the present boundary line of the Roton Municipal Water Authority. Said point being equal distance from the northeast and southeast corners of said Section 110; and

Thence, in a southerly direction along the present boundary line of the Roton Municipal Water Authority and the east line of Section 110 passing the southeast corner of said Section 110 and the northeast corner of Section 49 and continuing along the present boundary of the Roton Municipal Water Authority and the east line of said Section 49 to the point and place of beginning.

"It is hereby found that all of the land thus added to the Authority will be benefited by the improvements to be acquired and constructed by the Authority.

"Sec. 2-B. After the effective date
May 8, 1963

HOUSE JOURNAL 1689

of this Act the Board of Directors of the Authority shall call an election to be held within the territory added by this amendment on the proposition of whether such territory shall assume its part of the outstanding bonds of the Authority and whether the Board of Directors of the Authority shall levy an ad valorem tax on all taxable property in the Authority, including the territory annexed by this amendment, for the payment of said outstanding bonds and the interest thereon. Notice of such election shall be given in the manner provided for bond elections in the Act hereby amended, and the returns from the election shall be canvassed and the result declared by the Board of Directors of the Authority. Only qualified voters who reside in the territory attached by this amendment and who own taxable property therein shall be qualified to vote on such proposition. If such proposition receives a favorable majority vote, the tax shall be levied and collected for the year in which the election is held and each year thereafter as long as required for the payment of such bonds and interest.

"Sec. 2-C. If the proposition submitted at said election does not receive a favorable majority vote, the Board of Directors of the Authority shall adopt a resolution detaching said territory from the Authority.

Section 2. The fact that water is urgently needed in the territory attached by this amendment creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three several days be suspended, and that this Act take effect from and after its passage and it is so enacted.

The amendment was adopted without objection.

House Bill No. 1031 was then passed to engrossment.

HOUSE BILL NO. 1037 ON SECOND READING

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

H. B. No. 1037, A bill to be entitled: "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Oak Manor Municipal Utility District of Brazoria County, Texas,' prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. 1037, Sec. 2, by adding a sentence to read as follows: "The power of eminent domain for said district shall extend to Brazoria County."

The amendment was adopted without objection.

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

Committee Amendment No. 2

Amend H. B. 1037 by adding a section after Section 7 and numbering the following Sections appropriately to read as follows: "Provided, however, that before issuing any construction bonds said District shall submit plans and specifications therefor to the Texas Water Commission (successor to State Board of Water Engineers) for approval in the manner required by Acts of the 57th Legislature, Regular Session, Chapter 336, 1961, codified in Vernon's Annotated Civil Statutes of Texas as Article 7880-139, and said District's project and improvements during the course of construction shall be subject to inspection in the manner provided by said Article 7880-139."

The amendment was adopted without objection.

House Bill No. 1037 was then passed to engrossment.

HOUSE BILL NO. 1038 ON SECOND READING

The Speaker laid before the House
H. B. No. 1058, A bill to be entitled "An Act amending Acts 1947, 50th Legislature, page 388, Chapter 238, providing for the compensation of Grand Jury Bailiffs in counties having a population of not less than 60,000 inhabitants and not more than 80,000 inhabitants according to the last preceding or any future Federal Census, repealing all laws or parts of laws in conflict therewith to the extent of such conflict only; and declaring an emergency."

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

H. B. No. 1059, A bill to be entitled "An Act making it unlawful to hunt wild turkey in Wilson County; providing that this Act shall terminate on January 1, 1966, and shall be of no further force or effect thereafter; suspending all laws in conflict with this Act during the operation of this Act; and declaring an emergency."

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

H. B. No. 1060, A bill to be entitled "An Act making it unlawful to hunt axis deer in LaSalle County; providing that this Act shall terminate on January 1, 1966, and shall be of no further force or effect thereafter; suspending all laws in conflict with this Act during the operation of this Act; and declaring an emergency."

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

H. B. No. 1067, A bill to be entitled "An Act amending Chapter 179, Acts of the 68th Legislature, 1959 (codified by Vernon as Article 830-231), relating to Hays County Wimberley Water Supply District, by giving said district sanitary sewer system powers and authority to issue bonds therefor; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

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

S. B. No. 127, A bill to be entitled "An Act relating to and fixing the salary of the official shorthand re-
porter for the 321st Judicial District of Texas; and declaring an emergency.

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

SENATE BILL NO. 246 ON SECOND READING

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

S. B. No. 246, A bill to be entitled "An Act providing the minimum and maximum salaries of the official shorthand reporter for the 106th Judicial District of Texas; providing a saving clause; and declaring an emergency."

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

SENATE BILL NO. 299 ON SECOND READING

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

S. B. No. 299, A bill to be entitled "An Act creating 'Aransas County Conservation and Reclamation District' under the provisions of Section 59, Article XVI of the Constitution of the State of Texas; prescribing the area and powers of the District; providing that the ad valorem plan of taxation shall be used by the District and limiting the amount thereof; specifying the purpose and powers of the District; providing for a Board of Directors to control and exercise the powers of the District; providing that the District shall bear the expenses of any necessary relocation, raising or rerouting of any facility or property of any utility; authorizing the issuance of bonds in the accomplishment of the District's purposes, and making such bonds eligible for certain investments and to secure the deposit of public funds; exempting the District and its bonds from taxation; enacting a savings clause; declaring the District essential; enacting other provisions relating to the subject and purpose of this Act; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Senate Bill No. 299 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. District Created. Pursuant to, as expressly authorized by Section 59, Article XVI of the Constitution of the State of Texas, and in addition to all other districts into which the State has been divided heretofore, there is hereby created a conservation and reclamation district to be known as 'Aransas County Conservation and Reclamation District' (hereinafter referred to as the District), which shall be recognized to be a governmental agency, a body politic and corporate, and a political subdivision of this State. The area of the District shall consist of all of the County of Aransas, State of Texas, and the boundaries of said District shall be identical with the boundaries of said County. It is provided, however, that such District shall not include any property or territory which, on the effective date of this Act, is situated in any valid Water Control and Improvement District heretofore created. It is hereby found and declared that all the area of the District will be benefited and that the District hereby created will serve a public use and be of public benefit.

Section 2. Governing Body of the District. (a) All powers of the District shall be exercised by a Board of six (6) Directors. Each Director shall serve a term of office as herein provided, and thereafter until his successor shall be elected or appointed and qualified. No person shall be a Director unless he is at least twenty-one years of age, resides in and owns land in the territorial limits of the District. Said Directors shall subscribe to the constitutional oath of office and each shall give bond in the amount of Five Thousand Dollars ($5,000) for the faithful performance of his duties, the cost of which shall be paid by the District. A majority of said Board shall constitute a quorum for the transaction of any and all business.

(b) Immediately after this Act becomes effective, the following
said District, which shall enter
vassed by the Board of Directors of
fied, and at least two (2) clerks to assist
election shall be made to and can­
shall appoint one assistant
shall appoint a presiding judge who
order declaring the results of the
election. The candidates receiving the
number of votes shall be declared elected. Returns of the
election shall be published
in a newspaper of general circulation
such fees for attending Board meet­
sions held in any one calendar month.
Baid Directors shall also be entitled
to receive reimbursement for actual
expenses incurred in attending to
District business, provided that each
expenses are approved by the Board.
(c) The first two (2) named Di­
ectors in Section 3 (b), above, shall serve until the first Tuesday in
April, 1964, and thereafter until
their successors have been declared
elected and qualified, the following
two (2) named Directors shall serve until the first Tuesday in
April, 1966, and thereafter until their successors have been declared
elected and qualified, and the last two (2) named Di­
ectors shall serve until the first
Tuesday in April, 1968 and there­
after until their successors have been declared elected and quali­
fied, and the last two (2) named Di­
ctors shall serve until the first
Tuesday in April, 1964, and thereafter until their successors have been declared elected and qualified.
Electors of two (2) Directors
to serve for six (6) year terms shall be held on the first Tuesday in
April, 1964 and on the first Tuesday of each even-numbered year thereafter. Such election shall be ordered by the
Board of Directors. Notice of the
election shall be published in a news­
paper of general circulation in the
District one time at least thirty (30)
days before the election. The elec­
tion order shall state the time, the
place or places and purpose of the
election, and the Board of Directors
shall appoint a presiding judge who
shall appoint one assistant judge and at least two (2) clerks to assist
in holding such election. Only quali­
fied electors residing in the District
shall be entitled to vote at said elec­
tion. The candidates receiving the
highest number of votes shall be declared elected. Returns of the
election shall be made to and can­
vassed by the Board of Directors of
said District, which shall enter its
order declaring the results of the
election.
(d) Any candidate for Director, desiring to have his name printed on
the ballot may do so by a petition so requesting signed by not less than
ten (10) residents of the District
who are qualified to vote at the elec­
tion. Such petition shall be present­
ed to the Secretary of the Board of
Directors, not less than ten (10)
full days prior to the date of the
election.
(e) Any vacancies occurring in
the Board of Directors shall be filled
for the unexpired term by majority
vote of the remaining Directors.
(f) The Directors shall receive
such fees for attending Board meet­
ings as may be established by un­
aminous vote of the Board, but not
to exceed Ten Dollars ($10) for
each meeting and not more than
Twenty Dollars ($20) for all meet­
ings held in any one calendar month.
Baid Directors shall also be entitled
to receive reimbursement for actual
expenses incurred in attending to
District business, provided that each
expenses are approved by the Board.
(g) The Board of Directors of the
District shall elect from its number
a President and Vice-President, and
such other officers as in the judg­
ment of the Board are necessary.
The President shall be the chief
executive officer, and the presiding
officer of the Board, and shall have
the same right to vote as any other
Director. The Vice-President shall
perform all duties and exercise all
power conferred by this Act upon
the President when the President
is absent or fails to or declines to act.
The Board shall also appoint a Sec­
rotary, who may or may not be a
member of the Board. Four (4)
members of the Board shall con­
itute a quorum for the transaction
of all business and a favorable vote
of a majority of a quorum present
shall be sufficient for the enactment
of all measures. The Directors shall
hold regular meetings at least once
a month at such time and place as
is fixed by resolution or by laws of
the Board, with at least one such
meeting to be held each month. The
President or any two (2) members
can call such special meetings as
may be necessary in the administra­
tion of the District's business pro­
vided that at least five (5) days
prior to the meeting date the Secretary shall have mailed notice to each member, and notice of special meetings may be waived in writing by any Director.

(h) The Directors shall carefully keep and preserve a true and full account of all their meetings and proceedings, and preserve their minutes, contracts, records, books, accounts, receipts and records of all kinds. The same shall be the property of the District and subject to public inspection. A regular office shall be established and maintained within the District for the conduct of its business. All records and accounts shall conform to approved methods of bookkeeping. The Board shall cause to be made and completed annually, as soon as practicable after the expiration of each calendar year, an audit of the books of account and financial records of the District for such calendar year, such audit to be made by an individual public accountant or firm of public accountants. The report on said audit shall be submitted at the first regular meeting of the Board of Directors thereafter. One copy of said report shall be filed with the office of the District, one with the depositary of the District, and one in the office of the auditor, all of which shall be open to public inspection. Additional copies of said report shall be filed with any state or governmental agencies as may be required by law.

Sec. 3. District Powers. The District herein created shall be and is hereby empowered to develop an adequate supply of fresh water and to process, transport and distribute the same for municipal, domestic, irrigation and industrial purposes, but the District shall not have the power to construct or maintain a sewer system. All works, improvements and facilities to be provided by the District shall be limited to those found necessary and useful in developing a source of fresh water, in providing and distributing fresh water. It is the intention of the legislature that the District herein created shall have all the powers and authority necessary to fully qualify and gain the benefits of any and all laws which may be deemed helpful to it in carrying out the purposes for which the District is created, and the provisions of all such laws of which the District may determine to avail itself are hereby adopted by this reference and are made applicable to the District.

Without limiting the generality of the foregoing, the District shall and is hereby empowered to exercise the following powers, privileges and functions:

(1) To develop, construct, lease or purchase dams, reservoirs, underground and other sources of water, and such other facilities necessary or useful for the purpose of providing a source of water supply and storing and processing such water and transporting and distributing it for municipal, domestic, irrigation and industrial purposes. The District is also authorized to purchase water or a water supply from any person, firm, corporation or public agency, from the United States government or any of its agencies. The District may, within the discretion of its Board of Directors, contract and combine with one (1) or more large users of water to acquire a joint water supply or an agreed allocation of water storage or may contract independently for the District's water supply. The District is further authorized to acquire water appropriation permits directly from the Texas Water Commission, or from owners of permits.

(2) To dispose of property or rights therein when the same are no longer needed for the purposes for which the District is created or to lease same for purposes which will not interfere with the use of property of the District.

(3) To cooperate with and contract with the United States of America, or with any of its departments or agencies now existing, or which may be created hereafter, to carry out any of the powers or to further any of the purposes set forth in this Act, and, for such purposes, to receive grants, loans or advances, and appropriates therefor; or to contribute to the United States of America or any of its departments or agencies in connection with any project undertaken by it or relating to any of the purposes for which the District is organized.

(4) To cooperate and contract
with any department or agency of the State of Texas, or any political subdivision thereof, or any municipal corporation, to carry out any purpose for which the District is organized.

(6) To make or cause to be made surveys and engineering investigations for the information of the District to facilitate the accomplishment of the purposes for which the District is created; to employ a general manager, attorneys, accountants, engineers, financial experts, or other technical or non-technical employees or assistants; fix the amount and manner of their compensation; and provide for the payment of all expenditures deemed essential to proper organization and investigations and for the operation and maintenance of the District and its affairs.

(7) To create a general works and improvements over, across, along any public stream, road, highway or any land belonging to the State of Texas, provided that the plans for such improvements on State Highways shall be subject to the rules and regulations of the State Highway Department.

(10) To exercise all functions necessary to accomplish the purpose of each District, including the acquisition within or without said District of land, easements and rights-of-way and any other character of property incident to, helpful or necessary to carrying out the purposes and work of the District by way of device, purchase, lease, bond or condemnation. The right of eminent domain is hereby expressly conferred on said District and the procedure with reference to condemnation, the assessment of and estimating of damages, payment, appeal, the entering upon the property pending appeal and other procedure prescribed in Title 12 of the Revised Civil Statutes of Texas, 1925, as heretofore or hereafter amended, shall apply to said District. It is provided however, that the power of eminent domain herein granted shall be limited in their application to the County of Aransas, Texas, only; provided however, the power of eminent domain shall not apply to any existing or future private water supply. In the event the District, in the exercise of the power of eminent domain or power of condemnation, or any other power granted hereunder makes necessary the taking of any property or the relocation, raising, rerouting or changing the grade, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph property and facilities, or pipeline, all such necessary taking, relocation, raising, rerouting or changing of grade or alteration of construction shall be accomplished at the expense of the District. It is provided, however, that the expense of the District shall be strictly confined to that amount which is equal to the actual cost of the property taken or work required without enhancement thereof and after deducting the net salvage value which may be derived from any property taken.

(11) To do any and all other acts or things necessary or proper to carry into effect the purposes for which the District is created and organized.

Sec. 4 Awarding Construction or Purchase Contracts. Any construction contract or contracts for the purchase of materials, equipment or supplies requiring an expenditure of more than Two Thousand Dollars ($2,000) shall be made to the lowest and best bidder after publication of a notice to bidders once a week for two (2) weeks before awarding the contract. Such notice shall be sufficient if it states the time and place when and where the bids will be opened, the general nature of the work to be done, or the material, equipment or supplies to be purchased, and shall state where and the terms upon which copies of the plans and specifications may be obtained. The publication shall be in a newspaper published in Aransas County and designated by the Board of Directors. This section, however, shall not apply to the purchase of any water, or water system or fa-
Sec. 5. May Issue Bonds. (a) For the purpose of providing funds for an engineering study of the District's present and future requirements for fresh water and possible sources thereof, the District is hereby empowered to borrow money and issue its negotiable bonds to be payable from ad valorem taxes. It is provided, however, that the foregoing project shall be completed within the five (5) year period immediately following the effective date of this Act and at a total cost not exceeding Seventy Thousand Dollars ($70,000) and it is provided further that the amount of tax to be levied annually for this purpose shall not exceed fifty cents ($0.50) on each One Hundred Dollars ($100) valuation of taxable property.

(b) For the purpose of providing funds for purchasing or otherwise providing works, plants, facilities or appliances necessary to the accomplishment of the purposes authorized by this Act, and for the purpose of carrying out any other power or authority conferred by this Act, the District is hereby empowered to borrow money and issue its negotiable bonds payable from such revenues of the District, as are pledged by resolution of the Board of Directors. The District shall have no power to levy or collect taxes or assessments, or to issue any bonds or create any indebtedness payable out of taxes or assessments, except as provided for in section 5 (a), and nothing in this subsection or in any other section or subsection of this Act shall be construed as authorizing it to do so.

(c) Pending the issuance of definitive bonds the Board may authorize the delivery of negotiable interim bonds or notes eligible for exchange or substitution by use of definitive bonds. Such bonds shall be issued in the name of the District, signed by the President, attested by the Secretary, and shall bear the seal of the District. It is provided, however, that the signatures of the president or of the secretary, or of both, may be printed or lithographed on the bonds authorized by the Board of Directors, and that the seal of the District may be impressed on the bonds or may be printed or lithographed thereon. The bonds shall mature serially or otherwise, in not to exceed forty (40) years and may be sold at a price and under terms as determined by the Board of Directors to be the most advantageous reasonably obtainable; provided that the interest cost to the District, calculated by the use of standard bond interest tables, does not exceed six per cent (6%) per annum, and within the discretion of the Board, may be made callable prior to maturity at such times and prices as may be prescribed in the resolution authorizing the bonds, and may be made registrable as to principal or as to both principal and interest.

(d) Bonds may be issued in one or more than one series, and from time to time, as required for carrying out the purposes of this Act.

(e) The bonds may be secured by a pledge of all or part of the net revenues of the District, or by the net revenues of any one or more contracts therefor or thereafter made or other revenues and income specified by the resolutions of the Board of Directors or in the trust indenture. Any such pledge may reserve the right, under conditions therein specified, to issue additional bonds which would be on a parity with or subordinate to the bonds then being issued. The term 'net revenues' as used in this Section shall mean the gross revenues of the District after deduction of the amount necessary to pay reasonable cost of maintaining and operating the District and its properties.

(f) Where bonds are issued, payable wholly or partially from ad valorem taxes, it shall be the duty of the Board of Directors to levy, assess and cause to be collected a tax sufficient to pay the bonds and the interest thereon as such bonds and interest become due, and in levying such tax shall take into consideration reasonable delinquencies and costs of collection. In case of bonds payable partially from ad valorem taxes, the rate of the tax for any year may be fixed after giving consideration to the money reasonably to be received from the pledged revenue available for paying principal and interest and to the ex-
(g) Where bonds payable wholly from revenues are issued, it shall be the duty of the Board of Directors to fix, establish and from time to time as necessary revise the rates and charges for the sale of water and other services furnished, supplied and rendered by the District and collect same in amounts sufficient to pay the expenses of operating and maintaining the facilities of the District and to pay the bonds as they mature and the interest as it accrues, and to maintain the reserve and other funds as provided in the resolution authorizing the bonds. Where bonds payable partially from revenues are issued, it shall be the duty of the Board to fix, establish and from time to time as necessary revise the rates of compensation for the sale of water and other services furnished, supplied and rendered by the District and to collect same in amounts sufficient to pay the expenses of operating and maintaining the facilities of the District and to pay the bonds as they mature and the interest as it accrues, and to maintain the reserve and other funds as provided in the resolution authorizing the bonds.

(h) From the proceeds of the sale of bonds, the District may set aside an amount for the payment of interest expected to accrue during the study or construction or both, and a reserve and sinking fund, and such provision may be made in the resolution authorizing the bonds. Proceeds from the sale of bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purpose for which the bond is issued, including the expense of issuance and sale of the bonds; however, proceeds from the sale of revenue bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purpose for which the District is created, including expenses of its organization and engineering study. The proceeds from the sale of any bonds may be placed on time deposit with the District's depository bank or may be temporarily invested in direct obligations of the United States Government maturing in not more than one (1) year from the date of issue.

(i) In the event of a default or a threatened default in the payment of principal of or interest on bonds payable wholly or partially from revenues, any court of competent jurisdiction may, upon petition of the holders of the outstanding bonds, appoint a receiver with authority to collect and receive all income of the District except taxes, employ and discharge agents and employees of the District, take charge of funds on hand (except funds received from taxes unless commingled) and manage the proprietary affairs of the District without consent or hindrance by the Directors. Such receiver may also be authorized to sell or make contracts for the sale of water or other services furnished by the District or renew such contracts with the approval of the court appointing him. The court may vest the receiver with such other powers and duties as the court may find necessary for the protection of the holders of the bonds. The resolution authorizing the issuance of the bonds or the trust indenture securing them may limit or qualify the rights of less than all of the outstanding bonds payable from the same source to institute or prosecute any litigation affecting the District's property or income.

(j) The Texas Water Commission shall, upon request from the District, assist the District in the preparation and planning of the engineering study to be made within the District. However, before any tax bonds are issued, the District shall permit the Texas Water Commission to review the proposed engineering study to the Texas Water Commission for approval and if substantial changes are thereafter made to such contract, the changes shall also be submitted to said Commission for approval. It is further provided that before issuing any construction or improvement bonds, the District shall also submit the plans and specifications thereto to the Texas Water Commission (successor to the State Board of Water Engineers) for approval in the manner required by Acts of the 67th Legislature, Regular Session, Chapter 326, 1961, codified in Vernon's Annotated Civil Statutes of Texas as Article 7880-139, and the District's project and improvements during the course of construction shall be subject to inspection in the manner provided for by Article 7880-139.
pose of refunding any of the outstanding bonds authorized by this Act and the interest therein. Such refunding bonds may be issued in any amount and the interest thereon may be payable wholly or partially from ad valorem taxes (except refunding bonds) issued under the provisions of the Act or by amendment or modification thereof authorized by an election at which the bonds are to be issued, approved by the Board of Directors for the security thereof and the issuance of refunding bonds may be issued without an election.

Sec. 8. Bond Elections. (a) No bonds payable wholly or partially from ad valorem taxes (except refunding bonds) shall be issued unless authorized by an election at which only the qualified voters, who reside within the political subdivision in which the bonds are to be offered for sale, are entitled to vote. The resolution authorizing such issue shall be called by the Board of Directors without a petition. The resolution calling the election shall specify the time and place of holding the same, the purpose for which the bonds are to be issued, the maximum amount thereof, the form of the ballot, and the presiding judge for each voting place. The resolution shall also appoint one (1) assistant judge and at least two (2) clerks to assist in holding such election. Notice of the election for the issuance of bonds shall be given by publication of a substantial copy of the resolution calling the election in a newspaper of general circulation in the political subdivision once each week for at least four (4) consecutive weeks, the first publication to appear not less than twenty-eight (28) days prior to the date assigned for the election. The returns of the election shall be canvassed by the Board of Directors for the security of the refunding bonds to replace lost or mutilated bonds and the preservation of the trust estate, and may make provision for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds, and may condition the right to expect District money or portion of funds of the District. Any purchaser under a sale under the deed of trust lien, where one is in favor of the properties, facilities and rights so purchased and shall have the right to maintain and operate the same.

(b) Such bond elections may be held at any time during the year, and the resolution calling the election shall specify the time and place of holding the same, the purpose for which the bonds are to be issued, the maximum amount thereof, the form of the ballot, and the presiding judge for each voting place. The resolution shall also appoint one (1) assistant judge and at least two (2) clerks to assist in holding such election. Notice of the election for the issuance of bonds shall be given by publication of a substantial copy of the resolution calling the election in a newspaper of general circulation in the political subdivision once each week for at least four (4) consecutive weeks, the first publication to appear not less than twenty-eight (28) days prior to the date assigned for the election. The returns of the election shall be canvassed by the Board of Directors for the security of the refunding bonds to replace lost or mutilated bonds and the preservation of the trust estate, and may make provision for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds and may condition the right to expect District money or portion of funds of the District. Any purchaser under a sale under the deed of trust lien, where one is in favor of the properties, facilities and rights so purchased and shall have the right to maintain and operate the same.

Sec. 7. Provisions for Trust Indenture as to Bonds Secured Partially by Revenues. Any bonds (including revenue bonds) authorized by this Act, not payable wholly from ad valorem taxes, may be additionally secured by a trust indenture under which the trustee may be a bank having trust powers, situated in the state of Texas upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution authorizing such issue may provide that they shall be sold and the proceeds thereof deposited in the bank where the original bonds were payable in the manner prescribed by Article 117k. Revised Civil Statutes of Texas, in which case the refunding bonds may be issued in an amount sufficient to pay the principal of and interest on the original bonds to their effective option date or maturity date; and the Comptroller shall register them without concurrent surrender and cancellation of the original bonds.

The provisions of this Act with reference to the issuance of the bonds, and the proceeds thereof deposited in the bank, may provide that the principal of and interest on the bonds shall be payable in the manner prescribed by Article 717k, Revised Civil Statutes of Texas, in which case the refunding bonds may be issued without an election.

The Comptroller shall register any bonds (in any series) authorized by Revenues. Any bonds (in any series) authorized by Revenues, if designated for refunding any of the outstanding bonds authorized by this Act and the interest therein, may be refunded not to exceed 150% of the refunding bonds, and may be additionally secured by a trust indenture, respectively, where one is in favor of such additional owners, and may contain any provisions prescribed by the Board of Directors for the security of the refunding bonds and the preservation of the trust estate, and may make provisions for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds, and may condition the right to expect District money or portion of funds of the District. Any purchaser under a sale under the deed of trust lien, where one is in favor of the properties, facilities and rights so purchased and shall have the right to maintain and operate the same. The proceeds of refunding any of the outstanding bonds authorized by this Act and the interest thereon shall be registered by the Comptroller and the proceeds thereof deposited in the bank where the original bonds were payable in the manner prescribed by Article 717k, Revised Civil Statutes of Texas, in which case the refunding bonds may be issued without an election. The resolution authorizing the issuance shall appoint one (1) assistant judge and at least two (2) clerks to assist in holding such election. Notice of the election for the issuance of bonds shall be given by publication of a substantial copy of the resolution calling the election in a newspaper of general circulation in the District once each week for at least four (4) consecutive weeks, the first publication to appear not less than twenty-eight (28) days prior to the date assigned for the election. The returns of the election shall be canvassed by the Board of Directors for the security of the refunding bonds to replace lost or mutilated bonds and the preservation of the trust estate, and may make provision for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds and may condition the right to expect District money or portion of funds of the District. Any purchaser under a sale under the deed of trust lien, where one is in favor of the properties, facilities and rights so purchased and shall have the right to maintain and operate the same.

Sec. 8. Bond Elections. (a) No bonds payable wholly or partially from ad valorem taxes (except refunding bonds) shall be issued unless authorized by an election at which only the qualified voters, who reside within the District and own taxable property therein and have duly rendered the same for taxation and unless a majority of votes cast is in favor of the issuance of the bonds. Bonds not payable wholly or partially from ad valorem taxes may be issued without an election.

(b) Such bond elections may be held at any time during the year, and the resolution calling the election shall specify the time and place of holding the same, the purpose for which the bonds are to be issued, the maximum amount thereof, the form of the ballot, and the presiding judge for each voting place. The resolution shall also appoint one (1) assistant judge and at least two (2) clerks to assist in holding such election. Notice of the election for the issuance of bonds shall be given by publication of a substantial copy of the resolution calling the election in a newspaper of general circulation in the District once each week for at least four (4) consecutive weeks, the first publication to appear not less than twenty-eight (28) days prior to the date assigned for the election. The returns of the election shall be canvassed by the Board of Directors for the security of the refunding bonds to replace lost or mutilated bonds and the preservation of the trust estate, and may make provision for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds and may condition the right to expect District money or portion of funds of the District. Any purchaser under a sale under the deed of trust lien, where one is in favor of the properties, facilities and rights so purchased and shall have the right to maintain and operate the same.
Directors of the District. Except as herein otherwise provided the general laws relating to elections shall be applicable.

Sec. 9. Bonds to be approved by the Attorney General of Texas. After any bonds (including refunding bonds) are authorized by the District, such bonds and the record relating to their issuance shall be submitted to the Attorney General for his examination as to the validity thereof. Where such bonds recite that they are secured by a pledge of the proceeds of a contract thereto made between the District and any city or other governmental agency, authority or district, a copy of such contract and the proceedings of the city or other governmental agency, authority or district authorizing such contract shall also be submitted to the Attorney General. If such bonds have been authorized and if such contracts have been made in accordance with the Constitution and laws of the State of Texas, he shall approve the bonds and such contracts and the bonds shall then be registered by the Comptroller of Public Accounts. Thereafter the bonds, and the contracts, if any, shall be valid and binding and shall be incontestable for any cause.

Sec. 10. Taxes and Tax Elections Authorized. The Board of Directors may upon a favorable majority vote of the qualified property taxpayers of the District, voting at an election held for the purpose within the boundaries of such District, levy, assess and collect annual taxes to provide funds necessary for an engineering study of the District's present and future requirements for fresh water and possible sources thereof and also when so authorized may levy, assess and collect annual taxes within the tax limits provided for in Section 5 (a) hereof, to provide funds adequate to defray the cost of such a study as contracted for by the District. Elections for the levy of such taxes shall be ordered by the Board of Directors and notice thereof shall be given and same shall be held and conducted and the results thereof determined in the manner provided herein with relation to elections for the authorization of bonds. All taxes levied by the District for any purpose shall constitute a lien on the property against which levied and limitation shall not bar the enforcement or collection thereof. In calling an election for taxes under this Section 10, the Board of Directors shall specify the maximum rate of tax which is sought to be levied and no tax in excess of that amount may be levied without submitting the question of the increased rate of taxation at an election as provided.

Sec. 11. Bonds Eligible for Investment and to Secure Deposits. All bonds of the District shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, and sinking funds of cities, towns and villages, counties, school districts, or other political subdivisions of the State of Texas, and for all public funds of the State of Texas or its agencies, including the State Permanent School Fund. Such bonds shall be eligible to secure deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political subdivisions or corporations of the State of Texas, and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto.

Sec. 12. District Depository. The Board of Directors shall designate one or more banks within the District to serve as depository for the funds of the District. All funds of the District shall be deposited in such depository bank or banks except that sufficient funds shall be remitted to the bank or banks of payment of principal of and interest on the outstanding bonds of the District and in time such may be received by the said bank or banks of payment on or prior to the date of the maturity of such principal and interest so to be paid. To the extent that funds in the depository banks are not insured by the Federal Deposit Insurance Corporation, they shall be secured in the manner provided by law for the security of county funds. Membership on the Board of Directors of an officer or director of a bank shall not dis-
Sec. 13. District and Bonds Exempt from Taxation. The accomplishment of the purposes stated in this Act being for the benefit of the people of this State and for the improvement of their properties and the industries, the District in carrying out the purposes of this Act will be performing an essential public function under the Constitution and shall not be required to pay any tax or assessments on the property or any part thereof, and the bonds issued hereunder and their transfer and the income therefrom, including the profits made on the sale thereof, shall at all times be free from taxation within this State.

Sec. 14. District Authorized to Enter into Water Supply Contracts. The District is authorized to enter into contracts with cities and others for supplying water services to them. The District may also contract with any city for the rental or leasing, or for the operation of such city's water production, water supply, water filtration, or purification facilities. Any such contract may be upon such terms, for such consideration and for such time as the parties may agree and it may provide that it shall continue in effect until bonds specified herein and any refunding bonds issued in lieu of such bonds are paid.

Sec. 15. District Empowered to Acquire Storage Capacity in Reservoirs. The District is hereby empowered to lease or acquire rights in and to storage and storage capacity in any reservoir constructed or to be constructed by any person, firm, corporation, the State of Texas, or any public agency thereof, or by the United States Government or any of its agencies. The District is also empowered to purchase or make contracts for the purchase of storage, or water or a water supply from any person or firm, corporation, the State of Texas, or any public agency thereof, or from the United States Government or from any of its agencies.

Sec. 16. Levy, Assessment and Collection of Taxes. District taxes shall be assessed at the same value as that used for county and state purposes and collected in the same manner as provided by law with relation to county taxes, using the county tax rolls. The Tax Assessor-Collector of Aransas County shall be charged with and required to accomplish the assessment and collection of all taxes levied by and on behalf of the District and to promptly pay over the same to the District depository. For his services the County Tax Assessor-Collector shall be allowed such compensation as may be provided for by contract with the District but not to exceed the amount allowed for assessment and collection of county taxes. The bond of the County Tax Assessor-Collector shall stand as security for the proper performance of his duties as Assessor-Collector of the District of, or in the judgment of the District Board of Directors it is necessary, additional bond payable to the District may be required. In all matters pertaining to the assessment and collection of taxes for the District, the County Tax Assessor-Collector shall be authorized to act and shall be governed by the laws of the State of Texas relating to State and county taxes except as herein otherwise provided and suits may be brought for the collection of such taxes and the enforcement of tax liens under the same authority. Should the County Assessor-Collector fail or refuse to give any additional bond required by the District within the time prescribed by law he shall be suspended from office by the Commissioners Court of Aransas County and immediately thereafter removed from office in the mode prescribed by law. It shall be the further duty of the Tax Assessor-Collector to make a certified list of all delinquent property on which the District taxes have not been paid and return same to the Board of Directors which shall proceed to have the same collected by the sale of the delinquent property, in the same manner, both by suit and otherwise, as is provided for the sale of property for the collection of State and County taxes; and at such sale the District may become the purchaser of such property.

Sec. 17. District Declared Essential. The Legislature hereby declares that the enactment hereof is in fulfillment of a duty conferred upon it by Section 59 of Article XVI of the Constitution of the State of Texas.
Amend Senate Bill No. 299 by striking all above the enacting clause and substituting in lieu thereof the following:

A Bill To Be Entitled

"An Act creating 'Aransas County Conservation and Reclamation District' under the provisions of Section 55, Article XVI of the Texas Constitution; prescribing the area and powers of the District; specifying the purpose and powers of the District; providing for a Board of Directors to control and exercise the District's powers; authorizing the levy and assessment of ad valorem taxes in a limited amount; for the purpose of conducting an engineering study of the District's present and future requirements for fresh water and possible sources thereof; providing that the District shall bear the expense of any necessary relocation, raising or rerouting of any facility or property of any utility; authorizing the issuance of bonds in the accomplishment of the District's purposes, and making such bonds eligible for certain investments and to secure the deposit of public funds: exempting the District and its bonds from taxation; enacting a saving clause; declaring the District essential; enacting other provisions relating to the subject and purpose of this Act; and declaring an emergency."

The amendment was adopted without objection.

Senate Bill No. 299 was then passed to third reading.

SENATE BILL NO. 314 ON SECONd READING

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

S. B. No. 314, A bill to be entitled "An Act providing for fixing the compensation of the District Judge of the 109th Judicial District, amending Article 1619a-12a, Vernon's Texas Civil Statutes, as amended, amending Section 1 of Chapter 4, Acts of the 56th Legislature, 3rd Called Session, 1969, to provide for a limitation on the amount of the annual compensation, and providing that the compensation shall be within the discretion of the Commissioners' Court of each county; and declaring an emergency."
May 8, 1963  

The bill was read second time.  

Mr. de la Garza offered the following committee amendment to the bill:  

Committee Amendment No. 1  
Amend Senate Bill 314, Section 1, by striking the words, "twenty-four hundred dollars ($2400.00) per annum," and substituting in lieu thereof, "eighteen hundred dollars ($1800.00) per annum."  

The amendment was adopted without objection.  

Senate Bill No. 314 was then passed to third reading.  

SENATE BILL NO. 447 ON SECOND READING  

The Speaker said before the House on its second reading and passage to third reading,  

S. B. No. 447, A bill to be entitled "An Act relating to the official shorthand reporters of the Tenth, Fifty-Sixth, and One Hundred Twenty-Second Judicial Districts of Texas; re-enacting and amending Acts of the 55th Legislature, 2nd Called Session, 1957, Chapter 12, by fixing the maximum and minimum salary and method of determining same, and by fixing the fee for transcript; and declaring an emergency."  

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

SENATE BILL NO. 458 ON SECOND READING  

The Speaker said before the House on its second reading and passage to third reading,  

S. B. No. 458, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Constitution comprising certain territory contained in Hill County, Texas, to be known as 'City of Hillsboro Water and Sewer Authority,' for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing, transporting, and distributing the same and providing plants and facilities for the collection, transportation, processing, disposal and control of all domestic, industrial and communal wastes; providing for confirmation of authority by election; providing for a Board of Directors for the government of said Authority; authorizing the Authority to do all things necessary to the exercise of the powers herein granted; authorizing the issuance of bonds and providing for payment and security thereof; making applicable to the District Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain and certain general laws relating to Water Control and Improvement Districts; prescribing other powers of the Authority; providing a savings clause; enacting other provisions relating to this subject; and declaring an emergency."  

The bill was read second time.  

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

Committee Amendment No. 1  
Amend Sec. 5 of S. B. 458 by inserting a new sentence at the end of Sec. 5, reading as follows:  

"Provided, however, that before issuing any construction bonds said District shall submit plans and specifications therefor to the Texas Water Commission (successor to State Board of Water Engineers) for approval in the manner required by Acts of the 57th Legislature, Regular Session, Chapter 336, 1961, codified in Vernon’s Annotated Civil Statutes of Texas as Article 7880-139, and said District’s project and improvements during the course of construction shall be subject to inspection in the manner provided by said Article 7880-139."  

The amendment was adopted without objection.  

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

Committee Amendment No. 2  
Amend S. B. 458 Sec. 6, at the end of said section after the word "Authority," reading as follows:  

"Provided that the power of eminent domain shall not extend outside of the boundaries of Hill County."  

The amendment was adopted without objection.  

S. B. No. 458 was then passed to third reading.
SENATE BILL NO. 465 ON SECOND READING

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

S. B. No. 465, A bill to be entitled "An Act relating to the appointment, qualification, duties and compensation of official shorthand reporters for the District Courts of the Nineteenth, Ninety-seventh and One Hundred Thirty-Ninth Judicial Districts of Texas; fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statement of fact and other laws, repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

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

SENATE BILL NO. 446 ON SECOND READING

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

S. B. No. 446, A bill to be entitled "An Act giving any drainage district in Hidalgo and Cameron Counties, in this state, heretofore or hereafter organised under provision, Section 57, Article III Constitution of Texas, which district has heretofore or shall hereafter be converted into a conservation or reclamation district, the right to enter into contracts for the construction of improvements with the Government of the United States of America or any agency or instrumentality thereof, providing that it may then execute contracts and providing for payment of obligations incurred thereunder by providing a severability clause; repealing conflicting laws; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 1 of Senate Bill 446 by inserting a comma and the word "Hidalgo" after the word "Hidalgo" in the first sentence of said Section.

The amendment was adopted without objection.

S. B. No. 446 was then passed to third reading.

SENATE BILL NO. 466 ON SECOND READING

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

S. B. No. 466, A bill to be entitled "An Act creating within the State of Texas, in addition to the districts into which the State has heretofore been divided, a port district to be known as the Port of Port Arthur Navigation District of Jefferson County, Texas, situated in Jefferson County, Texas; declaring the same to be a governmental agency and body politic, the creation of which is determined to be essential to the accomplishment of the purposes of Section 59, of Article 16, of the Constitution of the State of Texas, for the improvement of navigation and the development of Port of Port Arthur within the boundaries thereof, which is declared to be essential to the general welfare of the State for the navigation and development of maritime shipping and in the interest of national defense, and of material benefit to and remit in the increase of taxable value of the property included therein; defining the boundaries thereof; defining the powers, rights, privileges and functions thereof; providing for the management by a Board of Port Commissioners composed of five (5) persons, defining their qualifications and duties and the manner of their election; providing said district shall have authority to acquire from the City of Port Arthur with the consent of the city, all of its port properties, lands, easements, monies and funds on hand, and facilities by assuming the unpaid and outstanding bonded indebtedness and obligations incurred by the city on account of same, etc., and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Senate Bill No. 466 by striking out all below the enacting
Thence westward and northward along the center line of Taylor's Bayou, situated in Jefferson County, Texas, with boundaries as hereinafter set out (hereinafter called the district). Such district shall be and is hereby declared to be a governmental agency and body politic and corporate with the powers of government and with the authority to exercise the rights, privileges and functions hereinafter specified, and the creation of such district is hereby determined to be essential to the accomplishment of the purposes of Section 59, of Article 19, of the Constitution of the State of Texas, including (to the extent hereinafter authorized) the improvement of navigation and the maintenance, development, extension and improvement of port facilities, wharf and dock facilities, and the development of the Port of Port Arthur within the boundaries thereof as hereby established, which is declared to be essential to the general welfare of the State of Texas for the development of maritime shipping to and from its ports, and in the interest of national defense; the Port of Port Arthur being strategically located on the Gulf Coast with an inland-protected harbor and in a rapidly developing industrial area wherein shipyards and ship-storing basins are located, and the creation of such district will result in material benefit to the territory included therein and in the increase of taxable values of property included therein, and result in material benefit to that section of the state in which same is located.

The boundaries of said district in Jefferson County, Texas, are as follows:

Beginning at a point on the junction of the center line of the right-of-way of State Highway 87 and the city limit line of the City of Port Arthur (as it existed on April 20, 1963) in the Neches River;

Thence following the city limit line of the City of Port Arthur (as it existed on April 20, 1963) in the Neches River, southward and westward to and through Lake Sabine;

Thence continue to follow, westward and northward, the city limit line of the City of Port Arthur, (as it existed on April 20, 1963) to the point of junction with the center line of the Sabine-Neches Ship Canal;

Thence southward and westward along the center line of the Sabine-Neches Ship Canal to the center line of the Intracoastal Canal;

Thence westward along the center line of the Intracoastal Canal to its junction with the center line of Jefferson County Drainage District No. 7 Outfall Canal;

Thence northward along the center line of Jefferson County Drainage District No. 7 Outfall Canal to its junction with the center line of Taylor's Bayou;

Thence eastward along the center line of Taylor's Bayou to its junction with the center line of Rodair Gully;

Thence eastward along the center line of Rodair Gully to the center line of the rights-of-way of the Vitterbo Road;

Thence southward along the center line of the rights-of-way of the Vitterbo Road to the center line of the rights-of-way of State Highway 69;

Thence southward along the center line of the rights-of-way of State Highway 69 to the center line of the rights-of-way of FM Road No. 245;

Thence eastward along the center line of the rights-of-way of FM Road No. 245 to the center line of the rights-of-way of State Highway 247;

Thence southward along the center line of the rights-of-way of State Highway 247 to the center line of the rights-of-way of State Highway 78;

Thence southward and eastward along the center line of the rights-of-way of State Highway 78 to the center line of the rights-of-way of State Highway 87;

Thence northward and eastward along the center line of the rights-of-way of State Highway 87 to its junction with the city limit line of the City of Port Arthur (as it existed on April 20, 1963) in the Neches River, the point of the beginning.

Sec. 2. Except as expressly limited by this Act, the district shall...
have and is hereby authorized to exercise all powers, rights, privileges and functions conferred by General Law upon any district or districts created pursuant to Section 59, Article XVI of the Constitution of the State of Texas, appropriate to the accomplishment of the purposes of this Act. Without limitation of the generality of the foregoing, the district shall have and is hereby authorized to exercise the following powers, rights, privileges and functions:

(a) The right, power and authority to acquire, purchase, take over, construct, maintain, repair, operate, develop, and regulate wharves, docks, warehouses, grain elevators, dumping facilities, belt railways, lands and all other facilities or aids consistent or necessary to the operation or development of ports or waterways within the district, provided that such specified facilities or other facilities or aid shall not be of a type or kind used or engaged in competition with tugs, barges, salvage operations and ship building or ship repair operations, in addition to the power to issue bonds for the purposes above enumerated, and for the purpose of acquiring necessary or proper lands, rights-of-way, dumping grounds, extension or improvement of belt railway lines, or construction or improvements of wharves, docks or other facilities or aids consistent to or necessary to the operation or development of ports or waterways within the district, provided that such specified facilities or other facilities or aids shall not be of a type or kind used or engaged in competition with tugs, barges, salvage operations and ship building or ship repair operations.

(b) To construct, extend, improve, repair, maintain and reconstruct, or cause to be constructed, extended, improved, repaired, maintained, and reconstructed, and own, use and operate any and all facilities of any kind necessary or convenient to the exercise of such powers, rights, privileges, and functions as are herein granted; provided that such specified facilities or other facilities or aid shall not be of a type or kind used or engaged in competition with tugs, barges, salvage operations and ship building or ship repair operations.

(c) To sue and be sued in its corporate name;

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

(e) To make by-laws, rules and regulations for the management and regulation of its affairs;

(f) To employ officers, agents and employees, to prescribe their duties and to fix their compensation;

(g) To make contracts and execute instruments necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act;

(h) To borrow money for its corporate purposes consistent with the Constitution and General Laws of the State, and without limitation of the generality of the foregoing, to borrow money and accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, and in connection with any such loan or grant to enter into such agreements as the United States of America or such corporations or agencies may require, and to make and issue its negotiable bonds for money borrowed, in the manner and to the extent provided herein. Nothing in this Act shall authorize the issuance of any bonds, notes, or other evidences of indebtedness of the District payable from taxation, unless such proposition shall first be submitted to the qualified property taxpayers of such District and the proposition adopted by a majority vote of those voting at the election.

(1) To acquire by gift, or purchase any and all properties of any kind, excluding lighters, tugs, barges and other floating equipment of any nature, real, personal, or mixed, or any interest therein, within or outside of the boundaries of the district necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act, and by condemnation within the boundaries of the district, in the manner provided by General Law for condemnation by counties, provided that the district shall not be required to give bond for appeal
or bond for costs in any judicial proceedings.

(j) Nothing contained in this Act shall be construed as granting this Navigation District or the Commission of said district any power or authority over the appointment, organization or conduct of the Branch Pilots of the Sabine Bar and the Pilots Commission of the Sabine Bar. It is the intent of this Legislature to exclude the Branch Pilots of the Sabine Bar and tributaries and the Commissioners thereof from any part of the operation of this Act.

Sec. 4. Said district shall have authority to acquire from the City of Port Arthur, with the consent of the City of Port Arthur evidence as may be provided in its charter, all of its port properties, lands, assets, monies and funds on hand, and facilities acquired by said city for port purposes in any manner, as well as from proceeds of bonds issued by said city for port and wharf and dock purposes, or from the port revenues of said city, by assuming the unpaid and outstanding bonded debt and other indebtedness and obligations incurred by the City of Port Arthur on account of said, and shall thereafter be authorized to operate, maintain, repair, extend and improve such properties and facilities, provided that the proposition of assuming the outstanding indebtedness shall be submitted to a vote of the qualified property taxing voters of such district who have duly rendered their property for taxation therein, and the proposition shall be approved by a majority vote of those voting at such election, which election shall be called and held in the same manner as the election provisions herein relating to the levying of a maintenance tax.

Sec. 5. Said district shall be authorized to have levied and cause to be assessed and collected for the maintenance, operation, and upkeep of such district and the port facilities, properties and improvements constructed by said district, an annual tax not to exceed ten cents ($0.10) on the One Hundred Dollars valuation of all taxable property within such port district, whether real, personal, mixed, or otherwise, provided that the proposition for the levying of such tax shall first be submitted to the qualified property taxing voters of said district at an election, as hereinafter provided, and the proposition shall be adopted by a majority vote of those voting at said election.

Sec. 6. As soon as convenient after the effective date of this Act, the County Judge of Jefferson County, Texas, shall order an election in said district for the election of five port commissioners. The County Judge may require a cash deposit of Five Hundred Dollars ($500) to be deposited with the County Clerk by persons interested, as well as a bond to secure the payment of the costs of calling and holding said election and canvassing and declaring the results of the same; provided that if said election shall carry, the money deposited shall be returned to the persons depositing the same and said bonds shall be cancelled and the district shall pay said costs from its available funds; but if said election shall fail to carry, then said money shall be applied on the expenses of election, and if there is any balance it shall be returned to the parties depositing the same, and if the costs shall be more than the amount deposited, then the parties signing such bond shall be responsible therefor. Said election shall be held within not less than thirty (30) days nor more than sixty (60) days from the date of the
order calling the same. Said election order shall state the time and place of holding said election and shall state the propositions to be voted upon at said election; that is to say, for the election of five (5) port commissioners, and for the voting of the maintenance tax for said district at a rate not to exceed ten cents ($0.10) on the One Hundred Dollars ($100) valuation of the property of said district. The County Clerk shall furnish the supplies for said election and cause to be posted and published the notice thereof. Notice of said election shall be given by posting a substantial copy of the election order in each of the election precincts in said port district and also at the County Court House and the City Hall. Such notice shall also be published on the same day in each of two (2) successive weeks in a newspaper of general circulation published within said port district, the date of the first publication to be not less than fourteen (14) days prior to the date set for the election. Except as herein provided, the manner of holding said election, the returns thereof, and canvassing the returns and declaring the results thereof, shall be governed by the laws governing general elections. There shall be two (2) ballots prepared for said election, one ballot with the names of the candidates for the positions as port commissioners written or printed thereon, and all those qualified to vote for Governor of the State of Texas shall be qualified to vote for said commissioners. The members of the Board of Port Commissioners provided for herein shall be elected by the voters of the district at large. Those who desire to have their names printed on the ballot at said election shall make application in writing to the County Judge for a place on the ballot at least twenty (20) days before the date of said election, or upon petition signed by twenty-five (25) or more qualified voters of the district, any qualified candidate's name shall be placed on said ballot. Those receiving the highest number of votes for the respective places on said port commission shall be declared elected. Another ballot shall be prepared for said election, and all voters desiring to support the proposition for the maintenance tax herein mentioned shall have written or printed upon their ballots the words: 

"For the maintenance tax; and those opposed, the words:"

"Against the maintenance tax."

On the proposition for levying the maintenance tax, only those resident qualified electors of said district who have duly rendered the same for taxation, therein shall be allowed to vote, and said propositions shall be adopted by a majority vote of those voting at said election.

Said election order shall be signed by the County Judge and shall name the judges of the election with authority to appoint their own clerks and assistants, and said election shall be held in each of the voting precincts in said port district, or fractional parts thereof, and each voter shall vote in the precinct of his residence. The Commissioners Court of said county shall canvass the returns and declare the results of said election at its next regular or special meeting after the date of said election.

Sec. 7. The City of Port Arthur is hereby authorized to call and hold an election as provided in its charter to determine whether or not the City of Port Arthur shall be authorized to transfer to said district its port properties, assets, lands, moneys and funds on hand, and facilities, providing the port district shall assume the unpaid and outstanding indebtedness of said municipality which has been incurred by it for port and wharf and dock purposes.

Sec. 8. As soon as practicable after the election of the first Board of Port Commissioners, and as soon as practicable after the election of each succeeding Board of Port Commissioners, there shall be elected by the board a president, vice-president, and secretary and treasurer of the district to serve during the tenure of office of the Board of Port Commissioners so electing the same. The president and vice-president shall be members of the Board of Port Commissioners, but the office of secretary and treasurer, which is here constituted as one office, may be filled by a person not a member of the Board of Port Commissioners.
Three (3) commissioners shall constitute a quorum at any meeting, and the concurrence of three (3) shall be sufficient in all matters pertaining to the business of the district. The board of commissioners shall employ and prescribe the duties of all employees necessary for the proper handling of its business and the operation of the district. They may employ a general manager for the district and may give the person so employed full authority in the management and operation of the district’s affairs, subject only to the orders of the board of commissioners. The commissioners shall be the managing officers in charge of all the business and affairs of the district, and shall make all contracts pertaining thereto. All vacancies in the office of commissioners and other officers shall be filled by appointment by the board of commissioners for the unexpired term. If the number of commissioners shall be reduced to two (2), such remaining commissioners shall call a special election to fill the vacancies. All commissioners and officers shall serve until their successors have qualified. A regular office shall be established and maintained for the conduct of the district’s business within the district.

Sec. 9. The first board of commissioners shall serve until the first Tuesday in April, 1967, or until their successors are elected and qualified, and on the first Tuesday in April, 1967, and on the first Tuesday in April in each odd-numbered year thereafter, there shall be held a general election in said district at which time there shall be elected five (5) Port Commissioners, to be elected for a term of two (2) years. Said Board of Port Commissioners shall call such elections, which shall be called and held and the returns thereof made and canvassed as provided for the first election in said Act except that the same shall be called and held by the Board of Port Commissioners and notice thereof shall be given by posting a substantial number of the order calling the same at three (3) public places in said district not less than ten (10) days before the date of said election.

Sec. 10. The Board of Port Commissioners shall cause to be kept complete and accurate accounts conforming to approved methods of bookkeeping. Said accounts and all contracts, documents and records existing shall be kept at said principal office. Said accounts and contracts shall be open to public inspection at all reasonable times. The board shall cause to be made and completed within ninety (90) days after the end of each calendar year, or fiscal year if the fiscal year shall be different from the calendar year, an audit of the books and accounts and financial records of the district for each year, such audit to be made by an individual certified public accountant or firm of certified public accountants. Copies of a written report of such audit, certified by said accountant or accountants, shall be filed with the County Clerk of Jefferson County, Texas, and at said principal office, and shall be open to public inspection at all reasonable times. The moneys of the district shall be distributed only on checks, vouchers, drafts, orders or other written instruments signed by such persons as shall be authorized to sign the same by a resolution of the board of commissioners of said district, provided signatures of at least two (2) authorized persons shall be necessary therefor.

Sec. 11. Each commissioner shall receive for his services the sum of Fifty Dollars ($50) per month, except the president who shall receive Seventy Five Dollars ($75) per month, plus actual traveling expenses. The board of commissioners shall fix the compensation of the secretary, general manager, attorneys, engineers, and all other employees, and said board shall fix and determine the term and time of employment of all officers and employees of the district, provided that all officers and employees of the district, except the commissioners themselves, shall hold their offices subject to the will of the Board of Port Commissioners.

Sec. 12. All officers, agents and employees of the district who shall be charged with the collection, custody or payment of any funds of the district shall give bond conditioned on the faithful performance of their duties and accounting for all funds and properties of the district coming into their respective hands, each of which bonds shall be in form and manner and with a surety
Sec. 14. Each of the port commissioners, within ten (10) days after his election, shall take and subscribe an oath of office with conditions therein as provided by law for members of the County Commissioners Court, and enter into a good and sufficient bond in the sum of Ten Thousand Dollars ($1,000) payable to the district, conditioned upon the faithful performance of his duties as port commissioner. The cost of entering into said bonds shall be paid by the District. The bonds of the first Board of Port Commissioners shall be approved by the County Judge of Jefferson County, Texas, and the bonds of all port commissioners thereafter elected shall be approved by the Board of Port Commissioners.

Sec. 15. No director, officer, agent or employee of the district shall be directly or indirectly interested in any contract for the purchase of any property or the construction of any work by or for the district, and if any such person shall become so interested in any such contract or purchase, he shall be subject to the penalties provided by law for State and county officers under similar circumstances.

Sec. 16. The Board of Port Commissioners shall hold regular meetings at least twice each month on the day and time to be designated by said commissioners, as well as such special meetings as may be called by the president, or by the request of three (3) members of the Board of Commissioners.

Sec. 17. Bonds of the district may be issued when the Board of Port Commissioners shall find that such are necessary by an order entered of record in their minutes. The board shall direct the district engineer to make an estimate of the cost of repairs, extensions, or additional improvements necessary, together with all expenses incident thereto, and order an election to be held to determine whether or not the bonds of the district shall be issued in an amount sufficient to pay the cost of such improvements and expenses, which election and all other elections for the issuance of bonds provided for herein shall be called, conducted and held in accordance with Chapter 1, Title 23, Articles 703 to 717, Revised Civil Statutes of 1925, and amendments thereto, and Acts amendatory thereof, and

(which shall be a surety company authorized to do business in the State of Texas) approved by the Board of Port Commissioners of said district, and the premiums on such bonds shall be paid by the district and charged as operating expenses.
the Board of Port Commissioners shall perform the duties and do all acts and things provided to be done by the governing body of a municipality, as provided in said Acts. Whenever such bonds have been voted, the Board of Port Commissioners of the district shall cause to be levied a tax upon all property within such district sufficient in amount to pay the interest on such bonds, together with an additional amount to be placed in a sinking fund sufficient to redeem and discharge such bonds at their maturity, and such board shall cause a tax to be levied, assessed and collected annually upon all taxable property within said district in an amount sufficient to pay the interest on said bonds and to create a sinking fund sufficient to redeem the same at maturity, together with the expense of assessing and collecting such taxes.

All bonds issued under the provisions of this Act shall be in the name of the port district, shall be signed by the president of the Board of Port Commissioners, and shall be attested by the secretary of the district, and the seal of the district shall be affixed to each. They shall be issued in such denomination and payable at such time or times, not exceeding forty (40) years from their date, as may be declared most expedient by said Board of Port Commissioners, and such bonds shall bear interest not to exceed five per cent (5%) and may contain an option for redemption prior to maturity, as may be determined by the Board of Port Commissioners, and the total indebtedness of said bonds shall be limited to twenty-five per cent (25%) of the assessed property valuation.

Sec. 11. Said district may issue bonds to procure funds for any lawful purpose provided for in this Act which the Board of Port Commissioners shall deem necessary, and an election shall be held therefor as provided herein for voting the bonds, and such bonds shall be issued as provided herein. The ballots at such election shall have printed thereon:

'For the bonds and levy ing of a tax in payment thereof; and'

'Against the bonds and the levy ing of a tax in payment thereof; and'

those voting at the election shall mark out one of the above expressions thus leaving the other as indicating his vote.

Sec. 19. The Board of Port Commissioners shall have the authority to issue refunding bonds from time to time for the purpose of refunding like principal amounts of bonds of the district then outstanding. Such refunding bonds shall be payable from the same source or sources as were the bonds refunded except that bonds payable wholly or in part from ad valorem taxes may, if desired, be refunded into bonds payable solely from District revenues other than ad valorem taxes, including, but without limitation, revenues derived from the operation of facilities now or hereafter owned or in use by the District, and revenues, including rentals, derived from oil, gas or other mineral properties or rights owned by the District. Where refunding bonds are to be issued payable solely from revenues other than ad valorem taxes, and improvement bonds, authorized under statutory authority other than this Section and similarly payable are to be issued by the District, such refunding bonds and improvement bonds may be combined into a single issue. Refunding bonds may be delivered in exchange for a like amount of bonds to be refunded or may be sold and the proceeds thereof applied to the payment of the bonds to be refunded, or may be exchanged in part and sold in part. Where refunding bonds are to be sold and the bonds to be refunded have not matured, the proceeds of refunding bonds proceeds become callable for redemption under their terms, the proceeds of the sale of the refunding bonds may be deposited with the paying agent or one of the paying agents for such outstanding bonds, to be applied by such paying agent to the payment of the bonds at maturity or first available redemption date, or upon earlier voluntary surrender by the holder. If refunding bonds proceeds are so deposited, there shall also be deposited interest on the outstanding bonds to maturity or to the earliest available redemption date, together with applicable redemption premiums, if any, and the refunding bond proceeds so deposited may, at the direction of the District, be invested by the paying agent in direct obligations of the United States of America having maturities not later
than the corresponding maturities or
first available redemption dates of the
bonds to be refunded. Where
proceeds so invested, the inter-
net received on such investments
shall be paid to the District to be
applied to the payment of interest
which may be prescribed by the Board
of Port Commissioners, and such bonds
shall be issued not to exceed six per
cent (6%) per annum and may con-
tain an option for redemption prior
to maturity, as may be prescribed by
the Board of Port Commissioners.

Sec. 20. In addition to the rights,
power and authority granted here-
in, the District and its Board of Port
Commissioners shall have and exer-
cise all of the rights, power and au-
thority granted by General or Spec-
ial Laws to navigation districts in-
cluding specifically the rights, pow-
er and authority conferred upon
navigation districts by the provisions
of Chapter III. Acts 1922, Forty-
third Legislature, First Called Ses-
sion, as amended, and especially to
the extent not inconsistent with the
provisions of this Act, the District
shall have the authority granted
such districts by Chapter 5, Acts of the Thirty-sixth Legislature,
as amended, Chapter 27, Acts 1927,
Forty-second Legislature, Third
Called Session, and Chapter 108,
Acts 1929. Forty-fourth Legislature,
First Called Session, and shall have
the fullest power consistent with
the Constitution of Texas for the
regulation of wharves and charges
for all facilities of or pertaining to
said port and waterways and shall
have the right to assess and collect
charges for the use of all the facil-
ties thereof; provided that the facili-
ties now in use by the District shall
never be mortgaged or subject to
said revenue bonds shall be issued in the name of the District,
shall be signed by the president of
the Board of Port Commissioners,
and shall be attested by the secretary
of the District, and the seal of the
District shall be affixed to such. They
shall be issued in such denomin-
ations and payable at such times,
not exceeding forty (40) years from their date, as may be
issued by said Board of Port
Commissioners, and such bonds
shall be issued not to exceed six per
cent (6%) per annum and may con-
tain an option for redemption prior
to maturity, as may be prescribed by
the Board of Port Commissioners.

Sec. 21. All bonds of the district
shall be and are hereby declared to
be legal and authorized investments
for banks, savings banks, trust com-
panies, building and loan associa-
tions, savings and loan associations,
insurance companies, &c., and pub-
lized, and royalty and rentals derived
from the lease of oil, gas and other
mineral properties owned by the District,
and revenues derived from property
owned by the District and leased to
others. Any resolution or order
authorizing the issuance of such bonds
may contain such covenants with the
holders of the obligations as to the
management and operation of said
improvements and facilities, collec-
tion of fees and charges for the use
thereof, disposition of such fees
and charges, issuance of future obliga-
tions and creation of future liens and
encumbrances against said
improvements and facilities and the
revenues thereof and other pertinent
matters as may be deemed necessary
to insure the marketability of said
obligations. If such bonds are
issuable from sources other than tax-
aton, such bonds may be issued on
a pari with other revenue bonds
issued pursuant to this Act or pur-
suant to other applicable laws, and
both such bonds and such pari
revenue bonds may be payable from
the same source or sources.
of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value when accompanied by all unmatured coupons appurtenant thereto.

Sec. 22. After any bonds (including refunding bonds) are authorized by the district, such bonds and the record relating to their issuance shall be submitted to the Attorney General for his examination as to the validity thereof. If such bonds have been authorized in accordance with the Constitution and Laws of the State of Texas, he shall approve the bonds and the bonds then shall be registered by the Comptroller of Public Accounts. Thereafter, the bonds shall be valid and binding and shall be incontestable for any cause.

Sec. 23. The Commissioners Court of Jefferson County, Texas, shall upon requisition of the Board of Port Commissioners, levy taxes necessary to pay the interest on the bonded debt and to create a sinking fund to retire the principal thereof, as well as a maintenance tax for said district within the limitations prescribed by this Act. In all matters pertaining to the levying and assuring of taxes, the equalization thereof, and the collection of same, and the duties of all officers in connection therewith, the laws of the State of Texas for assessing, levying and collecting of state and county taxes shall apply, and such duties shall be done and performed by the officers charged with the collection of state and county taxes. Said taxes shall be deposited with the depository or depositories of said district at the times and in the manner provided by law for depositing county taxes in the county depository, and such officers shall furnish such bonds and receive such compensation for the services as is now being paid for like services, and said district shall have a lien upon all property against which taxes may be levied and assessed, enforceable under the same law and in the same manner as a lien securing state and county taxes. Limitation shall not run against the district as a bar to the collection of any taxes or other public charges of the district.

Sec. 24. The Legislature hereby exercises the authority conferred upon it by Section 59, Article 16, of the Constitution of the State of Texas, and declares the said port district as hereinabove described to be essential to the accomplishment of the purposes of said constitutional provision, to be a governmental agency and body politic and corporate with such powers of government and with authority to exercise such rights, privileges and functions as are conferred in this Act, and as are conferred by the provisions of General and Special Laws applying to navigation districts that are not in conflict herewith.

Sec. 25. This Act and all of the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

Sec. 26. The provisions of this Act are separable, and if any section, or part thereof, shall be held unconstitutional or void by any court of competent jurisdiction for any reason, such holding shall not affect the validity of any other section or part of this Act, and the same shall remain and be in full force and effect; and the Legislature hereby declares that it would have passed the remaining valid part or parts of this Act.

Sec. 27. The fact that the creation of the port district to be known as the Port of Port Arthur Navigation District of Jefferson County, Texas, will enable said port to properly expand and develop to take care of maritime shipping of said port and will contribute to national defense and the general welfare of the state, and will result in material benefits and improvements of the territory included therein and in the increase of taxable value of property included therein; and the crowded condition of the calendar, create an emergency and an imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days before their passage, be suspended; and such Rule is hereby suspended."

The amendment was adopted without objection.
Mr. Parker offered the following amendment to the bill:

Amend Committee Amendment No. 1 to Senate Bill 649 by adding at the end of last sentence of Section 4 the following:

"Said district shall also reimburse the City of Port Arthur for reasonable expenses incurred in the preparation of a feasibility study and survey initiated prior to the creation of said district."

The amendment was adopted without objection.

S. B. No. 469 was then passed to third reading.

SENATE BILL NO. 474 ON SECOND READING

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

S. B. No. 474, A bill to be entitled "An Act amending Chapter 418, page 766, Acts of the 52nd Legislature, 1961 (codified by Vernon as Article 8280-146), relating to Brookshire Municipal Water District, by adding thereto a section permitting the addition and annexation of land to said District in accordance with general law; and declaring an emergency."

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

HOUSE BILL NO. 138 ON SECOND READING

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

H. B. No. 138, A bill to be entitled "An Act amending Acts 54th Legislature, Chapter 497, page 1243; Acts 55th Legislature, chapter 216, page 435, codified as Article 5431c-7, V.A.C.S. of Texas, for the purpose of making or producing the minerals covered thereby, which application shall be accompanied by the first rental payment of not less than Two Dollars ($2.00) per acre. The annual rental
payments thereafter during the primary term shall be not less than One Dollar ($1.00) per acre, which shall be payable unless production in paying quantities is being obtained and royalty being paid the State thereon. If the designated area is less than that covered by the permit, the applicant shall forward with his application field notes prepared by the county surveyor or a licensed state land surveyor, describing the area so designated."

"Section 2. If any section, clause, phrase, or word of this Act is held to be unconstitutional, such decision shall not affect the remaining portions of this Act."

"Section 3. All laws or parts of laws in conflict herewith are hereby expressly repealed."

"Section 4. The fact that the existing laws do not permit the full exploration and development of minerals on state-owned lands and on lands on which the state owns the minerals thereby depriving the state of the revenue which it might have if such exploration and development were possible, 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."

The amendment was adopted without objection.

House Bill No. 138 was then passed to engrossment.

HOUSE BILL NO. 243 ON SECOND READING

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

H. B. No. 243, A bill to be entitled "An Act to provide that any person certified to teach in the public schools of Texas who holds a bachelor of laws degree shall have his minimum salary calculated on the basis of a master's degree; and declaring an emergency."

The bill was read second time.

The Speaker offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend House Bill No. 243 by adding a new section to be known as Section 1a to read as follows:

"Sec. 1a. Any person who holds a bachelor of laws degree shall be certified to teach in the public schools of Texas."

The amendment was adopted.

House Bill No. 243 was then passed to engrossment.

HOUSE BILL NO. 287 ON SECOND READING

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

H. B. No. 287, A bill to be entitled "An Act amending Article 1318 of the Penal Code of the State of Texas, 1925, to prohibit the wilful burning of certain items; and declaring an emergency."

The bill was read second time.

The Speaker offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend House Bill 287 by striking Section 1 therefrom and inserting in lieu thereof the following:

"Section 1. Article 1318 of the Penal Code of the State of Texas, 1925, is amended to read as follows:

"Article 1318. Burning other
buildings, hay, lumber, etc. Whoever shall wilfully burn any building not a house as defined in the preceding chapter, or shall wilfully burn any stack of corn, hay, fodder, grain, or flax, or any cotton, baled or loose, or cotton seed, or any pile of boards, lumber, or wood, or any fence or other inclosure, or any automobile, or any other motor vehicle, or vehicle or trailer, the property of another, shall be confined not less than two nor more than five years, or be fined not exceeding Two Thousand Dollars ($2000)."

The amendment was adopted without objection.

House Bill No. 287 was then passed to engrossment.

HOUSE BILL NO. 289 ON SECOND READING

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

H. B. No. 289, A bill to be entitled "An Act amending Senate Bill No. 35, page 544, General Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Subsection (1) of Section 4 of said Article; providing for the elimination of the four (4) year residence requirement for employees of the State Department of Public Welfare; providing for a repealing clause; a saving clause, and declaring an emergency."

The bill was read second time.

(Mr. Allen in the Chair)

House Bill No. 289 was then passed to engrossment.

HOUSE BILL NO. 356 ON SECOND READING

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

H. B. No. 356, A bill to be entitled "An Act giving preference to bids made by firms resident in Texas for the sale of supplies, material or equipment in contracts made by agencies of the State for the purchase of supplies, materials or equipment; requiring payment of a fee by non-resident firms as a condition precedent to submission of bids to public agencies; providing that the provisions of this Act shall be cumulative; containing a severability clause; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Strike Sections 1, 2 and 3 of House Bill 356 and substitute in lieu thereof the following and renumber all other sections accordingly.

Section 1. All public agencies shall, in the purchase of commodities by competitive bidding, accept the lowest qualified and best bid, provided that if said bid is by a non-resident person or firm and that said non-resident person or firm is a resident of a state which gives a preference to the resident of that state or in any manner discriminates or refuses to accept bids from residents or resident firms from the State of Texas, then the same restrictions which that state that refuses to accept bids from residents or resident firms of the State of Texas or provides a penalty which would apply to Texas residents or Texas resident firms shall apply to such non-resident persons or firms and their bids when such bids are considered by any public agency or political subdivision of this State.

The act of a non-resident person or firm of submitting a bid to any public agency or political subdivision of the State shall constitute doing business in the State of Texas for the purpose of service of citation in any suit or matter concerning such bid or having to do with contracts covered by this Act.

The amendment was adopted without objection.

House Bill No. 356 was then passed to engrossment.

HOUSE BILL NO. 356 ON SECOND READING

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

H. B. No. 356, A bill to be entitled "An Act authorizing bids made by firms resident in Texas for the sale of supplies, material or equipment in contracts made by agencies of the State for the purchase of supplies, materials or equipment; requiring payment of a fee by non-resident firms as a condition precedent to submission of bids to public agencies; providing that the provisions of this Act shall be cumulative; containing a severability clause; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Strike Sections 1, 2 and 3 of House Bill 356 and substitute in lieu thereof the following and renumber all other sections accordingly.

Section 1. All public agencies shall, in the purchase of commodities by competitive bidding, accept the lowest qualified and best bid, provided that if said bid is by a non-resident person or firm and that said non-resident person or firm is a resident of a state which gives a preference to the resident of that state or in any manner discriminates or refuses to accept bids from residents or resident firms from the State of Texas, then the same restrictions which that state that refuses to accept bids from residents or resident firms of the State of Texas or provides a penalty which would apply to Texas residents or Texas resident firms shall apply to such non-resident persons or firms and their bids when such bids are considered by any public agency or political subdivision of this State.

The act of a non-resident person or firm of submitting a bid to any public agency or political subdivision of the State shall constitute doing business in the State of Texas for the purpose of service of citation in any suit or matter concerning such bid or having to do with contracts covered by this Act.

The amendment was adopted without objection.

House Bill No. 356 was then passed to engrossment.

HOUSE BILL NO. 356 ON SECOND READING

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

H. B. No. 356, A bill to be entitled "An Act giving preference to bids made by firms resident in Texas for the sale of supplies, material or equipment in contracts made by agencies of the State for the purchase of supplies, materials or equipment; requiring payment of a fee by non-resident firms as a condition precedent to submission of bids to public agencies; providing that the provisions of this Act shall be cumulative; containing a severability clause; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Strike Sections 1, 2 and 3 of House Bill 356 and substitute in lieu thereof the following and renumber all other sections accordingly.

Section 1. All public agencies shall, in the purchase of commodities by competitive bidding, accept the lowest qualified and best bid, provided that if said bid is by a non-resident person or firm and that said non-resident person or firm is a resident of a state which gives a preference to the resident of that state or in any manner discriminates or refuses to accept bids from residents or resident firms from the State of Texas, then the same restrictions which that state that refuses to accept bids from residents or resident firms of the State of Texas or provides a penalty which would apply to Texas residents or Texas resident firms shall apply to such non-resident persons or firms and their bids when such bids are considered by any public agency or political subdivision of this State.

The act of a non-resident person or firm of submitting a bid to any public agency or political subdivision of the State shall constitute doing business in the State of Texas for the purpose of service of citation in any suit or matter concerning such bid or having to do with contracts covered by this Act.

The amendment was adopted without objection.

House Bill No. 356 was then passed to engrossment.
on its second reading and passage to engrossment.

H. B. No. 326, A bill to be entitled "An Act amending Section 8 of House Bill 362, Acts of the Forty-fifth Legislature, Regular Session, 1937, Chapter 436, Page 992, as amended, (codified as Article 5221d of Vernon's Revised Texas Statutes) relating to the inspection of boilers; revising the list of boilers exempt from the provisions of the Act; and declaring an emergency."

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

HOUSE BILL NO. 389 ON SECOND READING

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

H. B. No. 389, A bill to be entitled "An Act amending Section 8 of Chapter 177, General Laws of the State of Texas, Acts of the Forty-second Legislature, Regular Session, 1931, compiled as Article 46a of Vernon's Texas Civil Statutes, as last amended by Chapter 344, Acts of the Fifty-seventh Legislature, Regular Session, 1961, so as to clarify the adoption procedure and to safeguard the confidentiality of the records in the case of the children of parents whose parental rights have been terminated by the Juvenile Court or other court of competent jurisdiction; providing a repealing clause, a savings clause; and declaring an emergency."

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

HOUSE BILL NO. 418 ON SECOND READING

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

H. B. No. 418, A bill to be entitled "An Act relating to public health and welfare; to provide for confidential information received by the State Department of Health, medical organizations, hospitals, hospital committees, or other organizations in the course of a medical study for the purpose of reducing morbidity or mortality; to provide that such information and material so furnished may be used only for the purpose of advancing medical research, medical education, statistical and other studies; to provide for general publication of a summary of said studies; to provide an exemption from legal liability for those furnishing such information and for those studying and publishing the results and summaries of such studies; and to provide that such material and information and any findings or conclusions of such groups shall be privileged; and declaring an emergency."

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

HOUSE BILL NO. 420 ON SECOND READING

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

H. B. No. 420, A bill to be entitled "An Act permitting the Game and Fish Commission of the State of Texas, when requested by authorized representatives of units of The University of Texas System and the Texas Agricultural and Mechanical College System, engaged in teaching and research related to marine science and oceanography, to transfer to The University of Texas System and the Texas Agricultural and Mechanical College System, fish nets, seine, motors, boats, and other marine equipment, which have been confiscated under the game and fish laws, to be used in the teaching and research programs of said institutions; and declaring an emergency."

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

HOUSE BILL NO. 443 ON SECOND READING

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

H. B. No. 443, A bill to be entitled "An Act to amend Article 125 of the Revised Civil Statutes, 1925, as amended, and declaring an emergency."

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

HOUSE BILL NO. 584 ON SECOND READING

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

H. B. No. 634, A bill to be entitled "An Act amending Section 31 to Section 39, inclusive, and Section 49 of the Texas Mental Health Code, Chapter 243, Page 505, Acts of the Fifty-fifth Legislature, Regular Session, 1957, codified as Vernon's Revised Civil Statutes of Texas, Article 5547-31 to Article 5547-39, inclusive, and Article 5547-49, by adding four new sections numbered Section 39a, Section 39b, Section 39c, and Section 39d, providing for the right of appeal from orders of temporary hospitalization, observation and treatment; and amending Sections 36 and 49 respectively, providing for closed hearings on the Application for Temporary Hospitalization, Observation and Treatment of a proposed patient and/or on the Petition for Indefinite Commitment of a person to a mental hospital, only when the consent of the proposed patient or person first shall have been obtained, and declaring an emergency."

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

HOUSE BILL NO. 653 ON SECOND READING

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

H. B. No. 653, A bill to be entitled "An Act amending Article 6820 of the Revised Civil Statutes of Texas, 1925, as amended, relating to payment from state funds of all actual and necessary expenses incurred by district judges and district attorneys when engaged in the discharge of their official duties in any county in this state other than the county of their residence; and declaring an emergency."

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

HOUSE BILL NO. 724 ON SECOND READING

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

H. B. No. 724, A bill to be entitled "An Act making unlawful the taking, killing or disturbing of sea turtles or their eggs; and declaring an emergency.""

The bill was read second time.

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

Committee Amendment No. 1

Strike All Below the Enacting Clause and Substitute in Lieu Thereof the Following:

Section 1. It shall be unlawful for any person to knowingly take, kill or disturb any sea turtle or any sea turtle eggs in or from the waters of the State of Texas.

Section 2. Any person violating this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars ($10.00) nor more than Two Hundred Dollars ($200.00).

Section 3. The fact that sea turtles are dangerously depleted 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 that this Act shall take effect and be in force from and after its passage and it is so enacted.

The amendment was adopted without objection.

House Bill No. 724 was then passed to engrossment.

HOUSE BILL NO. 769 ON SECOND READING

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

H. B. No. 769, A bill to be entitled "An Act amending Article 2136 of the Revised Civil Statutes of Texas, 1926, as amended, to provide certain additional exemptions from jury service; and declaring an emergency."

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

RECORD OF VOTE

Mr. Crain requested to be recorded as voting Nay on the passage of H. B. No. 769 to engrossment.
HOUSE BILL NO. 854 ON SECOND READING

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

H. B. No. 854. A bill to be entitled "An Act amending Article 1287-1, Vernon's Annotated Civil Statutes of Texas, Acts 1937, 45th Legislature, Page 926, Chapter 443; Acts 1937, 45th Legislature, First Called Session, Page 1776, Chapter 16, Sec. 1, as last amended by Senate Bill No. 308, Acts 1967, 56th Legislature, Page 745, Chapter 306, Sec. 2; amending Article 1287-2, Vernon's Annotated Civil Statutes of Texas, Acts 1937, 45th Legislature, First Called Session, Page 1766, Chapter 16, Sec. 3; increasing the amount of the bonds required for a license to operate under said Act as a dealer; clarifying the Act as regards which persons are protected by the Act; clarifying other sections of the Act; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1
Amend House Bill No. 854 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. As used in this Act:
(a) 'Commissioner' means the Commissioner of Agriculture of the State of Texas. The Commissioner is authorized to utilize all employees of the Department of Agriculture in the enforcement of this Act.
(b) 'Vegetables' shall include the following enumerated commodities and mean an individual, partnership, group or persons, corporation or business unit handling vegetables.
(c) 'Person' means any individual, partnership, group or persons, corporation or business unit handling vegetables.
(d) 'Handle' means buying or offering to buy, selling or offering to sell, or shipping for the purpose of selling, whether as owner, agent, or otherwise, any vegetables purchased within the State of Texas. Persons buying or shipping vegetables for canning, processing or handling are defined as handlers.
(e) 'Dealer' means any person who handles vegetables.
(f) 'Buying agent' means any person authorized by any licensed dealer to act for him in the handling of vegetables.
(g) 'Transporting agent' means any person authorized by any dealer to act for said dealer in the transporting of vegetables.
(h) 'Warehouseman' means any person who receives and stores vegetables for compensation.
(i) 'Packer' means any person who prepares and/or packs vegetables for barter, sale, exchange or shipment.
(j) 'Commission merchant' shall mean include 'contract dealer' and means any person who purchases vegetables on credit, or who takes vegetables into his possession for consignment or handling on behalf of the producer, or owner, or in any manner which does not require nor result in the payment to the producer, seller or consignor of the full purchase price in current money of the United States at the time of delivery to such commission merchant or when title passes from such producer, seller or consignor to such commission merchant.
(k) 'Producer' means any person engaged in the business of growing or producing any vegetables.

Sec. 2. No person shall engage in the business of a dealer in vege-
Sec. 9. Any person desiring to engage in business as a dealer in vegetables within the state shall, prior to engaging in such business, file with the commissioner an application, and receive a license. Such application shall be made under oath and the commissioner shall provide forms for such applications:

(a) Such application shall set forth the following specific information:

1. The full name of the applicant and whether the applicant is an individual, partnership, corporation, exchange or association of persons; the full name and the address of the principal business office of the applicant and the address of the principal business office of the applicant within the State of Texas; in the event that the applicant be a foreign corporation, the application shall name the state in which such corporation was chartered.

2. Foreign corporations filing applications for license under this Act shall indicate clearly in such application the name and the address of an agent for service within this state upon whom service of legal process may be had in any suit brought against said corporate applicant within the State of Texas.

3. How long the applicant has been engaged in business in the State of Texas.

(b) In addition the applicant shall answer the following questions which shall be made a part of the application:

1. Have you heretofore been licensed in the State of Texas as a dealer in vegetables?

2. If you have answered that you have been so licensed, has any license so granted you within the State of Texas ever been suspended or revoked, or both?

3. If you have answered that a license so issued you within the State of Texas has been suspended or revoked, or both you will state when, where and give a short statement of the reason for such suspension or revocation, or both.

Sec. 4. All applications for license under this Act shall be accompanied by tender of payment in full of such fees as is required for the license. On receipt of such application and the required fee, the Commissioner, or his duly authorized agent or employee shall immediately issue such license, provided that no license shall be issued when the application indicates that such person has had a similar license suspended or revoked or both, until the Commissioner is furnished with satisfactory proof that the applicant is, on the date of the filing of such application, qualified to receive the license applied for. The issuance of license to persons who have suffered prior suspension or revocation of licenses in this state shall be discretionary with the Commissioner. In the exercise of such discretion, the Commissioner is authorized to take into consideration the facts and circumstances pertaining to the prior suspension or revocation, the financial condition of the applicant, as of the date of this application, and the obligations due and owing by the applicant to growers and producers of vegetables.

‘Obligation’ means any judgment of any court in this state or certified claim outstanding against the applicant as of the date of the application under consideration. Prior to refusal of license by the Commissioner, any applicant for license shall be entitled to an open hearing on the facts pertaining to such application, said hearing to be conducted by the Commissioner, or his duly licensed agent. If after such hearing the Commissioner, in the exercise of his discretion, refuses the license applied for, the applicant shall, within ten (10) days from and after the denial of such license by the Commissioner and not thereafter, file his appeal from the order of the Commissioner denying such license, in any court of competent jurisdiction within this state. If the Commissioner shall determine that the license applied for shall not be granted, the Commissioner shall deduct from the license fee tendered with such application, the sum of Five Dollars ($5), such sum to be retained by the Commissioner to defray costs and expenses incident to the filing and examination of said application and shall return the bal-
The bond furnished shall be in such form as the Commissioner may prescribe and shall be conditioned upon the faithful performance of all contracts and provisions of this Act and upon the faithful performance of the conditions and terms of all contracts made by said 'commission merchant' pertaining to the handling of vegetables under this Act. A cessation of action may be maintained upon said bond by any person with whom said applicant deals in purchasing, handling, selling and accounting for sales of vegetables as provided in this Act; the aggregate accumulated liability under such bond shall not exceed the face amount thereof, and such bond shall continue in full force and effect until notice of termination thereof is given by registered mail to the Commissioner. Such fact shall be set forth in the face of said bond, but such notice shall not affect the liability which may have accrued thereon prior to such termination. No license shall be issued to any 'commission merchant' prior to the delivery of the Commissioner and the approval by him of the bond required under the provisions of this Section.

Sec. 7. Any license issued under the provisions of this Act shall remain in full force and effect for a period of twelve (12) months from and after the date of issuance thereof unless said permit shall be cancelled in the manner hereinafter provided and pursuant to the proceedings hereinafter required to wit: (a) any party aggrieved, injured or damaged by virtue of any violations of the terms and provisions of this Act by any licensee or by the transporting or buying agent of any licensee hereunder, may file with the Commissioner or his duly authorized agent or employee a verified complaint, setting out the specific violations complained of.

(b) The Commissioner shall set a date not more than ten (10) days from the receipt of such complaint for the hearing thereof; and notify the person complained of, furnishing him with a copy of such complaint, by registered mail to the last known address of such person.

(c) The Commissioner may, at his discretion, recess the hearing provided for in this Section from day to day if in his discretion the ends of justice demand such continuance; for the purpose of said hearings the Commissioner shall have the authority to summon witnesses; to inquire into matters of fact; to administer oaths, and to issue the subpoena duces tecum, for the purpose of obtaining any books, records, instruments, or writing, and other papers pertinent to the investigation at hand.

(d) Upon the conclusion of said hearing and the introduction of all evidence by the respective parties thereto, the Commissioner shall make his decision on the basis of the evidence introduced therein, and shall, if the evidence warrants, issue his order canceling the license of the person complained of.
Sec. 8. Any licensee, whose license is so cancelled by an order of the Commissioner, shall be notified in writing by registered mail of the cancellation of said license and it shall be unlawful and a violation of this Act for any licensee or buying or transporting agent to operate from and after said notification of cancellation, provided that said licensee or buying or transporting agent whose license has been so cancelled, shall have the right to appeal from the order of the Commissioner cancelling said license, to any Court of competent jurisdiction within this State, provided that such appeal shall be filed in said Court within ten (10) days from and after receipt by licensee of notice of said cancellation, and provided further that the effect of said appeal by said licensee or licensee's agent shall not act to supersede the order of cancellation issued by the Commissioner; pursuant to final determination of the question of cancellation by said Court.

Sec. 9. Any applicant for license whose application is rejected or any dealer who has been licensed hereunder and whose license is subsequently cancelled, may have an appeal from the Commissioner's ruling to any Court of competent jurisdiction.

Sec. 10. Any dealer who shall cause a producer or seller or owner, or agent of producer, seller or owner, to part with the control or possession of all or any portion of his vegetables by means of any agreement under which the said principal, either as buying agent or as transporting agent as above defined, 'buying agent' Identification cards may be issued and credited to such dealer, under such rules and regulations as said Commissioner may prescribe, and said Commissioner or is hereby empowered to charge a fee not to exceed One Dollar ($1) for each card so issued.

(b) Such cards shall bear the name of the licensee, dealer, and the number of his license, also the name of the dealer's agent, and shall state thereon that said licensed dealer, as the principal, has authorized the agent named on the card, the holder thereof, to act for and on behalf of said principal, either as 'buying agent' or as 'transporting agent' as above defined. 'Buying agent' Identification cards shall be of a different color from 'transporting agent' cards. Such identification cards shall be at all times carried upon the persons of such agents who shall, upon
Sec. 14. For the purpose of enforcing the provisions of this Act, the Commissioner shall, either upon his own initiative or upon the request of a properly verified complaint, investigate all alleged violations of this Act and for the purpose of making such investigation, he shall have, at all times, free and unimpeded access to all books, records, buildings, yards, warehouses, storage, and transportation and other facilities or places in which any vegetables are kept, stored, handled, processed or transported, and in furtherance of such investigation either the Commissioner or his agents or representatives, or to any person with whom said agent may be transacting business under this Act.

Sec. 15. Where any vegetables are handled by any dealer upon a consignment or commission basis, unless otherwise agreed in written contract between the dealer and owner, the dealer shall, upon demand of the seller, or owner, his agent or representative, furnish said owner or seller, his agent or representative, a complete and accurate record showing, among other things, the date of receipt of such vegetables, to whom sold, the grade and selling price of said vegetables, together with itemized statement showing what expenses of any kind or character incurred in the sale or handling of said vegetables including the commission, if any, to the dealer, and the failure or refusal of such dealer to furnish such information within ten (10) days after such demand by owner or seller, his agent or representative, shall constitute a violation of this Act.

Sec. 16. If a dealer handles vegetables guaranteeing a producer or owner a minimum price, but at the same time handles the vegetables for the account of the producer or owner, said dealer shall include in his contract with the producer or owner, the maximum amount which he shall charge for commission or service, or both, in connection with said vegetables so handled.

Sec. 17. All vegetables except those obtained and handled by dealers solely on a consignment basis without any price guarantee shall be settled for by every dealer on the basis of the grade and quality which is referred to in the contract pursuant to which the dealer obtained possession or control of such vegetables, unless such vegetables have been inspected by a State or Federal inspector in the State of Texas and found to be of a different grade or quality than that referred to in said contract, in which event same shall be settled for on the basis of the grade and quality determined by
such inspector. But nothing herein shall prevent the parties in lieu of such inspection, from agreeing in writing only that the grade or quality of any of such vegetables was different from that referred to in the contract. Failure of the dealer to settle with a producer or seller on grade and quality in the manner herein provided shall constitute a violation of this Act and be punishable as hereinafter provided, and in addition, shall be cause for revocation of license.

Sec. 18. The venue of any and all criminal acts and civil suits instituted under the provisions of this Act shall be in the county where the violation occurred or where the vegetables were received by the dealer, packer or warehouseman.

Sec. 19. From and after the effective date of this Act any person who shall:

(a) Act as a dealer or handler, or both, without first obtaining a license to act as such dealer or handler, or both;

(b) Act or assume to act as a transporting agent or buying agent, without first obtaining from the Commissioner a license or a buying agent's or transporting agent's card as by the terms and provisions of this Act required, shall be fined not to exceed Two Hundred Dollars ($200), and each day upon which such person shall act or assume to act as such commission merchant shall constitute a separate offense.

(3) Any licensee or any transporting agent or buying agent of any licensee under this Act who shall violate any of the terms and provisions of any Act shall be fined not to exceed Two Hundred Dollars ($200).

Sec. 20. Any person who purchases vegetables from dealers duly qualified as such under this Act, and pays therefor prior to or at the time of delivery or taking possession of such vegetables so purchased, in current money of the United States, shall be exempt from giving the bond provided for in this Act and such person shall indicate on his application for license that he desires to operate as a cash buyer, buying only from dealers duly qualified as such under this Act, in accordance with the provisions of this section and thereupon such person shall be entitled to a license as a cash dealer, purchasing only from dealers duly qualified under this Act, upon the payment by such applicant of the license fee as required under this Act. Such dealer shall be subject to all the pertinent provisions of this Act. Any violation of this section shall be deemed a misdemeanor and be punishable, as provided in Section 19 of this Act.

Any producer handling or dealing in his own products exclusively, shall be licensed, upon application, by the Commissioner of Agriculture without cost or without being required to give bond.

Sec. 21. Any person who comes within any of the classifications set out in H. B. No. 99, Acts, Regular Session, 46th Legislature, or any amendments therefor, wherein a surety bond of Twenty-five Thousand Dollars ($25,000) is required of him, that classification shall be limited to have one Twenty-five Thousand Dollar ($25,000) security bond to be worded as to guarantee faithful performance of all of the provisions of both H. B. No. 99, Acts, Regular Session, 46th Legislature, as amended, and this Act and such bond to be in such form as the Commissioner of Agriculture may pre-
May 8, 1963 HOUSE JOURNAL 1723

scribe, and any person who elects to have one surety bond of Twenty-five Thousand Dollars ($25,000) to guarantee faithful performance under both of said Acts shall be liable for only one license fee of Twenty-five Dollars ($25), and his license shall reflect the fact that he is licensed thereby to handle both citrus fruits and vegetables.

Sec. 22. Chapter 443, Acts of the 45th Legislature, 1937, as amended, is hereby repealed; provided that any rights accrued under such Act shall not be impaired, and any judicial or administrative proceedings in progress shall be in full force and effect. Nothing in this Act shall affect Section 2 of Chapter 306, Acts of the 55th Legislature, 1957.

Sec. 23. Nothing in this Act shall ever be construed as amending, modifying, suspending, or repealing any of the laws of this state defining and prohibiting trusts, monopolies, and conspiracies against trade, with particular reference to Chapter 3, Title 19, Penal Code of this state, and Title 126, Revised Civil Statutes of Texas, 1925; and should this Act in any manner conflict with or repeal, change, modify, or affect the above-mentioned acts or any sentence, section, clause, phrase or word thereof, this entire Act shall fail and be held for naught.

Sec. 24. Should any word, phrase, sentence, paragraph or section of this Act be declared unconstitutional, it is hereby declared to be the intention of the Legislature to have passed the remainder of this Act in its entirety despite any such holding as to unconstitutionality.

Sec. 25. The importance of the vegetable industry of Texas and the necessity for further protecting the growers and dealers of vegetables and/or agricultural commodities from unscrupulous and dishonest elements in the industry create an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule which requires that all bills shall be read on three several days in each house, be suspended, and said Rule is hereby repealed, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted without objection.

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

Committee Amendment No. 2
Amend House Bill No. 854 by striking all above the enacting clause and substituting in lieu thereof the following:

"A bill to be entitled "An Act providing for the licensing, bonding and regulation of the handlers, dealers, buying and transporting agents, warehousemen, packers, commission merchants, contract dealers and producers of vegetables, as these terms are defined herein; providing that such procedures shall be under the authority of the Commissioner of Agriculture; providing for reciprocity between this Act and House Bill No. 99, Acts of the 45th Legislature, 1937, as amended, with respect to bonding and licensing; repealing Chapter 443, Acts of the 45th Legislature, 1937, as amended, providing that any rights accrued under such Act shall not be impaired and this Act shall not affect any proceedings instituted under such Act; providing that this Act shall not affect certain existing laws; providing for a saving clause; and declaring an emergency." The amendment was adopted without objection.

House Bill No. 854 was then passed to engrossment.

HOUSE BILL NO. 938 ON SECOND READING

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

H. B. No. 938. A bill to be entitled "An Act to amend Article 3.53, Insurance Code of Texas, as amended, to subject all credit life, health and accident insurance to uniform regulation by the Commissioner of Insurance, and setting forth such regulation; providing for severability; and declaring an emergency." The bill was read second time.

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

Committee Amendment No. 1
Amend House Bill 938 by striking
all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Article 3.53, Insurance Code of Texas, as amended, be, and the same is hereby, amended in its entirety to hereafter read and provide as follows:

Article 3.53. Credit Life Insurance and Credit Accident and Health Insurance.

Section 1. PURPOSE:
The purpose of this act is to promote the public welfare by regulating credit life insurance and credit accident and health insurance. Nothing in this act is intended to prohibit or discourage reasonable competition. The provisions of this act shall be liberally construed.

Section 2. SCOPE AND DEFINITIONS:
A. CITATION AND SCOPE
(1) This act may be cited as "The Model Act for the Regulation of Credit Life Insurance and Credit Accident and Health Insurance."
(2) All life insurance and all accident and health insurance sold in connection with loans or other credit transactions of less than five years duration shall be subject to the provisions of this Act, regardless of the nature, type or plan of the credit insurance coverage or premium payment system, except where the issuance of such insurance is an isolated action on the part of the insurer not related to an agreement or a plan for insuring debtors of the creditor.

B. DEFINITIONS
For the purpose of this Act:
(1) "Credit life insurance" means insurance of the life of a debtor pursuant to or in connection with a specific loan or other credit transaction;
(2) "Credit accident and health insurance" means insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy;
(3) "Creditor" means the lender of money or vendor or lessor of goods, services, or property, rights or privileges, for which payment is arranged through a credit transaction, or any successor to the right, title or interest of any such lender, vendor, or lessor, and an affiliate, associate, or subsidiary of any of them or any director, officer or employee of any of them or any other person in anyway associated with any of them;
(4) "Debtor" means a borrower of money or a purchaser or lessee of goods, services, property, rights or privileges for which payment is arranged through a credit transaction;
(5) "Indebtedness" means the total amount payable by a debtor to a creditor in connection with a loan or other credit transaction;
(6) "Commissioner" means the Commissioner of Insurance;
(7) "State Board of Insurance" means the three member State Board of Insurance.

Section 3. FORMS OF CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE:
Credit life insurance and credit accident and health insurance shall be issued only in the following forms:
A. Individual policies of life insurance issued to debtors on the term plan;
B. Individual policies of accident and health insurance issued to debtors on a term plan or disability benefit provisions in individual policies of credit life insurance;
C. Group policies of life insurance issued to creditors providing insurance upon the lives of debtors on the term plan;
D. Group policies of accident and health insurance issued to creditors on a term plan insuring debtors or disability benefit provisions in group credit life insurance policies to provide such coverage.

Section 4. AMOUNT OF CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE:
A. Credit Life Insurance.
(1) The initial amount of credit
life insurance shall not exceed the total amount repayable under the contract of indebtedness and, where an indebtedness is repayable in substantially equal installments, the amount of insurance shall at no time exceed the scheduled or actual amount of unpaid indebtedness, whichever is greater.

B. Credit Accident and Health Insurance

The total amount of indemnity payable by credit accident and health insurance in the event of disability as defined in the policy, shall not exceed the total amount repayable under the contract of indebtedness and the amount of each periodic indemnity payment shall not exceed the scheduled periodic installment payment on the indebtedness.

Section 5. TERM OF CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE

The term of any credit life insurance or credit accident and health insurance shall, subject to acceptance by the insurer, commence on the date when the debtor becomes obligated to the creditor, except that, where a group policy provides coverage with respect to such indebtedness and the amount of such periodic indemnity payment shall not exceed the scheduled periodic installment payment on the indebtedness, the term of the insurance under the group policy, whichever is later. Where evidence of insurability is required and such evidence is furnished more than thirty (30) days after the date when the debtor becomes obligated to the creditor, the term of the insurance may commence on the date on which the insurance company determines the evidence to be satisfactory, and in such event there shall be an appropriate refund or adjustment of any charge to the debtor for insurance. The term of such insurance shall not extend more than fifteen days beyond the scheduled maturity date of the indebtedness except when extended without additional cost to the debtor. If the indebtedness is discharged prior to the scheduled maturity date, the insurance in force shall be terminated before any new insurance may be issued in connection with the renewed or refinanced indebtedness. In all cases of termination prior to scheduled maturity, a refund shall be paid or credited as provided in Section 8.

Section 6. PROVISIONS OF POLICIES AND CERTIFICATES OF INSURANCE: DISCLOSURE TO DEBTORS:

A. All credit life insurance and credit accident and health insurance shall be evidenced by an individual policy, or in the case of group insurance by a certificate of insurance, which individual policy or group certificate of insurance shall be delivered to the debtor.

B. Each individual policy or group certificate of credit life insurance, and/or credit accident and health insurance shall in addition to other requirements of law, set forth the name and home office address of the insurer, the name or names of the debtor and, in the case of a certificate under a group policy, the identity by name or otherwise of the person or persons insured, the premium, rate or amount of payment, if any, by the debtor separately for credit life insurance and credit accident and health insurance, a description of the coverage including the amount and term thereof, and any exceptions, limitations and restrictions, and shall state that the benefits shall be paid to the creditor to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any such excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to his estate.

C. Said individual policy or group certificate of insurance shall be delivered to the insured debtor at the time the indebtedness is incurred except as hereinafter provided.

D. If said individual policy or group certificate of insurance is not delivered to the debtor at the time the indebtedness is incurred, a copy of the application for such policy or a notice of proposed insurance, signed by the debtor and setting forth the name and home office address of the insurer, the name or names of the debtor, the premium, rate or amount of payment by the debtor, if any, separately for credit life insurance and credit accident and
health insurance, the amount, term and a brief description of the coverage provided, shall be delivered to the debtor at the time such indebtedness is incurred. The copy of the application for, or notice of proposed insurance, shall also refer exclusively to insurance coverage, and shall be separate and apart from the loan, sale or other credit statement of account, instrument or agreement, unless the information required by this subsection is prominently set forth therein. Upon acceptance of the insurance by the insurer and within thirty (30) days of the date upon which the indebtedness is incurred, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor. Said application or notice of proposed insurance shall state that upon acceptance by the insurer, the insurance shall become effective as provided in Section 5.

E. If the named insurer does not accept the risk, then and in such event the debtor shall receive a policy or certificate of insurance setting forth the name and home office address of the substituted insurer and the amount of the premium to be charged, and if the amount of premium is less than that set forth in the notice of proposed insurance an appropriate refund shall be made.

Section 7. FILING, APPROVAL AND WITHDRAWAL OF FORMS:

A. All policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders delivered or issued for delivery in this State and the schedules of premium rates pertaining thereto shall be filed with the Commissioner.

B. The Commissioner shall within thirty (30) days after the filing of any such policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders, disapprove any such form if the benefits provided therein are not reasonable in relation to the premium charge, or if it contains provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of the coverage, or are contrary to any provision of the insurance Code or of any rule or regulation promulgated hereunder.

C. If the Commissioner notifies the insurer that the form is disapproved, it is unlawful thereafter for such insurer to issue or use such form. In such notice, the Commissioner shall specify the reason for his disapproval and state that a hearing will be granted within twenty (20) days after request in writing by the insurer. No such policy, certificate of insurance, notice of proposed insurance, nor any application, endorsement or rider, shall be issued or used until the expiration of thirty (30) days after it has been so filed, unless the Commissioner shall give his prior written approval thereto.

D. The Commissioner may, at any time after a hearing held not less than twenty (20) days after written notice to the insurer, withdraw his approval of any such form on any ground set forth in subsection B above. The written notice of such hearing shall state the reason for the proposed withdrawal.

E. It shall not be lawful for the insurer to issue such forms or use them after the effective date of such withdrawal.

F. If a group policy of credit life insurance or credit accident and health insurance

(1) has been delivered in this State before the effective date of this Act, or

(2) has been or is delivered in another State before or after the effective date of this Act, the insurer shall be required to file only the group certificate and notice of proposed insurance delivered or issued for delivery in this State as specified in subsection B of Section 6 of this Act and such certificate shall be approved by the Commissioner if it conforms with the requirements specified in said subsection and if the schedule of premium rates applicable to the insurance evidenced by such certificate or notice is not in excess of the insurer's schedule of premium rates filed with the Commissioner; provided, however, the premium rate in effect on existing group policies may be con-
tinued until the first policy anniversary date following the date this Act becomes operative as provided in Section 12.

G. Any order or final determination of the Commissioner under the provisions of this section shall be subject to the appeal and review provisions of Article 1.04, Insurance Code of Texas.

Section 8. PREMIUMS AND REFUNDS:
A. Any insurer may revise its schedules of premium rates from time to time, and shall file such revised schedules with the Commissioner. No insurer shall issue any credit life insurance policy or credit accident and health insurance policy for which the premium rate exceeds that determined by the schedules of such insurer as then on file with the Commissioner.

B. Each individual policy, or group policy and group certificate shall provide that in the event of termination of the indebtedness or the insurance prior to the scheduled maturity date of the indebtedness, any refund of an amount paid by or charged to the debtor for insurance shall be paid or credited promptly to the person entitled thereto; provided, however, no refund need be made if the amount thereof is less than $1.00. The formula to be used in computing such refund shall be filed with and approved by the Commissioner.

C. No plan or arrangement shall be used whereby any person, firm or corporation other than the insurer or its designated claim representative shall be authorized to settle or adjust claims. The creditor shall not be designated as claim representative for the insurer in settling or adjusting claims; provided, that a group policyholder may, by arrangement with the group insurer, draw drafts or checks in payment of claims due to the group policyholder subject to audit and review by the insurer.

D. The amount charged to a debtor by the creditor for any credit life or credit accident and health insurance issued to the debtor shall not exceed the actual premium charged the creditor by the insurer for such insurance, as computed at the time the charge to the debtor is determined, and the creditor is hereby expressly prohibited from making an interest or other finance charge on any portion of any single identifiable insurance charge to the debtor which is retained by the creditor. If the creditor makes an interest or other finance charge on any portion of any single identifiable insurance charge to the debtor, then such portion of such charge shall be promptly paid to the insurer.

Section 9. ISSUANCE OF POLICIES:
All policies of credit life insurance and credit accident and health insurance shall be delivered or issued for delivery in this state only by an insurer authorized to do an insurance business therein, and shall be issued only through holders of licenses issued by the Commissioner. The premium or cost of such insurance allowed herein shall not be deemed interest, or charges, or consideration, or an amount in excess of permitted charges in connection with the loan or other credit transaction, and any benefit or return or other gain or advantage to the creditor arising out of the sale or provision of such insurance shall not be deemed a violation of any law, general or special, of the state of Texas.

Section 10. CLAIMS:
A. All claims shall be promptly reported to the insurer or its designated claim representative, and the insurer shall maintain adequate claim files. All claims shall be settled as soon as possible and in accordance with the terms of the insurance contract.

B. All claims shall be paid either by draft drawn upon the insurer or by check of the insurer to the order of the claimant to whom payment of the claim is due pursuant to the policy provisions, or upon direction of such claimant to one specified.

C. No plan or arrangement shall be used whereby any person, firm or corporation other than the insurer or its designated claim representative shall be authorized to settle or adjust claims. The creditor shall not be designated as claim representative for the insurer in settling or adjusting claims; provided, that a group policyholder may, by arrangement with the group insurer, draw drafts or checks in payment of claims due to the group policyholder subject to audit and review by the insurer.
Section 11. EXISTING INSURANCE—CHOICE OF INSURED:

When credit life insurance or credit accident and health insurance is required as additional security for any indebtedness, the debtor shall, upon request to the creditor, have the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or of procuring and furnishing the required coverage through any insurer authorized to transact an insurance business within this State.

Section 12. ENFORCEMENT:

The State Board of Insurance may, after notice and hearing, issue such rules and regulations as it deems appropriate for the supervision of this Act. Whenever the Commissioner finds that there has been a violation of this Act or any rules or regulations issued pursuant thereto, and after written notice thereof and hearing given to the insurer or other person authorized or licensed by the Commissioner, he shall set forth the details of his findings together with an order for compliance by a specified date. Such order shall be binding on the insurer and other person authorized or licensed by the Commissioner on the date specified unless sooner withdrawn by the Commissioner or a review thereof and appeal thereof has been taken to the State Board of Insurance or the Courts under Article 1.04, Insurance Code of Texas. The provisions of Sections 5, 6, 7 and 8 of this Act shall not be operative until ninety (90) days after the effective date of this Act, and the Commissioner in his discretion may extend by not more than an additional ninety (90) days the initial period within which the provisions of said sections shall not be operative.

Section 13. JUDICIAL REVIEW:

Any party to any proceeding affected by an order of the Commissioner or the State Board of Insurance shall be entitled to judicial review by following the procedure set forth in Article 1.04, Insurance Code of Texas.

Section 14. PENALTIES:

In addition to any other penalty provided by law, any person, firm or corporation which violates an order of the Commissioner after it has become final, and while such order is in effect, shall, upon proof thereof to the satisfaction of the court, forfeit and pay to the State of Texas a sum not to exceed $250.00 which may be recovered in a civil action, except that if such violation is found to be willful, the amount of such penalty shall be a sum not to exceed $1,000.00. The Commissioner, in his discretion, may revoke or suspend the license or certificate of authority of the person, firm or corporation guilty of such violation. Such order for suspension or revocation shall be upon notice and hearing, and shall be subject to judicial review as provided in Section 13 of this Act.

Section 2. SAVING CLAUSE.

The provisions of this Act do not repeal, broaden, or effect the provisions of Article 5.02, Texas Insurance Code, but the provisions and requirements of such Article 5.02 shall remain in full force and effect after the effective date hereof.

Section 3. SEVERABILITY Provision.

If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of the Act, and the application of such provision to any person or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 4. EMERGENCY CLAUSE.

The importance of this legislation to the general welfare of the people of Texas and the need to subject all credit life, health and accident insurance to uniform regulation creates an emergency and an imperative public necessity requiring a constitutional rule that Bills be read on three several days in each House be suspended; and such rule is hereby suspended, and this Act shall take effect immediately upon and after its passage, and it is so enacted.

The amendment was adopted without objection.

House Bill No. 938 was then passed to engrossment.
May 8, 1963

HOUSE JOURNAL

HOUSE BILL NO. 976 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 976, A bill to be entitled "An Act amending Section 1 of Article 2399 Revised Civil Statutes of Texas, 1925, as amended, defining words and phrases used in the Workmen's Compensation Act, to apply the provisions of this law to every employer without regard to whether the employer operates a trade, business, profession or occupation, in which an employee is engaged at the time of receiving an injury, for the purpose of making a profit or not; and to provide that the term 'injury sustained in the course of employment' includes any injury sustained by an employee while rendering any service for his employer at the request of his employer; and declaring an emergency."

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

The amendment was adopted without objection.

HOUSE BILL NO. 991 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 991, A bill to be entitled "An Act authorizing the commissioner's courts of certain counties in this State to issue bonds and levy taxes for the purpose of acquiring, constructing and equipping county workhouses and county farms for certain purposes, including the acquisition or purchase of sites therefor; authorizing the issuing of refunding bonds to refund outstanding bonds issued under the provisions of this Act; containing terms and provisions relating to such bonds and refunding bonds; validating bonds heretofore authorized at elections and the election proceedings relating thereto, and providing for the issuance thereof; providing a severability clause; and declaring an emergency."

The bill was read second time.

Mr. Johnson of Dallas offered the following amendment to the bill:

Amend H. B. No. 991 by striking out the words and figures (1,000,000) one million and insert the words and figures ($900,000) nine hundred thousand.

The amendment was adopted without objection.

House Bill No. 991 was then passed to engrossment.

HOUSE BILL NO. 1034 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 1034, A bill to be entitled "An Act amending Acts 1951, 52nd Leg., Chapter 491, known as the Texas Insurance Code, by adding thereto a new Article numbered 1.26; defining credit guaranty insurance; providing for the maintenance of reserves on such insurance; and declaring an emergency."

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

S. B. No. 170, A bill to be entitled "An Act amending Sections 1, 2, 5, and 6, Chapter 502, Acts of the 51st Legislature, Regular Session, 1949, and Section 3, Chapter 502, Acts of the 51st Legislature, Regular Session, 1949, as amended, to provide for certain power and authority of Boards of Trustees or Boards of Regents of public junior colleges in relation to libraries, library buildings, and other buildings including the powers and authority to enter into lease and rental agreements with certain municipalities; repealing conflicting laws; providing a severability clause; and declaring an emergency."

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

SENATE BILL NO. 170 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading, S. B. No. 170, A bill to be entitled "An Act amending Section 1 of Chapter 103, Acts of the 51st Leg-
SENATE BILL NO. 211 ON SECOND READING
The bill was read second time and was passed to third reading.

SENATE BILL NO. 229 ON SECOND READING
The bill was read second time and was passed to third reading.

SENATE BILL NO. 238 ON SECOND READING
The bill was read second time and was passed to third reading.

SENATE BILL NO. 239 ON SECOND READING
The bill was read second time and was passed to third reading.

SENATE BILL NO. 240 ON SECOND READING
The bill was read second time and was passed to third reading.

SENATE BILL NO. 247 ON SECOND READING
The bill was read second time and was passed to third reading.
Chapter 252, Acts of the 55th Legislature, Regular session, 1957, relating to workmen's compensation law applicable to employees of Texas Technological College, so as to adopt certain amendments and sections of the general law contained in Articles 3206, 3207 and 3209, Revised Civil Statutes of Texas 1925 as amended; and Chapter 248, Acts of the 42nd Legislature, Regular Session, 1931 (compiled as Article 3209a of Vernon's Texas Civil Statutes), as amended; providing for incorporation of future amendments; providing for severability; and declaring an emergency.

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

SENATE BILL NO. 245 ON SECOND READING

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

S. B. No. 245, A bill to be entitled "An Act amending subdivision (b) of Section 13 of Senate Bill 6, Acts of the 44th Legislature, Second Called Session, 1934, Chapter 465, as amended, codified in Vernon's as subdivision (b) of Section 13 of Article 3912a, Vernon's Civil Statutes; repealing subdivision (a) of Section 15 of Senate Bill 6, Acts of the 44th Legislature, Second Called Session, 1935, Chapter 465, as amended, codified in Vernon's as subdivision (a) of Section 15 of Article 3912e, Vernon's Civil Statutes; providing for apportionments from the State to counties in which there is a criminal district attorney performing the duties of a district attorney and making other provisions relating thereto; providing the provisions of this Act shall also apply to Harris County; providing a severability clause, and declaring an emergency."

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

SENATE BILL NO. 290 ON SECOND READING

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

S. B. No. 290, A bill to be entitled "An Act to amend Section 5 of Chapter 42, Acts of the 41st Legislature, Second Called Session, as last amended by Chapter 94, Acts of the 66th Legislature, by the addition thereto of a new section to increase the maximum load limit on certain type commercial motor vehicles forty-eight thousand (48,000) pounds to fifty-eight thousand (58,000) pounds where such vehicles are used for a specialized purpose and within a specified area; and declaring an emergency."

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

SENATE BILL NO. 302 ON SECOND READING

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

S. B. No. 302, A bill to be entitled "An Act providing for transfer of moneys now on deposit in the State Treasury to the credit of the Motor Carrier Fund, the Oil and Gas Enforcement Fund, the Gas Utilities Fund, the Liquefied Petroleum Gas Fund to a single fund in the State Treasury to be known as the Railroad Commission Operating Fund; providing that moneys collected for the purposes for which said Funds were created be deposited in the State Treasury to be known as the Railroad Commission Operating Fund; designating purposes for which such moneys may be used; providing for disposition of money collected for sale of property purchased out of said Funds; providing for expenditures; repealing conflicting laws; expressly retaining purposes of present Fund expenditures; providing for an effective date of this Act."

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

SENATE BILL NO. 303 ON SECOND READING

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

S. B. No. 303, A bill to be entitled "An Act to amend sub-section (3) of Section 3 of the Airport Zoning Act of 1947, Acts of the 56th Legislature, Regular Session, Chapter 391, Page 764 (compiled as sub-section (2) of Article 466-3 of Vernon's Texas Civil Statutes), as amended; repealing Section 3 of Article 466-3 of Vernon's Texas Civil Statutes, as amended; providing for severability; and declaring an emergency."

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

Statutes), as amended by Chapter 323, Acts of the 57th Legislature, 1961, to expressly empower any political subdivision having more than 800,000 inhabitants, according to the last preceding Federal Census, where-in such political subdivision has located within its territorial limits an airport owned or controlled by such political subdivision and there exist an airport hazard area pertaining to such airport located outside of the territorial limits of said political subdivision owning or controlling the airport to promulgate, administer, and enforce airport zoning rules, regulations and ordinances limiting the height of structures and objects of natural growth, and otherwise regulating the use of property under the provisions of the Airport Zoning Act within a five mile radius of the airport reference point of such airport; and declaring an emergency.”

The bill was read second time.

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

Committee Amendment No. 1

Amend Section one of S. B. 303 by omitting the period after the word located on page 2, line 14, and inserting in lieu thereof, and adding the following words:

provided, however, that said control of such political subdivision shall not extend beyond the county in which the political subdivision is located.

(Speaker in the Chair.)

The amendment was adopted without objection.

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

Committee Amendment No. 2

Amend Senate Bill No. 303 by striking out the figures “800,000” wherever they appear in S. B. 303 and inserting in lieu thereof the figures “600,000”, and amend the caption to conform with the body of the bill.

The amendment was adopted without objection.

S. B. No. 303 was passed to third reading.

Senate Bill No. 305 on Second Reading

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

S. B. No. 305, A bill to be entitled “An Act to amend subsection a. of Section 1(4) in Article III of Senate Bill 116, Chapter 334, Acts 51st Legislature, Regular Session 1949, as last amended in Section 1 of Senate Bill 70, Chapter 386, Acts 55th Legislature, Regular Session 1957 (Article 2922-13, Sec. 1(4), V.T.C.S.), to increase the age eligibility for exceptional children program benefits; providing for an effective date of this Act; and declaring an emergency.”

The bill was read second time.

Mr. Peacry offered the following amendment to the bill:

Amend Senate Bill No. 305 by striking lines 44 through 58 on Page 1 of the printed bill and inserting in lieu thereof the following:

“In interpreting and carrying out the provisions of this act, the words ‘exceptional children,’ wherever used, will be construed to mean physically handicapped children, mentally retarded children and emotionally disturbed children. The words ‘physically handicapped children,’ wherever used, will be construed to include any child of educable mind whose body functions or members are so impaired that he cannot be safely or adequately educated in the regular classes of the public schools, without the provision of special services; the words ‘mentally retarded children,’ wherever used, will be construed to include any child whose mental condition is such that he cannot be adequately educated in the regular classes of the public schools, without the provision of special services; and the words ‘emotionally disturbed children,’ wherever used, will be construed to include any child whose emotional condition is medically determined and psychologically determined to be such that he cannot be adequately educated in the regular classes of...
May 8, 1963  HOUSE JOURNAL 1733

the public schools, without the provision of special services. The term special services may be interpreted to mean transportation; special teaching in the public school curriculum; corrective teaching, such as lip reading, speech correction, sight conservation, and corrective health habits; and the provision of special seats, books, and teaching supplies and equipment required for the instruction of exceptional children."

Mr. Woods raised a point of order on further consideration of the amendment offered by Mr. Pearcy on the ground that it is not germane to the body of the bill.

**HOUSE AT EASE**

At 9:59 o'clock a.m., the Speaker stated that the House would stand at ease.

(While the House stood at ease, Mr. Woods occupied the Chair.)

(Speaker in the Chair.)

At 10:11 o'clock a.m., the Speaker called the House to order.

**COMMITTEE MEETING**

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

There was no objection offered.

The Speaker sustained the point of order raised by Mr. Woods against further consideration of the amendment offered by Mr. Pearcy on the ground that the amendment is not germane to the bill, stating his reasons as follows:

Mr. Woods makes a point of order that the amendment by Mr. Pearcy is not germane to S. B. 305.

S. B. 305 proposes to change the ages of exceptional children eligible for teacher units. The present exceptional children definition is construed to mean physically handicapped and mentally retarded children. It is these enumerated classes that the proposed bill seeks to change the ages of such children to be eligible as exceptional children teacher units.

As an amendatory act S. B. 305 does nothing more. The proposed amendment would add emotionally disturbed children to the enumeration of exceptional children.

An emotionally disturbed child is construed to mean any child whose emotional condition is medically and psychologically determined to be such that he cannot be regularly educated in the public schools. It is estimated in a recent study that such addition to this class called emotionally disturbed children will result in a cost to the State of some $900,000 per year.

In general, the only purpose of an objection to germaneness is that the proposed amendment is a motion upon a subject different from that under consideration. Its purpose is to prevent hastily and ill-considered legislation, to prevent matters from being presented for the consideration of the body which might not reasonably be anticipated.

It is well settled that an amendment to an existing law and relating to the terms of the law rather than to the bill are not germane. Where an amendment does not vitally affect the entire present law, amendments to that same law have been held not necessarily germane. In other words the rule of germaneness applies to the relation between the proposed amendment and the pending bill; and not to the relation between such amendment and existing law of which the pending bill is amendatory.

Since the present bill proposes merely to change the ages of an existing and enumerated class, enlarging the enumeration of the class is of a subject different than raising the age of a present enumerated class and therefore a point of order is sustained.

S. B. No. 305 was passed to third reading.

**SENATE BILL NO. 337 ON SECOND READING**

The Speaker called before the House, on its second reading and passage to third reading,

S. B. No. 337, A bill to be entitled "An Act to amend Chapter 4 of the Insurance Code (Acts 1951, 52nd Leg., Ch. 491, as amended) by add-

---

*Note: The document contains text from the House Journal of the Georgia General Assembly, which includes legislative proceedings and amendments.*
THE SPEAKER Laid before the House, on its second reading and passage to third reading, S. B. No. 347, A bill to be entitled "An Act to provide for the abolishment of the offices of the Ex-Officio County School Superintendent and the County Board of Education in all counties of this State who now have or may hereafter have no Common School District, and only one Independent School District; providing that all of the duties of Ex-Officio School Superintendent and the County Board of Education be vested in the President of the Board of Trustees of such Independent School District and in the Superintendent of such district, except as for transfers of students in other counties, which shall remain the duty of the County Judge; providing the Commissioners Court to receive, pass upon all petitions for the calling of elections to create new school districts; providing the mechanics for the transfer of any records of funds remaining on hand after the effective date of this act; and providing certain terms and conditions."

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

SENATE BILL NO. 366 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading, S. B. No. 366, A bill to be entitled "An Act amending Acts of the Fifty-third Legislature, 1933, Regular Session, Chapter 366, Page 691, as amended, codified as Article 4944-a, Vernon's Civil Statutes of Texas, as amended, by adding another section, Section 5h, more specifically expressing certain existing powers of hospital districts created under said Article 4944-a and also granting additional and cumulative powers to such hospital districts; providing a severability clause; enacting other provisions related to the subject; and declaring an emergency."

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

SENATE BILL NO. 389 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading, S. B. No. 389, A bill to be entitled "An Act setting standard methods for directors of river authorities created by the Legislature; providing for their expenses; providing for authorization and method of payment; repealing laws in conflict; and declaring an emergency."

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

SENATE BILL NO. 392 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading, S. B. No. 392, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to acquire by purchase or otherwise for the use and benefit of The University of Texas Medical Branch certain properties in the City of Galveston, Galveston County, Texas;
providing the method of payment; provisions relating to the existing power of eminent domain of the board of Regents to acquire land for the use of the University of Texas Medical Branch; exempting the Regents from depositing bond as provided in Section 2 of Article 3268, Revised Civil Statutes of Texas; and declaring an emergency."

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

SENATE BILL NO. 396 ON SECOND READING

The Speaker laid before the House on its second reading and passage to third reading:

S. B. No. 396, A bill to be entitled "An Act amending Subsection 5 of Section 5 of Section 8-A of Acts 1957, 55th Leg., p. 454, ch. 269 sec. 1 (codified as Art. 5421c of V.T.C.S.) which is the latest amendment to Acts 1933, 43rd Leg., p. 552, ch. 271; as amended by Acts 1931, 42nd Leg., 2nd C. S., ch. 64, ch. 66; as amended by Acts 1933, 43rd Leg., p. 197, ch. 88; as amended by Acts 1933, 43rd Leg., p. 309, ch. 12 sec. 1 and 1a; as amended by Acts 1939, 47th Leg., p. 696, ch. 365, sec. 1; as amended by Acts 1943, 48th Leg., p. 459, ch. 301, sec. 1; as amended by Acts 1953, 53rd Leg., p. 271, ch. 57, sec. 1, by repealing the existing Subsection 5 of Section 8-A of Acts 1957, 55th Leg., p. 454, ch. 269 sec. 1 (codified as Art. 5421c, V.T.C.S.) and substituting an amendment therefor prohibiting the School Land Board from leasing any river beds or channels with one permissible exception, providing that any valid provisions shall not affect any other provisions; and declaring an emergency."

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

SENATE BILL NO. 421 ON SECOND READING

The Speaker laid before the House on its second reading and passage to third reading:

S. B. No. 421, A bill to be entitled "An Act amending Section 9 of Acts 1957, 55th Leg., p. 454, ch. 269 sec. 1 (codified as Art. 5421c, V.T.C.S.) and substituting an amendment therefor: providing for the issuance of bonds or money orders; providing for the administration of this Act by the Commissioner of the State Banking Department; providing for the bonding of licensees; prescribing the liability of licensees on checks sold; providing penalties for violations of this Act; providing for severability; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend S. B. 421 by adding a new subsection following Subsection (d) of Section 7 thereof as follows:

"(e) Notwithstanding the provisions of (c) above, when the Commissioner determines with respect to any applicant or licensee that a bond or equivalent deposit of less than the sums prescribed therein will be sufficient to fully secure the faithful performance of the obligations of the applicant or licensee and his agents with respect to the receipt, handling, transmission and payment of money in connection with the sale of checks, then he is authorized to reduce the bond or equivalent deposit required of such applicant or licensee to such sums as will be sufficient. In making such determination, the Commissioner may consider the maximum sums of checks sold or to be sold by the applicant or licensee and which are or can reasonably be expected to be outstanding at any one time and all other relevant facts. Nothing herein shall be deemed to restrict or limit the authority of the Commissioner to require the filing of a new or supplemental bond or the deposit of new or additional securities as provided for in Subsection (b) of Section 9.""

The amendment was adopted without objection.

S. B. No. 421 was then passed to third reading.

SENATE BILL NO. 433 ON SECOND READING

The Speaker laid before the House on its second reading and passage to third reading:

S. B. No. 433, A bill to be entitled "An Act providing for the election of school trustees by separate post-
The motion prevailed.

The bill was read second time.

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

Committee Amendment No. 1

Amend Senate Bill No. 453 by striking out Section 1 and substituting in lieu thereof the following:

"Section 1. This Act shall apply to all independent school districts which are situated in counties having a population of more than seven thousand seven hundred fifty (7,750) but less than seven thousand eight hundred (7,800), according to the last preceding Federal Census, and having a district valuation of not less than Twenty-five Million Dollars ($25,000,000), according to the last preceding valuation and the following language, substituting in line 4 and 5 of Subsection (b) the following language in lieu of the first seven lines of subsection (b) to the semi-colon in line 7, to-wit:

"From and after the effective date of this Act the office of the county board of school trustees and the office of county superintendent shall cease to exist in any county in this state having no common school districts, a population of not less than 75,000 and not more than 80,000 according to the last preceding Federal Census which has no common school district and whose county ad valorem valuation exceeds $260,000,000.

The amendment was adopted without objection.

S. B. No. 453 was then passed to third reading.

SENATE BILL NO. 454 ON SECOND READING

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

S. B. No. 454, A bill to be entitled "An Act transferring the sum of five thousand dollars from item five set out in the appropriation to the Texas Liquor Control Board for the year ending August 31, 1962, as set out in Senate Bill No. 1 enacted by the First Called Session of the 81st Legislature, to item nine set out in said appropriation to the Texas Liquor Control Board for the year ending August 31, 1962, to be used for the purchase of licenses, permits and tax stamps during the year 1963 and declaring an emergency."

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

HOUSE BILL NO. 559 ON SECOND READING

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

H. B. No. 559, A bill to be entitled "An Act amending Paragraph (b) of Section 1, Chapter 83, Acts of the 57th Legislature, Third Called Session, 1962, to provide that no state funds shall be used to supplement the salary of county judges in certain counties for serving in an ex officio capacity as county superintendent; and declaring an emergency."

The bill was read second time.

Mr. Caldwell offered the following amendment to the bill:

Amend H. B. 559 by substituting in line 5 of Subsection (b) the following language in lieu of the first seven lines of subsection (b) to the semi-colon in line 7, to-wit:

"From and after the effective date of this Act the office of the county board of school trustees and the office of county superintendent shall cease to exist in any county in this state having no common school districts, a population of not less than 75,000 and not more than 80,000 according to the last preceding Federal Census which has no common school district and whose county ad valorem valuation exceeds $260,000,000.

The amendment was adopted without objection.

H. B. No. 559 was then passed to engrossment.

ADJOURMENT

Mr. Mann moved that the House adjourn until 10:30 o'clock a.m. today.

The motion prevailed.

In accordance with the motion to adjourn, the House, at 10:24 o'clock
May 8, 1963

HOUSE JOURNAL 1737

a.m., adjourned until 10:50 o'clock a.m. today.

APPENDIX

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 7, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 8, A bill to be entitled "An Act creating the Commission on Organization of the Executive Branch of the Government and providing for its powers, duties and procedures; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 7, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. J. R. No. 30, Proposing an amendment to Article III of the Constitution of Texas, relating to apportionment of the state into Congressional Districts.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 7, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 56, Authorizing and directing the State Board of Control to accept, for and on behalf of the State of Texas, the transfer from the General Services Administration of the United States Government of approximately 142 acres of land adjacent to the De Zavala Cemetery and burial plot of Lorenzo De Zavala, to be retained by the State as a monument site and a protective area, and that the same land proposed for transfer by the General Services Administration as may be authorized by S. 261 shall be accepted for and on behalf of the State of Texas by the State Board of Control, etc.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

SIXTY-SEVENTH DAY

(Wednesday, May 8, 1963)

The House met at 10:50 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

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

Mr. Speaker
Adams
Allen
Alred
Allen
Alredge
Arledge
Atwell
Ball
Banfield
Barnes
Bass of Bowie
Bass of Harris
Beckham
Berry
Bragg
Braun
Boyden
Bridges
Brooks
Brown
of Galveston
Brown of Taylor
Butler
Cain
Caldwell
Canales
Cannon
Carriker
Carron
Chapman
Chapman
Cherry
Clayton
Cole
Colius
Cook
Cory
Cotton
Coughran
Cowden