Texas Historical Statutes Project

1972 Supplement
Volume 1

Revised Civil Statutes
Business Corporation Act
Election Code
Insurance Code

Probate Code
Taxation — General
Penal Code
Code of Criminal Procedure

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VERNON'S TEXAS STATUTES

1972 SUPPLEMENT

Volume 1

Including General and Permanent Laws

of the

62nd Legislature,

Regular Session, 1971

First Called Session, 1971

TABLES and INDEX

Supplementing
Vernon's Texas Statutes 1948
and
1950–1970 Supplements

ST. PAUL, MINN.
WEST PUBLISHING CO.

1972 SUPPLEMENT

This Supplement to Vernon's Texas Statutes, in two volumes, includes the laws of a general and permanent nature enacted at the Regular and Called Sessions of the 62nd Legislature. The sessions convened and adjourned as follows:

	Convened	Adjourned
Regular Session, 62nd Leg.	Jan. 12, 1971	May 31, 1971
First Called Session, 62nd Leg.	June 1, 1971	June 4, 1971

These volumes supplement the 1948 edition of Vernon's Texas Statutes and the biennial Supplements from 1950 through 1970.

Constitutional amendments, approved by the voters on November 3, 1970 and May 18, 1971, are also included.

To assist the user in readily locating any article or section affected by legislation from 1949 through 1971, a special Table has been prepared and is printed on the colored pages in Volume 1.

Vernon's Texas Statutes 1948 and Supplements are under the same classification and arrangement as **Vernon's Annotated Texas Statutes** and **Vernon's Texas Codes Annotated.** This means that users of this edition may go from any article or section therein to the same article or section in the annotated editions where the complete constructions of the law by the state and federal courts, as well as complete historical data relative to the origin and development of the law, are conveniently available.

The same practical features which have served to popularize the 1948 Edition, such as a complete index, tables, etc., are continued in the Supplements.

The Publisher extends appreciative thanks to the office of the Secretary of State, as well as to other state officials, for guidance and suggestions during the preparation of this work.

WEST PUBLISHING CO.

January, 1972

Cite this Supplement thus:

Vernon's Texas Civ.St., Art. ——.

Vernon's Texas Bus. & C. Code, § ——.

Vernon's Texas Bus. Corp. Act, Art. ——.

Vernon's Texas C. C. P., Art. ——.

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	Am.	1972
342—509b	Added	1972
342—602	Am.	1970
342—606	Am.	1960
	Am.	1968
	Am.	1970
	Am.	1972
342—701 to 342—703	Rep.	1966
342—701	Renumbered from 342.707	1972
342—702	Added	1972
342—703	Renumbered from 342.707a	1972
342—704	Am.	1958
	Rep.	1966
	Renumbered from 342.708	1972
342—705	Rep.	1966
	Renumbered from 342.709	1972
342—706	Rep.	1966
	Renumbered from 342.710	1972
342—707a	Am.	1950
342—709	Am.	1964
342—711	Rep.	1966
342—712	Rep.	1966
342—801a, §§ 1 to 10	Added	1972

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342—902	Am.	1958
342—903	Am.	1958
	Am.	1960
	Am.	1964
	Am.	1972
342—908	Am.	1964
	Am.	1966
342—910	Am.	1972
342—910a	Am.	1972
§ 1c	Am.	1968
342—911.1	Added	1972
342—951	New	1970
489d	New	1964
548b	New	1956
§ 1	Am.	1964
§ 1a	Am.	1964
§ 3	Am.	1964
§ 5	Am.	1964
548b, §§ 1–10a	Am.	1968
565a, §§ 1–4	New	1968
567 to 571	Rep.	1966
575	Rep.	1966
576	Rep.	1966
577	Rep.	1968
578	Rep.	1968
579—1 to 579—42	New	1956
	Rep.	1958
580—1 to 580—39	New	1956
	Rep.	1957
581—1 to 581—4	New	1958
581—4(B)	Am.	1972
581—5	New	1958
Subs. E	Am.	1964
Subs. G–I	Am.	1964
Subs. *O*	Am.	1964
Subs. Q	New	1960
Subs. R	Added	1964
581—6	New	1958
581—7	New	1958
Subs. A	Am.	1964
Subs. D	Added	1964
581—8	New	1958
581—9	New	1958
Subsec. B	Am.	1964
581—10 to 581—12	New	1958
581—13	New	1958
	Am.	1964
581—14	New	1958
Subsec. (G)	Added	1964
581—15 to 581—21, 581—22	New	1958
Par. A	Am.	1962
581—23 to 581—28	New	1958
581—29	New	1958
	Am.	1962
Subsec. G	Rep.	1964
581—30 to 581—32	New	1958
581—33	New	1958
	Am.	1964
581—34	New	1958
581—35	New	1958
G	Am.	1960
M	Am.	1960
581—36 to 581—39	New	1958
582—1	New	1960
§ 3a	Am.	1964
582—1	Rep.	1968
600a	Am.	1950
	Am.	1952
	Am.	1954
	Rep.	1956
601	New	1954
602	Am.	1954
603–605	Rep.	1958
607–629	Rep.	1964
613	Am.	1956
630	Am.	1962
631–633	Rep.	1958
634	Am.	1950
	Am.	1952
	Am.	1956
	Rep.	1958
634¼	Rep.	1958
634a	Rep.	1958
634(B)	Rep.	1970
634(C)	Rep.	1970
635	Am.	1968
	Am.	1972
636–648	Rep.	1958
649	Am.	1956
	Rep.	1958
650—652	Rep.	1958
653	Am.	1956
	Rep.	1958
654	Rep.	1958
655	Am.	1956
	Am.	1968
	Am.	1972
656	Rep.	1956
658a	Am.	1972
659–664	Rep.	1958
664—2	New	1958
664—3	New	1958
§ 5	Am.	1972
§ 8	Am.	1972
§ 13	Am.	1966
664—4, §§ 1 to 4	New	1972
666	Am.	1950
	Am.	1958
§ 6a	Added	1968
	Am.	1972

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666—1	Am.	1950
	Rep.	1958
666—2	New	1950
	Rep.	1958
666a—1	Rep.	1958
666a—2	New	1958
666b, § 2	Am.	1968
670–672	Rep.	1966
677	Rep.	1950
678	Am.	1952
	Am.	1970
	Am.	1972
678a	Abolished	1966
678d	Am.	1962
	Rep.	1966
678d—1	New	1966
§ 1(6), (7)	Am.	1972
§ 3(3)	Am.	1972
§ 6(e)	Am.	1972
§ 7(a), (b)	Am.	1972
§ 8(b), (c)	Am.	1972
§ 10(a), (b)	Am.	1972
§ 11A	Added	1972
§ 12(b)	Am.	1972
678e	New	1964
§ 7a	Am.	1968
678f	New	1966
§ 3	Am.	1972
678g	New	1970
§ 2(c)	Added	1972
§ 17	Am.	1972
§ 20	Am.	1972
678m	New	1956
§ 1	Am.	1964
§ 15	Am.	1964
§ 16A	New	1964
§ 19a	Am.	1970
678m—1	New	1958
678m—2	New	1958
§ 1	Am.	1958
678m—3	New	1958
678m—4	New	1960
678m—5	New	1972
679	Rep.	1966
680	Rep.	1966
681	Am.	1950
	Rep.	1966
682	Rep.	1966
683	Rep.	1966
684–687	Rep.	1960
688	Am.	1952
688a	New	1952
689	Am.	1952
689a—2	Am.	1952
689a—3	Rep.	1958
689a—4	Am.	1952
689a—4a	New	1952
689a—5	Am.	1958
	Am.	1958
689a—6	Am.	1952
	Am.	1970
689a—7	Am.	1958
689a—8a	New	1958
689a—9a	New	1954
689a—17	Rep.	1958
689a—17a	New	1958
	Rep.	1970
689a—18	Rep.	1958
689a—19a	New	1958
	Rep.	1970
691	Am.	1952
692	Am.	1952
694	Am.	1950
695		
§ 19A	Added	1964
695a		
§ 4	Am.	1970
695c,		
§ 1	Am.	1964
§ 2(1) a	New	1958
§ 2(3)	Am.	1962
§ 4(7)	Am.	1952
	Am.	1964
	Am.	1970
§ 5	Am.	1970
§ 6–A	Added	1966
§ 7A	New	1954
	Am.	1972
§ 8	New	1950
§ 8(a)	Am.	1954
§ 8(a), subsec. 2(e)	Am.	1966
§ 8(a), subsec. 9a	Am.	1972
§ 12	Am.	1968
	Am.	1970
§ 14	Am.	1962
§ 15	Am.	1952
§ 16—A	Added	1958
§ 16—B	Added	1958
	Am.	1966
	Am.	1968
	Am.	1970
§ 16—C	Added	1958
§ 17	Am.	1964
	Am.	1968
	Am.	1970
§ 17A	New	1964
§ 17—A	Am.	1970
§ 18	Am.	1964
§ 18A	Added	1964
§ 18—A	Am.	1970
§ 18B	Added	1964
§ 19	Am.	1964
	Am.	1968
§ 20	Am.	1968
	Am.	1970
§ 27	Am.	1968
§ 27(1)	Am.	1958
	Am.	1960
§ 28	Am.	1958
§ 29	Am.	1954
§ 29–A	New	1960
§ 32	Am.	1970

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695c,		
§ 38	Am.	1968
§ 41	Am.	1964
	Am.	1968
695c note	Am.	1958
695c—1	New	1964
695c—2	New	1966
	Am.	1970
§§ 1 to 8	Am.	1972
695g	New	1952
§ 1	Am.	1954
	Am.	1956
§ 1(b)	Am.	1964
§§ 2–12	Am.	1954
§ 3	Am.	1956
§ 4	Am.	1956
§ 7	Am.	1956
§ 13a	New	1954
695h	New	1956
§ 1(c)	Am.	1958
	Am.	1962
695i	New	1958
	Rep.	1970
695j	New	1962
§ 1(g)	Am.	1966
§ 1(j)	Added	1966
§ 3	Am.	1966
695j—1, §§ 1–17	New	1968
§§ 19–23	New	1968
695k	New	1966
§ 2	Am.	1970
695k—1	New	1970
	Am.	1972
695*l*, §§ 1 to 4	New	1972
702	Am.	1954
703a	New	1956
703b	New	1958
708b—1	Am.	1950
709a	New	1954
709b	New	1962
709c	New	1962
709d	Renumbered from art. 2670	1972
715a	New	1966
717	Am.	1952
717f	New	1950
717g	New	1952
717h	New	1952
717i	New	1954
717j	New	1956
	Rep.	1962
717j—1	New	1962
§§ 1–4	Am.	1968
717k	New	1956
§ 2	Am.	1970
§ 7	Am.	1970
717k—1, §§ 1–3	New	1968
717k—2	New	1970
717k—3	New	1970
717k—4	New	1970
717*l*	New	1958
717m	New	1960
717n	New	1962

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717*o*, §§ 1–14	New	1968
718	Am.	1964
725b	New	1962
726c	New	1964
752a	Am.	1956
752b	Am.	1970
752y—4	New	1958
752y—5	New	1960
752y—6	New	1970
784a,		
§ 4	Am.	1960
795a	New	1964
802g	New	1956
802h	New	1962
§ 1	Am.	1968
822	Rep.	1954
835h	New	1950
835i	New	1952
835j	New	1950
835k	New	1950
835k—1, §§ 1–4	New	1968
835*l*	New	1952
835m	New	1954
835n	New	1960
835*o*	New	1964
835p, §§ 1, 2	New	1968
835q	New	1970
835r	New	1970
836	Am.	1950
838	Rep.	1964
840	Am.	1964
842a	Am.	1961
842b–842f	Rep.	1952
842g	New	1952
843	New	1964
	Rep.	1968
851—C	New	1964
	Rep.	1968
852	Rep.	1964
852a	New	1964
§ 1.03, subsec. (10)	Am.	1972
§ 2.01a	Added	1970
§ 2.02	Am.	1970
§ 3.06	Am.	1972
§ 4.02	Am.	1970
§ 5.05	Am.	1966
§ 6.08	Am.	1966
§ 6.19	Added	1970
§ 6.20	Added	1970
§ 8.10	Am.	1972
853 to 881	Rep.	1964
881a—1 to 881a—7	Rep.	1964
881a—8	Am.	1952
	Rep.	1964
881a—9	Am.	1950
	Am.	1952
	Rep.	1964

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881a—10	Am.	1950
	Rep.	1964
881a—11	Rep.	1964
881a—12	Am.	1952
	Rep.	1964
881a—13 to 881a—21	Rep.	1964
881a—23	Am.	1954
	Am.	1958
	Rep.	1964
881a—24	Am.	1950
	Rep.	1964
881a—25	Am.	1950
	Rep.	1964
881a—26 to 881a—36	Rep.	1964
881a—37	Am.	1950
	Rep.	1964
881a—38 to 881a—43	Rep.	1964
881a—44	Am.	1950
	Rep.	1964
881a—45 to 881a—56	Rep.	1964
881a—57	Am.	1950
	Rep.	1964
881a—58 to 881a—60	Rep.	1964
881a—61	Am.	1950
	Rep.	1964
881a—62	Rep.	1964
881a—63	Am.	1950
	Rep.	1964
881a—64 to 881a—69	Rep.	1964
881b	New	1950
	Rep.	1964
883	Am.	1966
	Am.	1970
889a	Rep.	1970
890–898	Rep.	1966
899	Rep.	1968
911a,		
§ 15	Am.	1962
§ 16	Rep.	1962
911b,		
§ 1a(1)	Am.	1966
§ 1a(1) (e)	New	1956
	Am.	1958
§ 1c	Added	1964
§ 1(g)	Am.	1966
§ 1(i)	Am.	1962
§ 1j	Added	1964
§ 1¼	New	1964
§ 13aa	Added	1966
911f	New	1966
911g	New	1970

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912a—2	Am.	1952
912a—3	Am.	1952
	Am.	1956
	Am.	1964
912a—4	Am.	1952
912a—5	Am.	1964
912a—13	Am.	1972
912a—15	Am.	1964
912a—24	Am.	1956
	Am.	1968
912a—28 to 912a—30	New	1956
912a—31	New	1956
	Am.	1964
912a—32	New	1956
912a—33	New	1956
912a—34	Added	1970
931b—1	New	1970
932	Rep.	1956
966b	New	1952
966c	New	1954
§ 4	Am.	1956
966d	New	1956
966d—1	New	1964
966e	New	1958
966f	New	1960
§ 4	Am.	1960
966g	New	1960
966h	New	1962
969a—1	New	1954
969b	New	1970
969c—1, § 1	New	1968
	Am.	1972
§ 2	New	1968
969d	New	1954
969e	New	1970
970a	New	1964
§ 6	Am.	1966
971a	New	1950
973	Am.	1954
973a	New	1950
973b	New	1960
974a,		
§ 1	Am.	1950
§ 3	Am.	1956
§ 10	Rep.	1950
974a—1	New	1966
§ 1	Am.	1972
974a—2	New	1966
974c—2	New	1950
974c—3	New	1950
974c—4	New	1950
974c—5	New	1962
974c—6	New	1962
974c—7, §§ 1–3	New	1968
974d—2	New	1950
974d—3	New	1954
974d—4	New	1956
974d—5	New	1956
974d—6	New	1958
974d—7	New	1958

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974d—8	New	1962
974d—9	New	1962
974d—10	New	1964
974d—11	New	1966
974d—12, §§ 1–4	New	1968
974d—13	New	1970
974d—14	New	1970
974d—15, §§ 1 to 6	New	1972
974d—16, §§ 1 to 3	New	1972
974d—17, §§ 1 to 4	New	1972
974e—7	New	1950
974e—8	New	1952
974f—1, § 1	Am.	1972
§§ 1, 2	New	1968
974f—2, §§ 1, 2	New	1972
974g	New	1950
§ 1	Am.	1954
974—1	New	1950
974—2	New	1950
976a	New	1950
976b	New	1950
976c	New	1966
977	Am.	1950
978	Am.	1968
978a	New	1966
978b	Am.	1968
980	Am.	1964
980a	New	1966
	Am.	1972
980b	New	1968
981	Rep.	1964
982	Rep.	1964
984	Rep.	1964
985	Rep.	1964
986	Rep.	1964
989	Am.	1964
	Am.	1966
998	Am.	1968
998a	New	1972
999	Am.	1968
999	Am.	1970
999a	New	1950
999b	New	1970
1011	Am.	1950
1011a	Am.	1960
1011e	Am.	1972
1011f	Am.	1950
	Am.	1954
	Am.	1962
1011g	Am.	1960
	Am.	1962
	Am.	1972
1011*l*	New	1958
1011m	New	1966
	Am.	1970
§ 1, subsec. (D)	Am.	1972
§ 1, subsec. (f)	Added	1972
§§ 3 to 7	Am.	1972
1015b	Rep.	1970
1015c—1	New	1956
1015c—2	New	1966

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1015g,		
§ 1	Am.	1956
§ 5	Am.	1956
§ 13	Am.	1956
§ 13(a)	Added	1956
§ 13(b)	Added	1956
	Am.	1966
§ 13(c)	Added	1956
	Am.	1966
§ 13(d)	Added	1968
1015g—1	New	1962
1015g—2	New	1966
1015g—3	New	1970
1015g—4, §§ 1 to 13	New	1972
1015h	New	1950
1015i	New	1954
1015j	New	1956
1015j—1, §§ 1 to 4	New	1972
1015k	New	1960
1015*l*	New	1968
1015m	New	1970
1016	Am.	1962
1027c—1	New	1964
1027j, §§ 1 to 5	New	1972
1042b	Am.	1968
1060a	Am.	1964
1064	Am.	1968
1066b,		
§ 1	Am.	1952
	Am.	1960
§ 1a	New	1964
§ 1b	Added	1968
§ 2	Am.	1952
	Am.	1960
§ 2a	New	1952
	Am.	1960
	Am.	1964
1066c, §§ 1–14	New	1968
1066c,		
§ 2(B)	Am.	1970
§ 2(K)	Am.	1970
§ 2, subsec. K, subdiv. (2)	Am.	1972
§ 3	Am.	1970
§ 4(C)	Am.	1970
§ 5	Am.	1970
§ 6(B1)	Am.	1970
§ 6(C)	Am.	1970
1070.1	New	1972
1085a	Am.	1950
	Am.	1952
§ 2a	Added	1966
1093	Am.	1964
1098	Am.	1964
1105a, § 2	Am.	1968
1105b,		
§ 1	Am.	1952
§ 9	Am.	1964
	Am.	1968
1105b—1, §§ 1, 2	New	1968
1105b—2	New	1970
1105c	New	1962

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1109a,		
§ 2	Am.	1954
§ 6	Am.	1954
§ 7	Am.	1954
1109a—3	New	1964
1109c	Rep.	1970
1109e	New	1950
§ 1	Am.	1972
1109e—1, §§ 1–4	New	1968
1109e—2, §§ 1, 2	New	1972
1109f	New	1956
1109f—1	New	1960
1109g	New	1956
1109h	New	1958
§ 4	Am.	1960
	Am.	1962
§ 5(d)	Am.	1960
1109i	New	1958
§ 1	Am.	1960
§ 3a	New	1960
1109i—1	New	1962
1109j	New	1960
§ 1	Am.	1972
1109k	New	1960
§ 2	Am.	1970
1110b	New	1950
1110c	New	1964
§ 2(A)	Am.	1968
§ 2(H)	Am.	1972
§ 6	Am.	1972
§ 19	Am.	1968
	Am.	1970
	Am.	1972
1110d	New	1966
1110e	New	1970
1111a	New	1950
1111b	New	1950
§ 1	Am.	1952
1111c	New	1952
1112	Am.	1954
1113a	New	1950
	Am.	1954
	Am.	1966
1118n—5	New	1950
§ 1a	New	1956
1118n—6	New	1956
1118n—7	New	1956
1118n—8	New	1958
1118n—9	New	1962
1118n—10	New	1964
1118q	New	1950
1118r	New	1952
1118s	New	1952
1118t	New	1954
1118u	New	1954
1118v	New	1958
1118w	New	1958
§ 1a	Added	1970
1143	Am.	1968
1144	Am.	1968
1152	Am.	1968
1153a	New	1962
1154	New	1950
1158	Am.	1968
1161	Am.	1954
1164b, §§ 1 to 3	New	1972
1170	Am.	1962
1170a	New	1952
1171	Rep.	1962
1174a—1	New	1952
1174a—2	New	1954
1174a—3	New	1956
1174a—4	New	1960
1174a—5	New	1962
1174a—6	New	1962
1174a—7	New	1966
1174a—8	New	1966
1174e	New	1962
1175,		
Subd. 2	Am.	1964
Subd. 19	Am.	1968
1175c	New	1970
1176a	Am.	1966
1176b—3	New	1962
1182c—1	Am.	1950
	Am.	1958
§ 1	Am.	1972
§ 2a	New	1954
§ 2b	New	1962
	Am.	1968
§ 4	Am.	1960
§ 6	Am.	1972
1182c—2	New	1958
1182c—3	New	1958
	Rep.	1960
1182c—4	New	1958
1182c—5	New	1960
§ 1	Am.	1972
§ 2A	Added	1972
1182c—6	New	1960
1182d—1	New	1960
1182g, §§ 1–5	New	1968
1182h	New	1972
1182i	New	1972
1187—1	New	1968
1187a—2	New	1956
1187c	New	1950
§ 7	Am.	1958
1187e	Am.	1960
1187f	New	1962
	Am.	1970
1188	Am.	1958
1189	Am.	1972
1191	Am.	1958
1191a	New	1958
1194A	Added	1970
1196	Am.	1972
1196(a)	New	1950
1197a	New	1954
1200c	New	1950
	Am.	1962
1200c, § 1	Am.	1968
1200d	New	1956
1200aa	New	1970

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1200aa, § 5	Am.	1972
§ 13	Am.	1972
§ 17	Am.	1972
§ 25	Am.	1972
§ 34	Am.	1972
1211	Am.	1964
1220a note	—	1972
1241 to 1243	Rep.	1968
1241a, §§ 1–5	New	1968
1261	Rep.	1968
1266	Am.	1960
	Am.	1962
1268a	New	1960
1268b	New	1964
1269h—2	New	1960
1269j—4	New	1952
1269j—4.1	New	1966
§§ 1–4	Am.	1968
§ 3(b)	Am.	1972
§ 3(d)	Am.	1972
§§ 3a to 3d	Added	1972
§ 8	Am.	1968
1269j—4.2	New	1970
1269j—4.3	New	1970
§ 1	Am.	1972
1269j—4.4, §§ 1 to 8	New	1972
1269j—4.5, §§ 1 to 56	New	1972
1269j—4.6, §§ 1 to 5	New	1972
1269j—4.7, §§ 1 to 7	New	1972
1269j—5	New	1956
§ 1	Am.	1958
§ 4(a)	New	1962
1269j—5.1	New	1964
§ 1	Am.	1968
1269j—5.2, §§ 1, 2	New	1968
1269j—6	New	1956
1269j—7	New	1958
1269j—8, §§ 1–5	New	1968
1269j—9	New	1970
1269j—101	New	1970
	Rep.	1972
1269k		
§ 10	Am.	1970
§ 15	Am.	1972
§ 23c	Am.	1972
1269k—1, § 1	Am.	1972
1269*l*, § 7–a	New	1952
1269*l*—1	New	1950
1269*l*—2	New	1958
§ 1	Am.	1962
1269*l*—2.1	New	1970
1269*l*—3	New	1958
§ 4, par. (h)	Am.	1968
§ 4, par. (j)	Am.	1968

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1269m, § 2	Am.	1958
§ 5a	New	1950
§ 8	Am.	1950
§ 9	Am.	1950
	Am.	1958
	Am.	1972
§ 12	Am.	1958
§ 13	Am.	1958
§ 14	Am.	1950
	Am.	1958
§ 14D	Am.	1956
	Am.	1964
§ 16	Am.	1952
	Am.	1956
§ 16a	New	1950
§ 18	Am.	1956
§ 20	Am.	1956
§ 21	Am.	1956
§ 22	New	1950
§ 22a	New	1952
§ 23	Am.	1952
§ 25	Rep.	1958
§ 26	Am.	1956
	Am.	1958
§ 26(a)	New	1958
§ 26(b)	Added	1972
§ 27(a)	Am.	1958
§ 27(b)	Am.	1952
	Am.	1956
§ 28(a)	New	1952
1273a	Rep.	1952
1273b	New	1952
1275 note	—	1972
1285 note	—	1972
1287a, § 3	Am.	1954
§ 3a	New	1950
	New	1954
§ 3b	New	1950
1287a note	—	1972
1287—1	Am.	1950
§§ 1–7	Rep.	1964
§ 8	Am.	1958
	Rep.	1964
§ 9	Rep.	1964
§ 10	New	1958
1287—2	Am.	1964
1287—3	New	1964
§ 6	Am.	1966
1291a	New	1964
1291b	New	1970
1293a	New	1970
1299	Rep.	1964
1300	Rep.	1968
1301a	New	1964
1301b	New	1970
1302	Am.	1950
	Am.	1952
	Am.	1954
	Rep.	1962

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1302—1.01 to 1302—2.05	New	1962
1302—2.06	New	1962
§ A	Am.	1964
§ B	Added	1964
1302—2.07	New	1962
1302—2.08	New	1962
1302—2.09	Added	1968
1302—3.01 to 1302—3.05	New	1962
1302—4.01 to 1302—4.07	New	1962
1302—5.01 to 1302—5.19	New	1962
1302—6.01	New	1962
	Rep.	1966
1302—6.02	New	1962
	Am.	1966
	Rep.	1966
1302—6.03	New	1962
	Rep.	1966
1302—6.04	New	1962
	Am.	1964
	Am.	1966
	Rep.	1966
1302—6.05 to 1302—6.24	Rep.	1966
1302a	Rep.	1952
1302b to 1302d	Rep.	1962
1302d—1	New	1956
	Rep.	1962
1302e	Rep.	1962
1302f	Rep.	1962
1302g	New	1950
	Rep.	1962
1302h	New	1950
	Rep.	1962
1302i	New	1954
	Rep.	1962
1303, 1304	Rep.	1962
1304a	Rep.	1962
1305	Rep.	1962
1306	Rep.	1962
1307	Rep.	1962
1308–1313	Rep.	1962
1314	Am.	1952
	Rep.	1962
1314a	New	1960
	Rep.	1962
1315–1317	Rep.	1962
1318–1320	Rep.	1962
1321a	Rep.	1962
1322–1326	Rep.	1962
1327	Am.	1952
1327a	New	1950
	Rep.	1962
1328–1333	Rep.	1962
1334a	Rep.	1956
1334b	New	1956
	Rep.	1962
1335–1347	Rep.	1962
1348	Rep.	1964
1352	Rep.	1962
1357	Rep.	1962
1358	Rep.	1962
1358a	New	1964
1358—1, 1359	Rep.	1962
1358b	New	1968
1360	Am.	1960
	Rep.	1962
1361–1379	Rep.	1962
1380–1382	Rep.	1962
1383	Rep.	1962
1384–1395	Rep.	1962
1395a	New	1950
1396–1398	Rep.	1962
1396—1.01	New	1960
1396—1.02	New	1960
1396—2.01	New	1960
Subsec. (A) (1)	Added	1962
1396—2.02 to 1396—2.05	New	1960
1396—2.06 § A	Am.	1970
1396—2.06 § D	Am.	1970
1396—2.07	New	1960
1396—2.08	New	1960
§ E	Added	1962
1396—2.09 to 1396—2.14	New	1960
§ E	Added	1968
1396—2.15	New	1960
1396—2.16	New	1960
1396—2.17	New	1960
	Am.	1968
1396—2.18	New	1960
§ A	Am.	1968
1396—2.19 to 1396—2.26	New	1960
1396—2.27	Added	1972
1396—3.01	New	1960
1396—3.02	New	1960
§ A	Am.	1966
1396—3.03 to 1396—3.05	New	1960
1396—4.01 to 1396—4.06	New	1960
1396—5.01 to 1396—5.09	New	1960
1396—6.01 to 1396—6.06	New	1960

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1396—7.01	New	1960
§ A	Am.	1966
	Am.	1970
§ B	Added	1966
	Am.	1970
1396—7.01 § C	Am.	1970
1396—7.01 § D	Am.	1970
1396—7.01 § E	Am.	1970
1396—7.02	New	1960
§ A	Am.	1966
	Am.	1970
1396—7.03 to 1396—7.12	New	1960
	Am.	1968
1396—8.01 to 1396—8.07	New	1960
1396—8.08 § A	Am.	1970
1396—8.08 § D	Added	1970
1396—8.09 to 1396—8.14	New	1960
1396—8.15	New	1960
§ A	Am.	1966
	Am.	1970
§ B	Added	1966
	Am.	1970
§ C	Am.	1970
§ D	Am.	1970
§ E	Am.	1970
1396—8.16 to 1396—9.01	New	1960
1396—9.02	New	1960
§ C	Am.	1966
§ E	Am.	1966
§ F	Added	1966
§ F	Am.	1970
§ G	Added	1966
1396—9.03	New	1960
	Am.	1962
1396—9.04 to 1396—10.03	New	1960
1396—10.04	New	1960
§ G	Added	1962
1396—10.05 to 1396—11.01	New	1960
1408	Rep.	1962
1409	Rep.	1962
1410	Rep.	1962
1411	Rep.	1962
1412–1415	Rep.	1962
1415a	Rep.	1972
1433	Am.	1950
1433a	New	1950
1434a, § 3	Am.	1960
	Am.	1962
§ 5	Am.	1962
§ 5	Am.	1968
§ 6	Am.	1962
§ 8	Am.	1962
§ 9	New	1962
1436	Am.	1968
1436a	New	1950
§§ 1, 1a	Am.	1968
1436b	New	1952
1436c, §§ 1 to 7	New	1972
1438a	New	1952
	Am.	1966
	Rep.	1968
1440	Am.	1964
1446.1 to 1446.3	New	1966
1446.4, §§ 1, 2	New	1968
1478–1494	Rep.	1962
1499a	New	1952
1513a	New	1958
	Am.	1968
1524a, § 2	Am.	1952
§ 4	Am.	1950
§ 7	Am.	1952
§ 14	New	1960
	Rep.	1968
1524a—1	New	1952
	Rep.	1964
1527a	New	1970
1528b, § 3	Am.	1958
§ 12	Am.	1958
1528c	New	1950
§ 2(7)	Am.	1954
§ 4(5)	Am.	1954
1528d	New	1964
1528e	New	1970
1528f	New	1970
§ 2(B)	Am.	1972
§ 4	Am.	1972
§ 8(c)	Am.	1972
§ 15	Am.	1972
§ 24	Am.	1972
§ 25	Added	1972
1528g, §§ 1 to 12	Added	1972
1529	Am.	1954
	Rep.	1962
1530	Rep.	1962
1531	Rep.	1962
1532–1538g	Rep.	1962
1538h	Am.	1956
1538i–1538m	Rep.	1962
1538n	New	1952
	Am.	1954
	Rep.	1962

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1577	Am.	1950
	Am.	1954
	Am.	1968
1577a	New	1952
1577b	New	1962
1577c	New	1966
1578a	New	1966
§ 2	Am.	1972
1580 note	Am.	1950
	Am.	1956
	Am.	1958
	Am.	1960
1581d	New	1950
1581d—1	New	1964
§ 1	Am.	1972
1581e	New	1950
1581e—1	New	1970
1581f	New	1964
1581g	New	1966
	Am.	1968
	Am.	1972
1581g—1	New	1972
1605	Am.	1954
1605a		
§ 2	Am.	1964
1605a—1	New	1958
1605a—2	New	1962
§ 1	Am.	1972
1605a—3	New	1962
1605a—4	New	1970
§ 1	Am.	1972
1606 note	New	1960
1606b	New	1952
1606c	New	1952
§ 1	Am.	1954
§ 1	Am.	1968
1630b	New	1954
§ 1	Am.	1970
§ 4	Am.	1970
1630c	New	1958
1641	Am.	1956
1641c	New	1958
1641d	New	1960
1641e	New	1962
§ 1	Am.	1972
1644a—1	New	1956
1644c—1	New	1962
§ 1	Am.	1972
1645	Am.	1950
	Am.	1956
1645a—1	Am.	1950
1645a—5	Am.	1950
1645a—8	New	1952
	Am.	1954
1645a—10, §§ 1, 2	New	1972
1645a—11, §§ 1, 2	New	1972
1646b	New	1950
1649	Am.	1956
1650	Am.	1964
1650a	Added	1968
1651	Am.	1960
1652	Rep.	1970
1657a	New	1968
	Am.	1972
1659	Am.	1964
	Am.	1966
1659a	New	1960
1659b	Added	1970
1663a	Added	1968
1663b, §§ 1 to 4	New	1972
1665	Am.	1956
1679	Am.	1960
1688	Rep.	1970
1689	Am.	1964
1696a	New	1956
1702a—1	Am.	1958
§ 1	Am.	1968
1702b—6	Rep.	1950
1702e	New	1950
1702f	New	1950
1702g	New	1950
1702h	New	1952
1702i	New	1954
1702j, §§ 1 to 6	New	1972
1709	Am.	1972
1709a, §§ 2 to 6	New	1972
1722	Rep.	1972
1728	Am.	1954
1735a	Am.	1968
1736	Rep.	1972
1738	Am.	1964
1811a, 1811b	Rep.	1972
1811c, 1811d	Rep.	1972
1811e	New	1972
§ 1a	Added	1972
1817	Am.	1958
	Am.	1964
	Am.	1968
1817a	New	1958
	Am.	1968
1819	Am.	1958
1821	Am.	1954
1824a	Added	1970
1826	Rep.	1972
1827	Am.	1958
1831	Am.	1972
1897	Am.	1970
1899a, §§ 1 to 4	Added	1972
1901a	New	1972
1903	Am.	1964
1911	Rep.	1972
1911a, §§ 1 to 3	New	1972
1919	Am.	1952
	Am.	1956
§ 2	Am.	1970
1926—42a	New	1968
1926—44, § B	Am.	1968
§ F	Am.	1968
1926—45	New	1970
1926—63, § 4	Am.	1968
§ 4	Am.	1972
1929	Rep.	1972
1934a—10	Am.	1958
1934a—12	New	1950
1934a—13	New	1950

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1934a—14	New	1950
1934a—15	New	1954
	Am.	1970
1934a—15		
§ 1(b)	Am.	1962
§ 1(c)	Am.	1966
	Am.	1958
1934a—16	New	1960
1934a—17	New	1964
	Am.	1972
1934a—18	New	1964
1937	Am.	1966
	Am.	1970
1941(a), §§ 1 to 6	Added	1972
1942 note	—	1972
1943 note	—	1972
1944 note	—	1972
1945 note	—	1972
1955	Rep.	1972
1960	Am.	1972
1969a—2	New	1952
§ 1	Am.	1962
1969a—3	New	1956
1970—31.1	New	1964
1970—31a	New	1952
§ 13	Am.	1970
1970—31b	New	1964
§ 11	Am.	1970
1970—62.1	New	1972
1970—62a	New	1954
1970—62b	New	1962
§ 13	Am.	1962
1970—62c	New	1964
1970—75a	New	1966
1970—77	Am.	1962
1970—77 note	New	1962
1970—95	Am.	1962
1970—96	Am.	1962
1970—110a	New	1950
	Am.	1970
§ 1	Am.	1968
§ 9	Am.	1964
	Am.	1968
§ 11	Am.	1964
1970—110a.1	New	1968
	Rep.	1970
1970—110a.2, §§ 2–16	New	1968
1970—110b	New	1952
§ 1	Am.	1962
§ 2	Am.	1962
1970—110c	New	1958
§ 1	Am.	1962
§ 2A	Rep.	1962
1970—110c.1	New	1964
1970—110d	New	1962
1970—112	Am.	1972
1970—113	Am.	1964
1970—114	Am.	1950
1970—115	Am.	1950

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1970—122	Am.	1950
	Am.	1952
	Am.	1956
	Am.	1964
	Am.	1968
	Am.	1972
1970—126a	New	1966
§ 2	Am.	1972
§ 8	Am.	1968
§ 8	Am.	1972
1970—127a	New	1966
1970—138	Am.	1956
1970—141.1	New	1956
1970—141.2	New	1970
1970—141a	New	1952
1970—223a, §§ 1–8	New	1968
1970—298b	New	1952
§ 2	Am.	1972
§ 3	Am.	1972
§ 10	Am.	1966
§ 12	Am.	1970
	Am.	1972
1970—298c	New	1966
1970—300a	New	1950
1970—301a	New	1952
1970—301b	New	1952
1970—301c	New	1954
1970—301d	New	1958
1970—301e	New	1962
1970—301f	New	1964
1970—301h	New	1968
	Am.	1970
1970—305,		
§ 2	Am.	1970
§ 6	Am.	1970
	Am.	1972
§ 7	Am.	1956
	Am.	1960
1970—305a	New	1952
1970—305b	New	1954
1970—310 note	Am.	1970
1970—310 note	Am.	1958
	Am.	1960
	Am.	1972
1970—311a	New	1956
1970—314	Rep.	1966
1970—314a	New	1966
1970—318a	New	1952
1970—322a		
§ 1	Am.	1970
§ 4	Added	1970
1970—324	Am.	1950
	Am.	1964
§ 2	Am.	1972
§ 3	Am.	1972
§ 5	Am.	1966
§ 6	Am.	1966
§ 9	Am.	1964

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1970—324		
§ 17	Am.	1966
	Am.	1968
	Am.	1972
1970—324a	New	1964
§ 2	Am.	1972
§ 3	Am.	1972
§ 6	Am.	1966
§ 17	Am.	1966
	Am.	1968
	Am.	1972
1970—324b	New	1966
1970—324c	New	1968
1970—324d, § 1	Added	1972
§ 2	Added	1972
1970—325	New	1950
1970—330		
§ 1	Am.	1964
§ 2	Am.	1964
1970—331	Rep.	1966
1970—331a	New	1966
	Rep.	1968
1970—331b	New	1968
	Am.	1970
	Rep.	1972
1970—331c, §§ 1 to 4	New	1972
1970—332, § 16	Am.	1968
	Am.	1970
§ 18A	Added	1968
1970—332		
§ 18A	Am.	1970
1970—333a	New	1956
1970—335	Am.	1972
1970—336	New	1950
1970—337	New	1950
1970—338	New	1950
	Rep.	1970
1970—338A	New	1960
1970—338B	New	1970
1970—339	New	1950
§ 2	Am.	1968
§ 4	Am.	1968
§ 5	Am.	1954
	Am.	1956
§ 6	Am.	1968
§ 8	Am.	1956
§ 15	Am.	1956
§ 17	Am.	1952
	Am.	1956
	Am.	1968
	Am.	1972
1970—339A	New	1956
§ 4	Am.	1968
§ 6	Am.	1968
§ 8	Am.	1956
§ 10	Am.	1968
§ 18	Am.	1956
	Am.	1968
	Am.	1972
1970—339B	New	1972
1970—340	New	1950
§ 1a	Added	1964
1970—340.1	New	1958

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1970—341	New	1952
	Am.	1970
§ 11	Am.	1966
§ 11(a)	Am.	1972
1970—342	New	1954
	Am.	1962
	Am.	1964
§ 4a	Added	1970
§ 9	Am.	1966
	Am.	1970
	Am.	1972
1970—342a	New	1966
	Am.	1970
§ 11	Am.	1972
1970—343	New	1956
§ 12	Am.	1972
1970—344	New	1958
1970—345	New	1958
§ 3	Am.	1960
§ 11	Am.	1960
§§ 14, 15	Am.	1962
§ 14	Am.	1968
§ 15a	New	1960
1970—346	New	1960
1970—347	New	1960
1970—348	New	1964
§ 2	Am.	1966
	Am.	1972
§ 3	Am.	1972
§ 12	Am.	1972
§ 17	Am.	1970
§ 18a	Added	1966
1970—349	New	1966
	Am.	1970
§ 4(b)	Am.	1972
1970—349A, §§ 1 to 20	New	1972
1970—350, §§ 1–6	New	1968
1970—351, §§ 1–7	New	1968
1970—352	New	1970
1970—353	Added	1972
1970—354, §§ 1 to 8	New	1972
1970—355, §§ 1 to 7	New	1972
1970a	Added	1972
1970a—1	New	1958
1983	Am.	1966
	Rep.	1968
1984	Rep.	1966
1985	Am.	1966
	Rep.	1968
1994	Am.	1962
	Am.	1972
1995		
(9)	Am.	1954
(9a)	New	1954
(17a)	New	1956
1995, subd. 1	Rep.	1968
subd. 16	Am.	1970
subd. 17a	Am.	1970
2031b	New	1960

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2039a	Am.	1950
§ 1	Am.	1954
	Am.	1960
§ 2	Am.	1954
§ 4	Am.	1954
2039c	Am.	1950
2075	Am.	1956
2093e	New	1950
2093f	New	1970
2094	Am.	1950
	Am.	1958
	Am.	1964
	Am.	1966
2094, subsec. (c)	Am.	1968
subsec. (k)	Added	1968
subsec. (m)	Added	1968
subsec. (n)	Added	1968
subsec. (o)	Added	1970
subsec. (p)	Added	1970
subsec. (q)	Added	1970
subsec. (r)	Added	1970
subsec. (s)	Added	1970
subsec. (t)	Added	1970
subsec. (u)	Added	1970
subsecs. (v)	Added	1972
(w)	Added	1972
(x)	Added	1972
2095	Am.	1950
	Am.	1960
	Am.	1964
	Am.	1972
2096	Am.	1960
	Am.	1972
2097	Am.	1960
2099	Am.	1960
	Am.	1972
2100	Am.	1972
2100a	New	1970
§§ 1 to 3	Am.	1972
2101, § 4	New	1962
§ 5	Added	1968
2101(1)	Am.	1972
2101(3)	Am.	1972
2102	Am.	1962
2103a	Am.	1972
2103b	New	1964
	Rep.	1972
§ 1	Am.	1966
2104 to 2116	Rep.	1972
2116c	Rep.	1972
2116d	Am.	1972
2116e	Rep.	1972
2118	Am.	1972
2119	Rep.	1972
2120	Am.	1972
2121	Am.	1972
2122	Am.	1954
	Am.	1966
2133	Am.	1957
	Am.	1970
2133(1)	Am.	1972
2135	Am.	1956
	Am.	1966
	Am.	1972
(4)	Am.	1954
(17)	New	1958
	Am.	1968
2136	Rep.	1972
2137	Am.	1968
2137(1)	Am.	1972
2168a	Am.	1950
2194a	New	1964
2226	Am.	1950
	Am.	1954
	Am.	1972
2226a	New	1966
2268a	New	1950
2292a	New	1964
2292j	New	1970
2292k, §§ 1 to 6	New	1972
2292*l*, §§ 1 to 7	New	1972
2292—3	New	1972
2320b	Am.	1966
§ 4	Rep.	1952
2320c	New	1950
§ 2	Am.	1970
§ 2A	Added	1970
§ 2B	Added	1970
§ 2C	Added	1970
2323a	New	1952
2324	Am.	1956
	Am.	1962
2325	Rep.	1956
2326	Am.	1950
	Am.	1954
2326a	Am.	1958
2326i	New	1950
2326j	New	1950
	Am.	1958
2326j—1	New	1958
	Am.	1958
	Am.	1964
	Am.	1968
	Am.	1972
2326j—2	New	1958
	Rep.	1972
2326j—3	New	1960
2326j—3a	New	1968
	Am.	1972
2326j—3b	New	1972
2326j—4	New	1960
2326j—4a, §§ 1, 2	New	1968
2326j—5	New	1960
	Am.	1968
2326j—6	New	1960
	Am.	1966
§ 1	Am.	1970
2326j—7	New	1960
	Am.	1964
2326j—8	New	1962
	New	1972
2326j—9	New	1962
	Am.	1972

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2326j—10	New	1962
	Am.	1968
	Am.	1972
2326j—11	New	1962
2326j—12	New	1962
§ 1	New	1972
§ 2	New	1972
2326j—13	New	1962
2326j—13, §§ 1, 2	New	1968
2326j—14	New	1962
	New	1970
2326j—15	New	1964
2326j—15a	New	1970
2326j—16	New	1964
§ 1	Am.	1972
2326j—16a	New	1970
2326j—17	New	1964
§ 1	Am.	1970
2326j—18	New	1964
2326j—18a, §§ 1 to 4	New	1972
2326j—19	New	1964
	Am.	1968
2326j—20 §§ 1, 2	New	1964
2326j—21 §§ 1, 2	New	1964
2326j—22	New	1964
	Am.	1970
2326j—23	New	1964
	Am.	1970
2326j—24	New	1964
2326j—24a, § 1	New	1972
§ 2	New	1972
2326j—25	New	1964
2326j—25a	New	1970
2326j—25b	New	1972
2326j—26	New	1964
§ 1	Am.	1970
2326j—27	New	1964
2326j—28	New	1964
§ 1	Am.	1972
2326j—29	New	1964
	Am.	1970
2326j—30	New	1964
§ 1	Am.	1972
2326j—31	New	1964
2326j—32	New	1964
	Rep.	1968
2326j—32a, §§ 1–4	New	1968
2326j—33	New	1964
§ 1	Am.	1970
2326j—34	New	1964
§ 1	Am.	1970
2326j—35	New	1964
	Superseded in part	1970
2326j—36	New	1964
§§ 1, 2	New	1968
	New	1972
2326j—37	New	1964
2326j—38	New	1966
	Am.	1970
2326j—39	New	1966
§§ 1, 2	Am.	1972
2326j—40	New	1966
	Superseded in part	1970
2326j—41	New	1966
	Am.	1970
	Rep.	1972
2326j—41a, §§ 1, 2	New	1972
2326j—42 to 2326j—47	New	1966
2326j—42, subsecs. (a), (b)	Am.	1972
2326j—44, § 1	Am.	1972
2326j—48	New	1966
	Am.	1970
	Rep.	1972
2326j—48a, §§ 1, 2	New	1972
2326j—49	New	1966
	Superseded in part	1970
2326j—50, 2326j—51	New	1966
2326j—51a	New	1968
2326j—52	New	1966
§ 1	Am.	1968
	Am.	1972
2326j—53	New	1966
	Rep.	1972
2326j—53a, §§ 1 to 4	New	1972
2326j—54	New	1972
2326j—54, §§ 1–4	New	1968
2326j—55, §§ 1, 2	New	1968
2326j—56, §§ 1–3	New	1968
2326j—57, §§ 1, 2	New	1968
§ 1	Am.	1972
2326j—58	New	1968
2326j—59, §§ 1, 2	New	1968
§ 1	Am.	1972
2326j—60, §§ 1, 2	New	1968
2326j—61, §§ 1, 2	New	1968
§ 1	Am.	1972
2326j—62, §§ 1, 2	New	1968
2326j—63	New	1970
2326j—64	New	1970
§ 1	Am.	1972
2326j—65	New	1970
2326j—66	New	1970
2326j—67	New	1970
2326j—68	New	1970
§ 1	Am.	1972
2326j—69	New	1970
2326j—70	New	1970
2326j—71	New	1970
2326j—72	New	1970
2326j—73	New	1970
§ 1	Am.	1972
2326j—74	New	1970
2326j—75	New	1970
2326j—76	New	1970
§ 1	Am.	1972

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2326j—77, §§ 1 to 3	New	1972
2326j—78	New	1972
2326j—79, §§ 1 to 3	New	1972
2326j—80	New	1972
2326j—81, §§ 1, 2	New	1972
2326k	New	1952
2326k combined with 2326		1954
2326*l*	New	1958
2326*l*—1	New	1966
2326*l*—2	New	1966
2326m	New	1960
2326n	New	1960
§ 1	Am.	1964
2326*o*	New	1970
§ 1	Am.	1972
2327c	New	1950
2327d	New	1952
	Am.	1956
§ 1A	Added	1968
	Am.	1972
2328a,		
§ 1	Am.	1970
§ 3	Am.	1954
§ 3	Am.	1970
§ 4	Am.	1970
§ 6	Am.	1970
§ 7	Am.	1970
2328b—1	New	1952
	Am.	1954
	Rep.	1966
2328b—2	New	1952
	Rep.	1966
2328b—3	New	1952
	Am.	1954
	Rep.	1966
2328b—4	New	1966
§ 2(*o*)	Am.	1970
2329	Rep.	1950
2330	Am.	1970
2332a	Added	1966
2335	Am.	1964
2338—1	Am.	1950
§ 3	Am.	1966
	Am.	1968
§ 4	Am.	1952
	Am.	1954
§ 5	Am.	1966
	Am.	1968
§ 6	Am.	1966
	Am.	1968
§ 7—B	Added	1970
§ 12	Am.	1966
	Am.	1968
§ 13	Am.	1966
	Am.	1968
§ 13—B	New	1960
§ 14	Am.	1966
§ 15	Am.	1970
§ 15—A	Added	1970
§ 17	Am.	1966
§ 21—A	Added	1970
2338—2	New	1950
§ 1	Am.	1960

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2338—2a	New	1958
	Rep.	1966
2338—2b	New	1966
2338—2c	New	1970
2338—3	New	1950
§ 2	Am.	1968
§§ 2–4	Am.	1952
§ 4	Am.	1968
§ 5	Am.	1972
§ 6	Am.	1968
§§ 6–9	Am.	1952
§§ 12–14	Am.	1952
2338—3a	New	1958
§ 1	Am.	1966
2338—4	New	1952
2338—5	New	1954
§ 3	Am.	1968
2338—6	New	1954
2338—7	New	1956
§ 3	Am.	1968
§§ 5–7	Am.	1968
2338—7a	New	1958
2338—8	New	1958
§ 2	Am.	1958
	Am.	1968
§ 5	Am.	1968
§ 6	Am.	1958
§ 9	Am.	1958
2338—9	New	1958
§ 3	Am.	1968
§ 8	Am.	1968
§ 21	New	1960
	Am.	1968
§ 22	New	1960
2338—9a	New	1960
§ 3a	Added	1968
§ 5	Am.	1968
2338—9b, §§ 1–17	New	1968
2338—9c	New	1970
2338—10	New	1960
§ 2	Am.	1964
	Am.	1968
	Am.	1972
§ 3	Am.	1968
§ 6	Am.	1968
§ 8	Am.	1968
§ 13	Am.	1968
§ 14	Am.	1968
§ 18	Am.	1968
2338—11	New	1960
§ 3	Am.	1968
§ 16-A	New	1960
2338—11a	New	1964
§ 3	Am.	1968
2338—11b	New	1970
2338—12	New	1960
2338—13	New	1960
§ 2	Am.	1968
	Am.	1972
2338—14	New	1962
§ 3	Am.	1968
§ 6	Am.	1964

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2338—15	New	1964
§ 1a	Added	1966
§ 3	Am.	1966
§ 9	Am.	1964
§ 11	Am.	1966
§§ 1–16	Am.	1968
2338—15, § 3	Am.	1968
2338—15a	New	1966
§§ 1–16	Am.	1968
2338—15b, §§ 1–16	New	1968
2338—15c	New	1970
§ 11	Rep.	1972
2338—16	New	1964
§ 2	Am.	1964
	Am.	1970
§ 3	Am.	1968
§ 4	Am.	1964
§ 7	Am.	1964
§ 8	Am.	1970
§ 10	Am.	1970
2338—17	New	1964
§ 2	Am.	1968
§ 5a	Added	1970
§ 5b	Added	1972
§ 7	Am.	1970
§ 16	Am.	1970
2338—18	New	1966
§ 7	Am.	1968
2338—18a	New	1970
2338—19	New	1966
§ 2	Am.	1970
	Am.	1972
§ 3	Am.	1968
2338—20	New	1966
§ 3	Am.	1968
2338—21, §§ 1 to 16	New	1972
2343	Am.	1966
2350,		
§ 1a	Am.	1970
§ 2a	New	1950
§ 2b	New	1952
2350(6)	Am.	1950
	Am.	1954
2350m,		
§ 3a	New	1956
§ 3b	New	1956
2350n	New	1952
	Rep.	1960
2350*o*	New	1960
§ 3	Am.	1972
§ 4	Rep.	1972
2350p, §§ 1 to 5	New	1972
2351	Am.	1950
2351½	Added	1966
2351a—1	Am.	1962
2351a—4	New	1950
2351a—5	New	1952
	Am.	1966
2351a—6	New	1958
§ 12	Am.	1960
	Am.	1968
2351d	New	1950
2351e	New	1950
2351f	New	1952
2351f—1	New	1970
2351g	New	1956
	Rep.	1966
2351g—1	New	1966
2351g—2	New	1970
	Rep.	1972
2351h	New	1958
2352d	Am.	1956
§ 1	Am.	1952
2352e	New	1962
2352f	New	1970
2367a	New	1960
§ 2	Am.	1960
2368a,		
§ 2	Am.	1950
	Am.	1966
	Am.	1968
§ 2a	New	1954
§ 2b	New	1954
§§ 5, 6	Am.	1952
2368a note	—	1972
2368a.1, §§ 1 to 11	New	1972
2368a—1	New	1950
2368a—2	New	1954
2368a—3	New	1954
2368a—4	New	1956
2368a—5	New	1958
2368a—6	New	1960
2368a—7	New	1962
2368a—8	New	1962
2368a—9	New	1964
2368a—10	New	1966
2368a—11, §§ 1, 2	New	1968
2368a—12, §§ 1 to 9	New	1972
2368b—1, §§ 1 to 6	New	1972
2368f	New	1950
2370a	New	1950
	Expired	1952
2370b	New	1958
2370b—1	New	1970
§ 1	Am.	1972
2370c	New	1964
2370c—1	New	1970
2370d	New	1966
2370e	New	1970
2371	Am.	1952
2372a—1	New	1954
2372d—2	New	1950
§ 1	Am.	1960
2372d—3	New	1952
2372d—4, §§ 1–9	New	1968
2372d—5	New	1970
2372f note	—	1972
2372f—1	New	1962
	Am.	1972
2372f—2	New	1964
§ 1	Am.	1972
2372f—3	New	1964
§ 1	Am.	1972
2372f—4	New	1964
§ 1	Am.	1972

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2372f—5	New	1966
§ 1	Am.	1972
2372f—6	New	1966
§ 1	Am.	1972
2372f—7	New	1970
§§ 1, 2	Am.	1972
2372f—8	New	1970
	Am.	1972
2372h, § 6	Am.	1950
2372h—1	New	1960
2372h—2	New	1960
2372h—3	New	1966
	Am.	1972
2372h—4	New	1970
2372h—5	Am.	1972
2372h—6, §§ 1 to 13	New	1972
2372i	New	1950
2372j	New	1950
2372k	New	1952
2372*l*	New	1954
2372*l*—1, §§ 1 to 10	New	1972
2372m	New	1956
	Am.	1956
	Am.	1970
2372n	New	1956
2372*o*	New	1960
2372p	New	1962
2372p—1	New	1970
2372p—1, § 1	Am.	1972
2372q	New	1962
2372r	New	1964
2372r—1, §§ 1, 2	New	1968
§ 1	Am.	1972
2372s	New	1966
§ 3	Am.	1968
§ 6	Am.	1968
2372s—1	New	1966
§ 1	Am.	1970
	Am.	1972
§ 2	Am.	1970
2372t, §§ 1 to 5	New	1972
2373	Am.	1968
2386	Am.	1972
2393a	Added	1968
2399	Am.	1968
2428	Am.	1956
	Am.	1970
2460a	New	1954
§ 2	Am.	1964
§ 5	Am.	1956
	Am.	1964
§ 5a	New	1956
	Am.	1964
2461	Am.	1950
	Rep.	1970
2461—1	New	1970
2461—2	New	1970
2461—3	New	1970
2461—4	New	1970
2461—5	New	1970
2461—6	New	1970
2461—7	New	1970
2461—8	New	1970
2461—9	New	1970
2461—10	New	1970
2461—11	New	1970
2461—12	New	1970
2461—13	New	1970
2461—14	New	1970
2461—15	New	1970
2461—16	New	1970
2461—17	New	1970
2461—18	New	1970
2461—19	New	1970
2461—20	New	1970
2461—21	New	1970
2461—22	New	1970
2461—23	New	1970
2461—24	New	1970
2461—25	New	1970
2461—26	New	1970
2461—27	New	1970
2461—28	New	1970
2461—29	New	1970
2461—30	New	1970
	Am.	1972
2461—31	New	1970
2461—32	New	1970
2461—32(c)	Am.	1972
2461—33	New	1970
2461—34	New	1970
2461—35	New	1970
2461—36	New	1970
2461—37	New	1970
2461—38	New	1970
2461—39	New	1970
2461—40	New	1970
2461—41	New	1970
2461—42	New	1970
2461—43	New	1970
2461—44	New	1970
2461—45	New	1970
2461—46	New	1970
2461—47	New	1970
2461—48	New	1970
2461—49	New	1970
2462	Am.	1950
	Am.	1964
§ 7	Am.	1966
§ 8	Am.	1966
	Rep.	1970
2464	Am.	1950
	Rep.	1970
2465	Am.	1950
	Am.	1952
	Am.	1954
	Am.	1960
	Am.	1962
	Am.	1964
§ 7	Added	1966
2465	Rep.	1970

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2466	Am.	1964
	Rep.	1970
2468	Am.	1950
	Rep.	1970
2469	Am.	1950
	Am.	1964
	Am.	1966
	Rep.	1970
2470	Am.	1950
	Am.	1962
	Am.	1964
	Rep.	1970
2471	Am.	1950
	Am.	1962
	Rep.	1970
2477	Am.	1950
	Am.	1954
§ 2, Subsec. 2	Am.	1966
	Rep.	1970
2480	Am.	1964
	Rep.	1970
2481	Am.	1958
	Rep.	1970
2482	Am.	1958
	Am.	1962
	Am.	1964
	Am.	1966
	Rep.	1970
2483	Am.	1954
	Am.	1964
	Rep.	1970
2484	Am.	1950
	Am.	1954
	Rep.	1970
2484a	Am.	1964
	Rep.	1970
2484b	New	1950
	Am.	1964
	Rep.	1970
2484c	Am.	1964
	Rep.	1970
2484d	Added	1966
	Rep.	1970
2525	Am.	1964
2526	Am.	1972
2527	Am.	1972
2528	Am.	1972
2529	Am.	1956
	Am.	1968
2529c, §§ 1, 2	New	1968
2530a	New	1954
2543c	Am.	1952
	Rep.	1972
§ 3	Am.	1968
2543d	Added	1970
2546a	New	1972
2549	Am.	1970
2553	Am.	1950
2558a,		
§ 4a	Am.	1960
§ 4b	Added	1970
2559	Am.	1972
2570–2583	Rep.	1956
2583a	New	1952
	Rep.	1956
2584	Rep.	1972
2584a	New	1968
	Rep.	1972
2585b	New	1966
	Rep.	1972
2585c	New	1968
	Rep.	1972
2585d	New	1968
	Rep.	1972
2585e, §§ 1 to 5	Rep.	1972
2586	Rep.	1972
2587	Rep.	1970
2588	Rep.	1972
2589d	New	1954
	Rep.	1972
§ 1	Am.	1970
§ 2	Am.	1970
2589e	New	1954
	Am.	1970
	Rep.	1972
2589f	New	1960
	Rep.	1972
2590	Rep.	1972
2591	Rep.	1972
2591a	Rep.	1972
§ 1	Am.	1968
2591b	Rep.	1972
2592	Rep.	1972
2592a	New	1950
	Rep.	1972
2594	Am.	1970
	Rep.	1972
2594a	New	1968
	Rep.	1972
2597	Am.	1950
	Rep.	1972
2603a,	Rep.	1972
§ 4	Am.	1958
§ 5	Am.	1958
	Am.	1966
§ 8	Am.	1956
§ 11	Am.	1968
§ 11	Am.	1970
2603a—1	New	1966
	Rep.	1972
2603b—1	Rep.	1972
2603b—2	New	1962
2603b—3	New	1962
	Rep.	1972
2603b—4	Am.	1972
§§ 1–3	New	1968
2603c	Rep.	1972
2603d to 2603f	Rep.	1972
2603f—1	New	1960
	Rep.	1972
2603f—2	New	1964
	Rep.	1972
2603f—2.1	Rep.	1972

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2603f—3	New	1970
	Rep.	1972
2603f—4	Rep.	1972
2603g	New	1954
	Rep.	1972
2603h	New	1958
	Rep.	1972
2603i	New	1960
2603j	New	1962
2604	Rep.	1972
2605	Rep.	1952
2606	Rep.	1972
2606b	New	1950
	Rep.	1972
2606c	New	1960
	Rep.	1972
§ 4	Am.	1968
2606c—1	New	1964
	Rep.	1972
2606c—1.1	New	1970
	Rep.	1972
2606c—2	New	1970
	Rep.	1972
2606c—2.1	New	1970
	Rep.	1972
2606c—2.2	Rep.	1972
2606c—3	New	1970
	Rep.	1972
2606c—3.1	New	1970
	Rep.	1972
2606c—4	New	1970
	Rep.	1972
2606d	Rep.	1972
§§ 1–4	New	1968
2607	Rep.	1972
2607a	Rep.	1972
§§ 1–3	New	1964
2613	Am.	1952
	Rep.	1972
2613a—3	Am.	1954
	Rep.	1972
§ 1	Am.	1958
§ 10	Am.	1968
2613a—4	Rep.	1972
§ 1a	Added	1966
§ 1b	Added	1970
§ 2	Am.	1970
§ 3	Am.	1970
§ 4	Am.	1966
§ 4	Am.	1970
§ 6	Am.	1970
§ 7	Am.	1970
§ 8	Am.	1970
§ 13	Added	1966
2613a—7	New	1956
	Rep.	1971
2613a—8	New	1958
	Rep.	1972
2613a—9	New	1966
	Rep.	1972
2613a—10	New	1966
2613a—11	New	1970
	Rep.	1972

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2613c	New	1956
	Rep.	1972
2614	Am.	1960
	Rep.	1972
2615b	Rep.	1972
§ 4A	Rep.	1960
2615c	Rep.	1972
2615d	New	1950
	Am.	1958
	Rep.	1972
2615d, § 2	Am.	1968
2615d—1	New	1972
2615e	New	1950
	Rep.	1972
2615e—1	Rep.	1972
2615f	New	1955
	Rep.	1972
2615f.1	Rep.	1972
2615f—1	New	1966
	Rep.	1972
§ 1	Am.	1968
§§ 4A, 4B	Added	1968
2615f—1a	New	1970
	Rep.	1972
2615f—1b	New	1970
	Rep.	1972
2615f—2	New	1966
	Unconstitutional	1970
2615f—3	New	1970
2615g	New	1962
	Rep.	1972
§ 7a	Am.	1964
§ 10	Am.	1964
§ 10a	Added	1964
§ 10b	Added	1970
§ 11	Am.	1964
2615h	Rep.	1972
2616	Rep.	1972
2616a	New	1950
	Rep.	1972
2618	Am.	1954
	Am.	1960
2619	Rep.	1972
2619a	New	1964
	Rep.	1972
§ 3a	Added	1966
2619b	New	1972
2620	Am.	1950
	Rep.	1972
2620a	New	1950
	Rep.	1972
§ 2	Am.	1966
2621a	New	1960
	Rep.	1972
2623a	Rep.	1972
2623b—1 to 2623b—6	Rep.	1972
2623c—1	New	1960
	Rep.	1972
2623c—2	New	1960
	Rep.	1972

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2623c—3	New	1960
	Rep.	1972
2623c—4	New	1960
	Rep.	1972
2623c—5	New	1960
	Am.	1966
	Rep.	1972
2623c—6	New	1960
	Rep.	1972
2623c—7	New	1960
	Rep.	1972
2623c—8	New	1962
	Rep.	1972
2623c—9	New	1966
	Rep.	1972
2624	Am.	1958
	Rep.	1972
2624b	New	1958
	Rep.	1972
2624c	New	1958
	Rep.	1972
2628a—1a	Rep.	1972
§§ 1–5	New	1968
2628a—9	Rep.	1972
§ 10	Am.	1968
2628a—10	New	1964
	Rep.	1972
2628a—11	New	1966
	Rep.	1972
2628d	New	1956
	Rep.	1972
2628e	New	1970
	Rep.	1972
2628f	Rep.	1972
2629	Rep.	1972
2629a	New	1970
	Rep.	1972
2630	Am.	1970
	Rep.	1972
2632c	Am.	1964
	Rep.	1972
2632d	New	1954
	Rep.	1972
2632e	New	1958
	Rep.	1972
§ 1	Am.	1958
2632f	New	1962
2632f—1	New	1968
2632g	New	1968
	Rep.	1972
2632h	Rep.	1972
§§ 1–5	New	1968
2632i	New	1970
	Rep.	1972
2633	Rep.	1972
2633a	New	1950
	Rep.	1972
2634 to 2637	Rep.	1972
2637a to 2637h	Rep.	1972
2637h—1	Rep.	1972
2637i	Rep.	1972
2637j	New	1952
	Rep.	1972
§ 3	Added	1970
§ 4	(renum.) & Am.	1970
§ 5	(renum.) & Am.	1970
2637k	Rep.	1972
2638 to 2643	Rep.	1972
2643b	Rep.	1972
2643b—1	New	1952
	Rep.	1972
2643c	Rep.	1972
2643d	New	1950
	Rep.	1972
§ 1	Am.	1956
2643d—1	New	1962
	Rep.	1972
2643e	New	1950
	Rep.	1972
2643f	New	1952
	Rep.	1972
2643f—1	New	1956
	Rep.	1972
2643g	New	1954
	Am.	1956
2643g—1	New	1962
	Rep.	1972
2644	Rep.	1972
2644a	New	1966
	Rep.	1972
2645	Rep.	1972
2646	Rep.	1972
2647	Am.	1950
	Rep.	1972
2647a	Rep.	1972
2647b	Rep.	1972
2647b—1	Rep.	1972
2647c	Am.	1950
	Rep.	1972
2647c—1	Rep.	1972
§§ 1, 2	New	1968
2647c—2	Rep.	1972
§§ 1–7	New	1968
§ 2	Am.	1970
2647d	New	1950
	Am.	1964
	Rep.	1972
2647d—1	New	1964
	Rep.	1972
2647d—2	New	1966
	Rep.	1972
2647d—3	New	1970
	Rep.	1972
2647e	New	1950
	Rep.	1972

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2647f	New	1950
	Am.	1970
	Rep.	1972
2647f—1	New	1970
	Rep.	1972
2647g	New	1950
	Am.	1970
	Rep.	1972
2647h	New	1958
	Am.	1966
	Rep.	1972
2647h—1	New	1970
	Rep.	1972
2647i	New	1962
	Rep.	1972
2648	Rep.	1972
2648a	New	1966
	Am.	1970
	Rep.	1972
2649	Rep.	1972
2650	Rep.	1954
2650a	Rep.	1972
2650b	Rep.	1972
2651	Rep.	1972
2651a	New	1950
	Am.	1962
	Rep.	1972
2651b	New	1962
	Rep.	1972
2652	Rep.	1954
2653	Rep.	1972
2653a	Rep.	1972
2653b	Rep.	1972
2654	Rep.	1972
2654.1	New	1960
	Am.	1970
	Rep.	1972
2654.2	New	1964
	Rep.	1972
2654.3	New	1970
	Rep.	1972
2654.4	Rep.	1972
2654a	Am.	1960
	Rep.	1972
§ 2	Am.	1964
2654b	Rep.	1972
2654b—1	Rep.	1972
§ 1	Am.	1960
§ 2	Am.	1966
§ 3	Am.	1966
§ 5	New	1954
§ 6	Added	1968
2654b—2	Rep.	1972
2654c	Am.	1958
	Rep.	1972
§ 1	Am.	1962
	Am.	1968
§ 1(d to o)	Am.	1970
§ 1(6)	Am.	1954
§ 1(h)	Am.	1966
§ 1a	Added	1968
§ 6	Am.	1968

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2654c		
§ 8	Am.	1968
§ 1a	Added	1970
§ 2	Am.	1968
§ 3	Am.	1970
2654c—1	Rep.	1972
2654d	Rep.	1972
2654d—1	New	1950
	Am.	1958
	Rep.	1972
2654e	Am.	1964
	Am.	1966
	Am.	1968
	Rep.	1972
2654f	New	1950
	Rep.	1972
2654f—1	New	1966
	Rep.	1972
2654f—2	New	1966
	Rep.	1972
§ 1	Am.	1968
§ 2	Am.	1968
2654f—3	Rep.	1972
§§ 1–7	New	1968
2654f—4	Rep.	1972
2654g	New	1966
	Rep.	1972
Art. II, § 1	Am.	1970
Art. II, § 7	Am.	1968
Art. II, § 9	Am.	1968
2654h	New	1972
2654—1	New	1950
§ 4	Added	1952
§ 4a	Added	1954
2654—1a	New	1960
	Rep.	1970
2654—1b	New	1960
	Rep.	1970
2654—1c, §§ 1–7	New	1968
	Rep.	1970
2654—1d	New	1970
	Rep.	1972
2654—1e	New	1970
	Rep.	1972
2654—1f	New	1970
	Rep.	1972
2654—1g	New	1970
§ 3(h)	Am.	1972
§ 4(b)	Am.	1972
§ 4(d)	Am.	1972
§ 5	Am.	1972
§ 6	Am.	1972
2654—2	New	1950
2654—3	New	1950
	Rep.	1970
2654—3a	New	1952
§ 1	Am.	1956
	Am.	1964
2654—3a	Rep.	1970
2654—3b	New	1962
	Rep.	1970
2654—3c	New	1964
	Rep.	1970

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2654—3d	New	1966
	Rep.	1970
2654—3e, §§ 1, 2	New	1968
2654—3c	Rep.	1970
2654—3f	New	1970
	Rep.	1972
2654—4	New	1950
	Rep.	1970
2654—5	New	1950
	Rep.	1970
2654—6	New	1950
	Rep.	1970
2654—7	New	1950
	Rep.	1970
2654—8	New	1970
	Rep.	1972
2655 to 2663a	Rep.	1970
	Rep.	1972
2663b—1	Rep.	1972
§ 1	Rep.	1970
§ 2	Am.	1968
§ 3	Rep.	1970
§ 4	Am.	1968
2663b—2	New	1956
	Rep.	1972
§ 1	Am.	1968
2663b—3, §§ 1, 2	New	1968
2663b—3	Rep.	1970
2664 to 2668	Rep.	1970
2668a	New	1962
2668b	New	1964
2668c	New	1964
2668d	New	1964
2668e	New	1966
2669	Am.	1962
Par. (a)	Am.	1968
2669	Rep.	1970
2670	Renumbered as 709d	1972
2671	Am.	1956
2671, 2672	Rep.	1970
2673	Am.	1956
2673	Rep.	1970
	Am.	1962
2673a–2673i	New	1950
2673a to 2673i	Rep.	1970
2675—1, § 3	New	1962
	Am.	1966
2674, 2675	Rep.	1970
2675—1 note	New	1950
2675—1	Rep.	1970
2675b—1 to 2675b—6	Rep.	1970
2675b—7	Rep.	1972
2675b—8 to 2675b—10	Rep.	1970
2675c—1	New	1956
	Rep.	1960
2675c—2	New	1960
§ 2	Am.	1966
2675c—2	Rep.	1970
2675j	Rep.	1970
2675k	New	1964
§ 6(b)	Am.	1968
§ 6(d)	Am.	1968
§ 7(i)	Am.	1968
2675k	Rep.	1970
2675l	New	1970
	Rep.	1972
2675m	New	1970
	Rep.	1972
2675n	New	1970
	Rep.	1972
2676	Am.	1958
	Rep.	1970
2676a	New	1964
§ 1	Am.	1972
2676b	New	1966
	Am.	1972
2676c	New	1966
§ 1	Am.	1972
2677	Rep.	1970
2678a to 2681	Rep.	1970
2681a	New	1964
2681a to 2685	Rep.	1970
2686	Rep.	1970
2687	Am.	1968
2687, 2687a	Rep.	1970
2687c	New	1972
2687f	New	1972
2688	Rep.	1970
2688a	Rep.	1970
2688c	New	1950
	Am.	1952
	Am.	1954
	Am.	1958
	Am.	1962
	Rep.	1962
2688d	New	1962
2688c	New	1962
	Rep.	1970
2688f, §§ 1–3	New	1962
§ 1	Am.	1972
2688g	New	1964
2688h	New	1964
subsec. (c)	Added	1970
(a)	Am.	1972
(b)	Am.	1972
2688h—1, §§ 1, 2	New	1968
§ 1	Am.	1972
§ 2(a)	Am.	1972
2688i	New	1964
§ 1	Am.	1972
2688i—1	New	1966
§§ 5, 6	Am.	1972
2688i—2, §§ 1–8	New	1968
2688j	New	1964
Subsec. (a)	Am.	1968
	Am.	1972
2688k	New	1964

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2688k—1, §§ 1–3	New	1968
§ 1	Am.	1972
2688*l* to 2688n	New	1966
2688*l*, § 1(a)	Am.	1972
§ 2	Am.	1972
2688m	Am.	1972
2688n—1	New	1968
	New	1972
2688*o*	New	1966
§ 1	Am.	1972
2688p, §§ 1, 2	New	1968
§ 1	Am.	1972
2688q	New	1970
§§ 1, 2	Am.	1972
2688r	New	1970
§ 1(a) to (c)	Am.	1972
2688s	New	1970
§ 1	Am.	1972
2688t	New	1970
§ 1	Am.	1972
2688u	New	1970
§§ 1, 2	Am.	1972
2688v	New	1972
2688w, §§ 1, 2	New	1972
2688x	New	1972
2688y	New	1972
2688z	New	1972
2688aa	New	1972
2688bb, §§ 1, 2	New	1972
2689 to 2691	Rep.	1970
2692 to 2695	Rep.	1970
2696	Am.	1954
	Rep.	1970
2696a	New	1970
	Rep.	1972
2697	Rep.	1970
2698	Am.	1954
	Rep.	1970
2699	Rep.	1970
2699a, 2700	Rep.	1970
2700	Am.	1950
2700d—1	Rep.	1972
2700e	New	1966
2700e—1	New	1968
	Am.	1970
2700e—1(a)	Am.	1972
2700e—2, §§ 1–3	New	1968
	Am.	1972
2700e—3	New	1970
	Am.	1972
2700e—4	New	1970
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2700e—5	New	1970
	Am.	1972
2700e—6	New	1970
	Am.	1972
2700e—7	New	1970
	Am.	1972
2700e—8	New	1970
	Am.	1972
2700e—9	New	1970
2700e—9(a)	Am.	1972
2700e—10, §§ 1, 2	New	1972
2700e—11, §§ 1, 2	New	1972
2700e—12, §§ 1, 2	New	1972
2700e—13, §§ 1, 2	New	1972
2700e—14	New	1972
2700e—15	New	1972
2700e—16	New	1972
2700e—17	New	1972
2701	Am.	1954
	Rep.	1970
2703 to 2740	Rep.	1970
2741	Rep.	1970
2741a	New	1960
2741a, 2742	Rep.	1970
2742a	Rep.	1972
2742b	Rep.	1970
2742e—1	Rep.	1970
2742f, § 1	Am.	1968
	Rep.	1970
2742f—2	New	1964
§ 1	Am.	1972
2742j	Rep.	1970
2742m	Rep.	1970
2742*o*	New	1950
2743, 2744	Rep.	1970
2744b	Rep.	1970
2744a—1	New	1950
2744e—4,		
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§ 7	Am.	1952
2744e—5	New	1950
2744e—6	New	1950
2745, 2745a	Rep.	1970
2745b	New	1950
	Am.	1960
	Rep.	1970
2745c	New	1958
	Am.	1960
§ 1	Am.	1964
§ 1a	Am.	1962
	Rep.	1964
2745c	Rep.	1970
2746	Am.	1950
	Rep.	1970
2746a	Am.	1958
2746a, 2746b	Rep.	1970
2746c	New	1960
2746c to 2750	Rep.	1970
2750a to 2750a—1	Rep.	1970
2750a—2	New	1954
	Am.	1956
2750a—2 to 2752	Rep.	1970
2752a	New	1964
2752a to 2753	Rep.	1970
2754 to 2756	Rep.	1970
2756b	Rep.	1970
2756c	New	1954
§ 2a	New	1958
§ 3	Am.	1964
2756c	Rep.	1970
2756d	New	1964

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2757	Am.	1960
	Am.	1962
2757 to 2761a	Rep.	1970
2762	Rep.	1970
2763	Am.	1952
	Rep.	1970
2763a	Am.	1962
2764	Rep.	1970
2766	Rep.	1970
2766a	New	1956
2766b	New	1962
2766c	New	1964
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2767	Am.	1956
2767 to 2767f	Rep.	1970
2767h	New	1964
2767—1	New	1956
	Rep.	1970
2768 to 2772	Rep.	1970
2773	Am.	1954
	Rep.	1970
2773a	Rep.	1970
2774	Rep.	1970
2774b	New	1952
	Am.	1966
2774c	New	1954
	Rep.	1970
2774c—1	New	1966
§ 1	Am.	1972
2774d	New	1958
2775	Rep.	1970
2775a	New	1954
2775a—1	New	1956
	Am.	1964
	Am.	1966
2775a—2	New	1960
2775a—3	New	1964
§ 1	Am.	1972
2775a—4	New	1964
2775a—5	New	1966
§ 1	Am.	1972
2775a—6	New	1966
§ 1	Am.	1972
2775a—7	New	1966
§ 1	Am.	1972
2775a—8, §§ 1-3	New	1968
§ 1	Am.	1972
2775a—9, §§ 1-5	New	1968
2775b	New	1960
2775c	New	1960
2775c—1	New	1966
2775d	New	1962
	Rep.	1972
2775e	New	1964
	Am.	1972
2775e—1	New	1970
§ 1	Am.	1972
2775e—2	New	1970
§ 1	Am.	1972
2775e—3, §§ 1, 2	New	1972
2775f	New	1966
§ 1	Am.	1972
§ 2	Am.	1968
§ 4a	Added	1968
2775f—1, §§ 1-4	New	1968
§ 1	Am.	1972
2776	Rep.	1970
2776a	New	1966
	Rep.	1972
2777	Rep.	1970
2777—1	New	1968
	Rep.	1970
2777d	Am.	1950
§ 4a	New	1960
2777d—1	New	1960
2777d—2	New	1962
2777d—3	New	1966
2777d—4	New	1966
2777f	New	1962
§ 1	Am.	1972
2778, 2779	Rep.	1970
2779b	New	1954
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2779b to 2781a	Rep.	1970
2780a, §§ 1 to 3	New	1972
2781a, §§ 1, 2	New	1968
2783	Rep.	1970
2783c,		
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2783c	Rep.	1970
2783d,		
§ 5	Am.	1954
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§ 6a	New	1962
	Am.	1968
§ 7	Am.	1972
2783d—1, §§ 1 to 4	New	1972
2783e	New	1950
2783f	New	1954
2783g	New	1962
2784e	Rep.	1970
2784e—1	New	1956
	Am.	1958
	Rep.	1970
2784e—2	New	1960
2784e—3	New	1960
	Am.	1962
§ 1	Am.	1972
2784e—4	New	1960
2784e—5	New	1964
2784e—6	New	1964
§ 1	Am.	1972
2784e—7	New	1966
2784e—8, §§ 1, 2	New	1968
§ 1	Am.	1972
2784e—9, §§ 1, 2	New	1968
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2784e—10, §§ 1, 2	New	1968
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2784e—11	New	1970
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2784e—12	New	1970
§ 1	Am.	1972
2784e—13, §§ 1 to 3	New	1972
2784e—14, §§ 1, 2	New	1972
2784e—15, §§ 1 to 3	New	1972
2784e—16, §§ 1 to 3	New	1972
2784e—17, §§ 1, 2	New	1972
2784e—18	New	1972
2784e—19, §§ 1, 2	New	1972
2784f	New	1950
	Rep.	1972
2784g	New	1954
§ 4	Rep.	1960
2784g—1	New	1964
§ 1	Am.	1972
2784g—2, §§ 1 to 11	New	1972
2784h	New	1964
2785	Am.	1954
	Rep.	1970
2785a	Rep.	1970
2786	Am.	1958
	Am.	1964
	Rep.	1970
2786a, 2786b	Rep.	1970
2786c	New	1952
	Rep.	1970
2786d	New	1954
	Am.	1958
	Rep.	1970
2786e	New	1954
§ 1	Am.	1964
	Rep.	1970
2786f	New	1954
2787, 2787a	Rep.	1970
2788	Rep.	1970
2788a	New	1950
§ 1	Am.	1958
2789	Am.	1950
	Rep.	1970
2789a to 2789c	Rep.	1970
2789d	New	1952
	Rep.	1970
2789e	New	1958
	Rep.	1970
2790	Rep.	1970
2790a—6	New	1950
2790d—8	New	1950
2790d—9	New	1960
2790d—10	New	1966
§ 1	Am.	1972
2790d—11, §§ 1-5	New	1968
2790d—12, §§ 1-3	New	1968
§ 1(a)	Am.	1972
2790d—13	New	1970
subsec. (a)	Am.	1972
2790d—14	New	1970
2790d—15	New	1970
§ 1	Am.	1972
2790d—16	New	1970
subsec. (a)	Am.	1972
2790d—17	New	1970
subsec. (a)	Am.	1972
2790d—18, §§ 1 to 6	New	1972
2790d—19, §§ 1 to 3	New	1972
2790e, § 11	Am.	1956
2790e	Rep.	1970
2790*l*	New	1950
2790m	New	1950
2790n	New	1960
2791	Rep.	1970
2792	Am.	1966
	Rep.	1970
2792a	Rep.	1970
2792b	Rep.	1972
2792c	New	1970
§ 1	Am.	1972
2792d	New	1970
§ 1	Am.	1972
2792—1	New	1968
2793, 2794	Rep.	1970
2795	Am.	1966
	Rep.	1970
2796	Rep.	1970
2797 to 2802	Rep.	1970
2802—1	New	1956
	Rep.	1970
2802e	Rep.	1970
2802e—1	Am.	1950
	Am.	1952
	Am.	1956
	Rep.	1970
2802e—5, §§ 1-5	New	1968
	Rep.	1970
2802f—3	New	1954
	Rep.	1970
2802i—18	Rep.	1970
2802i—24	Rep.	1970
2802i—26	Rep.	1972
2802i—28	New	1950
2802i—29	New	1952
§ 1A	New	1968
	Am.	1972
2802i—30	New	1958
2802i—31	New	1960
2802i—32	New	1966
2802j	New	1952
2802j	Rep.	1970
2802k	New	1966
	Rep.	1970
2803	Am.	1968
	Rep.	1970
2803a	Rep.	1970
2803b	Am.	1968
	Rep.	1970
2803c	New	1950
2803d	New	1960
2803e	New	1972
2804	Rep.	1970
2804a	New	1954
2805	Rep.	1970
2805a	New	1950
	Rep.	1970

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2806	Am.	1966
	Rep.	1970
2806d	New	1950
2806d—1	New	1960
2806e	New	1950
	Am.	1956
	Am.	1968
	Rep.	1970
2807 to 2815—1	Rep.	1970
2815—2	New	1950
	Rep.	1952
2815—3	New	1962
	Rep.	1972
§ 1a	Am.	1962
2815—4	New	1964
	Rep.	1972
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2815a	Rep.	1966
2815a—1	New	1964
	Am.	1972
2815b to 2815g	Rep.	1966
	Rep.	1972
2815g—1a	Am.	1952
2815g—1b	New	1958
2815g—1c	New	1964
§ 1	Am.	1966
	Am.	1972
2815g—1d	New	1966
2815g—39 to 2815g—43	New	1950
2815g—44 to 2815g—46	New	1952
2815g—47	New	1954
2815g—48	New	1956
2815g—49	New	1956
2815g—50	New	1956
2815g—51	New	1958
2815g—52	New	1960
2815g—53	New	1962
2815g—54	New	1962
2815g—55	New	1962
2815g—56	New	1964
2815g—57	New	1964
2815g—58	New	1966
2815g—59, §§ 1–4	New	1968
2815g—60	New	1970
2815g—61	New	1972
2815h,		
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	Am.	1960
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	Am.	1958
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§ 19	Am.	1960
§ 19a	Added	1966
§ 21	Am.	1960
	Am.	1966
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2815h,		
§ 21a	New	1962
	Rep.	1966
§ 21b	Added	1966
§ 21c	Added	1966
2815h	Rep.	1970
2815h—1	Rep.	1972
2815h—1a	New	1968
	Rep.	1970
2815h—1b	New	1970
	Rep.	1972
2815h—2a	New	1970
§ 1	Am.	1972
2815h—3b, § 3a	Added	1968
2815h—3b	Rep.	1970
2815h—5	Rep.	1970
2815h—6	New	1950
2815h—7	New	1952
2815h—8	New	1958
	Rep.	1970
2815h—9	New	1960
	Rep.	1970
2815h—10	New	1962
2815h—11	New	1964
2815j—1	Rep.	1970
2815j—2	New	1950
§ 4a	Rep.	1964
2815j—2	Rep.	1970
2815k,		
§ 6	Am.	1950
§ 8(1)	New	1950
2815k—1	Am.	1952
§ 8a	Added	1968
2815k—2	New	1960
	Rep.	1966
2815k—3	New	1962
2815k—4, §§ 1–3	New	1968
2815m	Rep.	1970
	Rep.	1972
2815m—1	New	1950
2815m—2	New	1966
§ 1	Am.	1972
2815m—3, §§ 1–7	New	1968
2815m—4, §§ 1 to 10	New	1972
2815n	New	1950
§ 1(a)	New	1962
§ 2a	New	1958
§ 2(a)	New	1962
§ 3	Am.	1962
§ 5	Am.	1962
§ 7	Am.	1962
2815n—1	New	1966
§ 2(2)	Rep.	1970
§ 3	Am.	1970
2815*o*	New	1950
	Rep.	1970
2815*o*—1	New	1952
	Rep.	1970
2815*o*—1a	New	1960
2851*o*—1b	New	1964
	Rep.	1970
2815*o*—1c	New	1970
	Rep.	1972

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2815p	New	1950
2815p—1	New	1964
2815p—1 to 2815s—1	Rep.	1970
2815s—2, §§ 1 to 6	New	1972
2815q	New	1950
2815q—1	New	1964
2815q—2	New	1966
2815r	New	1950
§ 1	Am.	1964
§ 2	Am.	1964
	Am.	1966
§ 3	Am.	1952
	Am.	1964
§ 4	Am.	1952
§ 5	Am.	1964
§ 6	Am.	1964
2815r—1	New	1956
§ 1	Am.	1962
§ 5a	New	1958
§ 6a	New	1958
2815r—2	New	1966
2815s	New	1966
2815s—1	New	1956
2815t	New	1952
§ 1	Am.	1968
§ 1a	Added	1968
§ 5	Am.	1968
§ 6	Am.	1968
§ 7	Am.	1968
§ 11	Am.	1968
§ 15a	New	1962
2815t—1	New	1960
	Rep.	1970
2815t—2	New	1966
	Rep.	1970
2815t—3	New	1968
	Rep.	1970
2816	Am.	1954
	Rep.	1970
2816a	Am.	1954
	Rep.	1970
2817	Am.	1954
	Rep.	1970
2817a	Am.	1954
	Rep.	1970
2818	Rep.	1970
2819	Am.	1954
	Rep.	1970
2820	Am.	1954
	Rep.	1970
2821	Am.	1950
	Am.	1954
	Rep.	1970
2822	Rep.	1970
2822a	Am.	1954
2822a	Rep.	1970
2823, 2824	Rep.	1970
2825 to 2827a	Rep.	1970
2827b	New	1960
2827b—1	New	1966
	Rep.	1972
2827c	New	1964
	Rep.	1970
2827d	New	1966
§ 1	Am.	1972
2827e	New	1966
	Rep.	1972
2828 to 2831	Rep.	1970
2832	Am.	1960
	Rep.	1972
2832c, §§ 1–13	New	1968
	Rep.	1970
2833	Am.	1956
	Rep.	1970
2833a to 2835b	Rep.	1970
2835c	New	1954
	Rep.	1970
2836 to 2838	Rep.	1970
2839 to 2842	Rep.	1970
2843	Am.	1950
	Am.	1960
	Am.	1962
	Rep.	1970
2843a	Rep.	1970
2844	Rep.	1950
2844a	Rep.	1950
2845 to 2850	Rep.	1970
2851	Am.	1954
	Rep.	1970
2852 to 2858	Rep.	1970
2859	Rep.	1954
2860 to 2873	Rep.	1970
2874	Am.	1954
	Rep.	1970
2875	Am.	1956
	Am.	1958
	Rep.	1970
2876 to 2876b	Rep.	1970
2876c	Am.	1954
	Rep.	1970
2876d to 2876j	Rep.	1970
2876k	New	1958
	Am.	1960
	Am.	1966
	Rep.	1970
2876*l*	New	1964
	Rep.	1970
2877	Am.	1954
	Rep.	1970
2878 to 2880	Rep.	1970
2880a	Rep.	1956
2881	Rep.	1970
2882	Rep.	1956
2883	Rep.	1956
2883a, 2884	Rep.	1970
2885	Rep.	1970
2885a	Rep.	1972
2886 to 2889b	Rep.	1970
2890	Rep.	1956
2891	Rep.	1956
2891a	Rep.	1970
2891b	New	1956
§ 4	Am.	1964
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	Am.	1968

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2891b	Rep.	1970
2891c, §§ 1–8	New	1968
	Rep.	1970
2891d	New	1970
	Rep.	1972
2891e	New	1972
2891—1	Rep.	1970
2891—2	New	1968
	Rep.	1970
2891—50, §§ 1–8	New	1968
	Rep.	1970
2891—101	New	1970
	Rep.	1972
2891—102	New	1970
	Rep.	1972
2891—103	New	1970
	Rep.	1972
2891—104	New	1970
	Rep.	1972
2891—105	New	1970
	Rep.	1972
2891—106	New	1970
	Rep.	1972
2891—107	New	1970
	Rep.	1972
2892	Am.	1964
	Am.	1966
	Rep.	1970
2892a	Rep.	1964
2892b	Rep.	1964
2893	Am.	1966
	Rep.	1970
2894 to 2898	Rep.	1970
2898a	New	1968
	Rep.	1970
2898—1	Rep.	1952
2899, 2899a	Rep.	1970
2899b	Rep.	1972
2900	Rep.	1970
2900a	New	1958
	Rep.	1970
2901	Rep.	1970
2901a	New	1958
	Rep.	1970
2902 to 2904a	Rep.	1970
2904b	Rep.	1972
2905	Rep.	1970
2905b	New	1966
	Rep.	1970
2906	Am.	1958
	Rep.	1970
2906a	New	1970
	Rep.	1972
2906—1	New	1958
	Rep.	1970
2906—2	New	1958
	Rep.	1970
2906—3	New	1958
	Rep.	1970
2907	Rep.	1972
2908, 2908a	Rep.	1970
2908b	New	1950
§§ 2, 3	Am.	1952
2909	Rep.	1970
2909a	Rep.	1972
2909a—1	Rep.	1972
2909b	New	1956
2909b	Rep.	1970
2909c	New	1956
	Rep.	1972
§§ 1–3	Am.	1968
§ 8(a)	New	1960
§ 8b	Added	1966
2909c—1	Rep.	1972
2909c—1, §§ 1–9	New	1968
2909c—2	New	1968
	Rep.	1972
2909c—3	New	1970
	Rep.	1972
2909c—4	Rep.	1972
2909d	New	1958
	Rep.	1972
2910	Rep.	1970
2911	Am.	1956
	Rep.	1970
2911a	Rep.	1970
2911b	New	1968
	Rep.	1970
2912, 2913	Rep.	1970
2914	Rep.	1972
2915 to 2918	Rep.	1970
2919	Am.	1962
	Rep.	1970
2919c	New	1950
	Rep.	1972
2919d	New	1952
	Rep.	1972
§ 2	Am.	1960
§ 5a	New	1956
2919d—1	Rep.	1972
2919d—1, §§ 1, 2	New	1968
2919e	New	1954
	Rep.	1966
2919e—1	New	1956
	Rep.	1972
2919e—2	New	1956
	Am.	1966
	Rep.	1972
§ 4a	Added	1970
§ 18	New	1960
2919e—2.1	New	1970
	Rep.	1972
2919e—2.2	Rep.	1972
2919e—2.3	Rep.	1972
2919e—3	Rep.	1972
§§ 1–19	New	1968
§ 11	Am.	1970
§ 15	Am.	1970
§ 16	Am.	1970
§§ 20–23	Added	1970
2919f	New	1956
	Rep.	1970
2919g	New	1958
	Rep.	1970
2919g—1	New	1964
§ 1	Am.	1972

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2919h	New	1960
	Rep.	1970
2919i	New	1966
§ 3A	New	1968
	Rep.	1970
2919j	Rep.	1972
§§ 1–12	New	1968
2922a	New	1950
	Am.	1968
	Rep.	1970
2922aa to 2922c	Rep.	1970
2922f	Am.	1950
	Am.	1958
	Rep.	1970
2922g to 2922*l*	Rep.	1970
2922*l*(1)	Rep.	1970
2922*l*(3)	New	1950
2922*l*(3.1)	New	1964
§ 1	Am.	1972
2922*l*(4)	New	1950
	Rep.	1970
2922*l*(5)	New	1952
	Rep.	1970
2922*l*(6)	New	1952
§ 1	Am.	1956
2922*l*(6)	Rep.	1970
2922*l*(7)	New	1956
	Rep.	1970
2922*l*(8)	New	1956
2922zz—1	Rep.	1970
	Am.	1958
2922—1	Am.	1950
	Am.	1956
§ 1(18)	Am.	1962
§ 1(19)	Am.	1952
§ 3(3)	Am.	1968
§ 4(4)	Am.	1962
§ 4(5)	Am.	1958
§ 5	Am.	1952
§ 5(1)	Am.	1954
§ 5(2)	Am.	1954
§ 5(4)	Am.	1954
§ 5(7)	Am.	1954
§ 6(2b)	Am.	1960
§ 7(4)	Am.	1962
§ 7(5)	Added	1968
§ 8	Am.	1954
§ 10(4)	Am.	1968
§ 10(5b)	Am.	1960
	Am.	1968
§ 10(5c)	Am.	1968
2922—1	Rep.	1970
2922—1a	New	1954
	Rep.	1970
2922—1b	New	1960
	Am.	1962
	Am.	1968
	Rep.	1970
2922—1c	New	1960
	Rep.	1970
2922—1d	New	1964
	Rep.	1970
2922—1e	New	1964
	Rep.	1970
2922—1f	New	1964
	Rep.	1970
2922—1g, §§ 1, 2	New	1968
	Rep.	1970
2922—1h, §§ 1, 2	New	1968
	Rep.	1970
2922—1i, §§ 1–8	New	1968
§ 2(c)	Am.	1970
§ 6	Am.	1970
§ 8	Am.	1970
2922—1j	New	1970
	Rep.	1972
2922—1k	New	1970
	Rep.	1972
2922—1.01	New	1970
	Rep.	1972
2922—1.02	New	1970
	Rep.	1972
2922—1.03	New	1970
	Rep.	1972
2922—1.04	New	1970
	Rep.	1972
2922—1.05	New	1970
	Rep.	1972
2922—1.06	New	1970
	Rep.	1972
2922—1.07	New	1970
	Rep.	1972
2922—2 to 2922—8	Rep.	1952
	Rep.	1972
2922—2.01	New	1970
	Rep.	1972
2922—2.02	New	1970
	Rep.	1972
2922—2.03	New	1970
	Rep.	1972
2922—2.04	New	1970
	Rep.	1972
2922—2.05	New	1970
	Rep.	1972
2922—2.06	New	1970
	Rep.	1972
2922—3.01	New	1970
	Rep.	1972
2922—3.02	New	1970
	Rep.	1972
2922—3.03	New	1970
	Rep.	1972
2922—3.04	New	1970
	Rep.	1972
2922—3.05	New	1970
	Rep.	1972
2922—3.06	New	1970
	Rep.	1972
2922—3.07	New	1970
	Rep.	1972
2922—3.08	New	1970
	Rep.	1972
2922—4.01	New	1970
	Rep.	1972

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2922—4.02	New	1970
	Rep.	1972
2922—4.03	New	1970
	Rep.	1972
2922—4.04	New	1970
	Rep.	1972
2922—4.05	New	1970
	Rep.	1972
2922—4.06	New	1970
	Rep.	1972
2922—4.07	New	1970
	Rep.	1972
2922—4.08	New	1970
	Rep.	1972
2922—4.09	New	1970
	Rep.	1972
2922—4.10	New	1970
	Rep.	1972
2922—4.11	New	1970
	Rep.	1972
2922—5.01	New	1970
	Rep.	1972
2922—5.02	New	1970
	Rep.	1972
2922—10.01	New	1970
	Rep.	1972
2922—11	New	1950
2922—11	Rep.	1970
2922—11a	New	1970
	Rep.	1972
2922—11b	New	1970
	Rep.	1972
2922—11c	New	1970
	Rep.	1972
2922—12	New	1950
	Rep.	1970
2922—13	New	1950
§ 1(4)	Am.	1952
	Am.	1954
§ 1(4) a	Am.	1958
	Am.	1964
	Am.	1966
§ 1(4A)	Added	1966
2922—13	Rep.	1970
2922—13a	New	1960
	Rep.	1970
2922—13b	New	1962
	Rep.	1970
2922—13c	New	1962
	Rep.	1970
2922—13d	New	1966
	Rep.	1970
2922—14	New	1950
	Am.	1958
	Am.	1968
§ 1	Am.	1962
§ 1, Subsec. 1	Am.	1966
§ 1-a	New	1956
§ 1-b	New	1956
§ 1-c	New	1956
§ 2	Am.	1962
2922—14	Rep.	1970
2922—14a	New	1966
	Rep.	1970
2922—14b	New	1964
	Rep.	1970
2922—14c	New	1966
§ 1	Am.	1954
	Am.	1962
	Am.	1966
§ 2	Am.	1952
	Am.	1958
§ 2(2) (a) (b)	Am.	1962
§ 2A	Added	1966
2922—14c	Rep.	1970
2922—14d	New	1970
	Rep.	1972
2922—15, § 2(1)	Am.	1968
	Rep.	1970
2922—15a	New	1970
	Rep.	1972
2922—16,		
§ 1	Am.	1962
§ 2	Am.	1956
	Am.	1962
	Am.	1966
	Am.	1968
§ 3	Am.	1954
§ 4	Am.	1956
	Am.	1962
	Am.	1966
	Am.	1968
§ 4A	New	1962
§ 5	Am.	1956
	Am.	1962
	Am.	1964
2922—16	Rep.	1970
2922—16a	New	1958
	Rep.	1970
2922—16b	New	1962
	Rep.	1972
2922—16c	New	1962
	Rep.	1970
2922—16d	New	1962
	Rep.	1970
2922—16e	New	1966
§§ 1, 2	Am.	1968
2922—16e	Rep.	1970
2922—16f	New	1970
	Rep.	1972
2922—17 to 2922—21	Rep.	1970
2922—21a	New	1962
	Rep.	1970
2922—21b	New	1962
	Rep.	1970
2922—22	Rep.	1970
2922—23	New	1952
	Rep.	1970
2922—24	New	1958
	Rep.	1970
2922—25	New	1966
§ 5(a)	Am.	1968

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2922—25a	New	1970
	Rep.	1972
2922—26, §§ 1-6	New	1968
	Rep.	1970
2922—27	New	1970
	Rep.	1972
2922—28	Rep.	1972
2922—29	New	1972
2923-2942a	Rep.	1952
2943	Am.	1952
2944-2956	Rep.	1952
2956a	New	1950
	Rep.	1952
2957-2977	Rep.	1952
2977a	Inoperative	1950
2978	Rep.	1952
2978a	Am.	1950
	Rep.	1952
2978b	New	1950
	Rep.	1952
2980	Am.	1950
	Rep.	1952
2981-2997c	Rep.	1952
2997d	New	1950
	Rep.	1952
2998-3007	Rep.	1958
3008	Am.	1950
	Rep.	1952
3009-3011	Rep.	1952
3012	Am.	1950
	Rep.	1952
3013-3026	Rep.	1952
3026a	Am.	1950
	Am.	1952
3027	Rep.	1952
3028	Am.	1950
	Rep.	1952
3029-3040	Rep.	1952
3040a	New	1950
	Rep.	1952
3041-3083	Rep.	1952
3084	Am.	1950
	Rep.	1952
3085-3105	Rep.	1952
3106	Am.	1950
	Rep.	1952
3107, 3108	Rep.	1952
3109	Am.	1950
	Rep.	1952
3110-3116f	Rep.	1952
3116g	New	1952
3117-3121	Rep.	1952
3122	Am.	1950
	Rep.	1952
3123	Am.	1950
	Rep.	1952
3124	Am.	1950
	Rep.	1952
3125-3127	Rep.	1952
3128	Am.	1950
	Rep.	1952
3129-3153	Rep.	1952

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3153a	New	1950
	Rep.	1952
3154	Rep.	1952
3154(a)	New	1952
	Rep.	1968
3155-3158	Rep.	1952
3158a	New	1952
	Am.	1960
	Rep.	1968
3159-3173	Rep.	1952
3174a	New	1950
3174a note	New	1962
3174b	New	1950
§ 8	Am.	1960
3174b—1	New	1956
	Rep.	1958
3174b—2	New	1956
3174b—3	New	1956
	Am.	1966
3174b—4	New	1958
§ 8	Am.	1962
	Am.	1964
	Am.	1966
3174b—5	New	1962
§ 1	Am.	1964
3174b—6	New	1962
3174b—7	New	1966
3174c	New	1960
3177	Am.	1952
3179a	New	1960
3183a	Am.	1950
§ 1	Am.	1964
§ 11	Am.	1968
3183b—1	New	1960
3183c	New	1952
3183d	New	1954
	Rep.	1960
3183e	New	1956
3183f	New	1962
3183g, §§ 1, 2	New	1968
3186	Rep.	1958
3186a	Rep.	1958
3193	Rep.	1958
3193—1	New	1956
	Rep.	1958
3194-3196	Rep.	1958
3196b	New	1950
3196c	New	1952
3196c—1	New	1958
3196d	New	1952
	Rep.	1958
3201a	New	1954
3201a note	—	1972
3201a—1	New	1966
3201a—2, §§ 1, 2	New	1972
3201a—3, §§ 1 to 7	New	1972
3201b	New	1954
	Rep.	1964
3201b—1	New	1956
	Rep.	1964
3201b—2	New	1964
3202—a	Am.	1954

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3202—c	New	1950
	Rep.	1970
§ 1	Am.	1966
3203 to 3205	Rep.	1970
3205a	New	1950
	Rep.	1970
3206	Rep.	1954
3207	Rep.	1970
3207a	Am.	1950
	Am.	1958
§ 1	Am.	1958
§ 2	Am.	1966
§ 2a	Added	1966
	Am.	1966
§ 3	Am.	1972
3207b	New	1950
	Am.	1972
3207c,		
§ 1(b), (c)	Am.	1972
(g)	Am.	1972
§ 1(n)	Added	1966
	Am.	1966
§ 2	Am.	1972
§ 3	Am.	1972
§ 4	Am.	1972
§ 5	Am.	1972
§ 10	Am.	1972
3213a	New	1966
3218 note	—	1972
3220a, §§ 1, 2	New	1968
3220—1	Rep.	1954
3221c	New	1964
	Am.	1966
§§ 2, 3	Am.	1968
3222a	New	1958
3222a—1	Rep.	1972
3222b	New	1962
	Rep.	1972
§ 1	Am.	1964
	Am.	1970
§ 1a	New	1964
	Am.	1970
§ 6	Am.	1970
3222b—1	New	1966
	Rep.	1972
§ 1A	Added	1970
§ 1B	Added	1970
3223–3232	Rep.	1950
3232a	New	1950
	Rep.	1958
3232b	New	1958
3232c	New	1962
	Am.	1964
3233–3238	Rep.	1956
3238b	New	1952
	Rep.	1960
3238c	New	1956
	Rep.	1960
3239	Rep.	1960
3240	Rep.	1960
3241	Am.	1954
	Rep.	1960
3242–3246	Rep.	1960
3248–3251a	Rep.	1960
3252–3254	Rep.	1954
3254a	Rep.	1960
3254a—1	Am.	1950
	Rep.	1960
3254c	Am.	1950
	Rep.	1972
3254c—1	New	1952
	Rep.	1972
3254c—2	New	1966
	Rep.	1972
3254d	Am.	1950
	Rep.	1960
3254d—1	New	1952
	Rep.	1960
3255b	New	1952
3259a	Rep.	1966
3259a—1	New	1966
3263a	Rep.	1954
3263c	New	1950
3263d	New	1962
3263e	New	1964
3263f	New	1970
3264,		
subd. 6	Am.	1962
3264b	Rep.	1972
3265		
§ 6	Added	1970
§ 7	Added	1970
3266(3)	Am.	1956
	Am.	1960
(6)	Am.	1962
	Am.	1966
(7)	Am.	1962
(8)	New	1962
3266, § 3(a)	Added	1968
3266a, §§ 1 to 6	New	1972
3266b, §§ 1 to 3	Am.	1972
3268, § 2	Am.	1972
3271a		
§ 1	Am.	1966
§ 1.1	Added	1966
§ 1.2	Added	1966
§ 1.3	Added	1966
§ 2	Am.	1966
§ 8	Am.	1966
§ 8a	Added	1966
§ 12a	New	1962
§ 16	Am.	1966
§ 18	Am.	1966
§ 20	Am.	1966
3272a	New	1962
§ 3	Am.	1966
§ 4	Am.	1966
§ 6	Am.	1966
§ 7	Am.	1966
§ 16	Added	1966
3272b	New	1966
3273	Am.	1962
3284	Am.	1962
3290–3582	Rep.	1956

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3582a	New	1952
	Rep.	1956
3583–3597	Rep.	1956
3597a	New	1950
	Rep.	1956
3598–3703	Rep.	1956
3712a, § 1	New	1968
3715a	Added	1968
3726a	New	1958
	Am.	1966
3731a	New	1952
	Am.	1962
§ 7	Am.	1954
3731b	New	1958
3731c	New	1960
3737d	New	1950
	Rep.	1956
3737d—1	New	1956
§ 1	Am.	1960
3737e	New	1952
§ 5	Added	1970
§ 6	Added	1970
§ 7	Added	1970
§ 8	Added	1970
3737f	New	1970
3833	Am.	1970
3867–3871	Rep.	1956
3871a	New	1956
3871b	New	1956
§ 9	Am.	1968
§ 14	Am.	1964
§ 21	Am.	1968
§ 22A	Added	1970
3871c	New	1958
3871d	New	1962
3871e	New	1964
3871f	New	1966
3871g, §§ 1 to 3	New	1972
3872	Am.	1954
3875	Am.	1954
3881a–3881d	New	1954
3881e	New	1958
3883c—2	New	1970
	Am.	1972
3883c—3	New	1970
	Am.	1972
3883f—1	New	1962
	Rep.	1968
3883f—2, §§ 1, 2	New	1968
3883h	New	1956
3883i	New	1956
	Am.	1958
§ 1	Am.	1972
§ 1(a)	Am.	1962
	Am.	1972
§ 1A	Added	1966
	Am.	1972
§ 1B	Added	1970
	Am.	1972
§ 1C	Added	1972
§ 1D	Added	1972
§ 1½	Added	1966
	Am.	1972

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3883i		
§ 2A	Added	1970
§ 2B	Added	1970
	Am.	1972
§ 2E	Added	1972
§ 2F	Added	1972
§ 2G	Added	1972
§ 2H	Added	1972
§ 3A	Added	1972
§ 3B	Added	1972
§ 4	Am.	1972
§ 4(a)	New	1962
	Am.	1970
	Am.	1972
§ 4(b)	Added	1966
	Am.	1972
§ 5	Am.	1960
	Am.	1972
§ 7a	New	1960
§ 8	Am.	1960
§ 8(a)	Am.	1966
	Am.	1970
	Am.	1972
§ 8(b)	New	1962
	Am.	1966
	Am.	1968
	Am.	1972
§ 8(c)	Added	1972
§ 8a	Added	1966
	Am.	1972
§ 18	Added	1966
3883i—1	New	1966
	Am.	1970
3883i—2, §§ 1, 2	New	1972
3886b—1	New	1966
	Am.	1970
	Am.	1972
3886b—2	New	1970
§§ 1, 2	Am.	1972
3886b—3	New	1970
§ 1	Am.	1972
3886f	Am.	1950
§ 1	Am.	1956
	Am.	1968
§ 3a	New	1956
3886g	New	1952
§ 1	Am.	1966
§ 2	Am.	1966
3886h	New	1954
	Am.	1958
	Am.	1960
	Am.	1964
§ 1	Am.	1970
	Am.	1972
3886i	New	1962
3886j	New	1970
3886k, §§ 1, 2	New	1972
3887a—1	New	1970
§§ 1, 2	Am.	1972
3887a—2	New	1970
3887a—3	New	1972
3887b	New	1954

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3888	Am.	1952
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	Rep.	1970
3888b	New	1954
	Rep.	1970
3899b		
§ 1a	New	1964
	Am.	1972
§ 3	Am.	1954
	Am.	1964
	Am.	1972
3899b—1	Added	1966
	Am.	1972
3902f—1	New	1954
3902f—2	New	1962
§ 1	Am.	1972
3902f—3, §§ 1, 2	New	1968
§ 1	Am.	1972
3902f—4	New	1970
	Am.	1972
3902f—5	New	1972
3902f—6	New	1972
3902f—7	New	1972
3902h—2	New	1956
3902i	New	1950
3902j	New	1952
	Am.	1958
3903e	New	1950
3903f	New	1966
	Am.	1972
3912c—1	New	1966
3912e,		
§ 1	Am.	1960
§ 3	Am.	1960
§ 13	Am.	1950
§ 13(b)	Am.	1964
§ 15	Am.	1950
§ 15(a)	Rep.	1964
§ 17	Am.	1950
§ 19(q)	Am.	1956
3912e note	—	1972
3912e—4b	New	1950
3912e—4c	New	1952
3912e—4d	New	1954
	Am.	1956
3912e—5a	New	1956
	Rep.	1958
3912e—5b	New	1956
3912e—5c	New	1958
3912e—5d	New	1962
3912e—5e	New	1966
3912e—14 to 3912e—16	New	1950
3912e—17	New	1962
§ 1	Am.	1972
3912e—18	New	1962
	Am.	1972
3912e—19	New	1962
	Am.	1972
3912e—20	New	1964
§ 1	Am.	1972
3912e—21	New	1964
§ 1	Am.	1972
3912e—22, §§ 1, 2	New	1968
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3912e—23	New	1970
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3912e—24	New	1970
§§ 1 to 3	Am.	1972
3912e—25	New	1972
3912e—26	New	1972
3912e—27	New	1972
3912e—28	New	1972
3912f—4	New	1950
3912f—5	New	1968
	Am.	1972
3912f—6	New	1972
3912g	New	1950
3912h	New	1950
3912i	New	1958
§ 5	Am.	1972
§ 9	Am.	1966
§ 9(1)	Am.	1968
§ 15	Added	1968
3912j	New	1964
	Am.	1968
	Am.	1972
3912k, §§ 1 to 10	New	1972
3913	Am.	1962
	Am.	1966
3914	Am.	1962
3918	Am.	1956
	Am.	1962
3919	Rep.	1962
3920	Rep.	1952
3921	Am.	1952
	Am.	1970
3921a	New	1952
3923	Am.	1972
3924	Am.	1950
3926	Rep.	1972
3927	Am.	1958
	Am.	1970
3927a	New	1958
3927b	New	1966
	Am.	1968
3930	Am.	1958
	Am.	1968
3930a	New	1962
	Rep.	1968
3930a note	New	1962
3930a—1	Added	1970
3930(b)	Added	1968
3933	Rep.	1968
3933a	New	1966
	Am.	1968
3936c—1	New	1972
3936e—1	New	1968
	Am.	1972
3936e—2	New	1972
3936f—1	New	1962
	Am.	1972
3936g	New	1950
3936g—1	New	1952

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3936h	New	1950
	Am.	1952
3936i	New	1952
3936j	New	1954
3936k	New	1954
3937	Am.	1950
	Am.	1952
3939	Am.	1950
	Am.	1952
3943d	New	1952
3943e	New	1952
3945	Am.	1960
3946a	New	1964
3959	Am.	1950
3959a	New	1950
3972a	Inoperative	1952
3975a	New	1958
3975b	New	1966
3995	Rep.	1968
3995a	Rep.	1968
3996	Rep.	1968
3997	Rep.	1968
3998	Rep.	1968
3999	Rep.	1968
4000	Am.	1950
	Rep.	1966
4001	Am.	1962
	Rep.	1966
4002	Rep.	1966
4003	Rep.	1966
4004	Rep.	1968
4008a, §§ 1, 2	New	1972
4025a	New	1952
4025b	New	1958
4026a	Rep.	1968
4026b	New	1956
4032	Rep.	1952
4032a	Rep.	1950
4032b	New	1950
4032b—1	New	1958
§ 2	Am.	1972
4032c	New	1956
4048	Rep.	1972
4050c	New	1950
§ 1	Am.	1972
4050c—1	New	1958
4050d	New	1952
4050e	New	1966
4050f	New	1966
4053	Am.	1964
4075a	New	1950
4075b	New	1960
	Am.	1964
§ 6(h), par. 4	Am.	1968
§ 9	Am.	1968
§ 11A	Added	1964
	Am.	1966
4075b—1, §§ 1, 2	New	1972
4075c	New	1966
4101—2		
§ 4	Am.	1966
	Am.	1972
4102–4123a	Rep.	1956
4123a—1	Am.	1950
	Rep.	1956
4123a—2 to 4167	Rep.	1956
4168	Am.	1950
	Rep.	1956
4169–4191	Rep.	1956
4192	Am.	1952
	Rep.	1956
4192a	Rep.	1950
4192b	New	1950
	Rep.	1956
4193–4284	Rep.	1956
4285	Am.	1954
	Rep.	1956
4286–4329	Rep.	1956
4331,		
§ 8	Rep.	1952
4335	Am.	1952
4336	Am.	1952
4341a	New	1952
	Rep.	1970
4344b	New	1960
4346	Am.	1954
4346a	New	1960
4348a	New	1960
4353	Am.	1952
4357	Am.	1954
	Am.	1958
	Am.	1960
	Am.	1968
4358	Am.	1954
4359	Am.	1954
4365	Am.	1954
4378	Rep.	1970
4379b,		
§ 3	Am.	1954
4382	Am.	1954
	Am.	1966
4382a	New	1954
4386b—1, §§ 1, 2	New	1972
4386b—2, §§ 1, 2	New	1972
4386b—3, §§ 1 to 8	New	1972
4386c	New	1954
§ 1	Am.	1956
4386d	New	1954
4393b	New	1954
4405	Am.	1964
4412	Am.	1964
4412a	New	1960
4413		
(4a)	New	1958
(9)	Am.	1968
(11)	Am.	1972
(18a)	New	1958
(29a)	New	1950
(29aa)	New	1966
§ 2	Am.	1970
§ 2A	Added	1972
§ 3	Am.	1970
§ 6	Am.	1970
§ 7	Am.	1970
§ 9A	Added	1970

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4413		
(29b)	New	1958
(29bb)	New	1970
§§ 1 to 5	Am.	1972
§ 7(a)	Am.	1972
§ 9(a)	Am.	1972
§ 11A	Added	1972
§ 14	Am.	1972
§ 15(a)	Am.	1972
§ 15(11)	Am.	1972
§ 16(b)	Am.	1972
§ 17	Am.	1972
§ 19	Am.	1972
§ 26	Am.	1972
§ 31	Am.	1972
§ 32	Am.	1972
§ 33(e)	Am.	1972
§ 34	Am.	1972
§ 36	Am.	1972
§ 38	Am.	1972
§ 39	Am.	1972
§ 41	Am.	1972
§ 46(c)	Am.	1972
(29c), §§ 1–15	New	1968
(31) § 1	Am.	1952
	Am.	1968
§ 3	Am.	1972
§ 3(a)	Added	1972
(32)	New	1954
§ 3	Am.	1966
(32a), §§ 1–4	New	1968
(32b), §§ 1 to 13	New	1972
(32c), §§ 1 to 8	New	1972
(33)	New	1958
(34)	New	1970
(35)	New	1970
§ 2	Am.	1972
§ 3	Am.	1972
§ 6	Am.	1972
§ 7	Am.	1972
§ 9A	Added	1972
§ 10	Am.	1972
(36) §§ 1.01 to 1.03	New	1972
§§ 2.01 to 2.11	New	1972
§§ 3.01 to 3.05	New	1972
§§ 4.01 to 4.06	New	1972
§§ 5.01, 5.02	New	1972
§§ 6.01 to 6.05	New	1972
§ 7.01	New	1972
(37), §§ 1 to 12	New	1972
(38), §§ 1 to 5	New	1972
(39), §§ 1 to 8	New	1972
(40), §§ 1 to 8	New	1972
(41), §§ 1 to 7	New	1972
(42), §§ 1 to 8	New	1972
(43), §§ 1 to 10	New	1972
(44), §§ 1 to 9	New	1972
(201), §§ 1 to 14	New	1972
4413a	New	1964
4413a—7a	Added	1970
4413a—7b	Added	1972
4413b—1	New	1950
	Am.	1964
4413c—1	New	1962
4413d—1	New	1966
§§ 1 to 6	Am.	1972
4413d—2, §§ 1–4	New	1968
4413d—3	New	1968
	New	1970
4417a	Am.	1960
4418b	Am.	1958
4418b—1	New	1956
4419c,		
§ 1	Am.	1962
§ 2	Am.	1966
	Am.	1968
§ 3	Am.	1962
§ 4	Am.	1966
4419e	New	1970
4436	Am.	1960
	Am.	1966
4436a—1, § 1	Am.	1958
4436a—4	New	1960
4437a,		
§ 3	Am.	1952
§ 6A(e)	Am.	1956
4437c—1	New	1954
4437d		
§ 5	Am.	1966
	Am.	1972
4437e	New	1958
§ 8a	Added	1964
4437f	New	1960
§ 2	Am.	1966
4437f—1, §§ 1 to 14	New	1972
4440	Rep.	1960
4442	Rep.	1960
4442b	Rep.	1954
4442c	New	1954
4442c		
§ 2	Am.	1970
§ 2(a)	Am.	1960
	Am.	1966
4442c—1, §§ 1, 2	New	1972
4442d	New	1970
§ 3(1)	Am.	1972
§ 3(4)	Am.	1972
§ 3(7) to (9)	Am.	1972
§ 10(3)	Am.	1972
4444	Rep.	1962
4445,		
§ 3	Am.	1950
§ 4	Am.	1950
4445a	New	1950
4445b	New	1970
4445c	New	1970
4447a	New	1950
	Am.	1960

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4447a		
§ 1	Am.	1972
§ 4a	Added	1972
§ 5	Am.	1972
4447b	New	1960
	Rep.	1970
4447c	New	1960
4447d	New	1964
§ 1	Am.	1972
§ 2	Am.	1972
§ 3	Added	1970
4447d—1	New	1972
4447e	New	1966
4447f, §§ 1, 2	New	1968
4447g, §§ 1–4	New	1968
4447h	New	1970
4447i	New	1972
4447j	New	1972
4469	Am.	1962
4470–4472	Rep.	1962
4473	Am.	1952
	Rep.	1962
4476—3,		
§ 3(a, b, c)	Am.	1958
§ 8	Am.	1958
§ 14a	New	1956
	Rep.	1970
4476—4	New	1960
4476—5	New	1962
§ 2 subpar. (d), (e)	Am.	1972
§ 2(n)	Am.	1970
§ 14	Am.	1970
§ 16	Am.	1970
§ 21	Am.	1972
§ 22A	New	1964
§ 23	Added	1964
§ 23(1)	Am.	1970
	Am.	1972
§ 23(6)	Am.	1970
	Am.	1972
§ 23(8)	Rep.	1970
§ 23(9)	Am.	1970
4476—6	New	1966
4476—7	New	1970
4476—8	New	1970
4476a,		
§ 1	Am.	1950
	Am.	1968
§ 2	Am.	1950
	Am.	1956
	Am.	1960
§ 2(e)	Rep.	1958
§ 3	Am.	1968
§ 4	Am.	1950
§ 4(c)	Am.	1956
§ 5	Am.	1950
	Am.	1960
	Am.	1968
§ 6	Am.	1962
	Am.	1968
§ 7	Am.	1956
	Am.	1968
§ 9	Am.	1950

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4477,		
rule 3	Am.	1960
rule 4	Am.	1960
rule 14	Am.	1960
rule 20	Am.	1960
rule 23	Am.	1960
rule 25	Am.	1960
rule 34a	Am.	1952
rule 35a	Am.	1950
rule 36a	Am.	1952
rule 38a	Am.	1952
rule 39a	Am.	1952
	Am.	1958
rule 40a	Am.	1952
rule 43a	Am.	1952
rule 47a	Am.	1952
	Am.	1958
rule 47b	New	1960
rule 50b	Added	1966
subsec. (b–1)	Added	1970
rule 50c	New	1968
rule 51a	Am.	1952
	Am.	1958
	Am.	1960
rule 53a	Am.	1952
rule 54a	Am.	1950
	Am.	1952
	Am.	1958
	Am.	1962
	Am.	1972
rules 77–86	Rep.	1952
4477a	New	1952
4477—1,		
§ 5(c)	Am.	1952
§ 15(a)	Am.	1962
4477—1a, §§ 1 to 4	New	1972
4477—2	New	1950
§ 1	Am.	1962
§ 2	Am.	1962
§ 4	Am.	1962
§ 6A	New	1956
4477—3	New	1966
4477—4	New	1966
	Rep.	1968
rule 71	Am.	1970
rule 72	Rep.	1970
4477—5, §§ 1–19	New	1968
	Am.	1970
§ 1.03	Am.	1972
§ 3.27	Added	1972
§ 3.28	Added	1972
4477—6	New	1970
4477—7	New	1970
§ 4(e)	Am.	1972
§ 5(a)	Am.	1972
§ 5(g)	Rep.	1972
4477—8, §§ 1 to 18	New	1972
4477—11	New	1960
4477—11 note	New	1970
	—	1972
4477—12	New	1966
4477—13	New	1970
§§ 1 to 6	Am.	1972

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4478a	New	1954
4479	Am.	1962
4492	Am.	1954
4494c—1	New	1966
	Am.	1972
4494h	Am.	1950
4494i—1	New	1966
4494k	New	1950
4494*l*	New	1950
§ 4	Am.	1956
4494m	New	1950
4494n	New	1954
	Am.	1956
§ 2a	Am.	1966
§ 2b	Added	1968
§ 4	Am.	1972
§ 5	Am.	1968
§ 5a	New	1960
§ 5b	Added	1964
4494n—1	New	1960
4494n—2	New	1970
4494*o*	New	1958
4494p	New	1958
4494q	New	1960
§ 1	Am.	1962
§ 2	Am.	1962
4494q—1	New	1960
4494q—2	New	1960
4494q—3	New	1960
§ 1	Am.	1962
§ 2	Am.	1962
§ 3	Am.	1962
4494q—3, § 4	Am.	1962
§ 5(d)	Am.	1962
4494q—4	New	1962
§ 1	Am.	1964
4494q—4a	New	1966
4494q—5	New	1962
§§ 3–6	Am.	1964
4494q—6	New	1962
4494q—6a	New	1964
4494q—7	New	1962
§ 1	Am.	1966
§ 5(a)	Added	1966
4494q—8	New	1964
4494q—9	New	1964
§ 2	Am.	1964
§ 12	Am.	1964
§ 13	Am.	1964
4494q—10	New	1964
4494q—11	New	1964
4494q—12	New	1964
4494q—13	New	1964
4494q—14	New	1964
4494q—15	New	1964
4494q—16	New	1964
4494q—17	New	1964
4494q—18	New	1964
4494q—19	New	1964
4494q—20	New	1964
4494q—21	New	1964
4494q—22 to 4494q—44	New	1966
4494r	New	1964
4494r—1, §§ 1, 2	New	1968
4494r—2	New	1970
§ 1	Am.	1972
4494r—3	New	1970
4494r—4, §§ 1, 2	New	1972
4494s	New	1966
4495	Am.	1968
4498a	New	1954
§ 1	Am.	1966
4499	Am.	1954
4499a	New	1954
4500	Am.	1954
4501	Am.	1952
	Am.	1954
	Am.	1972
4502	Am.	1954
	Am.	1964
	Am.	1970
4503	Am.	1972
4504	Am.	1950
4505	Am.	1972
4506	Am.	1954
	Am.	1968
4507	Rep.	1954
4508	Rep.	1954
4509	Am	1954
4509a	Added	1972
4510	Am.	1950
	Am.	1954
4512b	New	1950
§§ 4a, 4b	New	1958
§ 8	Am.	1968
§§ 8a, 8b	New	1958
§ 11	Am.	1958
§ 14	Am.	1958
§ 14a	New	1958
	Am.	1972
§ 14b	Added	1972
4512c	New	1970
§§ 4, 5	Am.	1972
4512d, §§ 1 to 17	New	1972
4512e, §§ 1 to 25	New	1972
4513	Am.	1970
4514	Am.	1970
4515	Am.	1970
4516	Am.	1970
4517	Am.	1970
4518	Am.	1960
§ 1	Am.	1970
§ 3	Am.	1970
§ 4	Am.	1970
§§ 5, 6	Added	1968
4518a	Rep.	1960
4519	Am.	1970
4521	Am.	1962
	Am.	1970
4523	Am.	1970
4524 note	—	1972
4525	Am.	1968

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4526	Am.	1950
	Am.	1970
4527	Am.	1970
4527a	Added	1968
4527b	Added	1968
4527—1	Added	1970
4528	Am.	1970
4528b	New	1950
4528c	New	1952
§ 3a	New	1958
§ 4(c)	Am.	1958
§ 4(d)	Am.	1964
	Am.	1972
§ 4½	Am.	1958
§ 5	Am.	1958
§ 5(a)	Am.	1972
§ 7	Am.	1972
§ 8	Am.	1958
	Am.	1972
§ 9	Am.	1956
	Am.	1958
	Am.	1968
	Am.	1972
§ 10	Am.	1958
§ 13	Am.	1956
4528d	Rep.	1972
4542a	Am.	1954
§ 3	Am.	1960
§ 4	Am.	1952
§ 7	Am.	1958
§ 8	Am.	1952
	Am.	1960
§ 9	Am.	1952
	Am.	1960
§ 11	Am.	1960
§ 12	Am.	1958
	Am.	1960
§ 13	Am.	1958
§ 14	Am.	1952
	Am.	1960
	Am.	1968
§ 16	Am.	1960
§ 17	Am.	1952
	Am.	1958
	Am.	1960
§ 17(d) (4, 5)	Added	1964
§ 17(f)	Am.	1964
§ 19	Am.	1952
§ 20	Am.	1958
4542b	New	1958
4543	Am.	1972
4544	Am.	1962
4546 note	—	1972
4549	Am.	1952
4550a,		
par. 1	Am.	1962
pars. 3, 4	Am.	1962
§§ 1, 2	Am.	1972
4551	Am.	1958
	Am.	1972

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4551a	Am.	1952
	Am.	1954
(5)	New	1956
(6)	New	1960
(7)	New	1960
4551b	Am.	1952
	Am.	1954
	Am.	1958
(8)	New	1962
	Am.	1970
4551c	Am.	1954
4551d	New	1952
	Am.	1972
4551e	New	1952
§ 1	Am.	1958
	Am.	1970
§ 3	Am.	1958
§ 5	Am.	1962
§ 6	Am.	1972
§ 10(g)	Am.	1958
§ 10(h)	Am.	1958
§ 15	Am.	1958
4551f	New	1960
4551g	New	1960
4552	Rep.	1970
4552—1.01	New	1970
4552—1.02	New	1970
4552—2.01	New	1970
4552—2.02	New	1970
4552—2.03	New	1970
4552—2.04	New	1970
4552—2.05	New	1970
4552—2.06	New	1970
4552—2.07	New	1970
4552—2.08	New	1970
4552—2.09	New	1970
4552—2.10	New	1970
4552—2.11	New	1970
4552—2.12	New	1970
4552—2.13	New	1970
4552—2.14	New	1970
4552—2.15	New	1970
4552—3.01	New	1970
4552—3.02	New	1970
subsec. (c)	Added	1972
4552—3.03	New	1970
4552—3.04	New	1970
4552—3.05	New	1970
4552—3.06	New	1970
4552—3.07	New	1970
4552—4.01	New	1970
4552—4.02	New	1970
4552—4.03	New	1970
4552—4.04	New	1970
4552—5.01	New	1970
4552—5.02	New	1970
4552—5.03	New	1970
4552—5.04	New	1970
4552—5.05	New	1970
4552—5.06	New	1970
4552—5.07	New	1970
4552—5.08	New	1970
4552—5.09	New	1970

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4552—5.10	New	1970
4552—5.11	New	1970
4552—5.12	New	1970
4552—5.13	New	1970
4552—5.14	New	1970
4552—5.15	New	1970
4552—5.16	New	1970
4552—5.17	New	1970
4552—5.18	New	1970
4552—6.01	New	1970
4552—6.02	New	1970
4552—6.03	New	1970
4552—6.04	New	1970
4553 to 4560	Rep.	1970
4561	Am.	1952
	Rep.	1970
4562	Am.	1952
4562 to 4564	Rep.	1970
4565	Am.	1952
	Rep.	1970
4565—a	Am.	1952
	Rep.	1970
4565—b to 4565d	Rep.	1970
4565d(1)	Am.	1958
	Rep.	1970
4565e, 4565f	Rep.	1970
4565g	Am.	1958
	Rep.	1970
4565h to 4566—1	Rep.	1970
4566—1.01	New	1970
4566—1.02	New	1970
4566—1.03	New	1970
4566—1.04	New	1970
4566—1.05	New	1970
4566—1.06	New	1970
4566—1.07	New	1970
4566—1.08	New	1970
4566—1.09	New	1970
4566—1.10	New	1970
4566—1.11	New	1970
4566—1.12	New	1970
subsecs. (a), (b)	Am.	1972
subsecs. (e), (f)	Am.	1972
subsec. (i)	Am.	1972
4566—1.13	New	1970
subsec. (a)	Am.	1972
4566—1.14	New	1970
4566—1.15	New	1970
subsec. (a)	Am.	1972
subsec. (c)	Added	1972
4566—1.16	New	1970
4566—1.17	New	1970
4566—1.18	New	1970
4566—1.19	New	1970
	Am.	1972
4566—1.20	New	1970
4566—1.21	New	1970
4566—1.22	New	1970
4567	Am.	1952
4567a, §§ 1–3	New	1968
4569	Am.	1952
4570	Am.	1952
	Am.	1964
	Am.	1972
4571	Am.	1952
4572	Rep.	1952
4573	Am.	1972
4575	Am.	1952
4575a	New	1968
4576a–4581	Rep.	1954
4582a	Rep.	1954
4582b	New	1954
	Am.	1964
§ 1	Am.	1972
§ 2	Am.	1972
§ 3	Am.	1972
§ 3, D, 2(a)	Am.	1970
§ 4 to 8	Am.	1972
4582b note	—	1972
4584	Am.	1954
	Am.	1962
4590—1	New	1960
§ 2	Am.	1962
	Rep.	1970
4590—2	New	1970
4590—3, §§ 1 to 3	New	1972
4590a	Rep.	1952
4590c	New	1950
§ 4	Am.	1956
	Am.	1960
§ 4a	Added	1968
§ 5	Am.	1956
	Am.	1960
§ 7	Am.	1952
§ 8	Am.	1956
4590d	New	1950
	Rep.	1962
§ 10	Am.	1954
§ 11(1)	Am.	1952
§ 19a	New	1954
4590e	New	1952
§ 3	Am.	1970
§ 3(6)	Am.	1964
	Am.	1966
4590f	New	1962
§§ 1 to 16	Am.	1972
4590g	New	1964
	Rep.	1972
4591	Am.	1952
	Am.	1958
	Am.	1968
	Am.	1970
4591d,		
§ 1a	New	1956
§ 1b	New	1956
§ 1c	New	1956
	Am.	1958
	Am.	1968
4591e	New	1956
4594	Am.	1956
4596a	Rep.	1970
4597–4601	Rep.	1954
4602	Am.	1958
	Am.	1966

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4602	Rep.	1970
4603, 4604	Rep.	1970
4605	Am.	1960
	Am.	1966
	Rep.	1970
4606 to 4609	Rep.	1970
4610	Am.	1968
	Rep.	1970
4611	Rep.	1968
4612	Rep.	1968
4612a	New	1950
4613 to 4615	Am.	1968
	Rep.	1970
4614	Am.	1958
	Am.	1964
(d)	Am.	1962
4616	Am.	1958
	Rep.	1968
4617	Am.	1958
4617 to 4620	Am.	1968
4617 to 4620	Rep.	1970
4618	Am.	1964
4619, § 6	New	1960
4621	Am.	1964
	Am.	1968
	Rep.	1970
4622	Am.	1968
	Rep.	1970
4623	Am.	1958
	Am.	1964
	Rep.	1964
4624	Am.	1964
	Am.	1968
	Rep.	1970
4624a	New	1950
	Am.	1968
	Rep.	1970
4625	Am.	1968
	Rep.	1970
4626	Am.	1964
	Am.	1968
	Rep.	1970
4627	Am.	1968
	Rep.	1970
4628	Rep.	1970
4629	Am.	1954
	Am.	1966
	Am.	1968
	Rep.	1970
4630 to 4638	Rep.	1970
4631	Am.	1958
4632	Am.	1956
4639a	Am.	1954
§ 1	Am.	1962
4639a—1	New	1962
4639b	New	1956
4639c	New	1960
4640, 4641	Rep.	1970
4646b	Am.	1964
	Rep.	1968
4668	Rep.	1964
4679–4682a	Rep.	1952
4682b	Rep.	1952
§ 1A	Added	1950
4682c–4698a	Rep.	1952
4698b	New	1950
4698b–4704	Rep.	1952
4705	Am.	1950
	Rep.	1952
4706–4724	Rep.	1952
4725	Am.	1950
	Rep.	1952
4726–4764b	Rep.	1952
4764c	New	1950
	Rep.	1952
4765	Rep.	1952
4766	Am.	1950
	Rep.	1952
4767, 4768	Rep.	1952
4769	Am.	1950
	Am.	1952
4769½	New	1952
4769a	New	1952
4770 to 4860a—19	Rep.	1952
4860a—20	Am.	1950
	Rep.	1952
4861 to 4928	Rep.	1952
4929	Am.	1950
	Rep.	1952
4929a	New	1950
	Rep.	1962
4930, 4931	Rep.	1952
4932	Am.	1950
	Rep.	1952
4933–5012	Rep.	1952
5012a	Am.	1950
	Rep.	1952
5013–5068a	Rep.	1952
5068b	Rep.	1952
§ 7	Am.	1950
5068c, 5068d	Rep.	1952
5068e	New	1950
	Rep.	1952
5068—1 to 5068—7	Rep.	1952
5069	Am.	1964
	Rep.	1968
5069—1.01 to 5069—1.06	Revised	1968
5069—2.01	Revised	1968
5069—2.02	Revised	1968
	Am.	1972
5069—2.03 to 5069—2.06	Revised	1968

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Civ.St. Art.	Effect	Vernon's Texas St.Supp.
5069—3.01 to 5069—3.21	Revised	1968
5069—3.17 Subsecs. (9)-(14)	Added	1970
5069—3.17	Rep.	1972
5069—4.01 to 5069—4.04	Revised	1968
5069—5.01 to 5069—5.05	Revised	1968
5069—6.01 to 5069—6.09	Revised	1968
5069—7.01 to 5069—7.10	Revised	1968
5069—8.01 to 5069—8.05	Revised	1968
5069—9.01 to 5069—9.04	Revised	1968
5069—10.01 to 5069—10.05	Revised	1968
5069—10.01	Am.	1970
§ (b), subsec. (17)	Added	1972
5069—10.02	Am.	1970
5069—10.03	Am.	1970
5069—10.04	Am.	1970
	Am.	1972
5069—10.05	Am.	1970
	Am.	1972
5069—10.06	New	1970
	Am.	1972
5069—10.07	New	1970
	Am.	1972
5069—10.08	New	1970
5069—50.01 to 5069—50.06	New	1968
5069—51.01	New	1972
5069—51.02	New	1972
5069—51.03	New	1972
5069—51.04	New	1972
5069—51.05	New	1972
5069—51.06	New	1972
5069—51.07	New	1972
5069—51.08	New	1972
5069—51.09	New	1972
5069—51.10	New	1972
5069—51.11	New	1972
5069—51.12	New	1972
5069—51.13	New	1972
5069—51.14	New	1972
5069—51.15	New	1972
5069—51.16	New	1972
5069—51.17	New	1972
5069—51.18	New	1972
5069—51.19	New	1972

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5070 to 5073	Rep.	1968
5071	Am.	1964
5073	Am.	1964
5074a	New	1952
	Rep.	1968
5115	Am.	1958
5115a	New	1962
5115b, §§ 1, 2	New	1968
§ 1	Am.	1972
5118a	New	1956
	Am.	1964
5138b	New	1962
5138c, §§ 1-5	New	1968
5139	Am.	1950
	Am.	1954
5139A	New	1952
	Am.	1958
5139B	New	1952
5139D	New	1950
5139(E)	New	1950
	Am.	1952
5139E—1	New	1962
5139E—1 Subd. (3)	Am.	1970
§ 2	Am.	1972
5139E—2	New	1966
	Am.	1972
5139F	New	1952
	Am.	1958
5139G	New	1952
	Am.	1956
5139H	New	1952
5139H—1	New	1956
5139H—2	New	1956
5139H—3	New	1958
5139H—4	New	1960
5139H—5	New	1962
5139I	New	1954
5139J	New	1956
§ 3	Am.	1960
§ 3a	New	1960
	Am.	1968
	Am.	1970
§ 3b	New	1960
5139K	New	1956
5139L	New	1956
§ 2A	Added	1972
5139M	New	1956
§ 3	Am.	1970
5139M note	—	1972
5139N	New	1956
5139N note	—	1972
5139O	New	1956
5139O note	—	1972
5139P to 5139R	New	1958
5139S	New	1958
§ 2	Am.	1966
5139T	New	1958
§ 2	Am.	1972

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
5139U to 5139X	New	1958
5139Y	New	1960
§ 3	Am.	1970
5139Z	New	1960
5139AA	New	1960
§ 1	Am.	1970
5139BB	New	1960
5139CC	New	1960
§ 1	Am.	1968
§ 4	Am.	1968
5139DD to 5139FF	New	1960
§ 2	Am.	1970
§ 3	Am.	1970
5139GG	New	1962
5139HH	New	1962
5139HH note	—	1972
5139II	New	1962
§ 2	Am.	1968
	Am.	1972
5139JJ	New	1962
§§ 2, 3	Am.	1972
5139KK	New	1962
5139LL	New	1962
	Rep.	1966
5139MM	New	1962
§ 3	Am.	1972
5139NN	New	1962
§ 2	Am.	1970
§ 2a	Added	1970
5139*OO*		
§§ 1, 2	New	1966
§ 2A	New	1964
5139PP	New	1964
5139QQ to 5139TT	New	1966
5139UU	New	1966
§ 2	Am.	1970
5139VV	New	1966
§§ 2, 3	Am.	1972
5139WW	New	1966
§ 5(b)	Am.	1972
5139XX		
§§ 1–7	New	1968
§ 4(b)	Am.	1970
5139YY	New	1970
5139ZZ	New	1970
5139AAA	New	1970
5139BBB, §§ 1 to 17	New	1972
5139CCC, §§ 1 to 4	New	1972
5139DDD, §§ 1 to 5	New	1972
5139EEE, §§ 1 to 6	New	1972
5139FFF, §§ 1 to 4	New	1972
5142	Am.	1950
5142a, § 1	Am.	1950
§§ 3–5	Am.	1950
§ 6	Am.	1958
5142a—1	New	1956
5142a—2	New	1958
§ 10	Am.	1966
§ 10a	Added	1966
5142b, § 1	Am.	1950
	Am.	1956
§ 5	Am.	1950
§ 7	Am.	1950
§ 15	Am.	1950
	Am.	1956
§ 17	Am.	1950
5142c	New	1950
§ 5	Am.	1956
5142c—1	New	1950
§ 1	Am.	1970
	Am.	1972
5142c—2	New	1956
5142c—3	New	1964
5142c—4	New	1966
§§ 1, 2	Am.	1972
5142d	New	1950
5143c	New	1950
§ 4	Am.	1956
§ 5	Am.	1956
5143d	New	1958
§ 9a	Am.	1970
5143e	New	1966
5143f, §§ 1–4	New	1968
5154g	New	1956
5155	Am.	1958
5159a, § 4	Am.	1970
5159c	New	1956
5159d	New	1970
5160	Am.	1960
§ B	Am.	1970
5160a, §§ 1–7	New	1968
5161–5164	Rep.	1960
5165a	New	1954
§§ 1, 2	Am.	1964
5167a	New	1964
5172a, § 1	Am.	1972
§ 2	Am.	1972
§ 3	Am.	1972
§ 4	Am.	1972
§ 5	Am.	1954
	Am.	1962
	Am.	1972
§ 5a	Am.	1962
§ 6	Am.	1972
5181	Rep.	1964
5182a, §§ 1–16	New	1968
5183	Am.	1960
5185	Am.	1970
5190½	New	1958
	Am.	1960
5190.1, §§ 1 to 19	New	1972
5190.2, §§ 1 to 10	New	1972
5221a—4	Rep.	1950
5221a—5	New	1950
§ 9	Am.	1962

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Civ.St. Art.	Effect	Vernon's Texas St.Supp.
5221a—6	New	1950
§ 1	Am.	1970
§ 2	Am.	1970
§ 3	Am.	1970
subsec. (d), (e)	Am.	1972
§§ 4–7	Am.	1970
§ 8	Am.	1964
	Am.	1970
§§ 9 to 13	Am.	1970
§ 13(a), subsec. (1)	Am.	1972
§§ 14 to 16	Am.	1970
§ 17	Am.	1962
	Am.	1970
§ 18	Am.	1970
5221b—1	Am.	1950
(b)	Am.	1956
	Am.	1962
	Am.	1968
	Am.	1972
(c)	Am.	1958
(d)	Am.	1956
	Am.	1958
	Am.	1962
(e)	New	1962
	Am.	1968
	Am.	1972
(f)	Am.	1972
5221b—1a	Rep.	1956
5221b—2	Am.	1950
	Am.	1956
(a)–(f)	Am.	1970
(e)	Am.	1968
(f)	New	1962
5221b—2a	New	1972
5221b—3	Am.	1950
	Am.	1956
(a, b)	Am.	1958
(a)	Am.	1972
(a–c)	Am.	1962
(f)	Am.	1972
(g)	Added	1964
	Am.	1972
5221b—4	Am.	1950
	Am.	1956
(b)	Am.	1958
	Am.	1968
(h)	Am.	1958
5221b—4a	Am.	1972
5221b—5	Am.	1950
	Am.	1956
	Am.	1968
(c)	Am.	1958
(c), (1)	Am.	1972
(c) (2A)	Am.	1962
(c) (4)	Am.	1972
(c) (5)	Am.	1972
(c) (6)	Am.	1962
	Am.	1972
(c) (7)	Am.	1954
(d)	Am.	1958
5221b—5a	Added	1972

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5221b—6	Am.	1950
	Am.	1972
(c)	Am.	1956
(c) (1)	Am.	1958
5221b—7(c)	Am.	1958
5221b—8(c)	Am.	1956
5221b—8(f)	Rep.	1958
5221b—9		
(a)	Am.	1956
(e)	Am.	1956
(f)	Am.	1966
(g)	Am.	1958
(h)	Am.	1956
5221b—9b	Am.	1956
5221b—11	Am.	1950
5221b—12		
(a)	Am.	1956
	Am.	1966
	Am.	1968
(b)	Am.	1956
	Am.	1966
	Am.	1968
(c)	Am.	1966
	Am.	1968
(d)	Am.	1956
(e)	Am.	1958
(f)	Am.	1966
	Am.	1968
(j)	Am.	1956
(*l*)	Added	1966
(m)	Added	1966
(n)	Added	1968
(*o*)	Added	1968
5221b—13(a)	Am.	1956
	Am.	1972
5221b—14		
(a)	Am.	1956
	Am.	1958
	Am.	1962
(e)	Am.	1956
5221b—14(a)	Am.	1972
5221b—15		
(c)	Added	1966
5221b—15a, (b)	Am.	1968
	Am.	1972
(d)	Am.	1968
5221b—17	Am.	1950
	Am.	1956
	Am.	1958
(d)	Am.	1972
(f)	Am.	1972
(g)	Am.	1972
(g) (5)	Am.	1962
(g) (5) (J)	Deleted	1966
(g) (E.F.)	Am.	1962
(k)	Am.	1962
(n)	Am.	1968
	Am.	1972
(p)	Added	1972
(q)	Added	1972
5221b—18	Rep.	1958
5221b—22a	Am.	1950
5221b—22d	Added	1972

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5221b—22e	Added	1972
5221b—22aa	New	1958
5221c,		
§ 1	Am.	1960
§ 2	Am.	1960
§ 3	Am.	1956
	Am.	1960
	Am.	1966
§ 3a	Added	1966
§ 4a	New	1964
§ 5	Am.	1952
	Am.	1958
§ 12	Am.	1952
	Am.	1958
	Am.	1962
§ 17	Am.	1962
§ 18	Rep.	1962
5221d	New	1956
5221e	New	1958
	Rep.	1966
5221e—1, §§ 1 to 14	New	1972
5221f	New	1970
§§ 1 to 13	Am.	1972
5236a	New	1968
5238 note	—	1972
5238a	New	1970
5244a—3	New	1962
5248	Am.	1950
5248c—1	New	1962
5248c—2	New	1962
5248d—1	New	1962
5248g	New	1950
	Am.	1966
§ 1	Am.	1956
5248h, 5248i	New	1950
5254a,		
§ 1	Am.	1958
	Am.	1960
§ 2	Am.	1958
5275 note	—	1972
5282a	New	1956
§ 5	Am.	1970
§ 6(c)	Am.	1968
5298a	Am.	1970
5320a	New	1952
5326	Am.	1952
5326h	New	1950
5326i	New	1950
5326j	New	1952
5330a,		
§ 2	Am.	1952
5333 note	—	1972
5337—1	New	1958
5337—2	New	1960
5344c	Am.	1964
§ 2	Am.	1966
	Am.	1970
	Am.	1972
5348 note	—	1972
5348a	Renumbered from 2593a	1972
5366	Am.	1956
5368b	Rep.	1950
5370	Am.	1950
5371	Am.	1958
5380	Am.	1968
	Am.	1970
5382a	Rep.	1954
5382b	New	1950
§ 7	Am.	1952
5382b—1	New	1954
5382c	New	1952
5382d	New	1952
§ 1	Am.	1964
§ 9	Am.	1968
§ 13a	New	1956
5382d—1	New	1956
5382e	New	1954
§ 1(b)	Am.	1968
5382e, § 2	Am.	1972
5383 to 5387	Rep.	1968
5388 to 5400a	Rep.	1968
5399a–5399f	Rep.	1954
5401 to 5403	Rep.	1968
5414a—1	New	1956
5415b—1	New	1970
5415c	New	1958
5415d	New	1960
§ 7	Am.	1964
§ 8	Am.	1966
§ 9	Added	1966
§ 10	Added	1966
5415d—1	New	1970
5415d—2	New	1970
5415d—3	New	1970
5415d—4	New	1970
5415e	New	1962
5415f	New	1970
5415g	New	1970
5416, 5416a	Rep.	1970
5421b—1	New	1956
5421c,		
§ 8	Am.	1954
	Am.	1958
§ 8-A(5)	Am.	1964
§ 11a	Added	1972
5421c—3	Am.	1964
§ 3	Am.	1966
5421c—7	New	1956
§ 1	Am.	1958
	Am.	1964
	Am.	1972
5421c—7, § 2	Am.	1958
	Am.	1964
§ 3	Am.	1958
	Am.	1972
§§ 7, 8	New	1958
5421c—8	New	1958
5421c—9	New	1962

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5421c—10, § 1	Added	1968
	Am.	1972
§ 2	Added	1968
	Am.	1972
§§ 3 to 10	Added	1968
5421c—11	New	1970
5421c—12	New	1970
5421h—1	Rep.	1972
5421h—2	New	1962
	Rep.	1972
5421i	Am.	1952
5421j—1	New	1958
5421j—2	New	1962
5421k—2	New	1958
5421k—3	New	1962
§ 4	Am.	1966
	Am.	1972
§ 5	Am.	1966
	Am.	1972
5421m	New	1950
§ 2	Am.	1958
§§ 2(A) to 2(C)	New	1958
§ 3	Am.	1952
	Am.	1958
	Am.	1968
§ 6	Am.	1958
§ 8	Am.	1968
§ 9	Am.	1952
	Am.	1968
§ 9(a)	Am.	1958
§ 9(A)	Added	1968
§ 10	Am.	1952
	Am.	1958
	Am.	1968
§ 10(A)	New	1956
§ 11	Am.	1952
	Am.	1956
§ 12	Am.	1958
	Am.	1968
§ 13	Am.	1958
§ 14	Am.	1952
	Am.	1954
§ 15	Am.	1956
§ 16	Am.	1952
	Am.	1956
	Am.	1968
§ 16(A)	New	1956
§ 16(B)	Added	1964
	Am.	1964
§ 17	Am.	1952
	Am.	1956
	Am.	1958
	Am.	1962
	Am.	1968
§ 18	Am.	1952
	Am.	1956
§ 19	Am.	1956
	Am.	1958
§ 19(A)	New	1956
	Am.	1958
	Am.	1962

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5421m		
§ 21	Am.	1956
	Am.	1958
	Am.	1962
	Am.	1968
§ 21(A)	New	1956
§ 23	Am.	1952
§ 24	Am.	1956
§ 25	Am.	1956
§ 30	New	1952
§ 31	New	1952
§ 32	New	1956
5421n	New	1954
5421o	New	1956
5421q	New	1970
5421z	New	1966
	Am.	1968
§ 10A	Added	1968
§ 14	Am.	1968
§ 21A	Added	1972
§§ 27 to 35	Added	1972
5421z—1	New	1968
5429	Am.	1962
5429a	Rep.	1962
5429b	New	1950
5429b—1	New	1964
5429b—2, §§ 1, 2	New	1968
5429c	New	1950
5429d	New	1952
5429e	New	1954
	Am.	1962
5429f	New	1962
5433a	New	1954
5434	Am.	1954
	Am.	1968
5435	Am.	1962
5436		
(c)	Added	1966
(d)	Added	1966
5436a	New	1966
5438d	New	1956
5440	Rep.	1962
5441		
§ 3	Am.	1970
5441a	Am.	1964
§ 6a	Added	1966
5441b	New	1960
5441c	New	1966
5441d	New	1966
5442	Am.	1970
5442a	New	1964
§ 2	Am.	1970
§ 3	Am.	1970
5442b, §§ 1 to 10	New	1972
5444	Rep.	1970
5444a	New	1970
§ 5	Am.	1972
5444b, §§ 1 to 9	New	1972
5446a	New	1970
5447	Am.	1972
5448 note	—	1972
5452	Am.	1952
	Am.	1962
5452—1	Added	1966

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5453	Am.	1962
5453 note	—	1972
5454	Am.	1962
5455	Am.	1962
5456	Am.	1962
5457	Rep.	1962
5459	Am.	1972
5460	Am.	1968
	Am.	1970
5461	Rep.	1962
5462	Rep.	1962
5463	Am.	1962
5465	Rep.	1962
5467	Am.	1962
5468	Am.	1962
5469	Am.	1962
5472a	Am.	1960
5472c note	—	1972
5472d	New	1962
5472d note	—	1972
5472e, §§ 1–7	New	1968
5473	Am.	1958
5476	Am.	1954
	Am.	1958
5476a	New	1954
	Am.	1958
5476a note	—	1972
5476b	New	1954
	Am.	1958
5476b note	—	1972
5476c	New	1958
5476d	New	1958
5486 note	—	1972
5489 to 5499	Rep.	1966
5499a	New	1954
5499a—51	New	1960
	Rep.	1966
5500	Am.	1950
5503, pars. (a) to (c)	Added	1972
5504	Am.	1966
5506a	Am.	1954
§ 3	Am.	1972
5506a note	—	1972
5506c	Rep.	1966
§ 2	Am.	1956
§ 7	Am.	1956
5517	Am.	1954
5518	Am.	1968
5519	Am.	1968
5526b	New	1960
5535	Am.	1968
5536a	New	1970
5539c	New	1970
5541	Am.	1952
5546	Am.	1964
5547—1 to 5547—3	New	1958
5547—4	New	1958
	Am.	1962
	Am.	1968
5547—5 to 5547—12	New	1958
5547—12a	Added	1966
5547—13 to 5547—15	New	1958
	Rep.	1968
5547—16 to 5547—26	New	1958
5547—27	New	1958
	Am.	1962
5547—28	New	1958
	Am.	1962
5547—29	New	1958
5547—30	New	1958
	Am.	1962
5547—31 to 5547—35	New	1958
5547—36	Am.	1964
5547—37 to 5547—48	New	1958
5547—49	New	1958
	Am.	1964
5547—50 to 5547—62	New	1958
5547—63	New	1958
	Am.	1966
5547—64 to 5547—67	New	1958
	Am.	1968
5547—68 to 5547—82	New	1958
5547—75A	Added	1970
5547—83	New	1958
	Am.	1960
5547—84	New	1958
5547—85	New	1958
5547—86	New	1958
(c)	Added	1966
5547—87 to 5547—91	New	1958
5547—92	New	1958
	Am.	1962
5547—93 to 5547—104	New	1958
5547—201		
§§ 1.01, 1.02	New	1966
§ 1.02	Am.	1970
5547—202		
§§ 2.01, 2.02	New	1966
§ 2.01	Am.	1970
	Am.	1972
§ 2.04	Am.	1970
§ 2.06	Am.	1968

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5547—202		
§ 2.08	Am.	1972
§ 2.09	Rep.	1970
§ 2.13	Am.	1968
	Am.	1970
§ 2.17	Am.	1968
	Am.	1970
§ 2.20	Am.	1968
5547—203		
§§ 3.01, 3.02	New	1966
§ 3.01	Am.	1970
§ 3.02	Am.	1968
	Am.	1970
§ 3.03	Am.	1968
	Am.	1970
§ 3.04	Am.	1970
§ 3.05	Am.	1970
§ 3.06	Am.	1970
§ 3.07	Am.	1970
§ 3.08	Am.	1970
§ 3.09	Am.	1970
§ 3.12	Am.	1970
§ 3.14	Am.	1968
	Am.	1970
§ 3.15	Am.	1970
5547—204	Am.	1970
§§ 4.01, 4.02	New	1966
§ 4.02	Am.	1968
5547a—39a to 5547a—39d	New	1964
5550–5554	Rep.	1958
5557–5561	Rep.	1958
5561a, §§ 1–5	Rep.	1958
5561b	New	1950
	Am.	1952
	Rep.	1958
5561b—1	New	1956
	Rep.	1958
5561c	New	1954
§ 4(c)	Am.	1966
§ 9(c)	Am.	1968
§ 18	Am.	1958
	Am.	1960
5561c—1	New	1970
5561d	New	1966
5561e	New	1968
5561f	New	1970
5561g	New	1970
5571	Am.	1970
5575	Rep.	1966
5576	Rep.	1966
5577a	New	1954
5577b	New	1970
§ 7(d)	Am.	1972
5604–5607	Rep.	1966
5609	Rep.	1966
5612–5665	Rep.	1966
5670–5674	Rep.	1952
5681	Am.	1968
5682	Am.	1964
	Rep.	1968
5683	Am.	1968
5685	Am.	1968
5687	Am.	1968
5692	Am.	1954
	Am.	1968
5695	Am.	1962
5697	Am.	1962
5702	Am.	1968
5728	Am.	1962
	Am.	1968
5736a	Am.	1972
5736d	Am.	1968
5736g, §§ 2 to 4	New	1972
5765	Am.	1966
§ 7A	Added	1972
5766	Am.	1958
	Am.	1966
5767	Am.	1966
	Rep.	1968
5768	Am.	1966
5769	Rep.	1966
5769a	Rep.	1966
5769b	New	1950
	Rep.	1954
5769b—1	New	1954
	Rep.	1966
5769c	New	1950
	Rep.	1966
5770–5779	Rep.	1966
5780 to 5783	New	1964
§ 8	Am.	1972
§ 10	Am.	1968
5784	New	1964
5785	New	1964
5786	New	1964
§ 7	Rep.	1966
§ 8	Rep.	1966
5787	New	1964
§ 1(b)	Am.	1968
§ 3(b)	Am.	1966
§ 3(f), (g)	Am.	1968
5788	New	1964
5789	New	1964
§§ 3–6	Am.	1968
§ 7(d)	Added	1972
5790–5798a—1	Rep.	1964
	Rep.	1966
5798a—2	Rep.	1964
	Rep.	1966
§ 1	Am.	1950
§ 2	Am.	1952
	Am.	1960
5798a—3–5844	Rep.	1964
	Rep.	1966
5845	Am.	1950
	Am.	1958
	Rep.	1964
	Rep.	1966
5845a	New	1958
	Rep.	1964
	Rep.	1966
5846–5890	Rep.	1964
	Rep.	1966

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5890a	Rep.	1954
	Rep.	1964
	Rep.	1966
5890b	Rep.	1964
	Rep.	1966
§ 1	Am.	1958
	Am.	1960
§ 5	New	1950
5890c	Rep.	1964
	Rep.	1966
5890d	New	1964
	Rep.	1966
5890e	New	1970
§ 7	Am.	1972
§ 8	Am.	1972
§ 10	Am.	1972
5891	Rep.	1954
5891a	Rep.	1966
5891c	Rep.	1966
§§ 1–4	Am.	1952
§ 5(a)	New	1952
§ 5(b)	New	1952
§ 7	Am.	1952
5891A—1	New	1970
	Rep.	1972
5891A—2	Rep.	1972
5892	Am.	1954
5893–5900	Rep.	1954
5916	Rep.	1954
5920	Am.	1970
5921	Am.	1966
5921a	Am.	1950
	Rep.	1966
5921b	New	1954
	Am.	1970
5922a	New	1954
	Am.	1970
5923a	New	1954
5923—1	New	1958
	Am.	1966
5923—101	New	1958
§ 1(e) (1)	Am.	1966
§ 1(o)	Added	1966
§ 2(a)	Am.	1966
§ 3(a)	Am.	1966
§ 4(f)	Am.	1966
	Am.	1970
§ 4(j)	Added	1966
5924 note	—	1972
5924(a)	New	1962
5925 note	—	1972
5931—1 to 5931—13	New	1968
5931—1	Am.	1972
5931—5	Am.	1972
5931—9	Am.	1972
5932	Rep.	1966
§ 9	Am.	1962
5933 to 5948	Rep.	1966
5949	Am.	1966
§ 2	Am.	1970
§ 3	Am.	1972
§ 6	Am.	1970
§ 7	Am.	1972
5966a, §§ 1–16	New	1968
§ 6A	Added	1972
5972	Am.	1972
6000 note	—	1972
6003b	New	1960
6003c, §§ 1, 2	New	1968
6005	Am.	1966
6008,		
§ 2(k)	Am.	1950
§ 3	Am.	1950
§ 7	Am.	1950
§ 14	Am.	1964
§ 21	Rep.	1950
6008—1,		
§ 5	Am.	1950
6008a,		
§ 3(h)	Am.	1950
§ 3(i)	Am.	1950
6008a—1	New	1950
6008b	New	1950
§ 3	Rep.	1956
6008c	New	1966
§ 2(a)	Am.	1972
6020a	Am.	1956
6029a	New	1956
6029b, §§ 1–11	New	1968
	Rep.	1972
6032c—2	Rep.	1966
6036c	Added	1966
6049a		
§ 8aa	Am.	1966
§ 8aaa	Added	1966
§ 11d	Am.	1966
§ 11dd	Added	1966
6050,		
§ 4	New	1956
§ 4a	New	1956
6052a	New	1952
	Rep.	1960
6053		
§§ 3–5	Rep.	1960
§ 6	Am.	1950
	Am.	1952
	Rep.	1960
§ 7	Am.	1950
	Rep.	1960
§ 8	Am.	1950
	Rep.	1960
§ 9	Rep.	1960
§ 10	Am.	1950
	Am.	1952
	Rep.	1960
§ 11	Am.	1950
	Am.	1952
	Rep.	1960
§ 12	Am.	1952
	Rep.	1960
§§ 13–17	Rep.	1960

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6053		
§ 18	Am.	1952
	Rep.	1960
§ 19	Rep.	1960
6053—1	Added	1970
6065	Am.	1960
6066	Am.	1960
	Am.	1962
6066a		
§ 1(d)	Am.	1966
§ 10(c)	Am.	1966
6066b	New	1950
6066c	New	1954
6066d	New	1960
§ 3D	Am.	1962
§ 5	Am.	1962
§ 6	Am.	1962
	Am.	1970
	Am.	1972
§ 7	Am.	1972
§ 9	Am.	1972
§ 11	Am.	1972
§ 12	Am.	1972
§ 13	Rep.	1972
§ 24	Am.	1972
6067a	New	1950
6067b, §§ 1 to 5	New	1972
6067c	New	1972
6069b	New	1960
6069c, §§ 1 to 5	New	1972
6070d—1, §§ 1, 2	New	1972
6070e	New	1950
	Rep.	1970
6070f	New	1956
6070g	New	1962
6070h		
§§ 1–11	New	1968
§ 4	Am.	1970
§ 7	Am.	1970
§ 9	Am.	1970
6071	Rep.	1966
6071a	New	1964
6071b	New	1966
6071c	New	1966
6072, 6073	Rep.	1966
6074–6077a	Rep.	1950
6077a	Rep.	1972
6077a—1, §§ 1 to 3	New	1972
6077h—1	New	1952
6077h—2	New	1954
6077h—3	New	1960
6077i	Rep.	1950
6077j		
§ 5(a)	Added	1966
	Rep.	1968
6077j—1	New	1962
6077m	Rep.	1962
6077m—1	New	1964
6077m—2	New	1966
6077n—1	New	1966
6077o	New	1950
	Am.	1964
§ 11	Am.	1968

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6077p	New	1950
6077q	New	1958
6077r	New	1958
6077s	New	1962
§ 2	Am.	1972
6077t	New	1964
6077u, §§ 1–7	New	1968
6079b	Am.	1956
	Am.	1958
6079c	New	1950
	Am.	1952
§ 3	Am.	1958
§ 12a	New	1958
6079c—1	New	1956
6079d	New	1954
6079d—1	New	1962
6079d—2	New	1964
6079e	New	1958
	Am.	1960
6079f	New	1960
§ 2	Am.	1962
§ 6	Am.	1962
§ 11	Am.	1962
§ 12	Am.	1962
§ 13	Am.	1962
§ 15	Am.	1962
§ 16	Am.	1962
§ 17	Am.	1962
6079f—1	New	1962
6081e	Am.	1964
6081f	New	1966
6081g,		
§§ 1, 2	Am.	1962
§ 4	Am.	1962
	Am.	1966
§ 4a	New	1962
6081g—1	New	1966
§ 1	Am.	1970
	Am.	1972
§ 2	Am.	1970
§ 3	Am.	1970
§ 7(K)	Am.	1970
	Am.	1972
§ 8	Am.	1970
6081g—2	New	1964
6081i	New	1952
6081j	New	1964
	Am.	1966
6081r	New	1966
6081s, §§ 1, 2	New	1968
6081s—1, §§ 1 to 4	New	1972
6081t, §§ 1, 2	New	1968
6110–6132	Rep.	1956
6132a	New	1956
§ 3(a) (2)	Am.	1972
§ 26(g)	Added	1972
6132b	New	1962
6138A	New	1962
6142a		
§ 3	Am.	1966
6142b	New	1956
6144	New	1954

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6144e	New	1960
§§ 1, 2	Rep.	1964
6144f	New	1964
§ 1	Am.	1970
6144g	New	1966
§ 1	Am.	1968
	Am.	1972
§ 3	Am.	1970
	Am.	1972
§ 4	Am.	1968
	Am.	1972
§ 5	Am.	1968
§ 7	Am.	1968
6144—h	New	1970
6145	Rep.	1952
	New	1958
§ 9	Am.	1964
§ 9a	New	1964
§ 9b	Added	1966
§ 9c	Added	1972
§ 12	Am.	1964
6145.1	New	1964
	Am.	1972
6145—2, § 6	Am.	1952
§ 13	Am.	1960
	Am.	1972
6145—3	New	1958
6145—4	New	1966
§ 3	Am.	1964
§ 6(A)	Am.	1964
§ 10	Am.	1964
§ 11	Am.	1964
§ 13	Am.	1964
6145—5	New	1966
	Am.	1970
6145—6	New	1970
6145—7	New	1970
6145—8	New	1970
6145—9	New	1970
§ 4A	Added	1972
6145—10, §§ 1 to 5	New	1972
6146 to 6161	Rep.	1968
6165a	Rep.	1964
6165b	New	1964
	Rep.	1968
6166a—1	New	1958
6166d	Am.	1952
6166g note	New	1960
6166g—1	New	1966
6166m	Am.	1952
6166q	Rep.	1952
6166x—2	New	1968
6166x—3	New	1970
6166y	Am.	1956
6166z1	Am.	1954
	Am.	1972
6184*l*	Am.	1950
6196	Rep.	1954

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6203a		
§ 1	Am.	1964
§ 11	Am.	1968
6203b—2	New	1970
	Rep.	1972
6203c		
§ 9	Am.	1950
	Am.	1964
6203c—1	New	1956
6203d	Am.	1956
6203d—1	New	1964
6205	Am.	1952
6221	Am.	1950
	Am.	1954
	Am.	1958
	Am.	1970
6227a	New	1950
6228a	Am.	1954
	Am.	1964
	Am.	1958
§ 1	Am.	1950
§ 1(I)	Added	1972
§ 1(L), (M)	Rep.	1964
§ 1(P.R.)	Am.	1952
§ 3	Am.	1950
§ 3(B4)	Added	1966
§ 3(B), par. 1	Am.	1968
	Am.	1970
§ 3(C)	Am.	1972
§ 3(E)	Am.	1952
	Am.	1972
§ 3, E	Added	1970
§ 4(A)	Am.	1952
	Am.	1972
§ 4(E)	Am.	1962
§ 4(F)	Am.	1972
§ 4, G–1	Added	1970
§ 4, G–2	Added	1970
§ 4(H)	Added	1972
§ 4(J)	Added	1972
§ 5	Am.	1950
§ 5(A)	Am.	1956
§ 5(B)	Am.	1952
§ 5(B4)	Am.	1966
§ 5(C3)	Am.	1964
§ 5(D)	Am.	1972
§ 5(D1)	Am.	1962
§ 5(D3)	Am.	1964
§ 5(E), par. 5	Am.	1972
§ 5(G)	Am.	1956
§ 5(I)	Am.	1952
§ 5(J)	New	1958
§ 5B	Am.	1970
§ 5C	Am.	1970
§ 5D	Am.	1970
§ 5E	Am.	1970
§ 5(E), par. 6	Rep.	1972
§ 5—1	Added	1972
§ 6	Am.	1950
	Am.	1970
§ 6(A)	Am.	1964
§ 7	Am.	1970
§ 7(B)	Am.	1964

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6228a		
§ 7(F)	New	1960
§ 8(A) subd. 1	Am.	1972
§ 8(B), subd. 2	Am.	1972
§ 8(C)	Added	1970
§ 9(A)	New	1952
	Am.	1964
§ 9(B)	Added	1972
§ 12A	Am.	1970
6228a—1	New	1954
6228a—2	New	1956
	Am.	1960
6228a—3	New	1958
6228a—4	New	1962
	Rep.	1970
6228a—5	New	1966
	Am.	1970
§ 1	Am.	1972
§ 1A	Am.	1972
6228b	New	1950
§ 2	Am.	1964
	Am.	1968
§ 2(a)	Am.	1970
§ 2(a-1)	Added	1972
§ 2(d)	Added	1972
(e)	Added	1972
§ 2B	Added	1970
§ 3	Am.	1970
§ 4	Am.	1952
§ 6	Am.	1968
§ 6A	Added	1966
§ 7	Am.	1968
	Am.	1972
§ 7A	Added	1972
§ 8	Am.	1956
§ 8a	New	1956
§ 8b	Added	1972
§ 10	Am.	1970
6228c	New	1950
6228c—1	New	1952
6228d	New	1950
	Am.	1952
6228e	New	1960
§ 2	Am.	1968
6228f		
§§ 1–10	New	1968
§ 1	Am.	1970
	Am.	1972
§ 2	Am.	1970
	Am.	1972
§ 2(a) (6)	Am.	1972
§ 3	Am.	1970
	Am.	1972
§ 4	Am.	1970
	Am.	1972
§ 10	Am.	1972
6228g		
§§ 1–13	New	1968
§ 2, subsec. (a) (1)	Am.	1972
§ 2, subsec. (6)	Am.	1972
§ 3, subsec. 1(d)	Added	1972
§ 3 subsec. 2(a)	Am.	1970

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
6228g		
§ 3, subsec. 2(b)	Am.	1972
§ 4, subsec. 1(a)	Am.	1972
§ 6, subsec. 1	Am.	1972
§ 6, subsec. 11	Am.	1972
§ 6, subsec. 12	Added	1972
§ 8, subsec. 7	Am.	1972
§ 11A	Added	1972
6228h	New	1972
6243a,		
§ 1	Am.	1952
§ 1A	Added	1968
§ 1B	Added	1972
§ 2	Am.	1968
§ 3	Am.	1968
	Am.	1972
§ 6	Am.	1954
§ 7	Am.	1954
	Am.	1972
§ 8	Am.	1972
§ 9	Am.	1954
	Am.	1972
§ 10	Am.	1954
	Am.	1972
§ 11	Am.	1954
	Am.	1972
§ 11A	Added	1970
§ 11B	Added	1972
§ 13	Am.	1972
§ 15	Am.	1972
6243b,		
§§ 1–3	Am.	1964
§ 1	Am.	1972
§ 2	Am.	1970
§ 3	Am.	1970
§§ 6, 7	Am.	1964
§ 6	Am.	1970
§ 10A	Added	1972
§§ 13, 14	Am.	1964
§ 18	New	1960
	Am.	1962
	Am.	1964
6243e,		
§ 3A	New	1958
§ 3B	Added	1968
§ 3B(a)	Am.	1970
	Am.	1972
§ 6	Am.	1950
	Am.	1954
	Am.	1958
§ 6A	New	1958
§ 6B	New	1958
	Am.	1966
	Am.	1970
	Am.	1972
§ 6C	Added	1966
	Am.	1972
§ 6C-1	Added	1972
§ 6C-2	Added	1972
§ 6D	Added	1970
§ 6D(a)	Am.	1972
§ 7	Am.	1954
	Am.	1958

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6243e,		
§ 7A	New	1954
	Am.	1958
	Am.	1970
§ 7A(d)	Am.	1972
§ 7B	New	1958
	Am.	1966
	Am.	1970
	Am.	1972
§ 7C	New	1958
	Am.	1966
	Am.	1970
	Am.	1972
§ 7D	Added	1966
§ 7D(a)	Am.	1972
§ 7D(c)	Am.	1972
§ 7E	Added	1968
§ 7E(a)	Am.	1970
§ 7F	Added	1968
	Am.	1970
§ 7G	Added	1966
§ 9	Am.	1958
§ 10	Am.	1958
§ 10A	Am.	1956
	Am.	1958
	Am.	1964
§ 10A(a)	Am.	1972
§ 10A—1	Added	1968
	Am.	1972
§ 10A—2	Added	1968
§ 10A—2(a)	Am.	1970
	Am.	1972
§ 10B	New	1958
§ 10C	New	1960
§ 10D	Added	1964
	Am.	1966
§ 10D(a)	Am.	1972
§ 10E	Added	1964
	Am.	1970
§ 10E(a)	Am.	1972
§ 10E(b)	Am.	1972
§ 10E(d)	Am.	1966
§ 12	Am.	1956
	Am.	1958
§ 12A	New	1958
	Am.	1966
	Am.	1970
§ 12B	Added	1966
§ 12B(a)	Am.	1972
§ 12B(g)	Am.	1970
	Am.	1972
§ 12B(j)	Added	1972
§ 13A	Added	1968
	Am.	1970
§ 18A	Added	1972
§ 21	Am.	1956
	Am.	1958
§ 23	Am.	1956
	Am.	1972
§ 23A	New	1958
	Am.	1964
	Am.	1968

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6243e,		
§ 23A(a)	Am.	1972
§ 23A–1	Added	1964
	Am.	1966
	Am.	1970
§ 23B	New	1958
	Am.	1964
	Am.	1968
§ 23C	New	1964
§ 23D	New	1964
§ 23E	Added	1972
§ 25A	New	1962
§ 27A	New	1958
6243e—1	Rep.	1950
6243e—2	New	1964
6243e—3, § 1	New	1972
§ 2	New	1972
6243f,		
§ 1	Am.	1952
	Am.	1960
	Am.	1964
	Am.	1972
§ 2	Am.	1960
§ 3	Rep.	1960
§ 4	Am.	1960
	Am.	1964
	Am.	1972
§ 5	Am.	1960
§ 7	Am.	1952
	Am.	1958
	Am.	1960
§ 8	Am.	1952
	Am.	1958
	Am.	1960
§ 8(a)	Am.	1972
§ 9	Rep.	1960
	Added	1968
§ 10	Am.	1952
	Am.	1960
	Am.	1972
§ 11	Am.	1952
	Am.	1960
	Am.	1970
	Am.	1972
§ 12	Rep.	1960
§ 13	Am.	1960
	Am.	1972
§ 14	Am.	1960
§ 15	Am.	1960
§ 15(a)	Am.	1972
§ 17	Am.	1956
	Am.	1960
	Am.	1964
	Am.	1970
§ 18	Am.	1970
§ 19	Am.	1960
	Am.	1972
§ 23	Am.	1960
§ 24	New	1960
§ 25	Added	1964
	Am.	1968
	Rep.	1970

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6243f,		
§ 26	Added	1968
§ 26A	Added	1972
§ 27	Added	1970
6243f—1, § 1	New	1972
§ 2	New	1972
6243g	Am.	1958
	Am.	1966
	Am.	1968
§ 2(i)	Am.	1972
§ 3c	Rep.	1960
§ 3A	Am.	1952
§ 3A(b)	Am.	1954
§ 3A(d)	New	1954
§ 4(f)	New	1960
§ 5(b)	Am.	1960
§ 5(h)	Am.	1972
§ 5(j)	Am.	1972
§ 7	Am.	1972
§ 8	Am.	1970
	Am.	1972
§ 9	Rep.	1970
§ 10	Am.	1960
§ 11(a)	Am.	1972
§ 11(b)	Am.	1970
	Am.	1972
§ 12	Am.	1952
	Am.	1954
	Am.	1960
	Am.	1962
§ 12(b)	Am.	1972
§ 13	Am.	1954
	Am.	1960
	Am.	1962
§ 13(b)	Am.	1972
§ 13(c)	Am.	1972
§ 13A	New	1952
	Am.	1962
§ 14	Am.	1962
§ 15	Am.	1962
§ 16	Am.	1952
	Am.	1954
	Am.	1960
	Am.	1962
§ 16(g)	Added	1972
§ 21	Am.	1962
§ 23a	Added	1968
6243g—1	Am.	1956
	Am.	1964
	Am.	1966
	Am.	1968
	Am.	1970
§ 1	Am.	1972
§ 9	Am.	1962
§ [9a]	New	1962
6243h	Am.	1950
§ II(8)	Am.	1970
§ II(12)	Am.	1956
§ II(14)	Am.	1970
§ II(16)	Am.	1960
§ II	Am.	1970
§ II(21)	Am.	1970
§ II(23)	Am.	1970

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6243h		
§ II(24)	Am.	1970
§ II(25)	Am.	1960
§ II(26)	Am.	1960
§ IV	Am.	1956
§ IV(1)	Am.	1960
§ IV(1h)	Rep.	1966
§ IV(1i)	Am.	1966
§ IV(2a)	Am.	1960
	Am.	1966
§. IV, subsec. 2(a)–(c)	Am.	1970
§ V(1a)	Am.	1960
§ V(2)	Am.	1970
§ V(3)	Am.	1970
§ V(4)	Am.	1970
§ V(6)	Am.	1960
§ V(7)	Am.	1960
§ V(7) par. (c)	Am.	1964
§ VI(1)	Am.	1972
§ VI(8)	Am.	1964
	Am.	1966
	Rep.	1970
§ VII	Am.	1960
§ VII(1)	Am.	1970
§ VII(2)	Am.	1970
§ VII(6)	Am.	1970
§ VII(7)	Am.	1970
§ VIII, subsec. 2(i)	Am.	1972
§ VIII(6)	Am.	1964
	Am.	1970
§ XIII	New	1960
§ XIV	Added	1966
§ XIV subsec. 6	Am.	1972
§ XV	Added	1970
§ XVI	Added	1970
subsec. (1)	Am.	1972
subsec. (3) to (6)	Am.	1972
6243h—1	New	1950
6243h—2	New	1952
6243i	New	1950
	Rep.	1952
6243j	New	1952
6244	Rep.	1968
6245	Rep.	1968
6247 to 6250	Rep.	1968
6252	Rep.	1968
6252—2	New	1950
6252—3	New	1950
6252—3a	New	1968
6252—4	New	1952
	Rep.	1968
6252—4a, §§ 1–6	New	1968
6252—4b	New	1970
6252—5	New	1952
6252—5a, §§ 1–3	New	1968

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6252—6	New	1952
§ 4(c)	Am.	1954
	Am.	1970
§ 4(d)	Am.	1962
§ 5(g)	Am.	1954
6252—6a	New	1960
6252—6b, §§ 1 to 5	New	1972
6252—7	New	1954
6252—8	New	1954
6252—8a	New	1970
§ 1	Am.	1972
6252—9	New	1958
§§ 1 to 4	Am.	1972
§§ 5 to 11	Am.	1972
6252—9a	New	1970
6252—10	New	1960
6252—10a	New	1964
6252—11	New	1962
6252—11a	New	1970
6252—12	New	1962
6252—12a	New	1966
6252—13	New	1962
	Am.	1966
6252—14	New	1964
6252—15	New	1966
6252—16	New	1968
§ 1(a)	Am.	1972
6252—17	New	1968
§ 2	Am.	1970
	Am.	1972
§ 3A	Added	1970
	Am.	1972
6252—18	New	1968
6252—19	New	1970
§ 19A	Am.	1972
6252—19a	New	1970
§ 1	Am.	1972
§ 3	Am.	1972
6252—20	New	1970
6258	Am.	1954
6268	Am.	1950
6377	Rep.	1966
6378	Rep.	1966
6417	Rep.	1970
6472a	Am.	1972
6472b	Rep.	1972
6478a	New	1960
6498	Am.	1970
6519b		
§§ 1–8	New	1964
6550a	Rep.	1954
6550(a)	New	1954
6550b	Rep.	1954
6560–6573	Rep.	1954
6573a	Am.	1950
	Am.	1956
§ 1	Am.	1968
§ 2	Am.	1968
§ 3.1	New	1968
§ 10	Am.	1964
	Am.	1968
§ 16	Am.	1964
6573a		
§ 19	Am.	1960
	Am.	1964
§ 21(a)	Am.	1964
§ 22	Am.	1968
	Am.	1972
§ 23	Am.	1964
§ 24	Am.	1972
6574 note	—	1972
6574a note	—	1972
6574b note	—	1972
6591 note	—	1972
6593 note	—	1972
6594 note	—	1972
6595 note	—	1972
6596 note	—	1972
6597 note	—	1972
6598 note	—	1972
6599 note	—	1972
6602(4)	Am.	1956
6602a	New	1972
6605	Rep.	1968
6608	Rep.	1968
6626	Am.	1952
6626a	New	1958
	Am.	1962
6632	Am.	1968
	Rep.	1970
6633 note	—	1972
6634 note	—	1972
6635 note	—	1972
6636	Am.	1956
6636 note	—	1972
6640	Am.	1960
6641 note	—	1972
6644	Am.	1954
6644 note	—	1972
6644a	Added	1968
6647	Am.	1968
	Rep.	1970
6648 to 6651	Rep.	1968
6662 note	—	1972
6663a		
§ 2a	Am.	1966
6669	Am.	1966
6673a	Am.	1954
§ 1	Am.	1968
6673e—1	New	1958
	Am.	1972
6673e—2	New	1958
6673e—3, § 1	New	1972
§ 2	New	1972
6673e—4, §§ 1 to 8	New	1972
6674c—1	Am.	1966
6674m	Am.	1960
	Am.	1964
6674n	Am.	1956
6674n—1	New	1952
6674n—2	New	1960
6674n—3	New	1964

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6674n—4	New	1970
	Renumbered as art. 3266b	1972
6674q—5	Rep.	1952
6674s,		
§ 7	Am.	1960
	Am.	1970
§ 8	Rep.	1970
§ 12	Am.	1968
§ 14	Am.	1972
6674s—1	New	1970
6674t	New	1952
6674t—1	New	1958
6674u	New	1954
6674u—1	New	1966
6674v	New	1954
§ 3	Am.	1972
§ 12a	Added	1970
§ 21	Am.	1972
6674w to 6674w—5	New	1958
6674w—4a	Rep.	1972
6675a—1		
(q)	Am.	1964
(t)	New	1964
6675a—2	Am.	1954
	Am.	1958
	Am.	1962
(c)	Am.	1964
(c–1)	Added	1966
(e)	Am.	1966
(e–1)	New	1964
(h)	New	1964
6675a—3	Am.	1956
	Am.	1962
(e)	Added	1966
(f)	Relettered	1966
6675a—3aa	Am.	1956
	Am.	1966
6675a—4	Am.	1968
6675a—5	Am.	1952
	Am.	1958
	Am.	1968
6675a—5a	New	1958
	Am.	1972
6675a—5b	New	1960
6675a—5c	Added	1966
6675a—5d	New	1966
6675a—5e	Added	1972
6675a—6	Am.	1958
6675a—6½	Added	1972
6675a—6a	Am.	1958
6675a—6b	New	1960
§ 1	Am.	1972
6675a—6c	New	1964
6675a—6d	New	1966
§ 1	Am.	1972
6675a—7	Am.	1958
6675a—8	Am.	1958
6675a—8a	Am.	1956
	Am.	1958
	Am.	1960
6675a—8b	Am.	1950
	Rep.	1956

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6675a—8c	Am.	1958
	Am.	1972
6675a—10	Am.	1958
6675a—11	Am.	1952
	Am.	1970
	Am.	1972
6675a—12a	Am.	1952
6675a—13	Am.	1952
6675a—13½	Am.	1968
6675a—13c	New	1972
6686	Am.	1962
	Am.	1964
subsec. (a) (6)	Am.	1972
§ (b)	Am.	1970
6687b,		
§ 1	Am.	1966
§ 3	Am.	1970
§ 3(4a)	New	1952
	Am.	1966
§ 3 subsec. 4b	Added	1972
§ 4	Am.	1958
	Am.	1968
	Am.	1970
§ 4 subsecs. 1 to 3	Am.	1972
§ 4a	New	1958
§ 5	Am.	1954
§ 5(b)	Am.	1970
§ 5(c)	Am.	1968
§ 5a	New	1954
§ 5B	Added	1968
§ 6(b)	Am.	1968
§ 7	Am.	1972
§ 10	Am.	1968
§ 11	Am.	1968
§ 11A	Added	1968
§ 12	Am.	1972
§ 13	Am.	1968
6687b,		
§ 14	Am.	1968
§ 14a	Added	1972
§ 15	Am.	1952
	Am.	1956
	Am.	1958
	Am.	1960
	Am.	1962
	Am.	1968
§ 15a	New	1954
§ 18	Am.	1968
	Am.	1972
§ 19	Am.	1952
	Am.	1956
	Am.	1962
	Am.	1968
	Am.	1972
§ 19A	Added	1972
§ 20	Am.	1968
§ 21	Am.	1960
§ 21(b)	Am.	1968
§ 21(d) to (g)	Am.	1972
§ 21(i)	Added	1972
§ 21A	Added	1972

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6687b,		
§ 22	Am.	1960
§ 22(a)	Am.	1966
	Am.	1968
	Am.	1972
§ 22(b)	Am.	1968
§ 22(c)	Am.	1966
§ 22(d)	Added	1968
§ 22(e), (f)	Added	1970
	Added	1972
§ 23A	Added	1970
§ 24(b)	Am.	1968
§ 24A	Added	1968
§ 25(c)	Am.	1970
§ 25A	Added	1972
§ 28	Am.	1972
§ 30A	Added	1968
§ 34	Am.	1968
§ 44A	Added	1968
§ 44A(a)	Am.	1972
6687b note	Am.	1960
6696a	New	1970
6697a	New	1972
6699	Am.	1968
6701a,		
§ 1	Am.	1954
§ 3	Am.	1950
	Am.	1972
6701c	Rep.	1956
6701c—1	New	1954
§ 2	Am.	1956
	Am.	1964
§ 4	Am.	1956
§ 5	Am.	1956
§ 9	Am.	1964
6701c—2	New	1954
6701c—3, §§ 1–7	New	1968
6701d,		
§ 2	Am.	1954
§ 2(d)	Am.	1966
§ 2(e)	Am.	1972
§ 2(f) to (m)	Added	1972
§ 2A	Added	1970
§ 5(d)	Am.	1972
§ 8(b)	Am.	1972
§ 9(c), (d)	Added	1972
§ 10(d), (e)	Am.	1972
§ 10(f)	Added	1972
§ 13(c)	Am.	1972
(f)	Am.	1972
§ 13(h)	Added	1972
§ 14(a) to (c)	Am.	1972
§ 14(d)	Added	1972
§ 17(a)	Am.	1972
§ 18(b)	Am.	1972
§ 20	Am.	1972
§ 20A to 20H	Added	1972
§ 21	Am.	1968
	Am.	1972
§ 24	Am.	1972
§ 27	Am.	1972
§ 32	Am.	1972

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
6701d,		
§§ 33 to 35	Am.	1972
§ 35A	Added	1972
§ 36	Am.	1972
§ 39 to 42	Rep.	1970
§ 43A	Added	1968
	Am.	1972
§ 44	Am.	1954
§ 47	Am.	1970
§ 50	Am.	1972
§ 50A	Added	1972
§ 51	Am.	1972
§ 52	Am.	1970
	Am.	1972
§ 55	Am.	1972
§ 56	Am.	1972
§ 57(a)	Am.	1972
§ 57(b)	Am.	1972
§ 57(c)	Added	1972
§ 58	Am.	1972
§ 60(b)	Am.	1972
§ 60(d)	Added	1972
§ 61(a)	Am.	1970
§ 62	Am.	1972
§ 64	Am.	1972
§ 65	Am.	1972
§ 66	Am.	1972
§ 68(a)	Am.	1972
§ 68(d)	Added	1966
	Am.	1972
§ 69	Am.	1952
	Am.	1972
§ 71	Am.	1970
§ 72	Am.	1972
§ 73	Rep.	1970
	Am.	1972
§ 74	Am.	1972
§ 75(a)	Am.	1972
§ 76(c), (d)	Added	1972
§ 78(d)	Added	1972
§ 79	Am.	1972
§ 81(c)	Am.	1972
§ 81(d)	Added	1972
§ 87	Am.	1972
§ 89	Am.	1968
§ 90	Am.	1972
§ 91	Am.	1972
§ 91A	Added	1972
§ 92	Am.	1972
§ 93	Am.	1972
§ 93(a)	Am.	1960
§ 95	Am.	1972
§ 96	Am.	1972
§ 97	Am.	1972
§ 99	Am.	1972
§ 104	Am.	1954
	Am.	1972
§ 104(a)	Am.	1956
§ 104(d)	New	1958
§ 105	Am.	1954
	Am.	1964
§ 106	Am.	1950

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Civ.St. Art.	Effect	Vernon's Texas St.Supp.
6701d,		
§ 106(a)	Am.	1956
§ 106(d)	New	1956
	Am.	1968
§ 108(c)	Am.	1972
§ 108(d) to (g)	Added	1972
§ 108A	New	1956
§ 108B	New	1956
	Rep.	1972
§ 108B(c)	Am.	1962
§ 109	Am.	1972
§ 110	Am.	1972
§ 111(a)	Am.	1972
§ 111(b)	Am.	1972
§ 111(c)	Added	1972
§ 112	Am.	1972
§ 112(b)	Am.	1962
§ 113	Am.	1972
§ 114	Am.	1972
§ 115	Am.	1972
§ 116(b)	Am.	1972
§ 117	Am.	1972
§ 118	Am.	1972
§ 120	Am.	1972
§ 121	Am.	1960
	Am.	1972
§ 122	Am.	1972
§ 123	Am.	1972
§ 124	Am.	1972
§ 125	Am.	1960
§ 125(a) to (c)	Am.	1972
§ 126	Am.	1956
§ 126(a)	Am.	1972
§ 126(b)	Am.	1972
§ 127	Am.	1956
§ 127(b)	Am.	1972
§ 127(c)	Am.	1972
§ 128	Am.	1972
§ 129	Am.	1972
§ 131	Am.	1954
	Am.	1960
§ 131(b) to (g)	Added	1972
§ 132	Am.	1972
§ 132(3)	Am.	1962
§ 132(3a)	Added	1966
§ 134(a)	Am.	1972
§ 134(c)	Added	1970
§ 134(d)	Added	1970
§ 134A	Added	1972
§ 134B	Added	1972
§ 135(c)	Am.	1970
§ 135(e)	Added	1972
§ 136	Am.	1952
§ 136(d)	Added	1972
§ 137	Am.	1972
§ 138	Am.	1972
§ 139	New	1952
	Am.	1972
§ 139a	Am.	1960
	Rep.	1972
§ 139b	Added	1970
§ 139A	Added	1972
§ 139B	Added	1972
§ 139C	Added	1972
§ 139D	Added	1972
§ 139D(b)	Am.	1972
§ 139E	Added	1972
§ 139F	Added	1972
§ 140	Am.	1952
	Am.	1954
§ 140(a)	Am.	1968
	Am.	1970
	Am.	1972
§ 140(b)	Am.	1968
	Am.	1970
	Am.	1972
§ 140(c)	Am.	1972
§ 140(h)	Am.	1972
§ 141	Am.	1952
	Am.	1954
§ 141(a)	Am.	1968
	Am.	1970
	Am.	1972
§ 141(b)	Am.	1968
	Am.	1970
	Am.	1972
§ 141(c)	Am.	1972
§ 141(d)	Am.	1968
	Am.	1970
	Am.	1972
§ 141(e)	Am.	1968
	Am.	1970
	Am.	1972
§ 142	Am.	1952
	Am.	1954
	Am.	1972
§ 142(a)	Am.	1968
	Am.	1970
§ 142(b)	Am.	1970
§ 148	Am.	1954
§§ 158–165	New	1954
§ 166	New	1964
§ 166(a)	Am.	1972
§ 166(a) 4	Am.	1966
§ 166(a) 5b	Am.	1966
§ 166(a) 5c	Am.	1966
§§ 167–172	New	1964
§ 167(a)	Am.	1972
§ 169A	Added	1972
§ 170(b)	Am.	1972
§§ 173 to 177	Added	1972
§§ 178 to 184	Added	1972
§§ 185 to 188	Added	1972
6701d—1	New	1954
6701d—2	New	1954
6701d—3	New	1962
6701e	New	1952
	Am.	1968
6701f	New	1952

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6701g	New	1952
§ 1	Am.	1954
	Am.	1956
	Am.	1972
§ 2	Am.	1972
§ 3	Am.	1954
	Am.	1956
§ 4	Am.	1954
	Am.	1956
6701h	New	1952
§ 1	Am.	1972
§ 1(10)	Am.	1964
§ 2(b)	Am.	1964
§ 2(d)	Added	1964
§§ 4–7	Am.	1964
§ 4	Am.	1972
§ 4A	Added	1972
§ 5(a), (c)	Am.	1972
§ 7A	New	1964
§ 8(c)	Am.	1964
	Am.	1970
§§ 9–11	Am.	1964
§ 13	Am.	1964
§ 15	Am.	1964
§ 17	Am.	1964
§ 21(a)	Am.	1964
§ 21(b)	Am.	1964
	Am.	1972
§ 25	Am.	1964
§ 28	Am.	1964
§ 29	Am.	1964
§ 31	Am.	1964
	Am.	1966
§ 32(b)	Am.	1964
§ 32(d)	Am.	1966
§ 32(f)	Am.	1964
§ 32(g)	Am.	1964
§ 33	Am.	1966
	Am.	1970
	Am.	1972
§ 35	Am.	1970
6701i	New	1958
6701j	New	1958
	Rep.	1968
§ 4	Am.	1964
6701j—1, §§ 1–7	New	1968
§§ 9, 10	New	1968
6701k	New	1964
6701½	New	1958
6703a	New	1956
6704	Am.	1954
§ 4	Am.	1966
	Am.	1972
6711	Am.	1954
6716—1,		
§ 5	Am.	1958
§ 6	Am.	1958
	Am.	1968
§ 15	Am.	1958
6717–6728	Rep.	1966
6731–6735	Rep.	1966
6745	Am.	1952
6749	Rep.	1966
6755, 6756	Rep.	1966
6758	Rep.	1966
6762	Am.	1958
6765	Rep.	1966
6767, 6768	Rep.	1966
6770a	Rep.	1966
6770a—2	Rep.	1966
6770a—4	Rep.	1966
6795b,		
§ 1	Am.	1960
6795b—1,		
§ 1	Am.	1956
§ 2	Am.	1950
§ 5a	New	1950
§ 7	Am.	1950
§ 7(a)	New	1950
§ 7(b)	New	1950
§ 8(a)	Added	1968
6795c	New	1956
6812b	New	1952
6812b—1, §§ 1 to 15	New	1972
6812c	New	1954
6812d	New	1966
§ 1	Am.	1972
6812e, §§ 1 to 4	New	1972
6813 note	New	1960
6813b	Am.	1962
	Am.	1964
	Am.	1966
6819a	Rep.	1952
6819a—3	Am.	1952
6819a—4	Rep.	1950
6819a—5	New	1950
6819a—6	New	1950
	Rep.	1952
	Rep.	1958
6819a—7	New	1958
6819a—8	New	1958
6819a—9	New	1952
	Rep.	1958
6819a—9(a)	Rep.	1956
6819a—10	New	1956
	Rep.	1958
6819a—11	New	1956
6819a—12	New	1958
6819a—12a	New	1960
	Am.	1964
6819a—13	New	1958
	Am.	1966
	Rep.	1972
6819a—13a, §§ 1, 2	New	1972
6819a—14 to 6819a—18	New	1958
6819a—18a, §§ 1, 2	New	1972
6819a—19	New	1960
6819a—19a	New	1962
6819a—19b	New	1962
6819a—19b(a)	Am.	1972
6819a—19c	New	1964
	Am.	1970
	Am.	1972

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6819a—20 to 6819a—23	New	1960
6819a—23a	New	1964
6819a—24	New	1960
6819a—25	New	1960
6819a—25a	New	1962
	Am.	1966
	Am.	1972
6819a—26	New	1962
§ 1	Am.	1970
§ 2	Am.	1970
§ 3	Am.	1970
6819a—27	New	1962
6819a—28	New	1962
	Am.	1964
6819a—29	New	1962
6819a—30	New	1962
6819a—31	New	1964
6819a—32	New	1964
6819a—33	New	1964
6819a—34	New	1964
6819a—35	New	1964
6819a—36	New	1964
§ 1	Am.	1972
§ 2	Am.	1972
6819a—37 to 6819a—40	New	1966
	Am.	1972
6819a—41	New	1966
6819a—42	New	1970
6819a—43	New	1972
6820	Am.	1950
	Am.	1956
	Am.	1968
6822a	New	1960
6823	Am.	1950
	Am.	1954
	Rep.	1968
6823a	New	1960
§ 2	Am.	1968
§ 5	Am.	1968
§ 6(c)	Am.	1964
	Am.	1968
6824 note	New	1950
6839e	New	1950
6839f	New	1952
6839g	New	1956
6851a	New	1952
6869.1, §§ 1, 2	New	1972
6877—1	Am.	1962
6877—2	New	1954
6877—3	New	1970
6877—3(a)	Am.	1972
6889b	New	1950
6889c	New	1952
	Rep.	1962
6889d	New	1954
	Am.	1962
6889e	New	1956
6889—3	New	1952

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6889—3A	New	1956
6889—4	New	1952
§ 5	Am.	1954
§ 7	Am.	1970
§ 8	Am.	1972
§ 8A	Added	1970
6889—5	New	1952
6898 note	—	1972
6899—1 note	—	1972
6899d	Superseded	1956
6899d—1	New	1956
6899d—2	New	1966
6899j, §§ 1 to 3	New	1972
6905 note	—	1972
6912 note	—	1972
6913 note	—	1972
6923 note	—	1972
6927 note	—	1972
6930	Am.	1954
6935	Am.	1956
6937	Am.	1956
6954	Am.	1950
	Am.	1954
	Am.	1956
	Am.	1958
	Am.	1960
	Am.	1972
6965	Am.	1954
	Am.	1962
	Am.	1972
6967	Am.	1954
	Am.	1962
	Am.	1972
7005—1	New	1958
7008a, §§ 1 to 4	New	1972
7009	Am.	1956
	Am.	1966
7009a	New	1960
7044a	New	1966
7047		
(24)	Am.	1952
(40b)	Am.	1952
(41a)	New	1950
	Am.	1952
(46)	Am.	1952
(46f)	Am.	1950
7047a—2	Am.	1952
7047a—3	Am.	1950
	Am.	1952
7047a—4	Am.	1952
7047a—5	Rep.	1960
7047a—6 to 7047a—15	Am.	1952
7047a—15a	New	1952
7047a—16	Am.	1952
7047a—19	Am.	1954
	Am.	1958
(1)	Am.	1960
7047a—19a	New	1954
	Rep.	1958

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7047a—19b	New	1954
	Rep.	1958
7047b,		
§ 1	Am.	1952
§ 1(1)	Am.	1956
§ 1(3)	Am.	1954
	Am.	1956
§ 1½	New	1950
§ 2(12)	Am.	1950
§ 3-a	Rep.	1952
7047c—1,		
§ 1(a)	Am.	1960
§ 2	Am.	1950
	Am.	1956
§ 2(e)	Am.	1960
§ 2a	New	1950
§ 2½	New	1956
§ 3	Am.	1950
	Am.	1956
	Am.	1960
§ 3a	Am.	1960
§ 30a	New	1950
7047c—2	Rep.	1960
7047d,		
§ 3	Am.	1954
7047f	Rep.	1960
7047h-7047j	Rep.	1960
7047k,		
§ 1	Am.	1952
§ 3(c)	Am.	1952
§ 5a	Am.	1952
§ 6	Am.	1952
7047k—1	New	1950
§ 2	Am.	1952
7047*l*,		
§ 1	Am.	1952
§ 1½	New	1950
7047*l*—1	New	1956
7047m,		
§ 1	Am.	1952
§ 1½	New	1950
7047n	New	1950
7047*o*	New	1950
7048a	New	1950
§ 10(a) (4)	Am.	1952
7048b	New	1952
	Am.	1956
7057	Rep.	1960
7057a,		
§ 2(1)	Am.	1952
§ 2A	New	1950
7057b,		
§ 2a	Am.	1962
7057c		
§ 2	Am.	1966
7057e	New	1950
	Rep.	1960
7057f	New	1952
7058	Rep.	1960
7059	Rep.	1960
7060	Am.	1952
7060½	New	1950

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
7060a	Am.	1952
§ 1	Am.	1956
7060b	New	1950
7061	Rep.	1960
7062	Rep.	1960
7063	Am.	1954
7064	Am.	1952
7064½	New	1950
7064a	New	1950
	Am.	1952
	Am.	1972
7064a—1	New	1950
7065	Rep.	1960
7065b—1	Am.	1952
(a)	Am.	1958
(c)	Am.	1958
(g)	Am.	1958
(n)	Am.	1958
(q)	New	1958
7065b—2	Am.	1952
(a)	Am.	1956
(b)	Am.	1954
	Am.	1958
7065b—3	Am.	1952
7065b—4	Rep.	1960
7065b—5	Am.	1958
(a)	Am.	1956
7065b—6	Rep.	1960
7065b—7(a)	Am.	1958
7065b—8	Am.	1956
7065b—9 to 7065b—12	Rep.	1960
7065b—13	Am.	1952
	Am.	1954
7065b—14	Am.	1952
(a)	Am.	1956
(g)	Am.	1956
7065b—14a	New	1956
7065b—14b	New	1956
7065b—14c to 7065b—17	Rep.	1960
7065b—18	Am.	1952
7065b—19 to 7065b—21	Rep.	1960
7065b—22	Am.	1952
7065b—23	Rep.	1960
7065b—24	Rep.	1960
7065b—25	Am.	1952
	Am.	1960
7065b—26	Am.	1952
7065b—27	Am.	1952
7065b—28	Rep.	1960
7065b—29	Rep.	1960
7066	Rep.	1960
7066b(aa)	New	1956
7066b	Am.	1952
7066b—1	Rep.	1960
7066c	New	1950
7068	Rep.	1960
7069	Rep.	1960

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7070	Am.	1952
7070a	New	1950
7071	Rep.	1960
7072	Rep.	1954
7076	Rep.	1960
7078	Rep.	1960
7080	Am.	1952
7081	Am.	1952
7082	Am.	1952
7083a		
§ 2	Am.	1958
§ 2(1)	Am.	1956
	Am.	1960
	Am.	1962
	Am.	1966
§ 2(2)	Am.	1956
	Am.	1960
	Am.	1962
	Am.	1966
§ 2(3)	Am.	1960
	Am.	1962
§ 2(3A)	New	1962
§ 2(4)	Am.	1956
	Am.	1960
	Am.	1962
	Am.	1966
§ 2(4–a)	Am.	1950
§ 2(4–b)	New	1950
	Am.	1960
	Am.	1966
	Am.	1972
§ 2(4–c)	New	1956
	Am.	1960
§ 2(5)	Am.	1962
§ 2(6)	Am.	1960
§ 2(7)	New	1962
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§ 2(8)	Added	1966
§ 2(9)	Added	1972
7083a.2	New	1962
§ 3	Am.	1972
7084	Am.	1950
	Am.	1952
	Am.	1956
(2)	Am.	1958
7084b	New	1960
7084½	New	1950
	Rep.	1960
7085	Am.	1950
	Rep.	1960
7086	Am.	1950
(1)	Am.	1956
7087	Am.	1950
	Rep.	1960
7089	Am.	1950
(1)	Am.	1956
7089a–7089h	Rep.	1950
7090	Am.	1950
	Rep.	1960
7091	Am.	1950
	Am.	1956
7092	Am.	1950
	Am.	1956
7092a	New	1950
	Rep.	1960
7093	Am.	1950
	Rep.	1960
7094	Am.	1950
	Am.	1952
	Am.	1956
	Am.	1958
	Am.	1960
7095	Am.	1950
	Rep.	1960
7096	Am.	1952
7097	Am.	1950
	Rep.	1960
7098	Am.	1964
7100, §§ 1 to 7	Am.	1972
7101 to 7104	Rep.	1972
7105a	New	1956
7117–7121	Rep.	1960
7122	Am.	1956
	Am.	1960
7122—a	New	1958
7123–7139	Rep.	1960
7141	Rep.	1960
7143	Rep.	1960
7144	Rep.	1960
7144a	Rep.	1960
7146	Am.	1970
7147a	New	1970
7150,		
1(a)	Added	1968
7	Am.	1962
	Am.	1968
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20	New	1955
21	New	1960
22	Added	1968
§ 22a	Added	1970
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§ 23	Added	1970
§ 24	Added	1970
§ 25	Added	1970
§ 26	Added	1970
7150a	Rep.	1970
7150b	Am.	1962
7150f	New	1964
7150g	New	1968
7151	Am.	1952
	Am.	1970
7152	Am.	1966
7166 note	New	1970
7172	Am.	1968
7173	Am.	1972
7174	Am.	1972
7212	Am.	1950
	Am.	1964
7228–7241	Rep.	1952
7244a	New	1968
7246—½	Added	1972
7258a	Am.	1954
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7258b	New	1970

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7260, § 8	New	1962
7264b	Rep.	1952
7298	Am.	1952
	Am.	1954
7298 note	—	1972
7298a	New	1958
7321a	Am.	1952
7326a	Added	1970
7329a, §§ 1 to 3	New	1972
7331	Am.	1954
7332	Am.	1952
	Am.	1962
	Am.	1966
7333	Am.	1952
7335b	New	1952
7336f	Am.	1952
§ 1	Am.	1966
§ 2	Am.	1956
	Am.	1972
7345a note	—	1972
7345b	New	1952
§ 8	Am.	1954
7345b—2	New	1956
7345e	New	1950
7359a, §§ 1–5	New	1968
7362 note	—	1972
7401A	Added	1968
7425a—1	New	1970
7425a—2, §§ 1 to 3	New	1972
7425b—10	Am.	1964
7425b—12	Am.	1966
7425b—14	Am.	1966
7425b—25, par. L	Am.	1962
par. M	Added	1966
par. N	Added	1966
7425b—29	Am.	1972
7425b—36	Am.	1966
7425b—46 Subsec. A	Am.	1970
7425b—48a	New	1970
7425c	New	1952
7425d	New	1956
7425e, §§ 1 to 5	New	1972
7426 to 7447	Rep.	1968
7428—1	New	1952
7428—2	New	1952
7436a	New	1958
7448–7465	Rep.	1954
7465a	New	1954
§ 5	Am.	1968
§ 8	Am.	1960
§ 13	Am.	1960
§ 14	Am.	1960
	Am.	1968
§ 16	Am.	1958
§ 16(b)	Am.	1960
§ 17	Am.	1966
§ 19	Am.	1970
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7465b, §§ 1, 2	Added	1968
7466 to 7466e	Rep.	1972
7466f	New	1950
	Rep.	1972
§ 2	Am.	1966
7466g	New	1950
	Rep.	1972
7466h	New	1952
	Rep.	1972
7466i	New	1954
	Rep.	1972
§ 1 art. VII(c)	Am.	1962
§ 2	Am.	1962
7467	Am.	1968
	Am.	1970
	Rep.	1972
7467b	New	1950
7467c	New	1954
	Am.	1968
	Rep.	1972
7467d	Rep.	1972
7468	Am.	1970
	Rep.	1972
7469	Rep.	1972
7470	Am.	1954
	Am.	1958
	Rep.	1972
7470a	Rep.	1954
7470b	New	1954
	Rep.	1972
7471	Am.	1970
	Rep.	1972
7472	Rep.	1972
7472a	Rep.	1972
7472b	Rep.	1972
7472c	Rep.	1972
7472d	Rep.	1972
7472d—1	New	1958
	Rep.	1972
7472e	New	1956
	Rep.	1972
7473	Rep.	1972
7474	Rep.	1972
7475	Rep.	1968
	Rep.	1972
7476	Rep.	1972
7477	Am.	1954
	Am.	1966
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7477a	New	1954
	Rep.	1972
7477b	New	1966
	Rep.	1972
7477c	New	1970
	Rep.	1972
7477d	New	1970
	Rep.	1972

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7478–7487	Rep.	1954
7488	Rep.	1954
7489	Rep.	1972
7490	Rep.	1954
7491	Rep.	1954
7492	Am.	1954
	Rep.	1972
7492a	New	1954
7493	Am.	1954
	Rep.	1972
7494	Rep.	1972
7495	Am.	1968
	Rep.	1972
7496 to 7499	Rep.	1968
7499a	Rep.	1968
7500	Rep.	1972
7500a	Am.	1954
	Am.	1960
	Rep.	1972
7501	Rep.	1972
7502	Rep.	1972
7503	Rep.	1972
7504	Rep.	1972
7505	Rep.	1972
7506	Rep.	1972
7507	Rep.	1972
7508	Rep.	1972
7509	Am.	1968
	Rep.	1972
7510	Rep.	1972
7511	Rep.	1972
7512	Rep.	1954
7513	Rep.	1972
7514	Rep.	1972
7515	Am.	1954
	Rep.	1972
7515a	New	1954
	Rep.	1972
7516	Rep.	1972
7517	Rep.	1972
7518	Rep.	1972
7519	Rep.	1972
7519a	New	1954
	Am.	1958
	Rep.	1972
7519b	New	1954
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7520 to 7530	Rep.	1972
7531	Am.	1954
	Rep.	1972
§§ 1, 2	Am.	1968
7531a	New	1954
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7532	Am.	1968
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7533	Am.	1968
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7534	Rep.	1968
7535	Rep.	1972
7536	Rep.	1972
7537	Rep.	1972
7537a	Am.	1962
	Am.	1968
	Rep.	1972
7537b	New	1958
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7538 to 7542	Rep.	1972
7542a, §§ 1–14	New	1968
7542a	Rep.	1972
7543	Rep.	1972
7544	Rep.	1972
7545	Rep.	1968
7546	Rep.	1968
7547	Rep.	1972
7547a	New	1970
	Rep.	1972
7548	Rep.	1972
7549	Rep.	1972
7550	Rep.	1972
7550a	New	1958
	Rep.	1972
7551	Rep.	1972
7552	Rep.	1968
7553	Rep.	1968
7554 to 7563	Rep.	1972
7564	Rep.	1954
7565 to 7568	Rep.	1972
7569	Rep.	1954
7570 to 7576	Rep.	1972
7577	Rep.	1962
7578 to 7582	Rep.	1972
7583	Am.	1950
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7584	Rep.	1968
7585 to 7589a	Rep.	1972
7589b	New	1958
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§ 1	Am.	1966
§ 9	Added	1966
§ 10	Added	1966
§ 11	Added	1966
§ 12	Added	1966
§ 13	Added	1966
§ 14	Added	1966
§ 15	Added	1966
7590	Am.	1968
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7591 to 7611	Rep.	1972
7612	Am.	1956
	Am.	1970
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7612a	Am.	1956
	Rep.	1972
7612b	New	1956
	Rep.	1972
§§ 1–7	Am.	1970
7613 to 7621	Rep.	1972
7621a	New	1954
	Rep.	1962
7621b	New	1962
	Rep.	1972
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7621c	New	1962
	Rep.	1966
7621d	New	1962
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§ 3	Am.	1966
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§ 10(d)	Added	1966
7621d—1, §§ 1–25	New	1968
	Am.	1970
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7621d—2	New	1970
§ 3.23(b)	Am.	1972
§ 4.04(b)	Am.	1972
§ 4.07	Am.	1972
§ 5.08	Am.	1972
§ 5.09	Added	1972
§§ 6.01 to 6.05	Added	1972
7621e	New	1966
§ 7(a)	Am.	1970
§ 9	Am.	1972
§ 13	Am.	1972
§ 14	Am.	1970
§ 16	Rep.	1970
7621f	New	1966
7621g	Rep.	1972
§ 1	New	1968
§ 2	New	1968
§ 2	Am.	1970
§ 2a	Added	1970
§ 3	New	1968
§ 3	Am.	1970
§ 4	New	1968
§ 4	Am.	1970
§ 4a	Added	1970
§ 5	New	1968
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§ 10	New	1968
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§ 11–16	New	1968
§ 17	New	1968
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7621g		
7622	Rep.	1972
7622b	Rep.	1972
7622b—1	New	1958
	Rep.	1972
7623 to 7634	Rep.	1972
7635 to 7641	Rep.	1972
7641—b	Am.	1962
7642 to 7652	Rep.	1972
7652a, Subsec. 6	Added	1966
7652a	Rep.	1972
7652b	New	1956
7653 to 7656	Rep.	1972
7656a	New	1960
	Rep.	1972
7657 to 7660	Rep.	1972
7661	Am.	1950
	Rep.	1972
7662 to 7684	Rep.	1972
7685 to 7700a	Rep.	1972
7701 to 7717	Rep.	1972
7718	Am.	1960
	Rep.	1972
7718b	Rep.	1972
7718c	New	1954
	Rep.	1960
7719 to 7723	Rep.	1972
7723a	New	1962
	Rep.	1972
7724 to 7731	Rep.	1972
7737a to 7775b	Rep.	1972
7775c—1 to 7792	Rep.	1972
7795 to 7807a	Rep.	1972
7807d		
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§ 21	Am.	1966
7807e	Rep.	1972
7807m	Rep.	1972
7807n	New	1958
7855	Am.	1972
7880—1	Rep.	1972
7880—1 notes	New	1958
	New	1960
	New	1970
7880—1a	New	1962
7880—2 to 7880—3b1	Rep.	1972
7880—3c	New	1950
	Rep.	1972
(A)	Rep.	1972
(A5)	Am.	1956
(A6e)	New	1956
(A9)	Am.	1956
(B)	Rep.	1972
(B1)	Rep.	1972
(B2)	Rep.	1972
(B3)	Am.	1956
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(B4)	Am.	1956
	Rep.	1972
(B5)	Rep.	1972
(B6)	Rep.	1972
(B7)	Rep.	1972
(B8)	Rep.	1972
(B9)	Rep.	1972
(B10)	New	1956
	Rep.	1972
(B11)	New	1962
	Rep.	1972
(C)	Rep.	1972
(D)	Rep.	1972
(D4a)	Am.	1956
(D5)	New	1956
(E)	Rep.	1972
(F)	Rep.	1972
(G)	Rep.	1972

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7880—3c		
(H)	Rep.	1972
(I)	Added	1966
	Rep.	1972
7880—4 to 7880—15	Rep.	1972
7880—16	Am.	1958
	Rep.	1972
7880—17	Rep.	1972
7880—18	Rep.	1972
7880—19	Am.	1958
	Rep.	1972
7880—20	Rep.	1972
7880—20a	New	1956
7880—20b	New	1970
7880—21	Am.	1962
	Rep.	1972
7880—22	Rep.	1972
7880—23	Am.	1958
	Rep.	1972
7880—24 to 7880—37	Rep.	1972
7880—37a	Added	1968
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7880—38	Rep.	1972
7880—38a		
§ 1	Am.	1956
§ 1A	Added	1966
7880—39 to 7880—42	Rep.	1972
7880—43	Am.	1958
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7880—44 to 7880—74	Rep.	1972
7880—74a	New	1952
	Rep.	1972
7880—75 to 7880—75b	Rep.	1972
7880—75c	New	1950
7880—75d	Added	1970
	Rep.	1972
7880—76	Am.	1958
	Rep.	1972
7880—76c,		
§ 01	New	1962
§ 1	Am.	1952
	Am.	1962
§ 2	Am.	1952
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§ 5	Am.	1962
§ 6	Am.	1962
§ 7	Am.	1952
§ 8	Am.	1952
§ 11	Am.	1952
§ 17a	New	1952
7880—77 to 7880—90	Rep.	1972
7880—90a	Am.	1952
	Rep.	1972
7880—90b	Rep.	1972
7880—91 to 7880—100	Rep.	1972
7880—101	Am.	1962
	Rep.	1972
7880—102 to 7880—106	Rep.	1972
7880—107	Am.	1962
	Rep.	1972
7880—108 to 7880—111(b)	Rep.	1972
7880—111(c)	New	1958
	Rep.	1972
7880—112 to 7880—116	Rep.	1972
7880—117	Am.	1958
	Rep.	1972
7880—118	Rep.	1972
7880—119	Rep.	1972
7880—120	Rep.	1972
7880—121 to 7880—123	Rep.	1972
7880—123a	Am.	1962
	Rep.	1972
7880—124	Rep.	1972
7880—125	Rep.	1972
7880—125a	Rep.	1972
7880—126	Rep.	1972
Subsec. (1)	Am.	1970
7880—127 to 7880—138	Rep.	1972
7880—139	Am.	1962
	Am.	1968
	Rep.	1972
7880—140 to 7880—147a	Rep.	1972
7880—147b	Rep.	1972
7880—147c	Rep.	1972
7880—147c1	Am.	1958
	Rep.	1972
7880—147c2 to 7880—147c6	Rep.	1972
7880—147c6a	New	1958
	Rep.	1972
7880—147c8	New	1952
7880—147c9	New	1956
7880—147c10	New	1958
7880—147c11	New	1966
7880—147p to 7880—147t	Rep.	1972
7880—147z1	New	1952
	Rep.	1958

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7880—147z3	New	1958
7880—147z4	New	1958
7880—147z5	New	1958
7880—147z6	New	1958
7881 to 7887	Rep.	1972
7888 to 7893	Rep.	1972
7893a	New	1952
7894 to 7896	Rep.	1972
7897	Am.	1962
	Rep.	1972
7898	Rep.	1972
7899	Rep.	1972
7899a	New	1970
	Rep.	1972
7900 to 7914	Rep.	1972
7915 to 7921	Rep.	1972
7922	Am.	1956
	Rep.	1972
7923 to 7930	Rep.	1972
7930—2	Rep.	1972
7930—3	Rep.	1972
7930—4	Am.	1958
	Rep.	1972
7930—5	Am.	1956
	Rep.	1972
7931 to 7941a	Rep.	1972
7941b	New	1952
7941c	New	1952
	Rep.	1972
7942 to 7959a	Rep.	1972
7960	Rep.	1972
7962 to 7971	Rep.	1972
7972 to 7986	Rep.	1972
7987	Am.	1954
	Am.	1958
	Rep.	1972
7987—1	New	1960
	Rep.	1972
7988 to 8027	Rep.	1972
8028	Rep.	1968
8029 to 8030	Rep.	1972
8031 to 8042	Rep.	1972
8097	Rep.	1972
8097 notes	New	1960
8098 to 8119	Rep.	1972
8119a	Added	1968
	Rep.	1972
8120	Am.	1956
	Am.	1958
	Am.	1962
	Rep.	1972
8120a	New	1950
	Rep.	1972
8121 to 8152	Rep.	1972
8152a	New	1952
8153 to 8161a	Rep.	1972
8161b, § 7	Am.	1962
8161c	Rep.	1972
8161d	New	1950
§ 2	Am.	1972
§ 8	Am.	1972
§ 9	Am.	1972
8162 to 8176	Rep.	1972
8176a	Rep.	1972
8176b	New	1956
8176b—1	New	1958
§ 1(1)	Am.	1968
8176b—2	New	1960
8176c	New	1958
	Rep.	1972
8176d	New	1960
8177 to 8193	Rep.	1972
8194	Rep.	1972
8195 to 8197	Rep.	1972
8197b	Rep.	1972
8197c	Rep.	1972
8197d—1, §§ 1 to 5	New	1972
8197e	Rep.	1972
8197f	Rep.	1972
8197g	New	1966
	Rep.	1968

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8199 to 8217	Rep.	1972
8217a	New	1954
	Rep.	1972
8218 to 8223	Rep.	1972
8224	Am.	1958
	Rep.	1972
8225	Am.	1952
	Rep.	1972
8226	Rep.	1972
8227	Rep.	1972
8227a	New	1956
	Rep.	1972
8228	Rep.	1972
8229 to 8235	Rep.	1972
8235a,		
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§ 4	Am.	1956
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8236 to 8244	Rep.	1972
8244a	New	1956
	Rep.	1972
8245	Rep.	1972
8246	Rep.	1972
8247	Rep.	1972
8247a,		
§ 1	Am.	1970
§ 1a	New	1970
§ 2	Am.	1970
§ 3	Am.	1970
§ 5	Am.	1970
8247a	Rep.	1972
8247b,		
	Rep.	1972
§ 1(b, c)	Am.	1958
§ 7a	New	1952
§ 18a	New	1952
§ 18b	New	1952
§ 18c	New	1952
8247b—1	New	1962
	Rep.	1972
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8247d	Rep.	1972
8247e	New	1950
	Am.	1958
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§ 2	Am.	1954
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8247f	New	1956
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§ 3a	New	1952
§ 5	Am.	1962
8263a	Rep.	1972
8263d	Rep.	1972
8263e,		
§ 18-a	New	1950
§ 41	Am.	1968
§ 66	Am.	1964
§ 78	Am.	1960
§ 84	Am.	1960
8263e	Rep.	1972
8263f—1	New	1952
8263g	Rep.	1972
8263h,		
§ 3	Am.	1962
§§ 51, 52	New	1950
8263h	Rep.	1972
8263i	Am.	1954
8263j	New	1950
8263k	New	1950
8264	Am.	1964
8267	Am.	1970
8270	Am.	1964
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8274	Am.	1952
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8276	Am.	1966
8280—1	Rep.	1972
8280—2	New	1950
8280—3	New	1950
8280—3.2, §§ 1 to 6	New	1972
8280—3.5	New	1960
8280—4	New	1950
8280—5	New	1954
	Rep.	1972
8280—6	New	1954
8280—7	New	1956
	Am.	1968
	Rep.	1972
8280—8	New	1958
	Rep.	1972
8280—9	New	1958
	Rep.	1972
§ 2(c)	Am.	1966
§ 2(f)	Am.	1966
§ 2(i)	Added	1966
§ 3	Am.	1966
§ 4	Am.	1960
	Am.	1966
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	Am.	1962

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§ 11	Am.	1970
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	Am.	1970
§ 14	Am.	1962
	Am.	1966
	Am.	1970
§ 15	Am.	1962
	Am.	1968
	Am.	1970
§ 18	Am.	1966
§ 21	Am.	1966
§ 21(j) to (m)	Added	1968
§ 21–a	New	1964
	Am.	1966
	Rep.	1970
§ 23	Added	1966
§ 24	Added	1966
	Am.	1968
8280—9a	New	1966
8280—9a.1, §§ 1 to 5	New	1972
8280—9b	New	1970
	Rep.	1972
8280—9c	New	1970
8280—10	New	1962
§ 1	Am.	1962
§ 3	Am.	1964
8280—11	New	1962
	Rep.	1972
8280—12, §§ 1–19	New	1968
	Rep.	1972
8280—13	New	1970
8280—14, §§ 1 to 7	New	1972
8280—106		
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8280—107		
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§ 3a	Rep.	1972
§ 10	Am.	1960
	Am.	1964
	Am.	1966
	Am.	1968
	Am.	1972
§ 10a	Added	1968
	Rep.	1972
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§ 6a	Added	1972
§ 7	Am.	1972
§ 10	Am.	1972
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8280—119,		
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§ 1(i), (j)	Added	1970
§ 2	Am.	1962
§ 2–a	Am.	1962
§ 3	Am.	1962
§ 3(b)	Am.	1970
§ 3(e)	Am.	1958

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§ 4	Rep.	1962
§ 4–a	Am.	1962
§ 5	Rep.	1962
§ 7	Rep.	1962
§ 9	Am.	1962
§ 10	New	1962
	Rep.	1962
	Am.	1970
§§ 11, 12	Am.	1962
§§ 13, 14	Am.	1962
§ 14–a	Am.	1962
§ 15–a	Am.	1962
§ 15–b	Am.	1962
§ 16	Am.	1962
§ 16–a	Rep.	1962
§ 17–a	New	1960
§ 18	Am.	1962
§§ 21–a, 22	Am.	1962
§ 22, 2nd par.	Am.	1970
§ 25	Am.	1962
8280—120, § 7	Am.	1968
8280—120a	New	1964
8280—120b	New	1966
8280—121, § 3	Am.	1968
8280—121, § 4	Am.	1968
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8280—121, § 10b	Am.	1968
8280—121, §§ 10d, 10e	Am.	1968
8280—121, § 13	Am.	1968
8280—122	Am.	1966
8280—124	Am.	1966
§ 10(a)	Added	1958
§ 16	Am.	1972
8280—126,		
§ 8(e)	Am.	1958
8280—128	Rep.	1960
8280—131	Am.	1960
§ 1a	Added	1970
§ 11a	Added	1964
8280—135,		
§ 6	Am.	1970
§ 12	Am.	1958
8280—137,		
§ 28	New	1962
8280—138		
§ 1	Am.	1964
§ 3	Am.	1964
§ 9	Am.	1964
§ 14	Am.	1964
8280—141		
§ 1a	Added	1970
§ 3 subsec. (b)	Am.	1970
§ 7	Am.	1970
§ 8(b)	Added	1970
8280—145, § 7(b)	Am.	1972
§ 9a	Am.	1972
8280—146		
§ 1a	Added	1964

ARTICLES AND SECTIONS AFFECTED FROM 1949 TO 1971

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
8280—147,		
§ 7(a)	New	1960
§ 7–a	New	1960
§ 7–b	New	1960
§ 21(b)	New	1960
8280—147a	New	1962
8280—154	Am.	1958
§ 4	Am.	1970
§ 5(a)	Am.	1962
§ 5(b)	Am.	1970
§ 11	Am.	1970
§ 13(*o*)	Am.	1962
§ 13(p)	Am.	1962
§ 15(*l*)	Am.	1962
8280—155		
§ 2	Am.	1966
§ 3	Am.	1966
§ 5	Am.	1966
§ 6a	Added	1966
§ 14	Am.	1966
§ 16	Am.	1966
§ 20	Am.	1966
8280—157,		
§ 2	Am.	1960
§ 3	Am.	1958
8280—160,		
§ 1	Am.	1966
§ 2	Am.	1966
§ 3	Am.	1960
	Am.	1966
§ 6(d)	Am.	1958
§ 6(f)	Am.	1958
§ 7	Am.	1962
§ 8	Am.	1966
§ 13	Am.	1958
§ 15	Am.	1966
§ 15(a)	Am.	1958
	Am.	1960
§ 15(e)	Am.	1958
§ 17	Am.	1966
§ 23	Rep.	1966
§ 24–A	New	1960
	Am.	1960
8280—161,		
§ 4	Rep. in part	1960
§ 4–A	New	1960
8280—162,		
§ 1	Am.	1958
§ 5(*l*)	New	1960
§ 7	Am.	1962
§ 12(g)	Am.	1962
§ 22	Rep.	1960
	Am.	1962
§ 23	Am.	1964
8280—163		
§ 2	Am.	1970
§ 3(c)	Am.	1970
§ 21	Added	1966
8280—167,		
§ 2	Am.	1960
§ 3–A	New	1958
§ 12(a)	New	1958

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
8280—172,		
§ 4(a)	New	1958
8280—173,		
§ 1	Am.	1962
§ 2	Am.	1962
§ 6	Am.	1960
	Am.	1962
§ 8	Am.	1962
8280—174,		
§ 3	Am.	1960
8280—176		
§ 1	Am.	1964
8280—177,		
§ 2	Am.	1962
§ 3(a)	Am.	1962
§ 3(c)	Am.	1962
	Am.	1966
§ 3(d)	Am.	1962
8280—187,		
§ 1	Am.	1958
	Am.	1960
	Am.	1962
8280—188,		
§ 2a—1	New	1958
§ 5(f)	Am.	1960
§ 5	Am.	1968
§ 5(m) (n)	Am.	1970
§ 5a	Added	1970
§ 6	Am.	1968
	Am.	1970
§ 6A	Added	1968
§ 8(a)	Am.	1970
§ 8(d)	Am.	1960
	Am.	1970
§ 8(e)–(h)	Am.	1970
§ 8–A	New	1958
§ 8–B	Added	1966
§ 8–C	Added	1966
§ 8–c	Added	1970
§ 16, subsec. (a)	Am.	1968
8280—191	New	1958
8280—192	New	1958
8280—193	New	1958
§ 2	Am.	1970
§ 15(a)	Am.	1970
§ 24	Am.	1972
§ 25	Rep.	1970
8280—194	New	1958
8280—195	New	1958
8280—196	New	1958
§ 2	Am.	1962
8280—197	New	1958
8280—198	New	1958
§ 5(L)	Added	1962
8280—198a	New	1962
8280—199	New	1958
8280—200	New	1958
§ 2	Am.	1962
§ 3	Am.	1962
§ 4	Am.	1968
§ 5	Am.	1968
§ 6	Am.	1962

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
8280—200		
§ 7	Am.	1968
§ 9	Am.	1962
8280—201	New	1958
8280—202	New	1958
§ 1	Am.	1966
§ 2	Am.	1966
§ 3	Am.	1966
§ 6	Am.	1966
§ 9	Am.	1966
§ 14	Am.	1966
8280—203 to 8280—205	New	1958
8280—206	New	1958
§ 2	Am.	1960
	Am.	1962
§ 3(b)	Am.	1962
§ 5(j)	Am.	1962
8280—207	New	1958
§ 2	Am.	1966
8280—207a	New	1962
8280—207b	New	1962
8280—208	New	1958
8280—209	New	1958
8280—210	New	1958
8280—211	New	1958
§ 2	Am.	1962
§ 3	Am.	1962
§ 6	Am.	1962
§ 9	Am.	1962
8280—212	New	1958
§ 2	Am.	1968
§ 15(a)	New	1962
8280—213	New	1958
§ 3	Am.	1972
§ 15(a)	New	1962
8280—214	New	1958
8280—215	New	1958
§ 2	Am.	1966
8280—216	New	1960
8280—217	New	1960
§ 6	Am.	1960
8280—218	New	1960
§ 5	Am.	1968
8280—219	New	1960
8280—220	New	1960
8280—221	New	1960
§ 2	Am.	1964
8280—222 to 8280—226	New	1960
8280—227	New	1960
§ 6	Rep. in part	1960
§ 6-A	New	1960
8280—228	New	1960
§ 4	Am.	1970
§ 14a	Added	1968
	Am.	1970
§ 16	Am.	1970
§ 16a	New	1962
§ 16A	Added	1970
§ 19	Am.	1962

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
8280—229 to 8280—237	New	1960
8280—238	New	1960
§ 2	Am.	1962
§ 3	Am.	1962
§ 5	Am.	1966
8280—239 to 8280—242	New	1960
	Rep.	1968
8280—243	New	1960
	Rep.	1964
§ 17	Am.	1962
§ 23(a)	Am.	1962
§ 27	Am.	1962
8280—244	New	1960
§ 3	Am.	1972
8280—245 to 8280—247	New	1962
8280—248	New	1962
§ 19	Am.	1964
8280—249	New	1962
§ 5	Am.	1968
8280—250	New	1962
8280—251	New	1962
§ 2-A	Added	1964
§ 2-B	Added	1964
§ 2-C	Added	1964
8280—252	New	1962
8280—253	New	1962
8280-253	Rep.	1962
8280—254	New	1962
	Am.	1966
8280—255	New	1962
8280—256	New	1962
8280—257	New	1962
§ 17	Am.	1966
8280—258	New	1962
§ 6(a)	Added	1972
§ 8	Am.	1970
§ 9	Am.	1970
	Am.	1972
§ 11(a)	Am.	1970
	Am.	1972
§ 13(d)	Am.	1972
8280—259	New	1962
	Rep.	1968
8280—260 to 8280—264	New	1962
8280—265	New	1962
§ 18a	Added	1964
§ 24	Am.	1964
8280—266	New	1962
§ 2	Am.	1970
§ 3	Am.	1970
§ 3(e)	Am.	1972
§ 6(a)	Am.	1972
§ 6(c)	Added	1970

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
8280—266		
§ 8	Am.	1970
§ 9	Am.	1970
§ 10	Am.	1970
§ 11	Am.	1970
§ 17	Added	1972
8280—267 to 8280—269	New	1962
8280—270	New	1964
8280—271	New	1964
§ 10	Am.	1968
8280—272	New	1964
	Rep.	1968
8280—273	New	1964
8280—274	Rep.	1964
8280—275	Rep.	1964
8280—276	New	1964
8280—277	New	1964
8280—278	New	1964
8280—279	New	1964
8280—280	New	1964
8280—281	New	1964
§ 2	Am.	1966
	Am.	1970
§ 5	Am.	1966
8280—282	New	1964
8280—283	New	1964
8280—284	New	1964
	Am.	1970
8280—285	New	1964
8280—286	New	1964
8280—287	New	1964
§ 3A	Added	1972
8280—288	New	1964
8280—288a, §§ 1–12	New	1968
8280—289	New	1964
8280—290	New	1964
8280—291	New	1964
8280—292	New	1964
8280—293	New	1964
§ 2	Am.	1966
§ 3	Am.	1966
§ 5	Am.	1966
§ 5a	Added	1970
§ 17(a)	Added	1966
§ 18	Am.	1970
§ 19	Am.	1966
8280—294	New	1964
8280—295	New	1964
8280—296	New	1964
§ 3A	Added	1972
8280—297	New	1966
§ 4	Am.	1968
§ 8(c)	Added	1968
§ 9(e)	Added	1968
§ 21	Am.	1968
§ 36	Am.	1968
8280—298 to 8280—304	New	1966
§ 18	Am.	1968

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
8280—305	New	1966
§ 10(a)	Am.	1972
§ 42	Am.	1972
8280—306	New	1966
8280—307	New	1966
§ 4	Am.	1968
8280—308	New	1966
8280—309	New	1966
§ 18	Am.	1968
8280—310	New	1966
8280—311	New	1966
§ 12a	Added	1970
8280—312	New	1966
8280—313	New	1966
8280—314	New	1966
§ 3	Am.	1968
§ 5	Am.	1968
8280—315	New	1966
8280—316	New	1966
	Rep.	1968
8280—316a, §§ 1–20	New	1968
8280—317	New	1966
§ 4	Am.	1968
8280—318	New	1966
8280—318a	New	1970
8280—319 to 8280—323	New	1966
8280—324	New	1966
§ 18	Am.	1968
	Am.	1970
8280—325	New	1966
§ 18	Am.	1968
	Am.	1970
8280—326	New	1966
§ 18	Am.	1968
	Am.	1970
8280—327 to 8280—330	New	1966
§ 18	Am.	1968
	Am.	1970
8280—331	New	1966
§ 18	Am.	1968
	Am.	1970
8280—332	New	1966
§ 18	Am.	1968
	Am.	1970
8280—333	New	1966
§ 18	Am.	1968
	Am.	1970
8280—334	New	1968
§ 18	Am.	1968
	Am.	1970
8280—335 to 8280—337	New	1966
8280—338	New	1966
§ 11	Am.	1968
§ 11(a)	Am.	1970
§ 12	Am.	1968
8280—339	New	1966
§ 5a	Added	1970

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
8280—340	New	1966
8280—341	New	1966
8280—342	New	1968
8280—343	New	1968
8280—344	New	1968
8280—345	New	1968
8280—346	New	1968
8280—347	New	1968
8280—348	New	1968
8280—349	New	1968
8280—350	New	1968
8280—351	New	1968
8280—352	New	1968
8280—353	New	1968
8280—354	New	1968
8280—355	New	1968
§ 4	Am.	1970
§ 5	Am.	1970
8280—356	New	1968
8280—357	New	1968
8280—358	New	1968
8280—359	New	1968
8280—360	New	1968
8280—361	New	1968
8280—362	New	1968
8280—363	New	1968
8280—364	New	1968
8280—365	New	1968
§ 11	Am.	1970
8280—366	New	1968
8280—367	New	1968
8280—368	New	1968
8280—369	New	1968
8280—370	New	1968
8280—371	New	1968
8280—372	New	1968
8280—373	New	1968
8280—374	New	1968
8280—375	New	1968
8280—376	New	1968
8280—377	New	1968
8280—378	New	1968
8280—379	New	1968
8280—380	New	1968
8280—381	New	1968
8280—382	New	1968
8280—383	New	1968
8280—384	New	1968
8280—385	New	1968
8280—386	New	1968
8280—387	New	1968
§ 2(b)	Am.	1970
§ 15(d)	Am.	1970
8280—388	New	1968
8280—389	New	1968
8280—390	New	1968
8280—391	New	1968
8280—392	New	1968
8280—393	New	1970
8280—394	New	1970
8280—395	New	1970
8280—396	New	1970
8280—397	New	1970
8280—398	New	1970
8280—399	New	1970
8280—400	New	1970
8280—401	New	1970
8280—402	New	1970
8280—403	New	1970
8280—404	New	1970
8280—405	New	1970
8280—406	New	1970
8280—407	New	1970
8280—408	New	1970
8280—409	New	1970
8280—410	New	1970
8280—411	New	1970
8280—412	New	1970
8280—413	New	1970
8280—414	New	1970
8280—415	New	1970
8280—416	New	1970
8280—417	New	1970
8280—418	New	1970
8280—419	New	1970
8280—420	New	1970
8280—421	New	1970
8280—422	New	1970
8280—423	New	1970
8280—424	New	1970
8280—425	New	1970
8280—426	New	1970
8280—427	New	1970
8280—428	New	1970
8280—429	New	1970
8280—430	New	1970
8280—431	New	1970
8280—432	New	1970
8280—433	New	1970
8280—434	New	1970
8280—435	New	1970
8280—436	New	1970
8280—437	New	1970
8280—438	New	1970
8280—439	New	1970
8280—440	New	1970
8280—441	New	1970
8280—442	New	1970
8280—443	New	1970
8280—444	New	1970
8280—445	New	1970
8280—446	New	1970
8280—447	New	1970
8280—448	New	1970
8280—449	New	1970
8280—450	New	1970
8280—451	New	1970
8280—452	New	1970
8280—453	New	1970
8280—454	New	1970
8280—455	New	1970
8280—456	New	1970
8280—457	New	1970
8280—458	New	1970

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
8280—459	New	1970
8280—460	New	1970
8280—461	New	1970
8280—462	New	1970
8280—463	New	1970
8280—464	New	1970
8280—465	New	1970
8280—466	New	1970
8280—467	New	1970
8280—468	New	1970
8280—469	New	1970
8280—470	New	1970
8280—471	New	1970
8280—472	New	1970
8280—473	New	1970
8280—474	New	1970
8280—475	New	1970
8280—476	New	1970
8293	Am.	1950
8306,		
§ 2	Am.	1964
§ 2a	Added	1964
§ 3	Am.	1964
§ 6	Am.	1954
§ 7	Am.	1954
	Am.	1958
§ 7a	Am.	1954
§ 7b	Am.	1954
§ 7c	Am.	1958
	Am.	1970
§ 7d	Am.	1958
	Am.	1960
	Am.	1970
§ 7-c	Am.	1968
§ 7-c(a)	Am.	1970
§ 8	Am.	1958
	Am.	1970
§ 8a	Am.	1972
§ 9	Am.	1962
	Am.	1966
§ 10	Am.	1958
	Am.	1970
§ 11	Am.	1958
	Am.	1970
§ 12	Am.	1958
§ 12	Am.	1970
§ 12c	Am.	1972
§ 12c-1	Am.	1972
§ 12c-2	Am.	1958
	Am.	1970
	Am.	1972
§ 12f	Am.	1954
§ 15	Am.	1960
§ 15a	Am.	1952
	Am.	1956
§ 20	Am.	1956
	Am.	1972
§ 25	Am.	1960
	Rep.	1972
§ 26	Rep.	1972
§ 26(d)	Am.	1958
8306,		
§ 26(d)	Rep.	1972
§ 27	Rep.	1972
§ 28	New	1958
	Am.	1972
8306a	Am.	1952
	Am.	1956
8307,		
§ 3	Am.	1970
§ 4	Am.	1954
§ 5	New	1958
§ 5c	Added	1972
§ 7a	Added	1972
§ 7b	Added	1972
§ 10	Am.	1970
8307c, §§ 1 to 3	New	1972
8308,		
§ 1A	New	1954
§ 16	Am.	1954
§ 18	Rep.	1954
	Added	1968
§ 18a	Am.	1968
	Am.	1972
8309,		
§ 1	Am.	1960
§ 1a	Am.	1966
	Am.	1968
§ 1b	New	1958
§ 2	Am.	1954
§ 4	Am.	1970
8309a	Am.	1954
	Am.	1970
8309b,		
§ 2	Am.	1950
	Am.	1958
§ 3	Am.	1958
§ 4	Am.	1950
§ 7	Am.	1950
	Am.	1954
	Am.	1960
§ 7	Am.	1970
§ 8	Rep.	1970
§ 9	Am.	1970
§ 10	Am.	1954
§ 13	Am.	1954
§ 14	Am.	1954
	Am.	1958
§ 15	Am.	1958
§ 18	Am.	1954
8309c	New	1950
§ 3	Am.	1956
	Am.	1958
	Am.	1972
§ 6	Am.	1954
	Am.	1970
§ 7	Rep.	1970
§ 9	Am.	1954
§ 10	Am.	1956
§ 15	Am.	1954
§ 17	Am.	1956
8309c—1, §§ 1, 2	New	1968
§ 2	Am.	1972

Civ.St. Art.	Effect	Vernon's Texas St.Supp.
8309d	New	1952
§ 7	Am.	1960
	Am.	1970
§ 8	Rep.	1970
§ 9	Am.	1970
8309e	New	1954
	Rep.	1970
8309e—1	New	1966
§ 1	Am.	1968
8309e—2	New	1970
8309f	New	1958
§ 2, par. 1	Am.	1972
§ 7	Am.	1964
§ 19	Am.	1972
8310–8324	Rep.	1954

Business and Commerce Code

(Volume 2, pages 1187 to 1189)

The Business and Commerce Code was enacted by Acts 1967, 60th Leg., ch. 785, effective September 1, 1967, and first appears in the 1968 Supplement.

The Uniform Commercial Code, which is now Title 1 of the Business and Commerce Code, was first enacted by Acts 1965, 59th Leg., ch. 721, effective June 30, 1966, and appears in the 1966 Supplement.

Bus. & C.Code Sec.	Effect	Vernon's Texas St.Supp.
3.501		
subsec. (c)	Am.	1970
3.601		
subsec. (c)	Am.	1970
7.209(c)	Am.	1972
9.105		
subsec. (a) (2)	Am.	1970
9.106	Am.	1970
9.203		
subsec. (b)	Am.	1970
9.403		
subsec. (e)	Am.	1970
	Am.	1972
9.403 note	—	1972
9.404	Am.	1970
subsec. (c)	Am.	1972
9.404 note	—	1972
9.405	Am.	1970
	Am.	1972
9.405 note	—	1972
9.406	Am.	1970
	Am.	1972
9.406 note	—	1972
9.407		
subsec. (b)	Am.	1970
9.407 note	—	1972
15.40	Added	1970
17.12	Am.	1970
33.04	Am.	1970
33.09	Am.	1970

Business Corporation Act

(Volume 1, pages 171, 172)

Bus. Corp.Act Art.	Effect	Vernon's Texas St.Supp.
1.01	New	1956
1.02	New	1956
1.02, § A(13)	Am.	1968
2.01	New	1956
2.02	New	1956
§ C	Am.	1968
2.03 to 2.07	New	1956
§ C	Am.	1968
2.08 to 2.10	New	1956
§ A	Am.	1970
§ D	Am.	1970
2.10—1	Added	1968
2.11 to 2.17	New	1956
§ D	Added	1968
2.16, § A	Am.	1972

Bus. Corp. Act Art.	Effect	Vernon's Texas St. Supp.
2.18	New	1956
§ A	Am.	1958
2.19	New	1956
§ A	Am.	1958
§§ E, F	New	1958
2.20	New	1956
2.21	New	1956
2.22	New	1956
§ A	Am.	1958
§ C	Am.	1958
§ E	Am.	1968
2.23 to 2.28	New	1956
2.29	New	1956
§ A	Am.	1968
(C)	Am.	1962
D	Am.	1958
D(1)–D(3)	Am.	1962
2.30	New	1956
(B)	Added	1962
2.31 to 2.44	New	1956
3.01	New	1956
3.02	New	1956
§ A	Am.	1958
3.03	New	1956
3.04	New	1956
3.05	New	1956
§ A	Am.	1958
3.06	New	1956
4.01	New	1956
4.02	New	1956
§ C	Added	1968
4.03	New	1956
§ C	Added	1968
4.04	New	1956
§ B	Added	1968
4.05	New	1956
4.06	New	1956
4.07	New	1956
§ B	Am.	1958
§ C(2)	Am.	1958
4.08 to 4.13	New	1956
4.14	New	1962
5.01	New	1956
§ B	Am.	1972
5.02	New	1956
§ B	Am.	1972
5.03	New	1956
§ B	Am.	1968
5.04	New	1956
5.05	New	1956
5.06	New	1956
§ A, subsec. (7)	Rep.	1968
5.07	New	1956
§ B, subsec. (1)	Am.	1968
5.08	New	1956
5.09	New	1956
	Am.	1958
5.10	New	1956
	Am.	1958
§ A(3)	Am.	1968
5.11	New	1956
§ A	Am.	1958
5.12	New	1956
	Am.	1968
5.13	New	1956
	Am.	1968
5.14	Added	1966
5.15	Renumbered from art. 5.14	1966
5.16	Added	1970
6.01	New	1956
	Am.	1968
6.02	New	1956
	Am.	1968
6.03	New	1956
	Am.	1968
6.04	New	1956
	Am.	1968
6.05	New	1956
	Am.	1968
6.06	New	1956
	Am.	1968
6.07	New	1956
	Am.	1968
6.08 to 6.12	New	1956
7.01	New	1956
	Am.	1970
7.02	New	1956
§ A	Am.	1970
7.03, 7.04	New	1956
7.05	New	1956
Subsec. A(1) (e)	Am.	1962
7.06	New	1956
§ A	Am.	1968
7.07 to 7.12	New	1956
8.01	New	1956
§ B	Am.	1958
8.02	New	1956
8.03	New	1956
	Am.	1964
	Am.	1961
8.04	New	1956
	Rep.	1968
8.05 to 8.09	New	1956
§ A	Am.	1970
§ D	Added	1968
	Added	1970
8.10 to 8.13	New	1956
8.14	New	1956
§ A	Am.	1958
8.15	New	1956

Bus. Corp.Act Art.	Effect	Vernon's Texas St.Supp.
8.16	New	1956
	Am.	1970
8.17, 8.18	New	1956
9.01 to 9.10	New	1956
	Am.	1968
9.11	New	1956
9.12	New	1956
9.13	New	1956
9.14	New	1956
§ A	Am.	1960
§ E	Am.	1960
§ F	New	1960
9.15	New	1956
9.16	New	1956
10.01	New	1956
	Am.	1962
	Am.	1968
	Am.	1970
§ A(13)	Am.	1958
11.01	New	1956

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(Volume 1, pages 1175 to 1183)

C.C.P. Art.	Effect	Vernon's Texas St.Supp.
1.14	Am.	1968
1.141	Added	1972
1.15	Am.	1968
	Am.	1972
2.03, subsec. (b)	Am.	1968
2.07	Am.	1968
2.12	Am.	1968
	Am.	1972
2.24	Added	1968
4.04, § 2	Rep.	1972
11.07	Am.	1968
14.01	Am.	1968
14.03	Am.	1968
14.06	Am.	1968
15.16	Am.	1968
15.17	Am.	1968
15.26	Am.	1968
17.031	Added	1972
17.045	Added	1970
17.05	Am.	1972
17.11	Am.	1968
18.011	Added	1970
18.30	Am.	1968
19.01	Am.	1972
19.06	Am.	1968
19.08	Am.	1970
21.08	Am.	1968
19.23	Am.	1970
22.01a	Added	1968
23.05	Am.	1972
26.05 § 1	Am.	1970
	Am.	1972
26.05—1	Am.	1968
27.02	Am.	1968
27.14	Am.	1968
28.01, § 3	Added	1968
35.04	Am.	1972
35.12	Am.	1970
35.13	Am.	1968
35.16, par. (a)	Am.	1970
35.19	Am.	1970
36.09	Am.	1968
37.07	Am.	1968
38.10	Am.	1972
38.101	Added	1972
38.22	Am.	1968
38.31, par. (e)	Am.	1968
38.32	Added	1970
39.02	Am.	1968
39.03	Am.	1968
39.07	Am.	1968
40.09, par. 5	Am.	1968
40.09, par. 6(a)	Am.	1968
40.09, par. 7	Am.	1968
40.09, par. 12	Am.	1968
42.03	Am.	1968
42.12, § 6a	Added	1968
§ 10	Am.	1968
§ 12	Am.	1968
§ 15	Am.	1968
§ 16	Am.	1968
§ 18	Am.	1968
§ 27	Am.	1968
42.13, § 3	Am.	1968
§ 5	Am.	1968
42.15	Am.	1972
43.03	Am.	1972
43.04	Am.	1972
43.05	Am.	1972
44.11	Am.	1968
44.23	Am.	1968
45.01	Am.	1970
45.031	Added	1970
45.04	Am.	1968
45.12	Am.	1972
45.50	Am.	1972
45.51	Am.	1972
45.52	Am.	1972

C.C.P. Art.	Effect	Vernon's Texas St.Supp.
46.01, § 2	Am.	1968
§ 3	Am.	1968
§ 4	Am.	1968
§ 5	Am.	1968
§ 6	Am.	1968
§ 7	Am.	1968
§ 8	Am.	1968
§ 9	Am.	1968
46.02		
§ 1	Am.	1968
§ 1	Am.	1970
§ 2	Am.	1968
§ 2, subsec. (d)	Am.	1968
	Am.	1972
§ 2(e)	Am.	1972
§ 2(f)	Am.	1972
§ 2(i)	Added	1972
§ 3	Am.	1968
	Am.	1970
49.01		
§ 7	Am.	1970
49.03	Am.	1970
49.06	Am.	1970
49.25		
§ 1	Am.	1970
§ 1a	Added	1972
§ 5	Am.	1970
§ 6a	Added	1970
§ 12	Am.	1970
52.01	Am.	1968
52.02	Am.	1968
52.03	Am.	1968
52.04	Am.	1968
52.05	Am.	1968
52.09	Am.	1968
1056		
subsec. (b)	Am.	1970
1064	Am.	1968
1065	Added	1972
1083, §§ 1 to 11	New	1972

Education Code

(Volume 2, pages 1191 to 1544)

The Education Code was adopted by Acts 1969, 61st Leg., ch. 889, effective September 1, 1969, and first appears in the 1970 Supplement.

Educ. Code Art.	Effect	Vernon's Texas St.Supp.
2.09	Am.	1972
2.09(b)	Am.	1972
2.09(e)	Added	1972
4.01	Rep.	1972
4.17	Rep.	1972
4.19(f)	Added	1972
4.23	Am.	1972
4.25(a)	Am.	1972
4.25(c)	Added	1972
4.29	Added	1972
4.30	Added	1972
4.31	Added	1972
4.33	Added	1972
11.051	Added	1972
11.10(b)	Am.	1972
11.10(d)	Am.	1972
11.10(i)	Am.	1972
11.10(*l*)	Added	1972
11.10(m)	Added	1972
11.101	Added	1972
11.11	Am.	1972
11.15(a)	Am.	1972
11.15(f)	Am.	1972
11.15(i)	Am.	1972
11.15(j)	Am.	1972
11.16	Added	1972
11.21	Am.	1972
11.22(h)	Am.	1972
11.22(i)	Am.	1972
11.23(a)	Am.	1972
11.26(c)	Added	1972
11.311	Added	1972
11.33(c)	Added	1972
11.33(d) to (f)	Added	1972
11.35	Added	1972
11.43	Rep.	1972
12.04	Added	1972
12.31	Am.	1972
14.02	Am.	1972
14.03 to 14.06	Rep.	1972
14.07	Am.	1972
15.01(c)	Added	1972
15.02(a)	Am.	1972
16.04	Added	1972
16.08	Added	1972
16.11(d)	Am.	1972
16.11(e)	Am.	1972
16.13	Am.	1972
16.14	Am.	1972
16.16	Am.	1972
16.20	Rep.	1972
16.21	Am.	1972
16.22	Added	1972
16.45	Am.	1972
16.56(c)	Am.	1972
16.57(d)	Rep.	1972

Educ. Code Art.	Effect	Vernon's Texas St.Supp.
16.62(b)	Am.	1972
16.711	Added	1972
16.72	Am.	1972
16.73	Am.	1972
16.741	Added	1972
16.75	Am.	1972
16.76(b)	Am.	1972
16.76(d)	Am.	1972
16.77(a)	Am.	1972
17.25	Rep.	1972
17.52(a)	Am.	1972
17.54	Am.	1972
17.65	Added	1972
17.82(b)	Am.	1972
18.14(b)	Am.	1972
18.14(c)	Am.	1972
18.31	Added	1972
19.163	Am.	1972
19.164(g)	Am.	1972
19.401	Am.	1972
20.43(c)	Am.	1972
20.481	Added	1972
21.007	Added	1972
21.033	Am.	1972
21.0331	Added	1972
21.061	Am.	1972
21.062	Am.	1972
21.063	Am.	1972
21.064	Rep.	1972
21.065	Rep.	1972
21.067	Rep.	1972
21.068	Rep.	1972
21.069	Rep.	1972
21.070	Rep.	1972
21.071	Rep.	1972
21.072	Rep.	1972
21.080	Added	1972
21.109	Am.	1972
21.1111	Added	1972
21.113	Added	1972
21.114	Added	1972
21.115	Added	1972
21.116	Added	1972
21.117	Added	1972
21.135	Added	1972
21.172	Added	1972
21.201 to 21.216	Rep.	1972
21.256	Added	1972
21.308	Added	1972
21.905	Rep.	1972
21.910	Added	1972
22.09(a)	Am.	1972
23.021	Added	1972
23.03(b)	Am.	1972
23.03(c)	Am.	1972
23.05(a)	Am.	1972
23.06(a)	Am.	1972
23.10	Am.	1972
23.11(c)	Am.	1972
23.11(h)	Added	1972
23.77	Am.	1972
23.95(e)	Am.	1972
23.98	Am.	1972
23.999	Added	1972
26.64(b)	Am.	1972
26.65	Am.	1972
26.66	Am.	1972
28.10(c)	Am.	1972
51.108	Added	1972
51.353(a)	Am.	1972
51.904	Added	1972
51.905	Added	1972
52.35	Am.	1972
52.38	Am.	1972
52.54	Am.	1972
54.051	Am.	1972
54.054	Am.	1972
54.055	Am.	1972
54.057	Am.	1972
54.101	Am.	1972
54.102	Added	1972
54.208	Added	1972
54.209	Added	1972
55.17(e) to (g)	Added	1972
61.071	Added	1972
61.201	Added	1972
61.202	Added	1972
61.203	Added	1972
61.204	Added	1972
65.31	Am.	1972
65.40	Added	1972
66.05	Added	1972
67.52	Added	1972
67.62	Added	1972
68.03	Added	1972
73.157	Added	1972
86.23	Added	1972
87.206	Added	1972
105.13	Am.	1972
105.43	Added	1972
108.36	Added	1972
108.37	Added	1972
130.003(b)	Am.	1972
130.005	Added	1972
130.070	Added	1972
130.085	Added	1972
130.086	Added	1972
135.02(a)	Am.	1972
135.02(c)	Am.	1972

Election Code

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Elec. Code Art.	Effect	Vernon's Texas St.Supp.
1.01	New	1952
1.01a	New	1964
§ (a)	Am.	1968
1.02	New	1952
1.03	New	1952
	Am.	1964
	Am.	1968
1.04	New	1952
1.05	New	1952
	Am.	1964
	Am.	1968
1.05—1	New	1972
1.06	New	1952
	Am.	1968
1.07	New	1952
	Am.	1968
1.08	New	1952
	Rep.	1964
2.01	New	1952
	Am.	1962
	Am.	1964
2.01a	Added	1970
2.02	New	1952
	Am.	1964
(g)	Am.	1968
2.03	New	1952
	Am.	1966
	Am.	1968
2.04	New	1952
	Am.	1964
	Am.	1966
(b)	Am.	1968
2.04a(1) to (3)	Added	1972
2.05	New	1952
	Am.	1964
2.06	New	1952
2.06 note	—	1972
3.01	New	1952
	Am.	1964
	Am.	1966
	Am.	1970
pars. (a), (b)	Am.	1968
3.02	New	1952
	Am.	1964
3.03	New	1952
	Am.	1964
	Am.	1968
	Am.	1970
3.04	New	1952
	Am.	1964
3.05	New	1952
	Am.	1964
3.06	New	1952
	Am.	1964
3.07	New	1952
	Am.	1964
	Am.	1968
3.08	New	1952
	Am.	1964
	Am.	1966
	Am.	1968
(a) (c)	Am.	1970
3.09	New	1952
3.09a	Added	1968
4.01, 4.02	New	1952
4.03	Am.	1970
4.04 to 4.05	New	1952
4.05	Am.	1970
4.06	New	1952
4.07	New	1952
	Rep.	1964
4.08	New	1952
	Am.	1968
4.09	New	1952
4.10	New	1952
	Am.	1962
4.10 § 2	Am.	1970
4.11	New	1962
	Am.	1968
4.12	Added	1966
	Am.	1968
5.01	New	1952
	Am.	1964
5.02	New	1952
	Am.	1964
	Am.	1966
	Am.	1968
5.02a	Added	1964
	Am.	1966
5.03	New	1952
	Am.	1958
	Am.	1970
5.04	New	1952
	Am.	1968
subsecs. (a) (b)	Am.	1970
5.05	New	1952
Subd. 1	Am.	1960
	Am.	1964
	Am.	1970
Subd. 1a	Am.	1960
	Am.	1964
	Am.	1966
Subd. 2	Am.	1960
	Am.	1964
	Am.	1970
Subd. 2a	Am.	1960
	Am.	1964
	Am.	1966
	Am.	1968
	Am.	1970

Elec. Code Art.	Effect	Vernon's Texas St.Supp.
5.05		
Subd. 2b	Added	1968
Subd. 2c note	—	1972
Subd. 3	Am.	1960
	Am.	1964
	Am.	1968
Subd. 3a	Am.	1960
	Am.	1964
Subd. 3b	Am.	1960
	Am.	1964
	Am.	1970
Subd. 3c	Added	1966
Subd. 4	Am.	1964
Subd. 4a	Added	1966
Subd. 4b	Renumbered and Am. from Subd. 16	1966
Subd. 4c	Added	1968
Subd. 4d	Added	1970
Subd. 4e	Added	1970
Subd. 5	Am.	1964
Subd. 6	Am.	1958
	Am.	1960
	Am.	1964
	Am.	1968
Subd. 7	Am.	1960
	Am.	1964
Subd. 8	Am.	1960
	Am.	1964
Subd. 11	Am.	1968
Subd. 14	Am.	1964
	Am.	1968
Subd. 14a note	Added	1972
Subd. 15	Added	1960
	Am.	1964
Subd. 16	Added	1960
	Am.	1964
	Renumbered Subd. 4b	1966
Subd. 17	Added	1960
	Am.	1968
Subd. 18	New	1964
5.05a, 5.05b	Added	1968
5.05c	Added	1968
Subd. 2	Am.	1970
5.05d	Added	1968
5.06	New	1952
	Am.	1960
5.07	New	1952
5.08	New	1952
	Am.	1964
	Am.	1968
subsec. (m)	Added	1972
5.09	New	1952
	Am.	1960
	Am.	1964
5.10	New	1952
	Am.	1964
5.10a note	—	1972
5.11	New	1952
	Am.	1958
	Am.	1964
5.11a note	—	1972
5.11a—1	Added	1968
5.11b—1	Added	1968
5.11c(1) to (3)	Added	1972
5.12	New	1952
	Am.	1964
5.12a	Am.	1968
5.12a note	—	1972
5.12b	Added	1970
5.12b note	—	1972
5.13	New	1952
5.13a		
Subsec. (1)	Am.	1970
Subsec. (2)	Am.	1970
5.13a note	—	1972
5.13b	Added	1968
	Am.	1970
5.13b note	—	1972
5.14	New	1952
	Am.	1960
	Am.	1964
5.14a	Added	1966
5.14a note	—	1972
5.15	New	1952
	Am.	1964
5.15a	Am.	1970
5.15a note	—	1972
5.16	New	1952
	Am.	1964
5.16a	Added	1966
5.16a note	—	1972
5.16b note	—	1972
5.17	New	1952
	Am.	1962
5.18	New	1952
5.18a	New	1952
	Am.	1970
5.18a note	—	1972
5.18b	Added	1968
	Rep.	1970
5.18b note	—	1972
5.18c note	—	1972
5.18d note	—	1972
5.19	New	1952
5.19a		
Subsec. (1)	Am.	1970
Subsec. (1) note	—	1972
Subsec. (4)	Added	1972
Subsec. (5)	Added	1972
5.19b, to 5.21	New	1952
5.19b note	—	1972
5.20a note	—	1972
5.21a note	—	1972
5.22	New	1952
	Am.	1964
5.22b	Added	1968
5.22c note	—	1972
5.23	New	1952
	Rep.	1972
5.23a	Am.	1968
5.24	New	1952

Elec. Code Art.	Effect	Vernon's Texas St.Supp.
6.01	New	1952
	Am.	1956
	Am.	1960
6.01a	Added	1964
6.02	New	1952
	Am.	1964
(f)	Am.	1968
6.03	New	1952
6.04	New	1952
	Am.	1964
6.05	New	1952
	Am.	1958
	Am.	1966
	Am.	1968
6.05a	New	1964
6.05b	New	1964
6.05c	New	1964
	Am.	1968
6.05d	New	1964
6.05e	New	1964
6.06	New	1952
	Am.	1958
	Am.	1964
	Am.	1968
6.06a	Added	1968
6.07	New	1952
	Am.	1956
	Am.	1968
Subd. 2a	Added	1970
6.08	New	1952
	Rep.	1968
6.09	New	1952
6.10	New	1952
7.01 to 7.05	New	1952
7.06	New	1952
	Am.	1964
	Am.	1970
7.07	New	1952
	Am.	1968
7.08	New	1952
7.09	New	1952
7.10	New	1952
	Am.	1964
7.14	New	1952
§§ 2, 3	Am.	1964
§ 5	Am.	1964
§ 7	Am.	1964
§ 7a	New	1958
	Am.	1964
§ 7b	New	1960
§ 8	Am.	1964
	Am.	1970
§ 8a	New	1964
	Am.	1972
§ 10	Am.	1964
§ 10a	Added	1956
§§ 12, 13	Am.	1964
§ 14	Am.	1968
§ 15	Am.	1958
§ 16a	New	1960
§ 17	Am.	1964

Elec. Code Art.	Effect	Vernon's Texas St.Supp.
7.14		
§ 18	Am.	1964
	Am.	1968
§ 19	Am.	1964
§ 20	Am.	1962
	Am.	1964
§ 22	Rep.	1964
§§ 24, 25	Am.	1964
7.15	New	1952
	Rep.	1964
	Added	1968
Subd. 5(d)	Added	1970
Subd. 10a	Added	1970
Subd. 11a	Added	1970
Subd. 19	Am.	1970
Subd. 20	Am.	1970
Subd. 22	Added	1970
Subd. 23	Added	1970
Subd. 24	Added	1970
§ 19a	Added	1970
7.16	New	1952
§ 3	Added	1962
7.17	New	1952
	Am.	1962
8.01	New	1952
	Am.	1964
8.02	New	1952
	Am.	1964
	Am.	1968
8.03 to 8.08	New	1952
8.08 note	—	1972
8.09	New	1952
	Am.	1964
8.10	New	1952
	Rep.	1964
8.11	New	1952
8.11 note	—	1972
8.12	New	1952
8.13	New	1952
	Am.	1964
	Am.	1958
	Am.	1964
8.13a	New	1964
8.14	New	1952
8.15	New	1952
	Am.	1964
8.16	New	1952
8.17	New	1952
8.18	New	1952
	Am.	1964
	Am.	1970
8.19	New	1952
	Am.	1964
	Am.	1968
8.19a	Added	1970
8.20	New	1952
8.21	New	1952
8.22	New	1952
	Am.	1964
	Am.	1968
Par. (b)	Am.	1970

Elec. Code Art.	Effect	Vernon's Texas St.Supp.
8.23	New	1952
	Am.	1964
	Am.	1968
8.24	New	1952
8.25	New	1952
§ 5	Rep.	1964
8.26	New	1952
8.27	New	1952
	Am.	1968
8.28	New	1952
8.29	New	1952
	Am.	1964
8.29a	New	1964
8.29b	New	1964
8.30	New	1952
	Am.	1964
8.31	New	1952
	Am.	1964
8.32	New	1952
	Rep.	1964
	Am.	1968
	Am.	1970
8.33	New	1952
	Am.	1964
8.34	New	1952
8.35	New	1952
8.36	New	1952
	Am.	1964
8.37	New	1952
	Am.	1968
	Am.	1970
8.38	New	1952
	Am.	1964
8.39	New	1952
8.40	New	1952
	Am.	1970
8.41	New	1952
	Am.	1964
	Am.	1966
	Rep.	1968
8.42	New	1952
	Am.	1964
8.43	New	1952
	Am.	1968
8.43a, subsec. (1)	Added	1972
subsec. (2)	Added	1972
8.44	New	1952
	Rep.	1964
8.45	New	1952
8.46	New	1952
9.01 to 9.19	New	1952
9.20	New	1952
	Am.	1964
	Am.	1966
9.21 to 9.28	New	1952
9.29	New	1952
9.30 to 9.38	New	1952
9.38a	Added	1968
Subd. 10(a)	Am.	1970
10.01 to 10.03	New	1952
11.01	New	1952
11.01a	New	1964
	Am.	1968
11.02	New	1952
	Am.	1964
11.03	New	1952
11.04	New	1952
	Am.	1964
11.05	New	1952
11.06	New	1952
12.01	New	1952
12.02	New	1952
	Am.	1958
Pars. 3, 4	Am.	1964
12.03	New	1952
13.01	New	1952
13.01a	New	1960
	Am.	1968
Par. (2)	Am.	1964
subsecs. (4) to (6) note	—	1972
13.02	New	1952
13.03	New	1952
	Am.	1960
13.04	New	1952
	Am.	1968
13.04A	New	1956
	Am.	1966
	Rep.	1968
13.04b	Added	1966
	Rep.	1968
13.05	New	1952
	Rep.	1964
13.06	New	1952
	Am.	1968
13.07	New	1952
13.07a	New	1964
	Am.	1968
subsec. (3) note	—	1972
13.08	New	1952
	Am.	1956
	Am.	1960
	Am.	1964
	Am.	1968
subsec. (1) note	—	1972
subsecs. (5) to (7) note	—	1972
13.08a	New	1958
	Am.	1964
	Am.	1970
13.08a note	—	1972
13.08a—1	Added	1966
13.08a—1 note	—	1972
13.08b	New	1964
	Am.	1968

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13.08c	New	1964
	Rep.	1968
subsecs. (a) to (i) note	—	1972
13.09	New	1952
	Am.	1958
	Am.	1964
	Am.	1968
13.10	New	1952
	Rep.	1964
13.11	New	1952
13.11a	New	1964
13.12	New	1952
	Am.	1960
	Am.	1964
(2)	Am.	1968
	Am.	1970
(2a)	Added	1968
	Am.	1970
(2b)–(2d)	Added	1970
(3)	Am.	1968
13.12a	New	1964
(1)	Am.	1968
(2) (iii)	Am.	1968
(8)	Added	1968
13.13	New	1952
	Am.	1964
13.14	New	1952
	Am.	1960
13.15	New	1952
	Am.	1956
	Am.	1964
	Am.	1970
(b)	Am.	1962
13.16	New	1952
	Am.	1970
13.16 note	—	1972
13.17	New	1952
	Am.	1960
	Am.	1968
13.18	New	1952
	Am.	1964
	Am.	1970
13.18a	New	1964
	Am.	1968
13.18b	Added	1966
	Am.	1968
13.19	New	1952
13.20	New	1952
13.21	New	1952
	Am.	1964
13.22	New	1952
13.23	New	1952
	Am.	1964
	Am.	1968
13.24	New	1952
	Am.	1960
	Am.	1964
	Am.	1968
13.24a, subsec. (1)	Added	1972
subsec. (2)	Added	1972
13.25	New	1952
	Am.	1964
13.26	New	1952
13.26a	Added	1964
	Am.	1968
13.27	New	1952
	Am.	1960
	Am.	1964
	Am.	1968
13.28	New	1952
	Rep.	1964
13.29	New	1952
13.30	New	1952
(3)	Am.	1968
13.31	New	1952
13.32	New	1952
13.33	New	1952
	Am.	1964
13.34	New	1952
	Am.	1958
	Am.	1960
	Am.	1964
	Am.	1968
Subsec. (c)	Am.	1970
13.34a	Added	1964
13.35	New	1952
	Am.	1960
13.36	New	1952
	Am.	1960
	Rep.	1964
13.37	New	1952
13.38	New	1952
	Am.	1964
13.39	New	1952
	Am.	1968
13.40	New	1952
	Rep.	1968
13.41	New	1952
	Am.	1968
13.42	New	1952
13.43	New	1952
13.43a	New	1958
	Am.	1964
13.43b	Added	1972
13.44	New	1952
13.45	New	1952
	Am.	1960
	Am.	1964
	Am.	1968
Subd. 2	Am.	1970
13.45a	Added	1968
13.46	New	1952
	Am.	1960
	Am.	1964
13.47	New	1952
	Am.	1960
	Am.	1964
	Am.	1968
13.47a	New	1962
§ 4	Am.	1968
13.48	New	1952
	Am.	1964
13.49	New	1952
13.50	New	1952
	Am.	1964

Elec. Code Art.	Effect	Vernon's Texas St.Supp.
13.51	New	1952
	Am.	1964
13.52	New	1952
	Am.	1964
13.53	New	1952
	Am.	1964
13.54	New	1952
13.55	New	1952
13.56	New	1952
	Am.	1964
(b)	Am.	1968
(c)	Am.	1968
(e)	Am.	1968
13.57	New	1952
	Am.	1970
13.58	New	1952
	Am.	1960
	Am.	1968
13.59	New	1952
14.01	New	1952
	Am.	1964
14.02 to 14.06	New	1952
	Reenacted	1968
14.07	New	1952
	Am.	1964
14.08	New	1952
	Am.	1956
(b)	Am.	1968
Par. (f)	Am.	1964
(f)	Am.	1970
(g)	Reenacted	1968
(h)	Am.	1968
(k)	Added	1968
14.09	New	1952
14.10	New	1952
	Am.	1964
(b)	Am.	1968
14.11	New	1952
14.12	New	1952

Family Code

(Volume 2, pages 1677 to 1680)

The Family Code, Title 1, was adopted by Acts 1969, 61st Leg., ch. 888, effective January 1, 1970, and first appears in the 1970 Supplement.

Family Code Art.	Effect	Vernon's Texas St.Supp.
1.03, subsec. (b)	Am.	1972
1.92, subsecs. (c) to (e)	Am.	1972
1.92, subsec. (f)	Added	1972
2.41(a)	Am.	1972
5.26	Added	1972
5.87	Added	1972

Insurance Code

(Volume 1, pages 541 to 602)

Ins. Code Art.	Effect	Vernon's Texas St.Supp.
1.01	New	1952
1.02	New	1952
	Am.	1956
	Am.	1958
1.02(e)	Added	1972
1.03	New	1952
	Am.	1956
	Am.	1958
1.04	New	1952
	Am.	1956
	Am.	1958
(e)	Rep.	1962
1.04 note	Am.	1962
1.05	New	1952
	Am.	1958
(b)	Am.	1962
1.06	New	1952
	Am.	1958
1.07	New	1952
	Am.	1958
1.08	New	1952
	Am.	1956
	Am.	1958
1.09	New	1952
	Am.	1958

ARTICLES AND SECTIONS AFFECTED FROM 1949 TO 1971

Ins. Code Art.	Effect	Vernon's Texas St.Supp.
1.09—1	New	1958
1.09—2	New	1958
1.09—3	New	1958
	Am.	1962
1.10	New	1952
(4)	Am.	1960
(5)	Am.	1956
(17)	New	1960
§ 17(c), (d), (e)	Added	1968
1.11 to 1.13	New	1952
1.14	New	1952
	Am.	1956
§ 1	Am.	1960
1.14—1	Added	1968
§ 12A	Added	1970
1.14—2	Added	1968
§ 2(a)	Am.	1970
1.15	New	1952
	Am.	1956
	Am.	1966
1.16	New	1962
	Am.	1956
1.17	New	1952
	Am.	1956
1.18	New	1952
	Am.	1956
1.19	New	1952
	Am.	1956
1.20 to 1.25	New	1952
1.26	New	1964
	Am.	1968
	Rep.	1972
1.26—1	Rep.	1972
1.29, § 1	Added	1972
§ 2	Added	1972
2.01	New	1952
	Am.	1956
2.02	New	1952
	Am.	1956
2.03	New	1952
	Am.	1956
2.03—1	New	1956
2.04	New	1952
	Am.	1956
2.05	New	1952
	Am.	1956
2.06	New	1952
2.07	New	1952
§ 1	Am.	1958
	Am.	1962
§ 5	Am.	1962
§ 6	Am.	1956
§ 7	Added	1968
2.08	New	1952
	Am.	1956
	Am.	1960
	Am.	1962
2.09	New	1952
2.10	New	1952
	Am.	1956
	Am.	1962
(3)	Am.	1960
2.10—1	Added	1972
2.11	New	1952
	Am.	1962
	Am.	1966
2.12	New	1952
2.13	New	1952
2.14	New	1952
	Am.	1960
2.15 to 2.17	New	1952
2.18	New	1952
	Am.	1956
2.19	New	1952
2.20	New	1952
	New	1956
2.21	New	1952
	New	1956
3.01	New	1952
	Am.	1962
§ 10	Am.	1964
3.02	New	1952
	Am.	1956
3.02a	New	1956
	Am.	1962
3.03	New	1952
	Rep.	1956
3.04	New	1952
	Am.	1956
	Am.	1958
	Am.	1966
§ 1(3)	Am.	1960
3.05	New	1952
	Am.	1968
3.06	New	1952
	Am.	1956
3.07 to 3.09	New	1952
3.10	New	1952
	Am.	1962
3.11	New	1952
	Am.	1956
	Am.	1964
3.12	New	1952
	Am.	1958
	Am.	1972
3.13	New	1952
3.14	New	1952
3.15	New	1952
	Am.	1958
	Am.	1968
3.16	New	1952
	Am.	1958
	Am.	1962
3.17	New	1952
	Am.	1962
3.18	New	1952
	Am.	1962

Ins. Code Art.	Effect	Vernon's Texas St.Supp.
3.19	New	1952
	Rep.	1962
3.20	New	1952
3.21	New	1952
3.22	New	1952
	Am.	1956
3.23 to 3.27	New	1952
3.28	New	1952
	Am.	1960
	Am.	1964
3.29	New	1952
3.30	New	1952
	Am.	1956
	Rep.	1964
3.31	New	1952
3.32	New	1952
	Am.	1956
3.33	New	1952
	Rep.	1964
3.34	New	1952
	Am.	1954
	Am.	1960
	Am.	1962
(as amended by ch. 168, § 1)	Rep.	1962
3.35	New	1952
	Rep.	1964
3.36	New	1952
3.37	New	1952
	Rep.	1964
3.38	New	1952
3.39	New	1952
	Am.	1962
(1)	Am.	1960
(2)	Am.	1960
(6)	Am.	1960
(9)	Am.	1956
(10)	New	1960
Part I, Par. A.4	Am.	1966
Part I, Par. A.5	Am.	1966
Part I, Par. A.6	Am.	1966
Part I, Par. A.7	Am.	1966
Part I, Par. A.8	Am.	1966
Part I, Par. A.10	Am.	1966
	Am.	1972
Part I, Par. A.11	Am.	1966
Part I, Par. A.15	Am.	1966
Par. 15A	Am.	1968
	Am.	1970
	Am.	1972
Part I, Par. C.3	Am.	1964
	Am.	1966
Part I, Subd. C.4	Added	1970
Part II, Par. A.8	Am.	1964
Part II, Par. B.1	Am.	1966
Part III	Added	1966
3.39a	New	1962
3.40	New	1952
	Am.	1956
	Am.	1960
	Am.	1962
	Am.	1970
(5)	Am.	1962
3.40—1	New	1968
3.41	New	1952
3.41a	Added	1972
3.42	New	1952
	Am.	1958
3.43	New	1966
	Rep.	1958
3.44	New	1965
§ 3	Am.	1964
§ 7	Am.	1960
	Am.	1964
§ 8	Am.	1964
§ 12	Am.	1964
3.44a	New	1964
3.45	New	1952
3.46	New	1952
	Am.	1964
3.47 to 3.49	New	1952
3.49—1	New	1954
3.49—2	New	1960
3.49—3	New	1968
3.50	New	1952
	Am.	1958
§ 1	Am.	1966
§ 1(1) (d)	Am.	1956
	Am.	1960
	Am.	1968
§ 1(3)	Am.	1954
	Am.	1956
	Am.	1962
	Am.	1970
§ 1(3) (b)	Am.	1968
§ 1(4)	Am.	1956
	Am.	1960
§ 1(4) (d)	Am.	1972
§ 1(5) (d)	Am.	1968
§ 1(5.6)	New	1962
§ 1(6) (d)	Am.	1968
§ 1(8)	Added	1970
§ 2	Am.	1970
	Am.	1972
§ 3	Am.	1964
§§ 4, 5	Rep.	1964
3.50—1	Added	1966

ARTICLES AND SECTIONS AFFECTED FROM 1949 TO 1971

Ins. Code Art.	Effect	Vernon's Texas St.Supp.
3.51	New	1952
§ 1	Am.	1962
§ 1(a)	Am.	1968
	Am.	1970
§ 1(b)	Am.	1968
3.51—1	New	1964
§ 2(c)	Am.	1964
§ 2(e–g)	Am.	1964
3.51—2	Added	1968
3.51—3	New	1968
3.52	New	1952
3.53	New	1952
	Am.	1964
3.54 to 3.59	New	1952
3.60	New	1952
	Am.	1956
3.61	New	1952
3.62	New	1952
3.62—1	New	1958
	Am.	1962
3.63 to 3.68	New	1952
3.69	New	1956
3.70—1	New	1956
3.70—2	New	1956
(A)	Am.	1966
(B)	Added	1968
(C)	Added	1972
3.70—3 to 3.70—7	New	1956
3.70—3 Subsec. (A) (2)	Am.	1970
3.70—8	New	1956
	Am.	1968
	Am.	1972
3.70—9	New	1956
3.70—10	New	1956
3.71	New	1964
§ 1	Am.	1966
3.72	Added	1968
3.73, §§ 1 to 9	Added	1972
4.01	New	1952
	Am.	1958
	Am.	1970
4.02 to 4.06	New	1952
4.07	New	1952
	Am.	1966
4.08	New	1964
4.09	Added	1966
5.01	New	1952
	Am.	1954
5.02	New	1952
5.03	New	1952
	Am.	1972
5.04	New	1952
	Am.	1954
5.05	New	1952
	Am.	1954
5.06	New	1952
5.06—1	Added	1968
5.06—2	Added	1970
5.07	New	1952
5.08	New	1952
5.09	New	1952
	Am.	1954
5.10	New	1952
5.11	New	1952
	Am.	1954
5.12	New	1952
5.13	New	1952
	Am.	1956
5.14 to 5.25	New	1952
5.25—2	Added	1968
5.26	New	1952
	Am.	1956
5.27 to 5.49	New	1952
5.33	Am.	1972
5.50	New	1952
	Am.	1956
5.51 to 5.53	New	1952
5.54	New	1952
	Am.	1956
5.55	New	1966
	Am.	1954
5.56	New	1952
5.57	New	1952
5.58	New	1952
	Am.	1954
5.59	New	1952
5.60	New	1952
	Am.	1954
5.61 to 5.64	New	1952
5.65	New	1952
	Am.	1954
5.66 to 5.75	New	1952
5.76	New	1954
	New	1956
subpar. (c)	Am.	1972
5.77 to 5.79	New	1954
6.01	New	1952
	Am.	1960
6.02	New	1952
	Am.	1960
6.03	New	1952
6.04	New	1952
	Am.	1956

Ins. Code Art.	Effect	Vernon's Texas St.Supp.
6.05	New	1952
	Am.	1956
6.06	New	1952
	Am.	1956
6.07	New	1952
	Am.	1956
6.08	New	1952
	Am.	1956
	Am.	1962
6.09	New	1952
	Rep.	1964
6.10	New	1952
	Rep.	1964
6.11	New	1952
6.12	New	1952
	Am.	1966
§ 6	Am.	1960
6.13 to 6.16	New	1952
§ 3	Am.	1968
7.01	New	1952
	Rep.	1958
	Added	1960
7.02	New	1952
	Rep.	1958
	Added	1972
7.03	New	1952
	Rep.	1958
7.04	New	1952
	Rep.	1958
7.05	New	1952
	Rep.	1958
7.06	New	1952
	Rep.	1958
7.07	New	1952
	Rep.	1958
7.08	New	1952
	Rep.	1958
7.09	New	1952
	Rep.	1958
7.10	New	1952
	Rep.	1958
7.11	New	1952
	Rep.	1958
7.12	New	1952
	Rep.	1958
7.13	New	1952
	Rep.	1958
7.14	New	1952
	Rep.	1958
7.15	New	1952
	Rep.	1958
7.16	New	1952
	Rep.	1958
7.17	New	1952
	Rep.	1958
7.18	New	1952
	Rep.	1958
7.19—1	New	1960
7.20—1	New	1970
8.01 to 8.04	New	1952
8.05	New	1952
	Am.	1956
8.06	New	1952
8.07	New	1952
	Am.	1966
8.08	New	1952
8.09	New	1952
8.10	New	1952
	Am.	1956
8.11 to 8.13	New	1952
8.14	New	1952
	Am.	1960
8.15 to 8.17	New	1952
8.18	New	1952
	Am.	1956
	Am.	1962
8.19	New	1952
	Am.	1962
8.20 to 8.24	New	1952
Subsec. (j)	Added	1970
	Am.	1972
9.01 to 9.47	New	1968
9.01	New	1952
	Am.	1956
9.01a	New	1958
9.01—1	New	1962
9.02	New	1952
	Am.	1956
9.03	New	1952
	Am.	1956
9.04	New	1952
9.05	New	1952
9.06	New	1952
	Am.	1956
9.07	New	1952
	Am.	1956
9.08	New	1952
9.09	New	1952
	Am.	1958
9.10	New	1952
9.11	New	1952
	Am.	1956
	Am.	1960
9.12 to 9.24	New	1952
9.25	New	1952
	Am.	1956
	Am.	1964
9.26	New	1952
9.27	New	1952

ARTICLES AND SECTIONS AFFECTED FROM 1949 TO 1971

Ins. Code Art.	Effect	Vernon's Texas St.Supp.
10.01 to 10.04	New	1952
10.05	New	1952
	Am.	1960
10.06	New	1952
10.07	New	1952
10.08	New	1952
	Am.	1956
10.09 to 10.17	New	1952
10.18	New	1952
	Am.	1960
10.19	New	1952
	Am.	1966
10.20 to 10.39	New	1952
10.40	New	1952
§ 3	Am.	1956
11.01	New	1952
	Am.	1956
11.02	New	1952
	Am.	1954
	Am.	1956
11.03	New	1952
11.04	New	1952
	Am.	1966
11.05	New	1952
11.06	New	1952
11.07	New	1952
11.08	New	1952
11.09	New	1952
	Am.	1960
	Rep.	1964
11.10	New	1952
	Am.	1954
	Am.	1956
11.11	New	1952
	Am.	1956
11.12	New	1952
	Am.	1954
	Am.	1956
11.13 to 11.16	New	1952
11.17	New	1952
	Am.	1954
	Am.	1956
11.18	New	1952
11.19	New	1952
	Am.	1956
	Am.	1964
	Am.	1968
11.20	Added	1968
11.21	Added	1968
12.01	New	1952
12.02	New	1952
12.03	New	1952
	Am.	1968
12.04 to 12.18	New	1952
13.01 to 13.09	New	1952
14.01 to 14.14	New	1952
14.14a	New	1964
14.15	New	1952
	Am.	1966
14.16	New	1952
14.17	New	1952
	Am.	1960
14.18 to 14.22	New	1952
14.23	New	1952
	Am.	1962
	Am.	1966
14.24	New	1952
14.25	New	1952
	Am.	1966
14.26 to 14.32	New	1952
14.33	New	1952
	Am.	1966
14.34 to 14.61	New	1952
§ 1(c)	Am.	1956
14.62	New	1952
14.63	New	1956
14.64	Added	1972
15.01 to 15.03	New	1952
15.04	New	1952
	Am.	1956
15.05	New	1952
15.06	New	1952
	Am.	1956
15.07	New	1952
15.08	New	1952
	Am.	1956
15.09	New	1952
15.10	New	1952
15.11	New	1952
	Am.	1956
15.12 to 15.20	New	1952
16.01	New	1952
§ 2	Am.	1956
16.02 to 16.05	New	1952
16.06	New	1952
	Am.	1954
	Am.	1956

Ins. Code Art.	Effect	Vernon's Texas St.Supp.
16.07	New	1952
	Am.	1954
16.08 to 16.10	New	1952
16.11	New	1952
	Am.	1954
16.12 to 16.28	New	1952
17.01	New	1952
17.02	New	1952
	Am.	1956
17.03	New	1952
	Am.	1956
17.04	New	1952
17.05	New	1952
	Am.	1954
17.06	New	1952
	Am.	1954
	Am.	1956
17.07	New	1952
17.08	New	1952
17.09	New	1952
	Am.	1956
17.10	New	1952
17.11	New	1952
	Am.	1954
	Am.	1956
17.12 to 17.15	New	1952
17.16	New	1952
	Am.	1954
	Am.	1956
17.17	New	1952
	Am.	1954
17.18 to 17.21	New	1952
17.22	New	1952
	Am.	1956
	Am.	1968
17.23	New	1952
17.24	New	1952
17.25	New	1952
§ 1	Am.	1956
§ 4	Am.	1954
§ 5	Am.	1956
§ 7	Am.	1954
	Rep.	1956
§ 9	Am.	1954
	Am.	1956
§ 20	Am.	1956
§ 22	New	1954
	Rep.	1956
18.01 to 18.03	New	1952
18.04	New	1952
	Am.	1956
18.05	New	1952
	Am.	1956
18.06	New	1952
18.07	New	1952
	Am.	1956
18.08	New	1952
18.09	New	1952
	Am.	1956
18.10	New	1952
18.11	New	1952
	Am.	1956
18.12 to 18.22	New	1952
18.23	New	1952
	Am.	1956
18.24	New	1952
19.01	New	1952
19.02	New	1952
	Am.	1960
19.03	New	1952
	Am.	1956
19.04	New	1952
19.05	New	1952
19.06	New	1952
	Am.	1956
19.07 to 19.09	New	1952
19.10	New	1952
	Am.	1956
	Am.	1960
19.11	New	1952
	Am.	1956
19.12	New	1952
	Am.	1956
	Am.	1972
20.01 to 20.09	New	1952
20.10	New	1952
	Am.	1960
20.11	New	1952
20.12	New	1952
	Am.	1960
20.13 to 20.15	New	1952
20.16	New	1952
	Am.	1960
20.17	New	1952
20.18	New	1952
20.19	New	1952
	Am.	1960
20.20	New	1952
20.21	New	1952
21.01 to 21.06	New	1952
21.07	New	1952
§ 2	Am.	1960
§ 3	Am.	1960
§ 6	Am.	1956
§ 7	Am.	1960
	Am.	1970

ARTICLES AND SECTIONS AFFECTED FROM 1949 TO 1971

Ins. Code Art.	Effect	Vernon's Texas St.Supp.
21.07		
§ 7, subsec. (c)	Am.	1972
§ 14	Am.	1972
21.07—1	New	1956
§ 1(b)	Am.	1970
§ 8	Am.	1960
§ 9	Am.	1960
§ 9(e)	Am.	1968
§ 10(b) (4)	Added	1970
21.07—2	New	1956
§ 4a	Added	1970
§ 5	Am.	1970
21.07—3, §§ 1–21	New	1968
21.08	New	1952
21.09	New	1952
	Am.	1964
21.10	New	1952
21.11	New	1952
	Am.	1956
21.11—1, §§ 1 to 5	Added	1972
21.12	New	1952
21.13	New	1952
21.14	New	1952
§ 3	Am.	1970
§ 3a	New	1964
§ 4	Am.	1970
§ 5	Am.	1970
§ 5a	Added	1972
§ 8	Am.	1960
§ 9	Am.	1972
§ 10	Am.	1972
§ 12	Am.	1960
§ 24	Am.	1970
21.15 to 21.20	New	1952
21.21	New	1952
	Am.	1958
§ 13	Added	1970
21.21—1	New	1962
21.22 to 21.24	New	1952
21.25	New	1952
	Am.	1962
21.26	New	1952
	Am.	1960
	Am.	1962
21.27	New	1952
21.28	New	1952
	Am.	1956
§ 8A	New	1964
§§ 8(e)–8(h)	Am.	1962
§ 12A	Added	1966
21.28—A, §§ 1–12	Added	1968
21.28B	Added	1968
21.28—C, §§ 1 to 21	Added	1972
21.28—E, §§ 1 to 24	Added	1972
21.29 to 21.31	New	1952
21.32	New	1952
	Am.	1960
21.33 to 21.37	New	1952
21.38	New	1952
	Rep.	1968
§ 2	Am.	1958
§§ 5–7	Am.	1958
21.39	New	1952
	Am.	1956
21.39—A, §§ 1 to 8	Added	1972
21.40 to 21.42	New	1952
21.43	New	1952
	Am.	1960
	Am.	1964
21.44	New	1956
21.45	New	1956
21.46	New	1958
21.47	New	1958
	Am.	1962
	Added	1972
21.48	New	1958
	Rep.	1962
	Added	1966
21.48A	Added	1966
§ 2	Am.	1970
§ 3	Am.	1970
21.49, §§ 1 to 15	New	1972
§§ 17, 18	Added	1972
21.49—1, §§ 1 to 17	Added	1972
21.49—2	Added	1972
21.50	Added	1972
22.01 to 22.05	New	1962
	Am.	1968
22.06 to 22.14	New	1962
22.13		
§ 1	Am.	1970
§ 2	Am.	1970
22.15	New	1962
§ 9	Am.	1966
22.16	New	1962
22.17	New	1962
22.18	New	1962
§ 1	Am.	1968
22.19	New	1962
22.20	New	1962
22.21	New	1962
22.22	Added	1966
22.23	Added	1972

Texas Non-Profit Corporation Act

Formerly §§ 1.01 to 11.01. Now Civil Statutes 1396—1.01 to 1396—11.01.

Penal Code

(Volume 1, pages 1037 to 1174)

P.C. Art.	Effect	Vernon's Texas St.Supp.
30	Am.	1968
34	Am.	1958
36	Am.	1970
82	Rep.	1968
97	Rep.	1970
101a	Rep.	1952
105	Am.	1956
107a, 107b	Rep.	1966
131c—1, § 26a	New	1950
140	Rep.	1966
147a to 147d	Rep.	1970
147b—1	New	1964
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147b—2	New	1964
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150, 151	Rep.	1968
157a	New	1956
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158	Am.	1958
159	Am.	1958
160—a	New	1950
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183—1	New	1958
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200a	New	1964
200a—2	Rep.	1964
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224	Rep.	1964
225	Am.	1964
240	Am.	1964
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244	Am.	1964
250	Am.	1964
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252	Rep.	1960
259	Am.	1964
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262–269	Rep.	1960
270 to 280	Rep.	1968
285	Am.	1964
286a	New	1962
	Am.	1964
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288	Rep.	1970
289 to 292	Rep.	1970
292a	New	1970
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293 to 293b	Rep.	1970
294	Rep.	1970
294a	Rep.	1970
295	Rep.	1970
295a	New	1970
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295b	New	1970
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295d, §§ 1 to 7	New	1972
296	Am.	1954
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297	Am.	1964
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299	Rep.	1970
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302	Am.	1962
306	Am.	1962
341	Am.	1970
353b	New	1950
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353c	New	1958
353d	New	1966
374 to 378	Rep.	1972
404	Rep.	1970
405	Added	1966
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406	Rep.	1970
419b	Rep.	1972
424	Rep.	1970
427a	Rep.	1958
428a	Added	1972
430a	Rep.	1950
432	Am.	1950
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438c	Am.	1952
438d	New	1952

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474	Am.	1950
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476	Am.	1966
480	Am.	1952
480a	Am.	1966
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482a	New	1970
483	Am.	1952
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489	Am.	1962
489c	New	1950
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489d	New	1970
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519	Am.	1960
526	Rep.	1970
527	Am.	1956
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527a	Am.	1956
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527b	Am.	1956
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532, 533	Rep.	1966
534	Am.	1950
534a	New	1950
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534b	New	1970
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535b	New	1950
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535c	New	1950
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567b	Am.	1952
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570b	Added	1970
576b, § 1a	Added	1970
590a	Rep.	1952
597a, §§ 1 to 12	New	1972
599	Rep.	1964
600	Rep.	1964
602	Am.	1960
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642a	New	1952
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642c	New	1952
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(15)	Added	1972
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666—11a	Added	1972
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666—12b	Added	1970
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(7)	Am.	1962
(7a)	New	1962
(7b)	New	1964
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(17)	Am.	1956
(21)	Added	1970
(22)	Added	1972
(23)	Added	1972
(24)	Added	1972
(25)	Added	1972
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666—15(e)	New	1962
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subsec. 13	Added	1970
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(1)	Am.	1952
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(2)	Am.	1952
(3) (g)	New	1956
(5)	Am.	1970
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(6)	Rep.	1970
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(14) (b)	Added	1966
	Am.	1970
(14) (c)	Added	1966
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14(d)–(f)	Added	1970
(15)	Am.	1952
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(22)	Am.	1954
(35)	Am.	1972
(37)	Am.	1972
666—17b	Added	1970
666—18	Am.	1968
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666—20b	Added	1972
666—20c	Added	1972
666—20d	Added	1972
666—20e	Added	1972
666—20e—1	Added	1972
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666—21⅛	Added	1970
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666—21⅓	New	1952
666—21½	New	1950
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666—26	Am.	1970
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666—30	Am.	1950
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666—40b	Added	1972
666—41a	Am.	1950
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666—52	New	1950
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666—53 to 666—56	New	1950
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(a)	Am.	1960
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(b)	Am.	1960
(c)	Am.	1960
(e–1)	Added	1970
(e–2)	Added	1970
(k)	New	1962
667—5	Am.	1950
	Am.	1954
(1)	Am.	1962
667—5A	Rep.	1950
	New	1962
667—5B	New	1962
667—5C	Added	1970
667—5D	Added	1970
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667—5F	Added	1970
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667—13	Rep.	1970
667—14	Rep.	1972
667—17	Am.	1950
667—19	Am.	1950
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667—19E	Added	1970
667—20	Am.	1950
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667—23	Am.	1950
	Am.	1952
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	Am.	1972
667—23⅛	New	1960
667—23⅞	Added	1972
667—23¼	New	1950
	Am.	1954
667—23½	Am.	1954
667—23a	New	1950
667—24a	Am.	1950
subsec. 2	Am.	1970
667—24b	Added	1972
667—24¼	New	1952
667—25	Am.	1954
667—28	New	1950
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667—29 to 667—31	New	1950
667—32	New	1954
667—33	Added	1968
696a		
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698b	Rep.	1962
698c	Added	1970
698c note	—	1972
698d	Added	1970
700b		
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701b	Rep.	1954
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§ 8	Am.	1972
§ 8A	Added	1972
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§ 23	Am.	1954
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§ 8A	Added	1972
725e, §§ 1 to 12	New	1972
726	Rep.	1958
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	Rep.	1972
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726b	New	1950
	Rep.	1960
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726c	New	1952
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726d	New	1960
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§ 26	Am.	1952
§ 27	Am.	1962
§ 27a	Added	1968
734b	Am.	1954
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734c, §§ 1 to 53	New	1972
735	Am.	1952
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740	Am.	1950
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744—a	New	1950
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751a	New	1962
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753	Am.	1952
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(8)	New	1962
754	Am.	1954
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(5)	New	1956
(6)	New	1960
(7)	New	1960
754b	New	1950
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754c	New	1960
759–762a	Rep.	1954
776	Rep.	1968
777	Rep.	1968
778	Am.	1952
778a	Am.	1952
779	Am.	1952
782b	New	1960
782c	New	1964
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783	Rep.	1972
795	Rep.	1972
798	Rep.	1972
799a	New	1966
802	Am.	1954
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802d	New	1952
802e	New	1958
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802f	New	1970
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827a,		
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§ 5c	New	1958
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861b	New	1958
871b	New	1972
872	Am.	1962
872f	New	1950
873	Am.	1972
874	Am.	1970
875	Am.	1968
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879a—6, §§ 1 to 5	New	1972
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879g—2a	Am.	1950
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879g—4	New	1960
879h—1	New	1960
879h—1 note	Am.	1962
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880a	New	1958
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880b	New	1958
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880d, §§ 1 to 9	New	1972
881b, § 1	Am.	1962
882a	New	1954
888	Am.	1958
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892	Am.	1964
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893	Am.	1954
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895a	New	1950
895b	New	1952
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896	Am.	1964
897a	Added	1970
901	Am.	1962
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912	Am.	1952
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941—3	New	1970
952a	Am.	1972
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962a, §§ 1 to 11	New	1972
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972	Rep.	1966
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978d—1	New	1964
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§ 9	Added	1972
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1002a	New	1972
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1083a	Am.	1952
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1106(b)	Am.	1956
(c)	New	1952
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1111a	Rep.	1960
1111c—1, § 2(d)	Added	1972
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1111m	New	1956
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1137*l*—10, §§ 1–6	New	1968
1137m	New	1956
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1137n	New	1960
1137*o*	New	1964
1137p	New	1966
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1137q, §§ 1–5	New	1968
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1145	Am.	1966
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1147	Am.	1950
	Am.	1956
	Am.	1972
1148	Am.	1950
1148a	New	1972
1152 to 1155	Rep.	1970
1156	Rep.	1972
1160, § 1	Am.	1962
1160a	New	1970
1167a	New	1966
1176a	New	1966
1260a	New	1950
1306 note	—	1972
1318	Am.	1964
1321a	New	1952
1321b	New	1952
	Am.	1968
1325	Am.	1966
1333A	New	1950
1334	Am.	1962
1334a	New	1962
1341	Am.	1960
1344–1346	Rep.	1952
1350	Am.	1952
subd. 1	Am.	1958
1350a	New	1968
1351a, § 1–b	New	1954
1356	Rep.	1972
1357	Rep.	1972
1360	Rep.	1972
1361	Rep.	1972
1362	Rep.	1970
1363	Rep.	1972
1370	Am.	1950
1370a	Am.	1960
1377	Am.	1950
	Rep.	1960
1377b	New	1960
§ 3	Am.	1972
§ 4	Am.	1964
	Am.	1972
1377c	Added	1972
1378a, §§ 11–13	Am.	1952
1379	Am.	1954
	Am.	1962
1379a	New	1970
1384a, §§ 1 to 3	New	1972
1389	Am.	1968
1398	Am.	1952
1402a	New	1956
1402b	New	1964
1404b	New	1952
	Am.	1956
1407a, §§ 1–3	New	1968
1429	Am.	1964
1430a	Added	1972
1431	Rep.	1972
1435a	New	1958
1436—1, § 1	Am.	1960
§ 2	Am.	1972
§ 2b	New	1960
§ 2c	New	1960
§ 3	Am.	1972
§ 5	Am.	1972
§ 6	Am.	1972
§§ 7–9	Am.	1952
§ 20	Am.	1972
§ 21	Am.	1972

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1436—1,		
§ 24	Am.	1966
§ 30(a)	New	1956
§ 30	Am.	1968
§ 33	Am.	1972
§ 35	Am.	1966
	Am.	1972
§ 41	Am.	1972
§ 42	Am.	1972
§§ 43 to 46	Rep.	1972
§ 49(b) to (d)	Am.	1972
§ 49(e)	Am.	1960
§ 49(f)	Added	1972
§ 52	Rep.	1968
§ 57	Am.	1952
	Am.	1956
§ 57a	New	1956
§ 61A	Added	1972
§ 65	Added	1972
1436—2	New	1962
1436—3, §§ 1 to 13	New	1972
1436b		
§ 3	Am.	1964
	Am.	1968
§ 3(a)	Am.	1964
	Am.	1968
§ 3(b)	Am.	1964
1436c	New	1952
1436d	New	1954
1436e	New	1960
	Am.	1966
1436f	New	1962
1436g, §§ 1–4	New	1968
§ 2	Am.	1972
§ 3	Am.	1972
1442c	New	1962
1456a	New	1956
§ 1	Am.	1962
§ [5]	New	1962
1477	Am.	1952
1489	Am.	1954
1492	Am.	1954
1493	Am.	1954
1505a	New	1960
1505b	New	1964
1516	Rep.	1968
1522	Am.	1964
1525a,		
§ 22	Am.	1968
§ 23	Am.	1968
1525b,		
§ 1(a)	New	1964
§ 5	Am.	1972
§ 9	Am.	1962
§ 10	Am.	1962
§ 11	Am.	1962
§ 13	Am.	1962
§ 22	Am.	1960
§ 22a	New	1954
	Am.	1960
	Am.	1966

P.C. Art.	Effect	Vernon's Texas St.Supp.
1525b,		
§ 22a(7a)	Added	1970
§ 22b	New	1954
§ 23A	New	1960
§ 23A(4a)	Added	1972
§ 23A(10a)	Am.	1972
1525b—1	New	1960
1525b—2	New	1960
1525b—3	New	1962
1525c,		
§ 8	Am.	1970
§ 21	Am.	1968
1525g	New	1962
§ 4	Am.	1968
1526–1532	Rep.	1954
1538	Am.	1960
1545	Am.	1960
1546a, § 2	Added	1966
1546b, §§ 1 to 3	New	1972
1550	Am.	1966
1551	Am.	1964
	Am.	1966
1553a	Added	1968
1554	Rep.	1968
1554a	New	1960
	Rep.	1968
1555b	New	1960
§§ 1–4	Am.	1964
§ 5	New	1964
1555c	New	1970
1557	Rep.	1968
1558	Rep.	1968
1577	Am.	1964
1578a	Am.	1964
1578b	New	1964
1583	Rep.	1960
(6)	Rep.	1956
1583—1,		
§ 3a	New	1952
§ 6	Am.	1956
	Am.	1960
§ 6A	New	1960
§ 6B	New	1960
§ 7	Am.	1952
1583—2	Am.	1950
§ 1	Am.	1952
	Am.	1954
§ 1	Am.	1970
§ 1–a	Rep.	1952
1583—3	New	1970
1593a	Rep.	1950
1612	Am.	1970
1621b,		
§ 1	Am.	1968
§ 2	Am.	1968
1632 to 1644	Rep.	1968

P.C. Art.	Effect	Vernon's Texas St.Supp.
1648a	New	1958
§ 1	Am.	1962
§§ 3, 4	Am.	1962
§§ 5, 6	Am.	1962
§ 8	Am.	1962
1659	Rep.	1968
1660	Rep.	1968
1661.1	Rep.	1968
1674 to 1683	Rep.	1968
1690b, (d)	Am.	1956
(j)	Am.	1956
(k)	Am.	1956
1690e	New	1962
1690f	New	1968
	Am.	1970
1693	Am.	1954
1700	New	1954
1700a—3	Am.	1964
1709 to 1711	Rep.	1962
1712	Am.	1950
	Rep.	1962
1713 to 1715	Rep.	1962
1716	Rep.	1962
(1)	Am.	1952
1717 to 1720	Rep.	1962
1721	New	1950
1721A	New	1956
1722	New	1952
1722a	New	1960
	Am.	1966
§§ 1 to 33	Am.	1972
§§ 1, 2	Am.	1968
§ 2(7)	Am.	1970
§ 2a	Added	1970
§ 3	Am.	1968
§ 4(f)	Am.	1960
§ 15	Am.	1964
§ 15(a)	Am.	1962
§ 19(c)	Am.	1970
§ 26(c)	Am.	1970
§ 28	Am.	1968
§ 28	Am.	1970
1723	New	1952
§ 9A	Added	1972
1723a	New	1964
1724	New	1958
	Am.	1968
1725	New	1958
§ 5, par. D	Am.	1964

Probate Code

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Prob. Code Sec.	Effect	Vernon's Texas St.Supp.
1	New	1956
2	New	1956
3	New	1956
(d)	Am.	1962
3(e) to (g)	Am.	1970
3, subd. *l*	Am.	1970
(aa)	Am.	1958
4 to 6	New	1956
7	New	1956
	Am.	1970
8 to 32	New	1956
33	New	1956
	Am.	1958
subsecs. (c) to (f)	Am.	1972
(i)	Added	1972
(j)	Added	1972
34 to 36	New	1956
34	Am.	1972
36A	Added	1972
37	New	1956
	Am.	1970
37A	Added	1972
38 to 40	New	1956
41	New	1956
subsec. (c)	Am.	1970
42 to 45	New	1956
46	New	1956
	Am.	1962
	Am.	1970
47	New	1956
(b)	Am.	1966
(e)	Am.	1966
48 to 51	New	1956
	Am.	1972
52	New	1956
	Am.	1970
53 to 56	New	1956
53	Am.	1972
54	Am.	1972
55	Am.	1972
57	New	1956
	Am.	1968
58	New	1956
58a	New	1962

Prob. Code Sec.	Effect	Vernon's Texas St.Supp.
59	New	1956
	Am.	1962
	Am.	1970
	Am.	1972
60	New	1956
	Am.	1970
61 to 71	New	1956
72	New	1956
	Am.	1960
	New	1972
73 to 77	New	1956
73	Am.	1972
74	Am.	1972
78	New	1956
(c)	Am.	1958
78	Am.	1970
79 to 88	New	1956
subsec. (b)	Am.	1970
81	Am.	1972
87	Am.	1972
89	New	1956
	Am.	1962
90 to 96	New	1956
95	Am.	1972
97	New	1956
	Am.	1970
98	New	1956
	Am.	1970
99	New	1956
	Am.	1970
100	New	1956
	Am.	1972
101	New	1956
	Am.	1970
102, 103	New	1956
102	Am.	1972
104	New	1956
	Am.	1970
105	New	1956
	Am.	1970
105a	Added	1962
106	New	1956
	Am.	1972
107	New	1956
	Am.	1970
108	New	1956
109	New	1956
(a)	Am.	1966
110 to 123	New	1956
110	Am.	1972
124	New	1956
	Am.	1958
125 to 136	New	1956
137	New	1956
(c)	Am.	1970
(d)	Am.	1958
137 note	—	1972
138 to 143	New	1956
144	New	1956
(a)	Am.	1970
(b)	Am.	1970
	Am.	1972
(d)	Added	1958
145	New	1956
	Am.	1958
146	New	1956
	Am.	1958
147 to 156	New	1956
149A	Added	1972
155	Am.	1972
156	Am.	1972
157	New	1956
	Am.	1958
158 to 164	New	1956
161 to 164	Am.	1972
165	New	1956
	Am.	1966
	Am.	1972
166 to 180	New	1956
167	Am.	1972
168	Am.	1972
177	Am.	1972
181	New	1956
	Am.	1968
	Am.	1970
182, 183	New	1956
184	New	1956
	Am.	1970
185 to 192	New	1956
193	New	1956
	Am.	1958
194	New	1956
	Am.	1958
194, subdiv. (6)	Am.	1972
195 to 200	New	1956
201	New	1956
	Am.	1958
202	New	1956
	Am.	1958
203 to 218	New	1956
219	New	1956
	Rep.	1958

Prob. Code Sec.	Effect	Vernon's Texas St.Supp.
220	New	1956
	Am.	1970
221	New	1956
222	New	1956
	Am.	1970
223	New	1956
	Am.	1970
224 to 226	New	1956
227	New	1956
	Am.	1970
228	New	1956
	Am.	1958
229 to 235	New	1956
234	Am.	1972
236	New	1956
	Am.	1964
237 to 240	New	1956
241	New	1956
	Am.	1958
242 to 248	New	1956
	Am.	1968
249	New	1956
	Am.	1968
250	New	1956
	Am.	1968
251	New	1956
252	New	1956
253	New	1956
	Am.	1958
254	New	1956
	Rep.	1968
255	New	1956
256	New	1956
	Am.	1968
257 to 320	New	1956
298(a)	Am.	1972
311(a)	Am.	1972
320A	Added	1968
321 to 340	New	1956
322	Am.	1972
327	Am.	1972
341	New	1956
	Am.	1970
342 to 347	New	1956
348	New	1956
(a)	Am.	1960
349 to 366	New	1956
367	New	1956
(c) 7	Am.	1958
	Am.	1962
(c) (7a)	New	1962
(c) (8)	New	1962
368	New	1956
(b)	Am.	1958
369	New	1956
(a) (2)	Am.	1962
370	New	1956
	Am.	1958
371 to 388	New	1956
389	New	1956
(g)	Added	1962
389a	Added	1970
390	New	1956
	Am.	1960
(b)	Am.	1966
(c)	Am.	1966
391 to 398	New	1956
398A	Added	1970
399	New	1956
	Am.	1958
400	New	1956
	Am.	1958
401	New	1956
	Am.	1958
402 to 404	New	1956
404A	New	1964
405	New	1956
406	New	1956
407	New	1956
	Am.	1960
408 to 435	New	1956

Taxation—General

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Taxation—General Art.	Effect	Vernon's Texas St.Supp.
1.01 to 1.03	New	1960
1.031	Added	1968
(1)	Am.	1970
1.032	Added	1966

Taxation—General Art.	Effect	Vernon's Texas St.Supp.
1.033	Added	1970
1.04	New	1960
(3)	Rep.	1968
1.045	Added	1968
1.05	New	1960
1.06	New	1960
1.07	New	1960
	Am.	1962
(1)	Am.	1970
(2)	Am.	1970
1.07A	New	1962
	Am.	1970
1.07B	New	1962
	Am.	1970
1.07C, §§ 1 to 7	New	1972
1.08 to 1.10	New	1960
1.11	New	1960
	Am.	1966
1.11A	Added	1968
(1)	Am.	1970
1.12	New	1962
1.13	New	1962
	Am.	1968
1.14	Added	1968
(c)	Am.	1970
1.15	Added	1970
2.01	New	1960
	Am.	1964
3.01	New	1960
	Am.	1970
3.02	New	1960
3.03	New	1960
(1)	Am.	1962
(3)	Am.	1962
(4)	Am.	1962
3.04 to 3.07	New	1960
3.08	New	1960
	Am.	1962
3.09	New	1960
3.10	New	1960
3.11	New	1962
4.01	New	1960
	Am.	1964
4.02	New	1960
	Am.	1964
4.03	New	1960
(7)	Am.	1962
(10)	Am.	1962
4.04	New	1960
4.05	New	1960
4.06	New	1960
	Am.	1962
4.07 to 4.14	New	1960
5.01	New	1960
	Am.	1964
5.02	New	1960
5.03	New	1960
	Am.	1962
6.01	New	1960
	Am.	1964
(1)	Am.	1972
(2)	Am.	1972
(6) to (8)	Added	1972
6.02	New	1960
	Am.	1964
6.03	New	1960
	Am.	1964
(B)	Am.	1972
(C)	Am.	1972
(D) subsec. (3)	Added	1972
(E)	Added	1972
(F)	Added	1972
6.04	New	1960
	Am.	1964
	Am.	1972
6.05	New	1960
	Am.	1964
6.06	New	1960
	Am.	1964
6.07	New	1960
	Am.	1964
	Am.	1972
6.08	New	1960
	Am.	1964
6.09	New	1960
	Rep.	1964
	Added	1966
6.10	New	1960
	Rep.	1964
6.11	New	1960
	Rep.	1964
6.12	New	1960
	Rep.	1964
7.01	New	1960
(1)	Am.	1970
	Am.	1972
(8)	Am.	1970
(13)	Am.	1966
(15)	Am.	1966
7.02	New	1960
(3)	Added	1962
7.03 to 7.05	New	1960
7.06	New	1960
	Am.	1966
(1)	Am.	1970
(1)	Am.	1972
(3)	Am.	1972
7.07	New	1956
7.08	New	1956
(2)	Am.	1972
(9)	Am.	1970
	Am.	1972
7.09	New	1956
	Am.	1966
7.10	New	1960
	Am.	1972
	Am.	1968

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7.11 to 7.14	New	1960
7.15	New	1960
	Am.	1962
7.16 to 7.20	New	1960
7.21	New	1960
	Am.	1966
7.22	New	1960
7.23	New	1960
(1)	Am.	1966
(2)	Rep.	1966
§ 1	Am.	1968
7.24 to 7.41	New	1960
8.01	New	1960
(q)	Added	1968
8.02	New	1960
	Am.	1972
(c)	Am.	1968
8.03	New	1960
	Am.	1962
8.04 to 8.31	New	1960
8.04	Am.	1972
9.01	New	1960
(1)	Am.	1968
(2)	Am.	1968
(7)	Am.	1972
(14)	Added	1972
(15)	Added	1972
9.02	New	1960
(1)	Am.	1972
(2)	Am.	1964
	Am.	1972
(6)	Added	1968
(7)	Added	1968
9.03	New	1960
(3)	Am.	1962
(4)	Am.	1968
(5)	Added	1962
(6)	Added	1968
9.04	New	1960
9.05	New	1960
9.06	New	1960
(3)	Added	1968
(4)	Added	1968
(5)	Added	1968
9.07 to 9.12	New	1960
9.07(1)	Am.	1972
(4)	Am.	1972
9.13	New	1960
(2)	Am.	1972
(5)	Am.	1962
(6)	Am.	1962
(6a)	Added	1962
	Am.	1966

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9.13		
(6A)	Added	1968
(8)	Am.	1968
(13)	Am.	1962
	Am.	1966
(14)	Am.	1962
	Am.	1966
9.14 to 9.23	New	1968
	Am.	1968
9.24	New	1960
9.25	New	1960
	Am.	1962
	Am.	1972
9.26	New	1960
9.27	New	1960
10.01	New	1960
	Am.	1970
10.02	New	1960
	Am.	1966
	Am.	1970
(7a)	Added	1972
10.03	New	1960
	Am.	1970
10.03, (1)	Am.	1972
(3)	Am.	1966
	Am.	1972
(6)	Am.	1966
	Am.	1968
10.04	New	1960
	Am.	1970
10.05	New	1960
	Am.	1970
(2)	Am.	1966
10.06	New	1960
	Am.	1966
	Am.	1970
10.07	New	1960
	Am.	1968
	Am.	1970
10.08	New	1960
	Am.	1968
	Am.	1970
10.09	New	1960
	Am.	1968
	Am.	1970
10.10	New	1960
	Am.	1970
10.11	New	1960
	Am.	1970
(1)	Am.	1966
10.12	New	1960
	Am.	1970
(2)	Am.	1966
10.13	New	1960
	Am.	1970
(5a)	Added	1966
10.14	New	1960
	Am.	1970
(1)	Am.	1968
10.15	New	1960
	Am.	1970

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10.16	New	1960
	Am.	1970
10.17	New	1960
	Am.	1970
10.18	New	1960
	Am.	1970
(1)	Am.	1966
10.19	New	1960
	Am.	1970
10.20	New	1960
	Am.	1970
10.21	New	1960
	Am.	1968
10.21	Am.	1970
10.22	New	1960
	Am.	1970
10.23	New	1960
	Am.	1970
10.24	New	1960
	Am.	1970
10.25	New	1960
	Am.	1970
10.51	New	1970
10.52	New	1970
(7)	Am.	1972
(14), (15)	Added	1972
10.53	New	1970
(3) to (5)	Am.	1972
(8)	Am.	1972
(9)	Added	1972
10.54	New	1970
10.55	New	1970
10.56	New	1970
10.57	New	1970
10.58	New	1970
(2)	Am.	1972
10.59	New	1970
(1)	Am.	1972
10.60	New	1970
10.61	New	1970
(1)	Am.	1972
10.62	New	1970
(3)	Am.	1972
10.63	New	1970
(4)	Am.	1972
10.64	New	1970
10.65	New	1970
10.66	New	1970
10.67	New	1970
10.68	New	1970
10.69	New	1970
10.70	New	1970
10.71	New	1970
10.72	New	1970
10.73	New	1970
10.74	New	1970
10.75	New	1970
11.01 to 11.10	New	1960
11.11	New	1960
	Am.	1962
12.01	New	1960
	Am.	1962
(1)	Am.	1968
	Am.	1970
12.011	Added	1970
12.02	New	1960
	Am.	1962
	Am.	1970
12.03	New	1960
	Am.	1962
	Am.	1966
	Am.	1968
	Am.	1970
	Am.	1972
12.04	New	1960
	Am.	1970
12.05	New	1960
12.06	New	1960
	Am.	1970
12.065	Added	1970
12.07	New	1960
	Am.	1970
12.08	New	1960
	Am.	1962
	Am.	1970
12.09	New	1960
	Am.	1962
	Am.	1970
12.10	New	1960
	Am.	1961
	Am.	1970
12.11	New	1960
12.12	New	1960
	Am.	1970
12.13	New	1960
	Am.	1970
12.14	New	1960
	Am.	1962
	Am.	1970
12.15	New	1960
	Am.	1962
	Am.	1970
12.16	New	1960
12.17	New	1960
	Am.	1966
	Am.	1970
12.18	New	1960
12.19	New	1960
(1)	Am.	1970
(3)	Am.	1962
	Am.	1970
12.20	New	1960
	Am.	1970
	Am.	1972
12.21	New	1960
	Am.	1962
	Am.	1964
	Am.	1970
12.211	Added	1970
§ (1)	Am.	1972
§ (2)	Am.	1972
12.22	New	1960
13.01	New	1960

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13.02	New	1960
	Am.	1962
	Am.	1970
13.03	New	1960
	Am.	1962
13.04 to 13.07	New	1960
13.08	New	1960
	Am.	1962
13.13	Am.	1970
13.17, §§ 1–27	Added	1970
13.17, § 1a	Added	1970
§ 16	Am.	1972
§ 19(4)	Added	1972
14.00A	Added	1966
14.01	New	1960
	Am.	1972
14.011	Added	1972
14.015	Added	1966
	Am.	1968
14.02 to 14.05	New	1960
14.06	New	1960
	Am.	1964
	Am.	1966
14.07	New	1960
	Am.	1966
14.08 to 14.10	New	1960
14.08	Am.	1972
14.10	Am.	1972
14.11	New	1960
	Am.	1966
(A)	Am.	1972
(B)	Am.	1972
14.12	New	1960
	Am.	1966
14.13	New	1960
	Am.	1966
14.14	New	1960
	Am.	1966
A	Am.	1968
	Rep.	1972
(B)	Am.	1972
(C)	Am.	1972
14.15	New	1960
	Am.	1966
14.16	New	1960
	Am.	1966
(A)	Am.	1972
14.17	New	1960
	Am.	1966
	Am.	1972
14.18	New	1960
	Am.	1966
	Am.	1968
14.19	New	1960
	Am.	1966
	Am.	1968
14.20	New	1960
	Am.	1966
14.21	New	1960
	Am.	1966
14.22	New	1960
	Am.	1966
14.22	Am.	1970
14.23	New	1960
	Rep.	1966
14.24	New	1960
	Rep.	1966
14.25	New	1960
		1966
14.26	New	1960
	Rep.	1966
14.27	New	1960
	Rep.	1966
14.28	New	1964
	Rep.	1966
15.01	New	1960
	Rep.	1966
15.02	New	1960
	Rep.	1966
15.03	New	1960
	Rep.	1966
15.04	New	1960
	Rep.	1966
15.05	New	1960
	Rep.	1966
15.06	New	1960
	Rep.	1966
15.07	New	1960
	Rep.	1966
15.08	New	1960
	Rep.	1966
15.09	New	1960
	Rep.	1966
15.10	New	1960
	Rep.	1966
15.11	New	1960
	Rep.	1966
15.12	New	1960
	Rep.	1966
15.13	New	1960
	Rep.	1966
15.14	New	1960
	Rep.	1966
15.15	New	1960
	Rep.	1966
15.16	New	1960
	Rep.	1966
16.01	New	1960
	Am.	1964
16.02 to 16.09	New	1960
16.10	Added	1966
16.01 to 16.10	Rep.	1968
17.01 to 17.03	New	1960

Taxation—General Art.	Effect	Vernon's Texas St.Supp.
17.04	New	1960
	Am.	1962
17.05	New	1960
(a)	Am.	1962
(c)	Am.	1962
	Am.	1964
(e)	Added	1972
17.06 to 17.10	New	1960
17.11	New	1964
18.01	New	1960
18.02	New	1960
18.03	New	1960
	Am.	1962
18.04	New	1960
19.01	New	1960
Subd. (2)	Am.	1962
(4)	Rep.	1968
Subds. (5), (6)	Rep.	1964
(7) (b)	Am.	1968
(8)	Rep.	1968
Subd. (10)	New	1964
	Am.	1968
	Am.	1970
19.02	New	1960
(3)	Am.	1962
(5)	Am.	1962
19.03	New	1960
19.04	New	1960
20.01	New	1960
	Am.	1962
	Am.	1964
(A)	Am.	1970
(D)	Am.	1970
(F)	Am.	1970
(G)	Am.	1970
(I)	Am.	1970
(J) (1)	Am.	1970
(K) (1)	Am.	1970
(L)	Am.	1970
(M)	Am.	1970
(R)	Am.	1970
(S)	Am.	1970
(T)	Am.	1970
(U)	Am.	1970
(W) (X)	Added	1970
20.02	New	1960
	Am.	1962
	Am.	1964
	Am.	1970
	Am.	1972
20.021		
(A)	Am.	1970
	Am.	1972
(B) (1)	Am.	1970
(F)	Am.	1970
(G)	Am.	1970
(H) (1)	Am.	1970
(I)	Am.	1970
(J)	Am.	1970
(M)	Am.	1970

Taxation—General Art.	Effect	Vernon's Texas St.Supp.
20.03	New	1960
	Am.	1962
	Am.	1964
	Am.	1970
20.031	Added	1970
20.04	New	1960
	Am.	1962
	Am.	1964
	Am.	1970
(D) subsecs. (4), (5)	Added	1972
(o) (3)	Am.	1968
(P)	Am.	1972
(W)	Added	1968
(X)	Added	1968
(Z)	Am.	1972
20.05	New	1960
	Am.	1962
	Am.	1964
(B)	Am.	1970
	Am.	1972
(C)	Am.	1968
(C) (2)	Am.	1970
(D)	Am.	1970
(I) (2)	Am.	1970
(J)	Am.	1970
	Am.	1972
(K)	Am.	1970
20.06	New	1960
	Am.	1962
	Am.	1964
(C)	Am.	1970
(D) (2)	Am.	1970
(E) (1)	Am.	1970
20.07	New	1960
	Am.	1962
	Am.	1964
20.08	New	1960
	Am.	1962
	Am.	1964
20.09	New	1960
	Am.	1962
	Am.	1964
20.10	New	1960
	Am.	1962
	Am.	1964
20.11	New	1960
	Am.	1962
	Am.	1964
(C)	Am.	1970
(D)	Am.	1970
(F)	Am.	1970
20.12	New	1960
	Am.	1962
	Am.	1964
(B)	Am.	1970
20.13	New	1960
	Am.	1962
	Am.	1964
20.14	New	1960
	Am.	1962
	Am.	1964

Taxation—General Art.	Effect	Vernon's Texas St.Supp.
20.15	New	1960
	Am.	1962
	Am.	1964
20.16	New	1960
	Am.	1962
	Am.	1964
20.17	New	1960
	Am.	1962
	Am.	1964
20.18 to 20.20	New	1960
21.01	New	1960
21.02	New	1960
(3)	Am.	1970
21.03	New	1960
21.04	New	1960
(1)	Am.	1962
(2)	Am.	1972
22.01 to 22.09	New	1960
23.01 to 23.06	New	1960
23.07	New	1962

Uniform Commercial Code

The Uniform Commercial Code, §§ 1—101 to 10—105, enacted by Laws 1965, 59th Leg., Vol. 2, p. 1, ch. 721, was repealed by Laws 1967, 60th Leg., Vol. 2, p. 2343, ch. 785 which enacted the Business and Commerce Code. The Uniform Commercial Code now appears as Title 1, §§ 1.101 to 9.507, of the Business and Commerce Code.

Water Code

The Water Code was adopted by Acts 1971, 62nd Leg., ch. 58, effective August 30, 1971, and was added to and amended by other 1971 laws.

Disposition Table, see pages 2290 to 2314.

*

JUDGES AND OFFICERS

SUPREME COURT

ROBERT W. CALVERT, Chief Justice

RUEL C. WALKER, Associate Justice
JOE R. GREENHILL, Associate Justice
ZOLLIE STEAKLEY, Associate Justice
JACK POPE, Associate Justice
TOM REAVLEY, Associate Justice
SEARS McGEE, Associate Justice
JAMES G. DENTON, Associate Justice
PRICE DANIEL, Associate Justice

GARSON R. JACKSON, Clerk

COURT OF CRIMINAL APPEALS

JOHN F. ONION, Jr., Presiding Judge

W. A. MORRISON, Judge
LEON DOUGLAS, Judge
TRUMAN ROBERTS, Judge
WENDELL A. ODOM, Judge

GLENN HAYNES, Clerk

COURTS OF CIVIL APPEALS

First District—Houston

SPURGEON BELL, Chief Justice

TOM F. COLEMAN, Associate Justice
PHIL PEDEN, Associate Justice

MRS. MARYBELLE REICH, Clerk

Second District—Fort Worth

FRANK A. MASSEY, Chief Justice

JACK M. LANGDON, Associate Justice
HARRIS J. BREWSTER, Associate Justice

LIDA SWANSON, Clerk

Third District—Austin

JOHN C. PHILLIPS, Chief Justice

TRUEMAN E. O'QUINN, Associate Justice
BOB E. SHANNON, Associate Justice

MRS. MAURICE WOODLAND, Clerk

Fourth District—San Antonio

CHARLES W. BARROW, Chief Justice

CARLOS C. CADENA, Associate Justice
FRED V. KLINGEMAN, Associate Justice

ROBERT L. COOK, Clerk

Fifth District—Dallas

CLAUDE WILLIAMS, Chief Justice
HAROLD A. BATEMAN, Associate Justice
CLARENCE A. GUITTARD, Associate Justice
ED. BUFORD, Clerk

COURTS OF CIVIL APPEALS—Cont'd.

Sixth District—Texarkana

T. C. CHADICK, CHIEF JUSTICE
MATT DAVIS, ASSOCIATE JUSTICE C. L. RAY, Jr., ASSOCIATE JUSTICE
MRS. LONNIE E. HENRY, CLERK

Seventh District—Amarillo

JAMES A. ELLIS, CHIEF JUSTICE
JAMES A. JOY, ASSOCIATE JUSTICE
CHARLES L. REYNOLDS, ASSOCIATE JUSTICE
MRS. MAVIS HILL, CLERK

Eighth District—El Paso

MAX E. RAMSEY, CHIEF JUSTICE
STEPHEN F. PRESLAR, ASSOCIATE JUSTICE WILLIAM E. WARD, ASSOCIATE JUSTICE
J. W. FLORENCE, CLERK

Ninth District—Beaumont

MARTIN DIES, Jr.[1], CHIEF JUSTICE
HOMER E. STEPHENSON, ASSOCIATE JUSTICE QUENTIN KEITH, ASSOCIATE JUSTICE
MRS. ELIZABETH LE BLANC, CLERK

Tenth District—Waco

FRANK G. McDONALD, CHIEF JUSTICE
VIC HALL, ASSOCIATE JUSTICE JOHN A. JAMES, Jr., ASSOCIATE JUSTICE
ROBERT IVY GAGE, CLERK

Eleventh District—Eastland

AUSTIN McCLOUD, CHIEF JUSTICE
CECIL C. COLLINGS, ASSOCIATE JUSTICE ESCO WALTER, ASSOCIATE JUSTICE
HOMER SMITH, CLERK

Twelfth District—Tyler

OTIS T. DUNAGAN, CHIEF JUSTICE
JAMES H. MOORE, ASSOCIATE JUSTICE CONNALLY McKAY, ASSOCIATE JUSTICE
THOMAS E. WALL, CLERK

Thirteenth District—Corpus Christi

PAUL W. NYE, CHIEF JUSTICE
T. GILBERT SHARPE, ASSOCIATE JUSTICE GERALD T. BISSETT, ASSOCIATE JUSTICE
MRS. MARGARET M. BLACKMON, CLERK

Fourteenth District—Houston

BERT H. TUNKS, CHIEF JUSTICE
JOHN M. BARRON, ASSOCIATE JUSTICE SAM D. JOHNSON, ASSOCIATE JUSTICE
THELMA MUELLER, CLERK

CRAWFORD MARTIN, ATTORNEY GENERAL

[1] Took office Sept. 1, 1971.

OFFICIALS
OF
THE STATE OF TEXAS

PRESTON SMITH	Governor	Lubbock
BEN BARNES	Lieutenant Governor	Austin
CRAWFORD C. MARTIN	Attorney General	Hillsboro
BOB BULLOCK	Secretary of State	Austin
JESSE JAMES	State Treasurer	Austin
JOHN C. WHITE	Commissioner of Agriculture	Wichita Falls
BOB ARMSTRONG	Commissioner of General Land Office	Austin
ROBERT S. CALVERT	State Comptroller	Austin
ROBERT E. STEWART	Banking Commissioner	Sulphur Springs
GEORGE W. McNIEL	State Auditor	Austin

*

SENATE

PRESIDENT ---------- Ben Barnes

PRESIDENT PRO TEMPORE ---------- Jack Hightower

SECRETARY OF THE SENATE ---------- Charles A. Schnabel

PARLIAMENTARIAN ---------- Frank W. Elliott, Jr.

JOURNAL CLERK ---------- Mrs. Minnie Meier

CALENDAR CLERK ---------- Mrs. Arlene Morse

SERGEANT AT ARMS ---------- Tommy Townsend

CHAPLAIN ---------- Rev. W. H. Townsend

DOORKEEPER ---------- Charles Jones

ENGROSSING AND ENROLLING CLERK ---------- Mrs. Bea Lewis

MAILING CLERK ---------- Mrs. John Draper

Dist. No.	Name	Address	City	Zip
1	Aikin, A. M., Jr.	1140 19th N. W.	Paris	75460
27	Bates, Jim	Box 117	Edinburgh	78539
2	Beckworth, Lindley	Route 2	Gladewater	75647
26	Bernal, Joe J.	6410 Laurelhill Dr.	San Antonio	78229
28	Blanchard, H. J. (Doc)	4504 17th St.	Lubbock	79416
20	Bridges, Ronald W.	4601 Coventry	Corpus Christi	78415
7	Brooks, Chet	608 Houston Bank & Trust	Houston	77002
29	Christie, Joe	6800 West Side Road	El Paso	79932
21	Connally, Wayne	Route 3, Box 120	Floresville	78114
22	Creighton, Tom	Route 2, Box 208	Mineral Wells	76067
15	Grover, Henry C.	3616 Mulberry St.	Houston	77006
9	Hall, Ralph	Cain-Hall Bank Bldg.	Rockwall	75087
4	Harrington, D. Roy	4720 Twin City Highway	Port Arthur	77640
8	Harris, O. H. (Ike)	3425 Amherst	Dallas	75225
14	Herring, Charles	3105 Bowman	Austin	78703
30	Hightower, Jack	2719 Mansard	Vernon	76384
11	Jordan, Barbara	4910 Campbell	Houston	77020
10	Kennard, Don	3715 Potomac	Fort Worth	76107
19	Kothmann, Glenn	4610 Seabreeze	San Antonio	78220
23	Mauzy, Oscar	1338 Acapulco	Dallas	75232

SENATE

Dist. No.	Name	Address	City	Zip
16	McKool, Mike	10554 Wyatt St.,	Dallas	75218
5	Moore, Wm. T. (Bill)	1204 Sul Ross,	Bryan	77801
18	Patman, Wm. N. (Bill)	Drawer A,	Ganado	77962
24	Ratliff, David	Box 1123,	Stamford	79553
17	Schwartz, A. R.	10 South Shore Dr.,	Galveston	77550
31	Sherman, Max	3227 Crockett,	Amarillo	79109
25	Snelson, W. E. (Pete)	2406 Shell,	Midland	79701
6	Wallace, Jim	4421 Rosslyn Road,	Houston	77018
13	Watson, Murray, Jr.	308 Texas Ave.,	Mart	76664
3	Wilson, Charles	1000 Crooked Creek,	Lufkin	75901
12	Word, J. P.	122 W. Lane,	Meridian	76665

HOUSE OF REPRESENTATIVES

SPEAKER ---------- G. F. (Gus) Mutscher

EXECUTIVE ADMINISTRATIVE AIDE ---------- Rush McGinty

PARLIAMENTARIAN ---------- Robert E. Johnson

CHIEF CLERK ---------- Mrs. Dorothy Hallman

READING CLERK ---------- Clay Kistler

ENGROSSING AND ENROLLING CLERK ---------- Mrs. Orea K. Guffin

VOTING MACHINE OPERATOR ---------- C. H. Petri, Jr.

JOURNAL CLERK ---------- Jeanette Burk

CALENDAR CLERK ---------- Mrs. Adele L. Jacobs

SERGEANT AT ARMS ---------- Walter Schaeffer

CHAPLAIN ---------- Rev. Clinton Kersey

Dist. No.	Name	Address	City	Zip
7	Adams, Don	601 Forest Lane	Jasper	75951
33–6	Agnich, Fred J.	5206 Kelsey Road	Dallas	75229
23–3	Allen, Joe	5315 Bayway Dr.,	Baytown	77520
13	Allen, John	1314 Baylor Dr.,	Longview	75601
60–2	Allred, Dave	1608 Hayes St.,	Wichita Falls	76809
39–2	Angly, Maurice, Jr.	4301 Balcones Dr.,	Austin	78731
33–2	Atwell, Ben	P. O. Box 542,	Hutchins	75141
47–3	Atwood, A. C. (Bud)	1305 South 14th St.,	Edinburg	78539
66	Baker, George	309 N. Texas St.,	Fort Stockton	79735
12	Bass, Bill	Route 2,	Ben Wheeler	75754
24–1	Bass, Tom	3437 N. Parkwood Dr.,	Houston	77021
31	Beckham, Vernon	618 W. Chestnut St.,	Denison	75020
37	Bigham, John R.	3001 Oakdale St.,	Temple	76501
33–13	Blanton, Jack	1501 Francis St.,	Carrollton	75006
22–3	Blythe, W. J. (Bill) Jr.	2632 Yorktown No. 550,	Houston	77027
22–4	Bowers, Sid	2404 Yorktown No. 127,	Houston	77027
33–3	Boyle, John F., Jr.	1405 Oak Lea,	Irving	75060
33–1	Braecklein, William	3616 Lexington Ave.,	Dallas	75205
23–4	Braun, Rex	303 Kings Court,	Houston	77015
4	Burgess, Steve	Route 1, Box 98,	Nacogdoches	75961
74–1	Bynum, Ben	2033 South Lipscomb,	Amarillo	79109

HOUSE OF REPRESENTATIVES

Dist. No.	Name	Address	City	Zip
19	Caldwell, Neil	1810 Meadowview Dr.,	Alvin	77511
62–2	Calhoun, Frank W.	2101 Crescent Dr.,	Abilene	79604
48	Carrillo, Oscar, Sr.	Drawer D,	Benavides	78341
79	Cates, Phil	Box 33,	Lefors	79054
39–3	Cavness, Don	8611 Honeysuckle Trail,	Austin	78759
75	Christian, Tom	Route 2, Figure 3 Ranch,	Claude	79019
24–4	Clark, Jim	7502 Almeda Genoa Rd.,	Houston	77034
72	Clayton, Bill	P. O. Box 38,	Springlake	79082
33–12	Coats, Sam	10347 Lennox Lane,	Dallas	75229
77	Cobb, L. Dean	109 Amherst St.,	Dumas	79029
25	Cole, James	P. O. Box 1096,	Greenville	75401
70	Craddick, Tom	3108 Stanolind,	Midland	79701
23–5	Cruz, Lauro	7124 Schley St.,	Houston	77017
6	Daniel, Price, Jr.	P. O. Box One,	Liberty	77575
63	Davis, Dee Jon	7 Indian Ridge,	Big Spring	79720
39–1	Davis, Harold	413 Honeycomb Ridge,	Austin	78746
35–1	Denton, Lane	1200 Lewis St.,	Waco	76705
65	Doran, Hilary, Jr.	No. 2 Edna St.,	Del Rio	78840
9–2	Doyle, Terry	3830 Lexington,	Pear Ridge	77642
57–5	Dramberger, A. L. (Tony)	216 Lorita Dr.,	San Antonio	78314
22–6	Earthman, Jim	3653 Inverness,	Houston	77019
45–1	Farenthold, Mrs. Frances	625 S. Upper Broadway,	Corpus Christi	78401
57–3	Finck, Bill	530 Geneseo Road,	San Antonio	78209
61	Finnell, Charles	P. O. Box 468,	Holliday	76366
52–7	Finney, David	4819 Hope St.,	Fort Worth	76114
57–9	Floyd, Guy	11103 Ballet Dr.,	San Antonio	78216
39–4	Foreman, Wilson	Route 4, Box 218–A,	Austin	78757
24–3	Gammage, Robert A. (Bob)	8028 Findlay St.,	Houston	77017
46–3	Garcia, J. A., Jr.	P. O. Box 573,	Raymondville	78580
38–15	Golman, Joe H.	6530 Northport Dr.,	Dallas	75230
3	Grant, Ben Z.,	P. O. Box 299,	Marshall	75670
23–6	Graves, Curtis M.	4109 Lavender St.,	Houston	77026
45–4	Hale, L. DeWitt	226 Lorraine Dr.,	Corpus Christi	78411
53	Hanna, Joe C.	201 N. Harding,	Breckenridge	76024
5	Hannah, John H.	5 Lazy Oaks, Apt. No. 5,	Lufkin	75901
56	Harding, Forrest A.	307 N. Van Buren St.,	San Angelo	76901
21–1	Harris, Ed. J.	18 Cedar Lawn S.,	Galveston	77550
26	Hawkins, Jack R.	501 East Cobb St.,	Groesbeck	76642
33–10	Hawn, Joe	8922 Rockledge St.,	Dallas	75217
8	Haynes, Clyde, Jr.	P. O. Box 1235,	Vidor	77662

Dist. No.	Name	Address	City	Zip
15	Head, Fred	958 North Marshall St.,	Henderson	75652
80	Heatly, W. S. (Bill)	Drawer 1,	Paducah	79248
32	Hendricks, Bob	1706 N. Waddill,	McKinney	75069
52–2	Hilliard, Bill	6400 Warrington Pl.,	Fort Worth	76112
51	Holmes, Tom	1117 W. Penroad,	Granbury	76048
33–5	Holmes, Zan W., Jr.	6910 Robin Rd.,	Dallas	75209
1	Howard, Ed	4007 Potomac Circle,	Texarkana	75501
20	Hubenak, Joe A.	1509 Lawrence St.,	Rosenberg	77471
52–8	Hull, Cordell	3805 Springbranch Dr.,	Fort Worth	76116
11	Ingram, Gayle	P. O. Box 579,	Quitman	75783
57–1	Johnson, Jake	Route 7, Box 219,	San Antonio	78206
76–1	Jones, Delwin L.	2129–54th St.,	Lubbock	79412
22–7	Jones, Edmund E.	5019 Forest Nook Court,	Houston	77018
62–1	Jones, Grant	1509 Woodridge St.,	Abilene	79605
28	Jungmichel, Charles	712 Rosenberg St.,	LaGrange	78945
67–4	Kaster, James J.	3409 Nairn St.,	El Paso	79925
9–1	Kilpatrick, Rufus U.	260 East Circuit Dr.,	Beaumont	77706
57–4	Kost, Lou, Jr.	3800 Parkdale Apt. No. 19B,	San Antonio	78229
27	Kubiak, Dan	P. O. Box 272,	Rockdale	76567
22–2	Lee, W. E. (S)	1903 Olympia St.,	Houston	77019
24–2	Lemmon, Ray	11101 Elbeck St.,	Houston	77035
54–4	Lewis, Gibson D. (Gib)	5625 North Schilder Dr.,	Fort Worth	76114
59	Ligarde, Honore	Drawer No. 1359,	Laredo	78040
57–10	Lombardino, Frank	619 Freiling Dr.,	San Antonio	78213
47–1	Longoria, Raul	P. O. Box 173,	Pharr	78577
17	Lovell, James L.	P. O. Box 777,	Crockett	75835
76–3	McAlister, R. B.	3416–42nd St.,	Lubbock	79413
33–8	McKissack, Dick	3307 Darbyshire Dr.,	Dallas	75229
22–2	Mengden, Walter, Jr.	3730 Willowick Rd.,	Houston	77019
52–1	Moncrief, Mike	4036 Tamworth Rd.,	Fort Worth	76116
34	Moore, Aubry L.	401 Craig St.,	Hillsboro	76645
33–7	Moore, Griffith	3838 N. Versailles St.,	Dallas	75209
35–2	Moore, Tom, Jr.	5229 Lake Charles Dr.,	Waco	76710
67–3	Moreno, Paul C.	1140 S.W. Natl. Bk. Bldg.,	El Paso	79901
46–1	Murray, Menton, J.	1022 East Pierce St.,	Harlingen	78550
29	Mutscher, G. F. (Gus)	House of Representatives,	Austin	78701
64	Nabers, Lynn	3506 Durham St.,	Brownwood	76801
24–6	Nelms, Johnny	730 Keith Ave.,	Pasadena	77504
21–2	Neugent, Dean	Route 2, Box 144,	Dickinson	77539
58	Newton, Jon P.	301 E. Huntington,	Beeville	78102
23–1	Nichols, R. C. (Nick)	7517 Crofton St.,	Houston	77028
67–5	Niland, Tom	1601 N. Stanton St.,	El Paso	79902
55	Nugent, James E.	1223 Virginia Dr.,	Kerrville	78028
22–1	Ogg, Jack C.	761 Kuhlman Rd.,	Houston	77024
33–14	Orr, Fred	309 Woodhaven Dr.,	DeSoto	75115
9–3	Parker, Carl A.	3549–6th St.,	Port Arthur	77640
50	Parker, Walter E.	Woodland Hills Dr.,	Denton	76201

HOUSE OF REPRESENTATIVES

Dist. No.	Name	Address	City	Zip
38	Patterson, Charles	10 Chisholm Trail,	Round Rock	78664
68	Pickens, Ace	2751 Fairpalms,	Odessa	79760
49	Poerner, John H.	2602 Avenue K,	Hondo	78861
74–2	Poff, Bryan, Jr.	6021 Hanson St.,	Amarillo	79106
18	Presnal, Bill	Route 1, Box 74,	Bryan	77801
16	Price, Rayford	321 Thomas Rd.,	Palestine	75801
33–4	Reed, Dick	4034 Shelley Blvd.,	Dallas	75211
47–2	Rodriguez, Lindsey	P. O. Box 218,	Hidalgo	78557
71	Rosson, Renal B.	2510–31st St.,	Snyder	79549
45–3	Salem, Joe	350 Cape Hatteras,	Corpus Christi	78412
36	Salter, Robert (Bob)	108 N. 31st St.,	Gatesville	76528
46–2	Sanchez, Henry	152 E. Levee St.,	Brownsville	78520
67–1	Santiesteban, H. Tati	601 La Cruz,	El Paso	79925
40	Schulle, Gerhardt, Jr.	P. O. Box 522,	San Marcos	78666
33–11	Semos, Chris V.	3620 West Davis St.,	Dallas	75211
52–5	Shannon, Tommy	3542 Ada St.,	Fort Worth	76105
52–3	Sherman, W. C. (Bud)	5280 Trail Lake Dr.,	Fort Worth	76133
73	Short, E. L.	P. O. Box 1486,	Tahoka	79373
57–6	Silber, Paul	1249 Wiltshire Ave.,	San Antonio	78209
57–7	Simmons, Wayland A.	509 Kings Court,	San Antonio	78212
69	Slack, Richard C.	1709 Jefferson St.,	Pecos	79772
2	Slider, James L.	P. O. Box 187,	Naples	75568
9–4	Smith, Will L.	336 Bowie St.,	Beaumont	77701
10	Solomon, Neal	P. O. Box 517,	Mount Vernon	75457
52–6	Spurlock, Joe, II	6505 Jameson Dr.,	Fort Worth	76118
60–1	Stewart, Vernon	3607 Sheridan Dr.,	Wichita Falls	76302
33–9	Stroud, J. W.	5507 McCommas Blvd.,	Dallas	75206
24–5	Swanson, Bill T.	10823 Chimney Rock,	Houston	77035
76–2	Tarbox, Elmer L.	4613–11th St.,	Lubbock	79416
41	Traeger, John	503 South Austin St.,	Seguin	78155
45–2	Truan, Carlos	3821 Marion St.,	Corpus Christi	78415
67–2	Tupper, Charles, Jr.	108 Vaquero No. 3,	El Paso	79912
30	Uher, D. R. (Tom)	P. O. Box 1127,	Bay City	77414
57–2	Vale, R. L. (Bob)	358 Springwood Lane,	San Antonio	78216
42	Von Dohlen, Tim	2612 Friartuck St.,	Austin	78704
54	Ward, J. E.	P. O. Box 458,	Glen Rose	76043
78	Wayne, Ralph	2306 West 5th St.,	Plainview	79072
44	Wieting, Leroy J.	P. O. Box 546,	Portland	78374
23–2	Williams, Lindon	13902 Wood Forrest,	Houston	77015
14	Williamson, Billy H.	1216 West 3rd St.,	Tyler	75701
57–8	Wolff, Nelson W.	222 Retama,	San Antonio	78209
43	Wyatt, Joe	P.O. Box 147,	Bloomington	77951

CONSTITUTION OF THE STATE OF TEXAS

Adopted Amendments

ARTICLE III

LEGISLATIVE DEPARTMENT

§ 49—d—1. Texas water development bonds; additional issue

Sec. 49-d-1. (a) The Texas Water Development Board shall upon direction of the Texas Water Quality Board, or any successor agency designated by the Legislature, issue additional Texas Water Development Bonds up to an additional aggregate principal amount of One Hundred Million Dollars ($100,000,000) to provide grants, loans, or any combination of grants and loans for water quality enhancement purposes as established by the Legislature. The Texas Water Quality Board or any successor agency designated by the Legislature may make such grants and loans to political subdivisions or bodies politic and corporate of the State of Texas, including municipal corporations, river authorities, conservation and reclamation districts, and districts created or organized or authorized to be created or organized under Article XVI, Section 59, or Article III, Section 52, of this Constitution, State agencies, and interstate agencies and compact commissions to which the State of Texas is a party, and upon such terms and conditions as the Legislature may authorize by general law. The bonds shall be issued for such terms, in such denominations, form and installments, and upon such conditions as the Legislature may authorize.

(b) The proceeds from the sale of such bonds shall be deposited in the Texas Water Development Fund to be invested and administered as prescribed by law.

(c) The bonds authorized in this Section 49-d-1 and all bonds authorized by Sections 49-c and 49-d of Article III shall bear interest at not more than 6% per annum and mature as the Texas Water Development Board shall prescribe, subject to the limitations as may be imposed by the Legislature.

(d) The Texas Water Development Fund shall be used for the purposes heretofore permitted by, and subject to the limitations in Sections 49-c, 49-d and 49-d-1; provided, however, that the financial assistance may be made pursuant to the provisions of Sections 49-c, 49-d and 49-d-1 subject only to the availability of funds and without regard to the provisions in Section 49-c that such financial assistance shall terminate after December 31, 1982.

(e) Texas Water Development Bonds are secured by the general credit of the State and shall after approval by the Attorney General,

registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas.

(f) Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such Acts shall not be void by reason of their anticipatory character.

Adopted May 18, 1971.

Amendment adopted in 1971 was proposed by S.J.R.No.17, Acts 1971, 62nd Leg., p. 4130.

§ 52. Counties, cities, towns or other political corporations or subdivisions; lending credit; grants

Sec. 52. (a) Except as otherwise provided by this section, the Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company.

(b) Under Legislative provision, any county, any political subdivision of a county, any number of adjoining counties, or any political subdivision of the State, or any defined district now or hereafter to be described and defined within the State of Texas, and which may or may not include, towns, villages or municipal corporations, upon a vote of two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such district or territory to be affected thereby, in addition to all other debts, may issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such district or territory, except that the total bonded indebtedness of any city or town shall never exceed the limits imposed by other provisions of this Constitution, and levy and collect taxes to pay the interest thereon and provide a sinking fund for the redemption thereof, as the Legislature may authorize, and in such manner as it may authorize the same, for the following purposes to wit:

(1) The improvement of rivers, creeks, and streams to prevent overflows, and to permit of navigation thereof, or irrigation thereof, or in aid of such purposes.

(2) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purposes of irrigation, drainage or navigation, or in aid thereof.

(3) The construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof.

(c) Notwithstanding the provisions of Subsection (b) of this Section, bonds may be issued by any county in an amount not to exceed one-fourth of the assessed valuation of the real property in the county, for the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid thereof, upon a vote of a majority of the resident property taxpayers voting thereon who are qualified electors of the county, and without the necessity of further or amendatory legislation. The county may levy and collect taxes to pay the interest on the bonds as it becomes due and to provide a sinking fund for redemption of the bonds.

Adopted Nov. 3, 1970.

Amendment adopted in 1970 was proposed by H.J.R.No.28, Acts 1969, 61st Leg., p. 3236.

§ 64. Consolidation of governmental offices and functions in El Paso and Tarrant Counties

Sec. 64. (a) The Legislature may by special statute provide for consolidation of governmental offices and functions of government of any one or more political subdivisions comprising or located within any county. Any such statute shall require an election to be held within the political subdivisions affected thereby with approval by a majority of the voters in each of these subdivisions, under such terms and conditions as the Legislature may require.

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Adopted Nov. 3, 1970.

Amendment adopted in 1970 was proposed by H.J.R.No.22, Acts 1969, 61st Leg., p. 3235.

ARTICLE V

JUDICIAL DEPARTMENT

§ 1–a. Retirement, censure, removal and compensation of justices and judges; state judicial qualifications commission; procedure

Sec. 1—a. (1) Subject to the further provisions of this Section, the Legislature shall provide for the retirement and compensation of Justices and Judges of the Appellate Courts and District and Criminal District Courts on account of length of service, age and disability, and for their reassignment to active duty where and when needed. The office of every such Justice and Judge shall become vacant when the incumbent reaches the age of seventy-five (75) years or such earlier age, not less than seventy (70) years, as the Legislature may prescribe; but, in the case of an incumbent whose term of office includes the effective date of this Amendment, this provision shall not prevent him from serving the remainder of said term nor be applicable to him before his period or periods of judicial service shall have reached a total of ten (10) years.

(2) There is hereby created the State Judicial Qualifications Commission, to consist of nine (9) members, to wit: (i) two (2) Justices of Courts of Civil Appeals; (ii) two (2) District Judges; (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection; (iiii) three (3) citizens, at least thirty (30) years of age, not licensed to practice law nor holding any salaried public office or employment; provided that no person shall be or remain a member of the Commission, who does not maintain physical residence within this State, or who resides in, or holds a judgeship within or for, the same Supreme Judicial District as another member of the Commission, or who shall have ceased to retain the qualifications above specified for his respective class of membership. Commissioners of classes (i) and (ii) above shall be chosen by the Supreme Court with advice and consent of the Senate, those of class (iii) by the Board of Directors of the State Bar under regulations to be prescribed by the Supreme Court with advice and consent of the Senate, and those of class (iiii) by appointment of the Governor with advice and consent of the Senate.

(3) The regular term of office of Commissioners shall be six (6) years; but the initial members of each of classes (i), (ii) and (iii) shall respectively be chosen for terms of four (4) and six (6) years, and the initial members of class (iiii) for respective terms of two (2), four (4) and six (6) years. Interim vacancies shall be filled in the same manner as

vacancies due to expiration of a full term, but only for the unexpired portion of the term in question. Commissioners may succeed themselves in office only if having served less than three (3) consecutive years.

(4) Commissioners shall receive no compensation for their services as such. The Legislature shall provide for the payment of the necessary expense for the operation of the Commission.

(5) The Commission may hold its meetings, hearings and other proceedings at such times and places as it shall determine but shall meet at Austin at least once each year. It shall annually select one of its members as Chairman. A quorum shall consist of five (5) members. Proceedings shall be by majority vote of those present, except that recommendations for retirement, censure, or removal of any person holding an office named in Paragraph A of Subsection (6) of this Section shall be by affirmative vote of at least five (5) members.

(6) A. Any Justice or Judge of the Appellate Courts and District and Criminal District Courts, any County Judge, and any Judge of a County Court at Law, a Court of Domestic Relations, a Juvenile Court, a Probate Court, or a Corporation or Municipal Court, and any Justice of the Peace, and any Judge or presiding officer of any special court created by the Legislature as provided in Section 1, Article V, of this Constitution, may, subject to the other provisions hereof, be removed from office for willful or persistent conduct, which is clearly inconsistent with the proper performance of his said duties or casts public discredit upon the judiciary or administration of justice; or any person holding such office may be censured, in lieu of removal from office, under procedures provided for by the Legislature.

B. Any person holding an office named in Paragraph A of this subsection who is eligible for retirement benefits under the laws of this state providing for judicial retirement may be involuntarily retired, and any person holding an office named in that paragraph who is not eligible for retirement benefits under such laws may be removed from office, for disability seriously interfering with the performance of his duties, which is, or is likely to become, permanent in nature.

(7) The Commission shall keep itself informed as fully as may be of circumstances relating to the misconduct or disability of particular persons holding an office named in Paragraph A of Subsection (6) of this Section, receive complaints or reports, formal or informal, from any source in this behalf and make such preliminary investigations as it may determine. Its orders for the attendance or testimony of witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings in the District Court.

(8) After such investigation as it deems necessary, the Commission may in its discretion issue a private reprimand, or if the Commission determines that the situation merits such action, it may order a hearing to be held before it concerning the removal, or retirement of a person holding an office named in Paragraph A of Subsection (6) of this Section, or it may in its discretion request the Supreme Court to appoint an active or retired District Judge or Justice of a Court of Civil Appeals as a Master to hear and take evidence in any such matter, and to report thereon to the Commission. If, after hearing, or after considering the record and report of a Master, the Commission finds good cause therefor, it shall issue an order of public censure or it shall recommend to the Supreme Court the removal, or retirement, as the case may be, of the person in question holding an office named in Paragraph A of Subsection (6) of this Section and shall thereupon file with the Clerk of the Supreme Court the entire record before the Commission.

(9) The Supreme Court shall review the record of the proceedings on the law and facts and in its discretion may, for good cause shown, permit the introduction of additional evidence and shall order public censure, retirement or removal, as it finds just and proper, or wholly reject the recommendation. Upon an order for involuntary retirement for disability or an order for removal, the office in question shall become vacant. The rights of an incumbent so retired to retirement benefits shall be the same as if his retirement had been voluntary.

(10) All papers filed with and proceedings before the Commission or a Master shall be confidential, and the filing of papers with, and the giving of testimony before, the Commission, Master or the Supreme Court shall be privileged; provided that upon being filed in the Supreme Court the record loses its confidential character.

(11) The Supreme Court shall by rule provide for the procedure before the Commission, Masters and the Supreme Court. Such rule shall afford to any person holding an office named in Paragraph A of Subsection (6) of this Section, against whom a proceeding is instituted to cause his retirement or removal, due process of law for the procedure before the Commission, Masters and the Supreme Court in the same manner that any person whose property rights are in jeopardy in an adjudicatory proceeding is entitled to due process of law, regardless of whether or not the interest of the person holding an office named in Paragraph A of Subsection (6) of this Section in remaining in active status is considered to be a right or a privilege. Due process shall include the right to notice, counsel, hearing, confrontation of his accusers, and all such other incidents of due process as are ordinarily available in proceedings whether or not misfeasance is charged, upon proof of which a penalty may be imposed.

(12) No person holding an office named in Paragraph A of Subsection (6) of this Section shall sit as a member of the Commission or Supreme Court in any proceeding involving his own retirement or removal.

(13) This Section 1-a is alternative to and cumulative of, the methods of removal of persons holding an office named in Paragraph A of Subsection (6) of this Section provided elsewhere in this Constitution.

As amended Nov. 2, 1965; Nov. 3, 1970.

Amendment adopted in 1970 was proposed by H.J.R.No.30, Acts 1969, 61st Leg., p. 3237.

ARTICLE XVI

GENERAL PROVISIONS

§ 20. Alcoholic beverages; mixed beverage law; regulation; local option

(a) The Legislature shall have the power to enact a Mixed Beverage Law regulating the sale of mixed alcoholic beverages on a local option election basis. The Legislature shall also have the power to regulate the manufacture, sale, possession and transportation of intoxicating liquors, including the power to establish a State Monopoly on the sale of distilled liquors.

Should the Legislature enact any enabling laws in anticipation of this amendment, no such law shall be void by reason of its anticipatory nature.

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Adopted Nov. 3, 1970.

Amendment adopted in 1970 was proposed by S.J.R.No.10, Acts 1969, 61st Leg., p. 3227.

§ 51. Amount and value of homestead; uses

Sec. 51. The homestead, not in a town or city, shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town or village, shall consist of lot, or lots, not to exceed in value Ten Thousand Dollars, at the time of their designation as the homestead, without reference to the value of any improvements thereon; provided, that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the head of a family; provided also, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

Adopted Nov. 3, 1970.

Amendment adopted in 1970 was proposed by S.J.R.No.32, Acts 1969, 61st Leg., p. 3229.

Proposed Amendments

ARTICLE I

BILL OF RIGHTS

§ 3a. Equality under the law

Section 3a. Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative.

Proposed by Senate Joint Resolution No. 16, Acts 1971, 62nd Leg., p. 4129. For submission to the people in November, 1972.

ARTICLE III

LEGISLATIVE DEPARTMENT

§ 24. Compensation and mileage of Members of Legislature

Sec. 24. Representatives shall receive from the Public Treasury an annual salary of not exceeding Eight Thousand, Four Hundred Dollars ($8,400). Senators shall receive from the Public Treasury an annual salary of not exceeding Eight Thousand, Four Hundred Dollars ($8,400). All Members of the Legislature, including the Lieutenant Governor and the Speaker of the House of Representatives, also shall receive from the Public Treasury a per diem of not exceeding Twelve Dollars ($12) per day for the first one hundred and twenty (120) days only of each Regular Session and for thirty (30) days of each Special Session of the Legislature. No Regular Session shall be of longer duration than one hundred and forty (140) days. This amendment shall be self-enacting and appropriations heretofore made in the general appropriations bill for the biennium ending August 31, 1973, for the salaries of the Members of the Senate and House of Representatives shall not be invalid because of the anticipatory nature of the legislation.

In addition to the per diem the Members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed Two Dollars and Fifty Cents ($2.50) for every twenty-five (25) miles, the distance to be computed by the nearest and most direct route of travel, from a table of distances prepared by the Comptroller to each county seat now or hereafter to be established; no Member to be entitled to mileage for any extra Session that may be called within one (1) day after the adjournment of the Regular or Called Session.

Proposed by House Joint Resolution No. 58, Acts 1972, 62nd Leg., p. 4139. For submission to the people in November, 1972.

§ 24a. Compensation of Lieutenant Governor and Speaker of the House of Representatives

Sec. 24a. The Lieutenant Governor, while he acts as President of the Senate, and the Speaker of the House of Representatives shall each receive from the public treasury an annual salary of $22,500.

Proposed by House Joint Resolution No. 95, Acts 1971, 62nd Leg., p. 4143. For submission to the people Nov. 7, 1972.

§ 65. Public bonds; interest rate; conflicting rates repealed

Sec. 65. Wherever the Constitution authorizes an agency, instrumentality, or subdivision of the State to issue bonds and specifies the maximum rate of interest which may be paid on such bonds issued pursuant to such constitutional authority, such bonds may bear interest at rates not to exceed a weighted average annual interest rate of 6%. All Constitutional provisions specifically setting rates in conflict with this provision are hereby repealed. [This amendment shall become effective upon its adoption].

Proposed by House Joint Resolution No. 82, Acts 1972, 62nd Leg., p. 4142. For submission to the people in November, 1972.

ARTICLE IV

EXECUTIVE DEPARTMENT

§ 4. Installation of Governor; term; eligibility

Sec. 4. The Governor elected at the general election in 1974, and thereafter, shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of four years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.

Proposed by Senate Joint Resolution No. 1, Acts 1972, 62nd Leg., p. 4123. For submission to the people in November, 1972.

§ 17. Death, resignation, refusal to serve, removal, inability to serve, impeachment or absence; compensation

Sec. 17. If, during the vacancy in the office of Governor, the Lieutenant Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve; or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall, in like manner, administer the Government until he shall be superseded by a Governor or Lieutenant Governor. During the time the Lieutenant Governor administers the Government, as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President, for the time being, of the Senate, shall, during the time he administers the Government, receive in like manner the same compensation, which the Governor would have received had he been employed in the duties of his office.

Proposed by House Joint Resolution No. 95, Acts 1971, 62nd Leg., p. 4143. For submission to the people Nov. 7, 1972.

§ 22. Attorney General

Sec. 22. The Attorney General elected at the general election in 1974, and thereafter, shall hold office for four years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations, and from time to time, in the name of the State, take such action

in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary in an amount to be fixed by the Legislature.

Proposed by Senate Joint Resolution No. 1, Acts 1971, 62nd Leg., p. 4123. For submission to the people in November, 1972.

§ 23. Comptroller of Public Accounts; Treasurer; Commissioner of General Land Office; elected statutory State officers; term; salary, fees, costs and perquisites

Sec. 23. The comptroller of Public Accounts, the Treasurer, the Commissioner of the General Land Office, and any statutory State officer who is elected by the electorate of Texas at large, unless a term of office is otherwise specifically provided in this Constitution, shall each hold office for the term of four years and until his successor is qualified. The four-year term applies to these officers who are elected at the general election in 1974 or thereafter. Each shall receive an annual salary in an amount to be fixed by the Legislature; reside at the Capital of the State during his continuance in office, and perform such duties as are or may be required by law. They and the Secretary of State shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section or in his office, shall be paid, when received, into the State Treasury.

Proposed by Senate Joint Resolution No. 1, Acts 1971, 62nd Leg., p. 4123. For submission to the people in November, 1972.

ARTICLE VII

EDUCATION

§ 6b. County permanent school fund; reduction and its distribution

Sec. 6b. Notwithstanding the provisions of Section 6, Article VII, Constitution of the State of Texas, any county, acting through the commissioners court, may reduce the county permanent school fund of that county and may distribute the amount of the reduction to the independent and common school districts of the county on a per scholastic basis to be used solely for the purpose of reducing bonded indebtedness of those districts or for making permanent improvements. The commissioners court shall, however, retain a sufficient amount of the corpus of the county permanent school fund to pay ad valorem taxes on school lands or royalty interests owned at the time of the distribution. Nothing in this Section affects financial aid to any school district by the state.

Proposed by House Joint Resolution No. 57, Acts 1971, 62nd Leg., p. 4138. For submission to the people in November, 1972.

ARTICLE VIII

TAXATION AND REVENUE

§ 1—b. Residence homestead exemption

Sec. 1-b. (a) Three Thousand Dollars ($3,000) of the assessed taxable value of all residence homesteads as now defined by law shall be exempt from all taxation for all State purposes.

(b) From and after January 1, 1973, the governing body of any county, city, town, school district, or other political subdivision of the State may exempt by its own action not less than Three Thousand Dollars ($3,000) of the assessed value of residence homesteads of persons sixty-five (65) years of age or older from all ad valorem taxes thereafter levied by the political subdivision. As an alternative, upon receipt of a petition signed by twenty percent (20%) of the voters who voted in the last preceding election held by the political subdivision, the governing body of the subdivision shall call an election to determine by majority vote whether an amount not less than Three Thousand Dollars ($3,000) as provided in the petition, of the assessed value of residence homesteads of persons sixty-five (65) years of age or over shall be exempt from ad valorem taxes thereafter levied by the political subdivision. Where any ad valorem tax has theretofore been pledged for the payment of any debt, the taxing officers of the political subdivision shall have authority to continue to levy and collect the tax against the homestead property at the same rate as the tax so pledged until the debt is discharged, if the cessation of the levy would impair the obligation of the contract by which the debt was created.

Proposed by Senate Joint Resolution No. 7, Acts 1971, 62nd Leg., p. 4126. For submission to the people in November, 1972.

§ 2. Occupation taxes; equality and uniformity; exemptions from taxation

Sec. 2. (a) All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the legislature may, by general laws, exempt from taxation public property used for public purposes; actual places of religious worship, also any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society, and which yields no revenue whatever to such church or religious society; provided that such exemption shall not extend to more property than is reasonably necessary for a dwelling place and in no event more than one acre of land; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women operating under a State or National organization of like character; also the endowment funds of such institutions of learning and religion not used with a view to profit; and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages, that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer, and

institutions of purely public charity; and all laws exempting property from taxation other than the property mentioned in this Section shall be null and void.

(b) The Legislature may, by general law, exempt property owned by a disabled veteran or by the surviving spouse and surviving minor children of a disabled veteran. A disabled veteran is a veteran of the armed services of the United States who is classified as disabled by the Veterans' Administration or by a successor to that agency; or the military service in which he served. A veteran who is certified as having a disability of less than 10 percent is not entitled to an exemption. A veteran having a disability rating of not less than 10 percent nor more than 30 percent may be granted an exemption from taxation for property valued at up to $1,500. A veteran having a disability rating of more than 30 percent but not more than 50 percent may be granted an exemption from taxation for property valued at up to $2,000. A veteran having a disability rating of more than 50 percent but not more than 70 percent may be granted an exemption from taxation for property valued at up to $2,500. A veteran who has a disability rating of more than 70 percent, or a veteran who has a disability rating of not less than 10 percent and has attained the age of 65, or a disabled veteran whose disability consists of the loss or loss of use of one or more limbs, total blindness in one or both eyes, or paraplegia, may be granted an exemption from taxation for property valued at up to $3,000. The spouse and children of any member of the United States Armed Forces who loses his life while on active duty will be granted an exemption from taxation for property valued at up to $2,500. A deceased disabled veteran's surviving spouse and children may be granted an exemption which in the aggregate is equal to the exemption to which the decedent was entitled at the time he died.

Proposed by House Joint Resolution No. 35, Acts 1971, 62nd Leg., p. 4136. For submission to the people in November, 1972.

ARTICLE IX

COUNTIES

§ 6. Lamar County Hospital District; abolition; transfer of assets

Sec. 6. On the effective date of this Amendment, the Lamar County Hospital District is abolished. The Commissioners Court of Lamar County may provide for the transfer or for the disposition of the assets of the Lamar County Hospital District.

Proposed by House Joint Resolution No. 31, Acts 1971, 62nd Leg., p. 4135. For submission to the people in November, 1972.

ARTICLE XVI

GENERAL PROVISIONS

§ 33. Salary or compensation payments to agents, officers or appointees holding other offices; exceptions; non-elective officers and employees

Sec. 33. The Accounting Officers of this State shall neither draw nor pay a warrant upon the Treasury in favor of any person for salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust, or profit under this State, except as prescribed in this Constitution. Provided, that this restriction as to the drawing and paying of warrants upon the Treasury

shall not apply to officers of the National Guard or Air National Guard of Texas, the National Guard Reserve, the Air National Guard Reserve, the Air Force Reserve, the Officers Reserve Corps of the United States, nor to enlisted men of the National Guard, the Air National Guard, the National Guard Reserve, the Air National Guard Reserve, the Air Force Reserve, and the Organized Reserve of the United States, nor to retired officers of the United States Army, Air Force, Navy, and Marine Corps, and retired warrant officers and retired enlisted men of the United States Army, Air Force, Navy, and Marine Corps, nor to Directors of Soil and Water Conservation Districts. A member of the Legislature shall not be eligible to serve as a Director of a Soil and Water Conservation District. It is further provided, until September 1, 1969, and thereafter only if authorized by the Legislature by general law under such restrictions and limitations as the Legislature may prescribe, that a nonelective State officer or employee may hold other nonelective offices or positions of honor, trust, or profit under this State or the United States, if the other offices or positions are of benefit to the State of Texas or are required by State or federal law, and there is no conflict with the original office or position for which he receives salary or compensation. No member of the Legislature of this State may hold any other office or position of profit under this State, or the United States.

Amendment proposed by Senate Joint Resolution No. 29, see section 33, post.

Proposed by Senate Joint Resolution No. 20, Acts 1971, 62nd Leg., p. 4131. For submission to the people in November, 1972.

§ 33. Salary or compensation payments to persons holding more than one office

Sec. 33. The accounting officers in this State shall neither draw nor pay a warrant or check on funds of the State of Texas, whether in the treasury or otherwise, to any person for salary or compensation who holds at the same time more than one civil office of emolument, in violation of Section 40.

Amendment proposed by Senate Joint Resolution No. 20, see section 33, ante.

Proposed by Senate Joint Resolution No. 29, Acts 1971, 62nd Leg., p. 4133. For submission to the people in November, 1972.

§ 40. Holding more than one office; exceptions; right to vote

Sec. 40. No person shall hold or exercise, at the same time, more than one Civil Office of emolument, except that of Director of a Soil and Water Conservation District, Justice of Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Navy, and Marine Corps, and retired warrant officers, and retired enlisted men of the United States Army, Navy, and Marine Corps, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit a Director of a Soil and Water Conservation District, an officer or enlisted man of the National Guard, and the National Guard Reserve, or an officer in the Officers Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Navy, and Marine Corps, and retired warrant officers, and retired enlisted men of the United States Army, Navy, and

Marine Corps, from holding in conjunction with such office any other office or position of honor, trust or profit, under this State or the United States, or from voting at any Election, General, Special or Primary, in this State when otherwise qualified.

Amendment proposed by Senate Joint Resolution No. 29, see section 40, post.

Proposed by Senate Joint Resolution No. 20, Acts 1971, 62nd Leg., p. 4131. For submission to the people in November, 1972.

§ 40. Holding more than one office; exceptions; right to vote

Sec. 40. No person shall hold or exercise at the same time, more than one civil office of emolument, except that of Justice of the Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and the officers and directors of soil and water conservation districts, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit an officer or enlisted man of the National Guard, and the National Guard Reserve, or an officer in the Officers Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and officers of the State soil and water conservation districts, from holding at the same time any other office or position of honor, trust or profit, under this State or the United States, or from voting at any election, general, special or primary in this State when otherwise qualified. State employees or other individuals who receive all or part of their compensation either directly or indirectly from funds of the State of Texas and who are not State officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts; provided, however, that such State employees or other individuals shall receive no salary for serving as members of such governing bodies. It is further provided that a nonelective State officer may hold other nonelective offices under the State or the United States, if the other office is of benefit to the State of Texas or is required by the State or Federal law, and there is no conflict with the original office for which he receives salary or compensation. No member of the Legislature of this State may hold any other office or position of profit under this State, or the United States, except as a notary public if qualified by law.

Amendment proposed by Senate Joint Resolution No. 20, see section 40, ante.

Proposed by Senate Joint Resolution No. 29, Acts 1971, 62nd Leg., p. 4133. For submission to the people in November, 1972.

§ 61. Compensation of district, county and precinct officers; salary or fee basis; disposition of fees

Sec. 61. All district officers in the State of Texas and all county officers in counties having a population of twenty thousand (20,000) or more, according to the then last preceding Federal Census, shall be compensated on a salary basis. In all counties in this State, the Commis-

sioners Courts shall be authorized to determine whether precinct officers shall be compensated on a fee basis or on a salary basis, with the exception that it shall be mandatory upon the Commissioners Courts, to compensate all justices of the peace, constables, deputy constables and precinct law enforcement officers on a salary basis beginning January 1, 1973; and in counties having a population of less than twenty thousand (20,000), according to the then last preceding Federal Census, the Commissioners Courts shall also have the authority to determine whether county officers shall be compensated on a fee basis or on a salary basis, with the exception that it shall be mandatory upon the Commissioners Courts to compensate all sheriffs, deputy sheriffs, county law enforcement officers including sheriffs who also perform the duties of assessor and collector of taxes, and their deputies, on a salary basis beginning January 1, 1949.

All fees earned by district, county and precinct officers shall be paid into the county treasury where earned for the account of the proper fund, provided that fees incurred by the State, county and any municipality, or in case where a pauper's oath is filed, shall be paid into the county treasury when collected and provided that where any officer is compensated wholly on a fee basis such fees may be retained by such officer or paid into the treasury of the county as the Commissioners Court may direct. All Notaries Public, county surveyors and public weighers shall continue to be compensated on a fee basis.

Proposed by House Joint Resolution No. 41, Acts 1971, 62nd Leg., p. 4137. For submission to the people in November, 1972.

ARTICLE XVII

MODE OF AMENDING THE CONSTITUTION OF THIS STATE

§ 1. Proposed amendments; submission to voters; adoption

Sec. 1. The Legislature, at any regular session, or at any special session when the matter is included within the purposes for which the session is convened, may propose amendments revising the Constitution, to be voted upon by the qualified electors for statewide offices and propositions, as defined in the Constitution and statutes of this State. The date of the elections shall be specified by the Legislature. The proposal for submission must be approved by a vote of two-thirds of all the members elected to each House, entered by yeas and nays on the journals.

A brief explanatory statement of the nature of a proposed amendment, together with the date of the election and the wording of the proposition as it is to appear on the ballot, shall be published twice in each newspaper in the State which meets requirements set by the Legislature for the publication of official notices of officers and departments of the state government. The explanatory statement shall be prepared by the Secretary of State and shall be approved by the Attorney General. The Secretary of State shall send a full and complete copy of the proposed amendment or amendments to each county clerk who shall post the same in a public place in the courthouse at least 30 days prior to the election on said amendment. The first notice shall be published not more than 60 days nor less than 50 days before the date of the election, and the second notice shall be published on the same day in the succeeding week. The Legislature shall fix the standards for the rate of charge for the publication, which may not be higher than the newspaper's published national rate for advertising per column inch.

The election shall be held in accordance with procedures prescribed by the Legislature, and the returning officer in each county shall make

returns to the Secretary of State of the number of legal votes cast at the election for and against each amendment. If it appears from the returns that a majority of the votes cast have been cast in favor of an amendment, it shall become a part of this Constitution, and proclamation thereof shall be made by the Governor.

Proposed by House Joint Resolution No. 68, Acts 1971, 62nd Leg., p. 4141. For submission to the people in November, 1972.

§ 2. Constitutional revision commission; establishment; report; 1974 constitutional convention

Sec. 2. (a) When the legislature convenes in regular session in January, 1973, it shall provide by concurrent resolution for the establishment of a constitutional revision commission. The legislature shall appropriate money to provide an adequate staff, office space, equipment, and supplies for the commission.

(b) The commission shall study the need for constitutional change and shall report its recommendations to the members of the legislature not later than November 1, 1973.

(c) The members of the 63rd Legislature shall be convened as a constitutional convention at noon on the second Tuesday in January, 1974. The lieutenant governor shall preside until a chairman of the convention is elected. The convention shall elect other officers it deems necessary, adopt temporary and permanent rules, and publish a journal of its proceedings. A person elected to fill a vacancy in the 63rd Legislature before dissolution of the convention becomes a member of the convention on taking office as a member of the legislature.

(d) Members of the convention shall receive compensation, mileage, per diem as determined by a five member committee, to be composed of the Governor, Lieutenant Governor, Speaker of the House, Chief Justice of the Supreme Court, and Chief Justice of the Court of Criminal Appeals. This shall not be held in conflict with Article XVI, Section 33 of the Texas Constitution. The convention may provide for the expenses of its members and for the employment of a staff for the convention, and for these purposes may by resolution appropriate money from the general revenue fund of the state treasury. Warrants shall be drawn pursuant to vouchers signed by the chairman or by a person authorized by him in writing to sign them.

(e) The convention, by resolution adopted on the vote of at least two-thirds of its members, may submit for a vote of the qualified electors of this state a new constitution which may contain alternative articles or sections, or may submit revisions of the existing constitution which may contain alternative articles or sections. Each resolution shall specify the date of the election, the form of the ballots, and the method of publicizing the proposals to be voted on. To be adopted, each proposal must receive the favorable vote of the majority of those voting on the proposal. The conduct of the election, the canvassing of the votes, and the reporting of the returns shall be as provided for elections under Section 1 of this article.

(f) The convention may be dissolved by resolution adopted on the vote of at least two-thirds of its members; but it is automatically dissolved at 11:59 p. m. on May 31, 1974, unless its duration is extended for a period not to exceed 60 days by resolution adopted on the vote of at least two-thirds of its members.

(g) The Bill of Rights of the present Texas Constitution shall be retained in full.

Proposed by House Joint Resolution No. 61, Acts 1971, 62nd Leg., p. 4140. For submission to the people in November, 1972.

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VERNON'S
REVISED CIVIL STATUTES
OF THE
STATE OF TEXAS

TITLE 1—GENERAL PROVISIONS

MISCELLANEOUS

Art. 26. [10-13-14] Oaths, affidavits and affirmations; persons authorized to administer and issue certificate; members of armed forces; presumption; absence of seal

1. All oaths, affidavits, or affirmations made within this State may be administered and a certificate of the fact given by:

* * * * * * * * * * *

e. The Secretary of State of Texas.

Sec. 1, subsec. e added by Acts 1971, 62nd Leg., p. 2491, ch. 814, § 1, eff. June 8, 1971.

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Art. 29d. Official notice of federal decennial census

Section 1. Neither the state nor any political subdivision or agency thereof except the Legislature shall ever officially recognize or act upon any report or publication, in whatever form, of any Federal Decennial Census, either as a whole or as to any part thereof, before the first day of September of the year immediately following the calendar year during which such census was taken.

Sec. 2. As of the first day of September of the year immediately following the calendar year during which said census was taken, the state and all political subdivisions and agencies thereof shall recognize and act upon the population reports or counts as released by the Director of the Bureau of the Census of the U.S. Department of Commerce, or of its successor agency; and as to those parts of such population reports or counts not then published, official recognition shall be taken immediately upon the publication thereof after said first day of September.

Amended by Acts 1971, 62nd Leg., p. 37, ch. 18, § 1, eff. March 11, 1971.

TITLE 2—ACCOUNTANTS—PUBLIC AND CERTIFIED

Art. 41a. Public Accountancy Act of 1945

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Reappointment of board member

Sec. 4. The Texas State Board of Public Accountancy shall consist of nine (9) members, each of whom shall be a citizen of the United States and a resident of this State. Members of the Board and their successors shall be appointed by the Governor, with the advice and consent of the Senate, and shall be accountants in public practice; at least five (5) of whom shall hold certified public accountant certificates issued under the laws of this State; and the other four (4) shall be public accountants in public practice who shall hold permits issued under the laws of this State or certified public accountants in public practice who shall hold certified public accountant certificates issued under the laws of this State. The term of office of each member of the Board shall be six (6) years or until his successor is appointed. Vacancies occurring during a term shall be filled by appointment for the unexpired term. The Governor shall remove from the Board any member whose certificate or permit to practice has been voided, revoked or suspended.

Sec. 4 amended by Acts 1971, 62nd Leg., p. 934, ch. 146, § 1, eff. May 10, 1971.

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Annual permits to practice

Sec. 9. Permits shall be issued by the Board to the following upon the payment of fees hereinafter specified:

(a) Holders of the certificate of "Certified Public Accountant" issued under this or any prior Acts.

(b) Such persons as are registered with the Board under the provisions of Section 10 of this Act.

"(c) Such persons as are registered with the Board under the provisions of Section 14 of the Public Accountancy Act of 1945.

There shall be paid to the secretary-treasurer of the Board by all persons referred to in Subsections (a), (b) and (c) hereof an annual permit fee not to exceed Twenty Dollars ($20.00). All permits shall expire on the 31st day of December of each year, but shall, annually, be renewed for a period of one (1) year, upon the payment of a fee of not more than Twenty Dollars ($20.00), the Board being hereby given the authority and duty to determine the amount of such renewal fee for each coming year on or before December 1 of each year, and to mail notices thereon each year by that date.

Failure of any permit holder to pay the annual permit renewal fee on or before January 31 of each year shall automatically cancel his permit. Any permit holder whose permit shall have been canceled because of failure to pay the annual permit renewal fee may secure reinstatement of his permit at any time within that calendar year upon payment of the delinquent fee together with a penalty of Ten Dollars ($10.00). After expiration of the calendar year for which the permit fee was not paid, no permit shall be reinstated except upon application and examination satisfactory to the Board. The Board shall have no authority to waive the collection of any fee or penalty.

Sec. 9 amended by Acts 1971, 62nd Leg., p. 931, ch. 145, § 1, eff. May 10, 1971.

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Certification of Certified Public Accountants

Sec. 12. The certificate of a "Certified Public Accountant" shall be granted by the Board to any person:

(a) Who is a citizen of the United States or who, if not a citizen, has lived in the State of Texas for the 90 days immediately preceding the date of submitting to the Board the initial application to take the written examination conducted by the Board for the purpose of granting a certificate of "Certified Public Accountant," or has maintained his permanent legal residence in Texas for the six months immediately preceding said date of submission; and

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Sec. 12(a) amended by Acts 1971, 62nd Leg., p. 935, ch. 146, § 2, eff. May 10, 1971.

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Reciprocity

Sec. 13. (a) The Board may in its discretion waive the examination of, and may issue a certificate of "Certified Public Accountant" to any person possessing the other qualifications mentioned in Section 12 of this Act who is the holder of a certificate as Certified Public Accountant issued under the laws of any state or territory (or the equivalent thereof issued in any foreign country), provided the requirements for such certificate in the state or territory (or foreign country) which has granted it to the applicant were, in the opinion of the Board, at least equivalent to those required in this state at the time the applicant's original certificate was issued. The Board shall charge for the issuance of such a certificate as a "Certified Public Accountant," under this Section a fee of not more than Seventy-five Dollars ($75.00).

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Sec. 13(a) amended by Acts 1971, 62nd Leg., p. 932, ch. 145, § 2, eff. May 10, 1971.

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Examinations; re-examinations, and fees therefor

Sec. 15. All examinations provided for under the Public Accountancy Act of 1945, as amended, shall be conducted by the Board. The examination for the certificate of "Certified Public Accountant" shall take place as often as the Board deems necessary, but not less frequently than once each year. The time and place of holding examinations shall be duly advertised for not less than three (3) days in three (3) daily newspapers published, one (1) in each of three (3) principal cities in Texas, beginning not less than thirty (30) days prior to the date of each examination.

A candidate, who fails, shall have the right to apply for an additional examination, subject to the satisfaction of the Board that he continues to meet requirements of (a), (b), and (d) of Section 12 of this Act, and the following additional requirements: (1) if a candidate fails to score a grade of fifty per cent (50%) on any subject in an examination, the Board shall refuse to admit him to write that subject in the next succeeding examination; and (2) if a candidate has made application to write the examination at a session and he fails to submit a paper on any subject for which he is eligible at that session, the Board shall score a grade of less than fifty per cent (50%) for the candidate in that subject. Except for the foregoing requirements, a candidate, who has taken the examination under this Act or any prior Act, shall have the right to any number of reexaminations. The additional requirements specified in (1) and (2) of this paragraph shall not apply to a candidate who is registered as a public accountant under Section 11 of the Public Accountancy Act of 1945, as amended.

Any candidate who, at the time of filing his application to take the examination, or reexamination, provided for herein, had, prior to the ef-

fective date of this Act, passed one (1) or more subjects under any prior Act, or who shall, after the effective date of this Act, pass in a single examination two (2) or more subjects, or who is registered as a public accountant under Section 11 of the Public Accountancy Act of 1945, as amended, and who shall pass one (1) or more subjects after the effective date of this Act, shall have the right, subject to the approval of his application for reexamination under the provisions of the preceding paragraph, to be reexamined in the remaining subjects only, at subsequent examinations held by the Board, may receive credit for one (1) or more subjects in any subsequent examination, and when he shall have received credit for all subjects, he shall then be considered to have passed the examination.

The Board shall charge for the first examination of a candidate for certification as a "Certified Public Accountant" a fee of not more than Seventy-Five Dollars ($75.00), which shall be payable by the applicant at the time of making the initial application. For each subsequent examination, or reexamination, the fee shall not exceed for each subject for which he is eligible: Thirty Dollars ($30.00) for accounting practice, and Fifteen Dollars ($15.00) for each of theory of accounts, auditing and commercial law, which shall be payable by the applicant at the time of making the application for the subsequent examination or reexamination. Where the applicant fails to be present for the examination and shows to the Board satisfactory reason for such failure, the Board may, in its discretion, refund any fee so paid, and relieve the candidate of the penalty in the second paragraph of this Section relating to the grade of less than fifty per cent (50%).

All fees provided for herein shall be paid to the secretary-treasurer of the Board.

It is further provided, that any applicant who has failed any such examination or examinations shall have a right to demand a copy, certified by the Board, of the questions and the answers thereto made by him upon any such examination, with the grade clearly shown, together with a copy of solutions to such questions; and the Board shall forthwith comply with such demand by delivering by registered mail to such applicant a true copy of the questions and his answers thereto, certified by the Board, together with a copy of solutions to such questions, and the Board may charge such applicant a reasonable fee therefor; and such application by the candidate shall be made within six (6) months after the grades are mailed to said candidate, and not thereafter.

Sec. 15 amended by Acts 1971, 62nd Leg., p. 932, ch. 145, § 3, eff. May 10, 1971.

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Revocation or suspension of certificate or permit

Sec. 22. (a) After notice and hearing as provided in Section 23 of this Act, the Board may revoke or may suspend for a period not to exceed five (5) years, any certificate issued under Sections 12 or 13 of this or any prior Acts, or any registration granted under Sections 10 or 14 of this or any prior Acts, or may revoke, suspend or refuse to renew any permit issued under Sections 9 or 13 of this Act, or may reprimand the holder of any such permit for any one or more of the following causes:

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(9) Failure of a certificate holder or registrant to obtain an annual permit under Section 9 of the Public Accountancy Act of 1945, as herein amended, within either (a) three (3) years from the expiration date of the permit to practice last obtained or renewed by said certificate holder or registrant, or (b) three (3) years from the date upon which the certificate holder or registrant was granted his certificate or registration, if

For Annotations and Historical Notes, see V.A.T.S.

no permit was ever issued to him, unless such failure shall be excused by the Board pursuant to the provisions of said Section 9.

Sec. 22(a)(9) renumbered from § 22(a)(10) by Acts 1971, 62nd Leg., p. 935, ch. 146, § 3, eff. May 10, 1971.

(10) Conduct discreditable to the public accounting profession.

Sec. 22(a)(10) renumbered from § 22(a)(11) by Acts 1971, 62nd Leg., p. 935, c. 146, § 3, eff. May 10, 1971.

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Section 4. Sections 1 to 3 of Acts 1971, 62nd Leg., p. 934, ch. 146, amended this section and secs. 12(a) and 22(a) (9), (10) of this article, respectively, and section 4 was a severability provision.

Section 9. Sections 1 to 3 of Acts 1971, 62nd Leg., p. 931, ch. 145, amended this section and secs. 13(a) and 15 of this article, respectively, and section 4 was a severability provision.

Section 22. Section 3 of Acts 1971, 62nd Leg., p. 934, ch. 146, modified subsec. (a) of this section by repealing former subd. (9), and by renumbering subds. (10) and (11) as subds. (9) and (10), respectively.

TITLE 3—ADOPTION

Art. 46b—2. Adoption of hard-to-place children; financial assistance

Purpose

Section 1. It is the purpose and intent of the Legislature in enacting this Act to encourage and promote the placement in adoptive homes of children who because of their ethnic background, race, color, language, physical or mental, or emotional or medical handicaps, or age, or because they are a sibling group who should be placed in the same home have become difficult to place in adoptive homes. It is the legislative intent to make available to prospective adoptive parents information concerning the availability of relinquished children, information and assistance in completing the adoption process, and the financial aid which might be required to enable them to adopt an otherwise hard-to-place child. It is the intent of the Legislature to benefit hard-to-place children residing in foster homes at state or county expense by providing the stability and security of permanent homes and, in doing so, achieve a reduction in total state and county expense by reducing costly foster-home care.

Definitions

Sec. 2. In this Act:

(1) "Hard-to-place child" is a child who is disadvantaged because of adverse parental background, or a handicapped child, or a child of the age of three years or more.

(2) "Department" means the State Department of Public Welfare.

Administration

Sec. 3. The department shall establish and administer the program to be carried out by any licensed adoption agency or county child care or welfare unit pursuant to this Act. The department shall adopt regulations necessary to carry out the provisions of this Act. The department shall keep records necessary to evaluate the program's effectiveness in encouraging and promoting the adoption of hard-to-place children.

Information

Sec. 4. The department, county child care or welfare units, and all adoption agencies shall disseminate information to prospective adoptive families, especially those families of lower income levels and those belonging to disadvantaged groups as to the availability of adoptable hard-to-place children and of the existence of aid to adoptive families under this Act. The county responsible for providing foster care for a child shall provide financial aid to the adoptive family in an amount determined under Section 5 of this Act.

Financial Assistance

Sec. 5. (a) The adoption fees may be waived for all adoptive parents as necessary to provide adoptive families for hard-to-place children.

(b) There may be paid for a period not to exceed three years an amount of financial assistance not more than the amount that would be paid for foster care for the child if the placement for adoption had not taken place. Additional financial assistance may be granted for a period of not more than two years if the adoptive parents have a continuing need as determined by the department, county child care or welfare unit, or designated licensed adoption agency.

For Annotations and Historical Notes, see V.A.T.S.

(c) The county responsible for the care of the child in a foster home is responsible for the payment provided for by this section in adoptive placements arranged by the department, county child care or welfare unit, or any licensed adoption agency and in cases in which a child receiving aid to families with dependent children in a foster home is adopted by his foster parents with the approval of the department, county child care or welfare unit, or designated adoption agency.

Federal Funds

Sec. 6. The department shall actively seek, and make maximum use of, federal funds which might be available for the purposes of this Act. All gifts or grants received from private sources for the purposes of this Act shall be used to offset costs incurred under the program established by this Act.

Acts 1971, 62nd Leg., p. 2397, ch. 751, eff. Aug. 30, 1971.

Title of Act:

An Act relating to a program to assist families in the adoption of hard-to-place children; providing definitions; providing for financial assistance; and declaring an emergency. Acts 1971, 62nd Leg., p. 2397, ch. 751.

TITLE 4—AGRICULTURE AND HORTICULTURE

CHAPTER ONE—COMMISSIONER OF AGRICULTURE

Art. 55c. Financing programs to encourage production, marketing and use of agricultural commodities; referendum; exemptions; political activity; budget approval

Statement of policy

Section 1. It is declared to be in the interest of the public welfare of the State of Texas that the producers of any agricultural commodity be permitted and encouraged to develop, carry out, and participate in programs of research, disease and insect control, predator control, education, and promotion, designed to encourage the production, marketing, and use of such agricultural commodity. It is the purpose of this Act to provide the authorization and to prescribe the necessary procedures, whereby the producers of any agricultural commodity grown in this state may finance programs to achieve the purposes herein expressed. It is the express intent of the Legislature that such programs may be devised to alleviate any circumstances or conditions which serve to impede the production, marketing, or use of any agricultural commodity.

Sec. 1 amended by Acts 1969, 61st Leg., p. 2395, ch. 806, § 1, eff. June 14, 1969; Acts 1971, 62nd Leg., p. 2401, ch. 754, § 1, eff. Aug. 30, 1971.

Definitions

Sec. 2. In this Act, unless the context requires a different definition:

(1) "Agricultural commodity" means any agricultural, horticultural, viticultural, or vegetable product, bees and honey, planting seeds, livestock and livestock product, or poultry and poultry product, produced in this state, either in its natural state or as processed by the producer.

(2) "Commissioner" means the Commissioner of Agriculture of the State of Texas.

(3) "Board" means the commodity producers board for a particular agricultural commodity.

(4) "Processor" means any person within this state who is a purchaser, warehouseman, processor, or other commercial handler of any agricultural commodity, or any person in this state who processes planting seeds, or any person within this state who is the mortgagee of any agricultural commodity, provided the mortgage did not cover the commodity in its state as a growing crop and provided the mortgage was executed at a time when the commodity was ready for marketing.

(5) "Producer" means any person within this state engaged in the business of producing, or causing to be produced for commercial purposes, any agricultural commodity.

(6) "Person" means any individual, firm, corporation, association, or any other business unit.

Sec. 2 amended by Acts 1969, 61st Leg., p. 2395, ch. 806, § 1, eff. June 14, 1969; Acts 1971, 62nd Leg., p. 2401, ch. 754, § 2, eff. Aug. 30, 1971.

Petition for certification by producer organization

Sec. 3. (a) Any non-profit organization, authorized under the laws of the State of Texas, representing the producers of a particular agricultural

commodity, may petition the commissioner of agriculture for certification as the duly delegated and authorized organization of such producers, for the purpose of conducting a referendum either on an area or statewide basis, on the proposition of whether or not the producers of such agricultural commodity shall levy an assessment upon themselves to finance programs authorized by this Act.

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Sec. 3 amended by Acts 1969, 61st Leg., p. 2395, ch. 806, § 1, eff. June 14, 1969; Sec. 3(a) amended by Acts 1971, 62nd Leg., p. 2402, ch. 754, § 3, eff. Aug. 30, 1971.

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Community producers board established

Sec. 12. If the commissioner certifies establishment of the commodity producers board, the board is established and it has all the powers and duties prescribed by this Act. The board is an agency of the state for all purposes and is exempt from taxation in the same manner and to the same extent as are other agencies of the state.
Sec. 12 amended by Acts 1971, 62nd Leg., p. 2402, ch. 754, § 4, eff. Aug. 30, 1971.

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Powers and duties of board

Sec. 14. A commodity producers board for any particular agricultural commodity has the following powers and duties:

(1) to employ necessary personnel, fix the amount and manner of their compensation, and incur other expenses that are necessary and proper to enable the board to effectively carry out the purposes of this Act;

(2) to promulgate and adopt reasonable rules and regulations, not inconsistent with the purposes of this Act;

(3) to keep minutes of its meetings, and other books and records which will clearly reflect all of the acts and transactions of the board, and to keep these records open to examination by any producer participant during normal business hours;

(4) to set the rate of the assessment which shall, however, in no instance exceed the maximum amount established in the election authorizing the assessment or at subsequent elections establishing a maximum rate;

(5) to act jointly and in cooperation with others, or separately, for the purpose of developing, carrying out, and participating in programs of research, disease and insect control, predator control, education, and promotion, designed to encourage the production, marketing, and use of the commodity upon which the assessment is levied; and

(6) to submit to the commissioner, within 30 days after the end of each fiscal year of the board, a report itemizing all income and expenditures and describing the activities of the board during the fiscal year.

Sec. 14 amended by Acts 1969, 61st Leg., p. 2395, ch. 806, § 1, eff. June 14, 1969; Acts 1971, 62nd Leg., p. 2402, ch. 754, § 5, eff. Aug. 30, 1971.

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Geographic representation on board

Sec. 15C. Subject to any rules and regulations that may be prescribed by the commissioner, and subject to the approval of the commissioner in each case, the board may provide for the election of all or part

of its members from specified geographical areas, which may be referred to as districts. Any such plan, once adopted, may be modified from time to time with the approval of the commissioner. If a geographical representation plan is adopted, only those persons who reside in a district and are entitled to vote in the election may be candidates for member of the board to represent that district; and only those may vote for candidates to represent the district. Subject to these same provisions, applied to the certified organization, geographic representation may be instituted in the referendum and election to establish a commodity producers board. If geographical representation is adopted, all provisions of this Act remain applicable to the extent they may be made applicable.
Sec. 15C added by Acts 1971, 62nd Leg., p. 2403, ch. 754, § 6, eff. Aug. 30, 1971.

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Other remedies

Sec. 17A. (a) The board may investigate conditions that relate to the prompt remittance of the assessment by any producer or processor. When it appears that any person has failed to remit to the board the assessment as required by this Act, the board may independently institute proceedings, or request the Attorney General and/or county or district attorney having jurisdiction to institute proceedings in the board's behalf, in a court of competent jurisdiction in Travis County or in the county in which the violation occurred to recover for the board all money due and owing to the board by virtue of the violation, and for injunctive and other relief as appropriate.

(b) A violation of this Act is grounds for suspension or revocation of any license or permit issued by the commissioner according to the same procedures otherwise provided for suspension or revocation.

(c) The remedies provided by this section are cumulative of other remedies provided by this Act or other law.
Sec. 17A added by Acts 1971, 62nd Leg., p. 2403, ch. 754, § 7, eff. Aug. 30, 1971.

Adding new territory

Sec. 17B. (a) Producers of an agricultural commodity in an area not within the jurisdiction of a commodity producers board for that commodity may petition for the conduct of a referendum within the area specified in the petition on the issue of whether or not the area shall be included within the jurisdiction of the board. The petition must be submitted to the commissioner at least 105 days before the date of the biennial election of members of the board.

(b) If the commissioner determines that in the area described in the petition there exists among the producers of the commodity an interest in becoming subject to the jurisdiction of the board that is substantial enough to justify a referendum, he may transmit the petition to the board with an order authorizing the board in its discretion to conduct the referendum at its own expense. The petition and order must be transmitted at least 75 days before the date of the biennial election of members of the board.

(c) The board shall give public notice, as hereinafter provided, of the date of the election, which shall be the date of the biennial election of members of the board; the amount and basis of the assessment collected by the board; a description of the manner in which the assessment is collected and the proceeds administered and utilized; and any other proposition the board proposes to include on the ballot as authorized or required by this Act. The notice shall be given by publication thereof in a newspaper or newspapers published and distributed, or having general circulation, within the boundaries set forth in the petition, for not less than once a week for three consecutive weeks beginning at least 60

days before the date of the regular biennial election. In addition, direct written notice shall be given to each county agent in any county within the boundaries set forth in the petition, at least 60 days before the date of the regular biennial election.

(d) At any time after the first publication of the notice, any producer of the agricultural commodity in the area set forth in the petition who is qualified to vote at the referendum, if he desires to be a candidate for membership on the board, shall file with the board an application to have his name printed on the ballot to be used at the election. The application must be signed by the candidate and by at least 10 producers of the commodity in that area who are qualified to vote at the election, and must be filed at least 30 days prior to the date of the election. If a geographical representation plan is in effect, this subsection applies only to candidacy for at-large positions and only if the board has one or more at-large positions.

(e) A person is qualified to vote in the referendum if he is, or for at least one production period during the three years preceding the referendum has been, a producer of the particular agricultural commodity within the area described in the petition, the owner of a farm on which the commodity is produced, or his tenant or sharecropper.

(f) The conduct of the election in the area set forth in the petition shall be as prescribed by Section 9 of this Act and by rules promulgated under that section. In addition to the referendum proposition of whether or not the proposed area shall be added to the jurisdiction of the board, the voters qualified to vote in the election are entitled to vote for candidates for membership on the board, but only candidates for at-large positions if a geographical representation plan is in effect, and on any other proposition printed on the ballot for the regular biennial election of the board. The ballots cast in the area set forth in the petition shall be canvassed and the returns reported separately. As to these returns, the board shall perform the functions described by Sections 10 and 11 of this Act with respect to the original election, which govern to the extent applicable, except that the board shall certify whether the referendum proposition was carried or defeated in the area set forth in the petition.

(g) If the referendum proposition was defeated, then the ballots cast in the area set forth in the petition shall not be counted for any other purpose. If the proposition was carried, the returns shall be included in determining the election of directors and any other proposition included on the ballot; and the area set forth in the petition becomes subject to the jurisdiction of the board on the day following the date the result is certified.

Sec. 17B added by Acts 1971, 62nd Leg., p. 2404, ch. 754, § 8, eff. Aug. 30, 1971.

Section 9 of the 1971 amendatory act was a severability provision.

Art. 55d. "Texas agricultural product"; use of term; regulation; penalty

Section 1. The Commissioner of Agriculture by rule shall regulate the use of the term "Texas Agricultural Product" and any symbol connected with that term in the selling, advertising, marketing, and other commercial handling of food and fiber products.

Sec. 2. A person who violates any rule promulgated by the Commissioner under this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $25 nor more than $200.

Sec. 3. On the request of the Commissioner, the Attorney General shall sue in a court of competent jurisdiction to enjoin any violation or threatened violation of a rule promulgated under this Act.
Acts 1971, 62nd Leg., p. 1083, ch. 232, eff. May 17, 1971.

Title of Act:
An Act relating to regulating the use of the term "Texas Agricultural Product" and symbols connected with that term; providing sanctions; and declaring an emergency. Acts 1971, 62nd Leg., p. 1083, ch. 232.

CHAPTER FOUR—AGRICULTURAL SEEDS

Art. 93b. Texas Seed Law

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Definitions

Sec. 2.

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(i) The term "treated" means given an application of a substance or subjected to a process designed to reduce, control, or repel disease organisms, insects, or other pests which attack seeds or seedlings growing therefrom.
Sec. 2(e) amended by Acts 1969, 61st Leg., p. 575, ch. 195, § 1, eff. Sept. 1, 1969; Sec. 2(i) added by Acts 1971, 62nd Leg., p. 991, ch. 178, § 1, eff. May 13, 1971.

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Promulgation of rules and regulations concerning labels; procedure

Sec. 3a. (1) All seeds named and treated as defined in this Act (for which a separate label may be used) shall be labeled in accordance with rules and regulations prescribed by the Commissioner of Agriculture.

(2) The Commissioner of Agriculture shall hold public hearing in Austin, Travis County, Texas, concerning any proposed rules and regulations or any amendments to the rules and regulations pertaining to the seeds described in this section.

(3) Notice of such a public hearing shall be published in three or more newspapers of general circulation throughout the entire State for three consecutive weeks prior to the date of the public hearing.

(4) Immediately following any ruling by the Commissioner of Agriculture made pursuant to the provisions of this section, the Commissioner shall publish the new rules or the amendments to the existing rules in at least three newspapers of general circulation throughout the State for a period of three consecutive weeks. Copies of any new rules or changes in the existing rules shall be made available to anyone who desires a copy.
Sec. 3a added by Acts 1971, 62nd Leg., p. 991, ch. 178, § 2, eff. May 13, 1971.

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CHAPTER SEVEN A—PLANT DISEASES AND PESTS

Art. 135b—4. Sale, use and transportation of herbicides

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Application of act to certain counties

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Sec. 17. (b)(1) When any crop or vegetation of value that is susceptible to damage exists in any county exempted by Subsection (a) of this section, which fact shall be determined by the commissioners court of the affected county, evidenced by an appropriate order entered in the minutes of the court, the provisions of this Act relating to appliers and custom appliers shall be in full force and effect in that county immediately upon the entry of said order.

(2) When the commissioners court of any county that has had its exemption removed pursuant to Subdivision (1) of this subsection finds that there is no longer a crop or vegetation of value susceptible to damage in the county, the court may order the exemption created by Subsection (a) of this section to be reinstated, thereby exempting the county from the provisions of this Act relating to appliers and custom appliers.

(3) Before any order shall be entered pursuant to Subdivision (1) or (2) of this subsection, there shall be a hearing held to determine whether or not such an order should be issued. The hearing may be held only once each year and only in the month of October, November, or December.

(4) Before any such order shall be entered by a commissioners court, the court shall first give notice of the hearing in at least one newspaper in the county 10 days prior to a hearing on this matter. Any interested person may appeal to the district court to test the reasonableness of the fact-finding of the commissioners court within 20 days from entry of the order, in which case the rules and procedure governing appeals from orders of the Railroad Commission of Texas shall be followed, the "substantial evidence rule" shall apply, and appeals may be taken as in other civil cases.

(5) An order issued by the commissioners court changing the status of the county under the provisions of this section becomes effective on January 1 of the year following the date of the hearing.

(6) If the commissioners court orders a change in the status of the county under this section, it shall notify the Commissioner of Agriculture of the change.

Sec. 17(b) amended by Acts 1971, 62nd Leg., p. 1111, ch. 242, § 1, eff. May 17, 1971.

(c)(1) When the commissioners court of a county subject to this Act finds it to be a fact that there is no crop or vegetation of value susceptible to damage in the county, the commissioners court by order may exempt the county from the provisions of this Act relating to appliers and custom appliers. In finding the fact and entering the order, the commissioners court is governed by the requirements set out in Subsection (b) of this section, insofar as they are applicable.

(2) When a county has been exempted from the provisions of this Act relating to appliers and custom appliers by legislation or by order of the commissioner court, a subsequent hearing may be held and an order entered which revokes the exemption permitted in Paragraph (1) of this subsection. In finding the fact that there is a crop or vegetation

of value susceptible to damage and entering the order, the commissioners court is governed by the requirements set out in Subsection (b) of this section.

Sec. 17(b), (c) amended by Acts 1971, 62nd Leg., p. 1111, ch. 242, §§ 1, 2, eff. May 17, 1971.

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Art. 135b—5. Insecticide, Fungicide, and Rodenticide Act of Texas

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Prohibited Acts

Sec. 3. A. It shall be unlawful for any person to distribute, sell, or offer for sale within this State or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State any of the following:

(1) Any economic pesticide which has not been registered pursuant to the provisions of Section 4 of this Act, or any economic pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic pesticide differs from its composition as represented in connection with its registration. Provided, that, in the discretion of the Commissioner, a change in the labeling or formula of an economic pesticide may be made within a registration period if the economic pesticide is registered in conformity with the requirements of this Act for other economic pesticides.

(2) Any economic pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one through which the required information on the immediate container cannot be clearly read, a label bearing:

(a) The name and address of the manufacturer, registrant, or person for whom manufactured;

(b) The name, brand, or trademark under which said article is sold; and

(c) The net weight or measure of the contents of the container, subject, however, to such reasonable variations as the Commissioner may permit after he consults with the advisory group provided for in Section 5B of this Act. Provided, that in the case of a tank truck used merely to deliver an economic pesticide to the user when the truck does not remain in the user's hands, an invoice with the required labeling information left with the purchaser at the time of delivery of the economic pesticide is permissible in lieu of a label being affixed to the tank.

(d) The ingredient statement as provided for in Section 2C of this Act.

(e) Numbers or other symbols which would identify the lot and batch number of the manufacture of the contents of the package.

(3) Any economic pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in Section 5 of this Act, unless the label shall bear, in addition to any other matter required by this Act:

(a) The skull and crossbones;

(b) The word "poison" prominently, in red, on a background of distinctly contrasting color; and

(c) A statement of an antidote for the economic pesticide.

(4) Any economic pesticide that is not distinctly colored or discolored in accordance with such rules and regulations as the Commissioner shall issue pursuant to this Act.

(5) Any economic pesticide which is adulterated or misbranded, or any device which is misbranded.

For Annotations and Historical Notes, see V.A.T.S.

B. It shall be unlawful:

(1) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or regulations promulgated hereunder, or to add any substance to, or take any substance from, an economic pesticide in a manner that may defeat the purpose of this Act;

(2) For any person to use for his own advantage or to reveal, other than to the Commissioner or proper officials or employees of the State or to the courts of this State in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of Section 4 of this Act.

(3) For any person to sell custom mixes without the identification of the purchaser and without an ingredient statement attached as required elsewhere in this Act and so labeled as soon as formulated. The labeling shall be marked with indelible pen or stamp only and may be sold only to those persons whose name appears on the container and shall not be placed on the shelf for resale.

Sec. 3, subsecs. A, B amended by Acts 1971, 62nd Leg., p. 1244, ch. 308, §§ 1, 2, eff. May 24, 1971.

Registration

Sec. 4.

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B. The registrant shall pay the Commissioner an annual registration of Thirty Dollars ($30.00) for each economic pesticide registered provided that:

(1) All registration fees collected by the Commissioner under this Act shall be paid into the State Treasury by the Commissioner and placed by the State Treasurer in the Special Department of Agriculture Fund, and shall be used only for administrative and enforcement purposes of this Act;

(2) Any registrant who is located outside the State of Texas but who distributes economic pesticides in the State of Texas shall deposit with the Commissioner an instrument in writing appointing a resident agent within this State upon whom service may be had in actions filed by the State or taken by the Commissioner in the administration or enforcement of this Act.

(3) The Commissioner is authorized to cancel all registrations of any registrant who fails to comply with the requirements of this Act.

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D. The Commissioner may, after notice and hearing, cancel the registration of, or refuse to register any economic pesticide:

(1) Which has demonstrated serious uncontrollable adverse effects, either within or outside the agricultural environment.

(2) The use of which is of less public value or greater detriment to the environment than the benefits received by its use; or

(3) Which, even when properly used, is detrimental to vegetation, except weeds, to domestic animals, to the public health and safety, or

(4) Concerning which any false or misleading statement is made or implied by the registrant or his agent, either verbally or in writing, or in the form of any advertising literature; or

(5) When any registrant of a chemical or pesticide fails to comply with the requirements of the Act or any rule or regulation adopted by the Commissioner.

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Sec. 4, subsec. B amended by Acts 1971, 62nd Leg., p. 1245, ch. 308, § 3, eff. May 24; Subsec. D amended by Acts 1971, 62nd Leg., p. 1246, ch. 308, § 4, eff. May 24, 1971.

Pesticide advisory committee

Sec. 4a. There is hereby established a pesticide advisory committee composed of the Deans of Agriculture, Texas A & M University, and Texas Tech University, Executive Director of Texas Parks and Wildlife Department, Texas Commissioner of Health, and Texas Commissioner of Agriculture or their designated representatives. The duties of this committee are to advise with the Commissioner of Agriculture to the extent necessary to protect property, animal life and the public health and welfare by recommendation of the best use of pesticides. The Committee would be empowered to call on all State universities and State agencies as well as outside consultants retained by the State entities to assist in developing recommendations to the Commissioner of Agriculture regarding the feasibility of any pesticide program or other such matters which are submitted to them by the Commissioner of Agriculture.
Sec. 4a added by Acts 1971, 62nd Leg., p. 1246, ch. 308, § 6, eff. May 24, 1971.

Determinations; rules and regulations; uniformity

Sec. 5.

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D. The Commissioner shall furnish upon request a consolidated annual report of the official economic pesticide sample results. The contents of the report are to be determined in a manner which the Commissioner finds most expedient.
Sec. 5, subsec. D amended by Acts 1971, 62nd Leg., p. 1246, ch. 308, § 5, eff. May 24, 1971.

Enforcement

Sec. 6. A. The Commissioner shall have authority to enter into any building or place owned, controlled or operated by a registrant or dealer where from probable cause it appears that said building or place contains economic pesticides for the purpose of inspection or sampling, and shall have the power to take a sample for official analysis from any package or lot of economic pesticides, including custom mixes, found within this State. The Commissioner shall have the power to issue and enforce a written or printed "stop-sale" order to the owner or custodian of any economic pesticide which he has reason to believe is in violation of any of the provisions of this Act prohibiting further sale of such economic pesticide until he has evidence that the law has been complied with. Provided, that in respect to the economic pesticide which has been denied sale as provided in this paragraph, the owner or custodian of such economic pesticide shall have the right to appeal from such order to a court of competent jurisdiction where the economic pesticide is found, praying for a judgment as to the justification of said order and the discharge of such economic pesticide from the order prohibiting the sale in accordance with the findings of the court; and provided further, that the provisions of this paragraph shall not be construed as limiting the right of the Commissioner to proceed as authorized by other sections of this Act.

B. In addition to the remedies herein provided, the Commissioner is hereby authorized to institute an action in his own name to enjoin any violation of any provision of this Act.

C. The Commissioner is authorized to contract with State colleges, State agencies or commercial laboratories for examination of economic pesticides provided that such contracts to commercial laboratories are let on a competitive bid basis.

D. The Commissioner shall make or provide for service sample tests of economic pesticides on request, and after consulting with the advisory

For Annotations and Historical Notes, see V.A.T.S.

group as provided for in Section 5B of this Act, he shall fix and collect charges for each service sample on a cost basis.

Sec. 6 amended by Acts 1971, 62nd Leg., p. 1247, ch. 308, § 7, eff. May 24, 1971.

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Art. 135b—6. Structural Pest Control Act

Citation of Act

Section 1. This Act may be cited as the Texas Structural Pest Control Act.

Definitions

Sec. 2. (a) For purposes of this Act a person shall be deemed to be engaged in the business of structural pest control if he engages in, offers to engage in, advertises for, solicits, or performs any of the following services for compensation:

(1) identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations of arthropods (insects, spiders, mites, ticks, and related pests), wood-infesting organisms, rodents, weeds, nuisance birds, and any other obnoxious or undesirable animals which may infest households, railroad cars, ships, docks, trucks, airplanes, or other structures, or the contents thereof, or the immediate adjacent outside areas;

(2) making inspection reports, recommendations, estimates, or bids, whether oral or written, with respect to such infestations;

(3) making contracts, or submitting bids for, or performing services designed to prevent, control, or eliminate such infestations by the use of insecticides, pesticides, rodenticides, fumigants, or allied chemicals or substances or mechanical devices.

(b) As used in this Act, "person" means an individual, firm, partnership, corporation, association, or other organization, or any combination thereof, or any type of business entity.

Board; members; chairman; bylaws; expenses; executive director

Sec. 3. (a) The Texas Structural Pest Control Board is created. The board is composed of seven members, four of whom shall be appointed by the Governor with the advice and consent of the Senate for terms of two years. To be eligible for appointment, a person must have been engaged in the business of structural pest control for at least five years. No two members shall be representatives of the same business entity. In addition to the appointed members, the board also consists of the Commissioner of Agriculture, the Commissioner of Health, and the chairman of the Department of Entomology at Texas A&M University, or their designated representatives, who shall serve in ex officio capacity.

(b) The board shall elect a chairman from its appointed members and shall adopt bylaws governing the conduct of the board's affairs.

(c) Members serve without compensation but are entitled to reimbursement for actual expenses incurred in carrying on the work of the board.

(d) The board shall appoint an executive director who shall administer the provisions of this Act and the rules and regulations promulgated by the board. The executive director shall receive a salary as determined by the board which shall be paid from funds available to the board.

Licensing standards; rules and regulations

Sec. 4. (a) The board shall develop standards and criteria for licensing persons engaged in the business of structural pest control. The board may require applicants to pass an examination demonstrating their competence in the field in order to qualify for a license.

(b) The board shall promulgate rules and regulations governing the methods and practices of structural pest control when it determines that the public's health and welfare necessitates such regulations in order to prevent adverse effects on human life and the environment. The rules and regulations relating to the use of economic poisons shall comply with applicable federal standards governing the use of such substances.

Temporary license

Sec. 5. (a) Except as provided in Subsection (b), no person shall engage in the business of structural pest control after the effective date of this Act unless he meets the standards set by the board and possesses a valid license issued by the board.

(b) A person who has engaged in the business of structural pest control for a period of two years next preceding the effective date of this Act may apply to the board within 90 days after the effective date of this Act and shall be issued a temporary license which shall be valid for a period not to exceed two years upon payment of the required fee and completion of a temporary licensing form as prescribed by the board without further qualifications or examination. All applicants under this subsection shall furnish evidence substantiating their eligibility before a temporary license may be granted.

Application forms; expiration and renewal; nontransferability

Sec. 6. (a) All applications for licenses shall be made on forms prescribed and provided by the board, and each applicant shall furnish such information as the board may require for its determination of the applicant's qualifications.

(b) All licenses issued by the board shall expire on March 1 of each calendar year and may be renewed by submitting an application to the board and paying the required renewal fees.

(c) A license issued by the board is not transferable.

Fees

Sec. 7. (a) An applicant for an initial or renewal license shall accompany his application with a fee of $50 for each place of business located in the State and a fee of between $5 and $15, as determined by the board, for each employee of the applicant who is engaged in structural pest control services. This is not to apply to those locations serving only as answering services for a licensed business.

(b) A licensee whose license has been lost or destroyed shall be issued a duplicate license after application therefor and the payment of a fee of $10.

Disposition of fees

Sec. 8. The proceeds from the collection of the fees provided in this Act shall be deposited in a special fund in the State Treasury to be known as the Structural Pest Control Fund, and shall be used for the administration and enforcement of the provisions of this Act. No expense incurred in implementing the provisions of this Act shall ever be a charge against the general revenue funds of the State of Texas. Any balance in the special fund at the end of each State fiscal biennium in excess of appropriations out of that fund for the succeeding biennium shall be transferred to the general revenue fund. All money deposited in the Structural Pest Control Fund is hereby appropriated to the board for the purpose of carrying out the provisions of this Act for the fiscal biennium ending August 31, 1973.

License suspension, revocation and refusal; appeal

Sec. 9. (a) The board, after notice and a hearing, may suspend or revoke a license, refuse to examine an applicant, refuse to issue a license, or refuse to renew a license when it finds that the applicant or licensee has substantially failed to comply with the standards and rules and regulations established by the board.

(b) An applicant or licensee may appeal from an order of the board by an action in the district court in which he resides or in the district court of Travis County, and the trial shall be de novo as in the case of an appeal from a justice court to a county court.

Injunction

Sec. 10. The board may request the Attorney General to bring suit to enjoin a person from engaging in the business of structural pest control without a license.

Exceptions

Sec. 11. The provisions of this Act shall not apply to nor shall the following persons be deemed to be engaging in the business of structural pest control:

(1) an officer or employee of a governmental or educational agency who performs pest control services as part of his duties of employment;

(2) a person or his regular employee who performs pest control work upon property which he owns, leases, or rents;

(3) an employee of a person licensed to engage in the business of structural pest control; and

(4) a person or his employee who is engaged in the business of agriculture or aerial application or custom application of pesticides to agricultural lands.

Severability

Sec. 12. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 2363, ch. 726, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the creation of the Structural Pest Control Board and providing for the licensing and regulation of persons engaged in the business of structural pest control; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 2363, ch. 726.

CHAPTER EIGHT—EXPERIMENT STATIONS

Arts. 136 to 149k. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

See, now, V.T.C.A. Education Code, §§ 88.201 to 88.212.

CHAPTER TEN—MILK PRODUCERS AND DISTRIBUTORS

Art. 165—3. Milk grading and pasteurization

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State Health Officer to fix specifications

Sec. 2. The State Health Officer is hereby authorized and empowered to define what shall constitute Grade "A" raw milk, Grade "A" raw milk products, Grade "A" pasteurized milk, and Grade "A" pasteurized milk products and to fix specifications, rules or regulations for the production and handling of such milk and milk products, according to the safety and food value of the same and the sanitary conditions under which the same are produced and handled. Such definitions, specifications, rules or regulations shall be based upon and shall be in general harmony with (but need not be identical to) the definitions, specifications, rules or regula-

tions relating to such milk and milk products set forth in the most recent edition of the United States Public Health Service Grade "A" Pasteurized Milk Ordinance. Such definitions, specifications, rules or regulations shall be set forth in specifications, rules or regulations promulgated by the State Health Officer in accordance with the procedures prescribed by Section 2A hereof.

Any city, county, or other political subdivision, or any Health Officer thereof, adopting any specifications, rules or regulations for any grade of milk or milk products or enforcing and administering the same, shall be governed in adopting, enforcing and administering any such specifications, rules or regulations by the specifications, rules or regulations promulgated hereunder by the State Health Officer and such specifications, rules or regulations adopted by any city, county or other political subdivision shall be in conformity with specifications, rules or regulations promulgated by the State Health Officer.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 1715, ch. 495, § 1, eff. Jan. 1, 1972.

Notice and hearing; emergency specifications; advice; filing copy; effective date

Sec. 2A. (a) Prior to the adoption, amendment, or repeal of any specification, rule or regulation, the State Health Officer shall:

(1) give at least thirty (30) days notice of his intended action. The notice shall include a statement of either the expressed terms or an informative summary of the proposed action, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be published not less than thirty (30) nor more than sixty (60) days prior to such intended action in a newspaper of general circulation in Travis County and in each of the five most populous counties in Texas, according to the latest U. S. Census. In addition, the notice is to be mailed to all persons who have made timely written requests of the agency for advance notice of its specification, rule or regulation making proceedings; provided, however, that failure to mail such notice shall not invalidate any actions taken or specifications, rules or regulations adopted; and

(2) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. Opportunity for oral argument must be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The State Health Officer shall consider fully all written and oral submissions respecting the proposed specification, rule or regulation. Upon adoption of a specification, rule or regulation, the State Health Officer, is requested to do so by an interested person either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(3) If the State Health Officer finds that an imminent peril to the public health, safety, or welfare requires adoption of a specification, rule or regulation upon fewer than thirty (30) days notice and states in writing his reasons for that find, he may proceed without prior notice or hearing or upon any abbreviated notice and hearing that he finds practicable, to adopt an emergency specification, rule or regulation. The specification, rule or regulation may be effective for a period of not longer than one hundred twenty (120) days renewable once for a period not exceeding sixty (60) days, but the adoption of an identical specification, rule or regulation under Subsections (a)(1) and (a)(2) of this section is not precluded.

(4) No specification, rule or regulation hereafter adopted is valid unless adopted in substantial compliance with this section. A proceed-

ing to contest any specification, rule or regulation on the ground of noncompliance with the procedural requirements of this section must be commenced within two (2) years from the effective date of the specification, rule or regulation.

(5) The State Health Officer may use informal conferences and consultations as means of obtaining the viewpoints and advice of interested persons with respect to contemplated specification, rule or regulation making. The State Health Officer is also authorized to appoint committees of experts or interested persons or representatives of the general public to advise him with respect to contemplated specification, rule or regulation making. The powers of such committees shall be advisory only.

(6) The State Health Officer shall file with the Secretary of State a certified copy of each specification, rule or regulation adopted by him and shall mail a printed copy of each specification, rule or regulation adopted by him to all County and City Health Officers.

(7) Each specification, rule or regulation adopted is effective forty-five (45) days after filing except that: (1) a later date specified in the specification, rule or regulation shall be the effective date; and (2) subject to applicable constitutional or statutory provisions, an emergency specification, rule or regulation becomes effective immediately upon filing, or at a stated date after filing, if the State Health Officer finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare.

(8) Specifications, rules or regulations filed with the Secretary of State shall be made available upon request to any person at prices fixed by the Secretary of State to cover costs of mailing, publication and copying.

Sec. 2A added by Acts 1971, 62nd Leg., p. 1716, ch. 495, § 2, eff. Jan. 1, 1972.

Petition

Sec. 2B. Any interested person may petition the State Health Officer requesting the promulgation, amendment, or repeal of a specification, rule or regulation. Within sixty (60) days after submission of a petition, the State Health Officer either shall deny the petition in writing (stating his reasons for the denial) or shall initiate specification, rule or regulation making proceedings in accordance with Section 2A hereof.

Sec. 2B added by Acts 1971, 62nd Leg., p. 1717, ch. 495, § 3, eff. Jan. 1, 1972.

Declaratory judgment

Sec. 2C. The validity or applicability of any specification, rule or regulation including emergency specifications, rules or regulations, may be determined in an action for declaratory judgment in the District Court of Travis County, and not elsewhere, if it is alleged that the specification, rule or regulation, its application, or its threatened application interferes with or impairs or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The State Health Officer shall be made a party to the action. A declaratory judgment may be rendered whether or not the plaintiff has requested the State Health Officer to pass upon the validity or applicability of the specification, rule or regulation in question.

Sec. 2C added by Acts 1971, 62nd Leg., p. 1717, ch. 495, § 4, eff. Jan. 1, 1972.

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Sections 5 and 6 of the 1971 amendatory act provided:

"Sec. 5. This Act shall take effect on January 1, 1972.

"Sec. 6. If any provision of this Act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applica-

tions of the Act which can be given effect without the invalid provision or application, and to this end the provisions of the Act are declared to be severable."

CHAPTER ELEVEN—COTTON

Art. 165—4a. Agricultural agencies to stress increased use and outlet of products; cotton research committee

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Sec. 2a. The name of the Cotton Research Committee is changed to the Natural Fibers and Food Protein Committee.

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Secs. 1, 2 amended by Acts 1969, 61st Leg., p. 1218, ch. 387, §§ 1, 2, eff. May 29, 1969; Sec. 3 added by Acts 1969, 61st Leg., p. 1218, ch. 387, § 3, eff. May 29, 1969; Sec. 2a added by Acts 1971, 62nd Leg., p. 1681, ch. 478, § 1, eff. May 27, 1971.

TITLE 7—ANIMALS

Art. 191. Prairie dogs

Prairie dogs are hereby declared to be a public nuisance.
Amended by Acts 1971, 62nd Leg., p. 1537, ch. 407, § 1, eff. Aug. 30, 1971.

Art. 192—1. Repealed by Acts 1971, 62nd Leg., p. 1805, ch. 534, § 8, eff. June 1, 1971

TITLE 8—APPORTIONMENT

REPRESENTATIVE DISTRICTS

Art. 195a. Repealed by Acts 1971, 62nd Leg., p. 2980, ch. 981, § 5, eff. Aug. 30, 1971

See, now, art. 195a—3.

Arts. 195a—1, 195a—2. Repealed by Acts 1971, 62nd Leg., p. 2980, ch. 981, § 5, eff. Aug. 30, 1971

Art. 195a—3. Representative Districts

Section 1. The Representative Districts of the State of Texas shall be composed respectively of the following counties or defined areas, and each district shall be entitled to elect one representative except as otherwise provided herein:

1. Bowie County and that part of Red River County included in census enumeration districts 3, 4, 7, 8, 9, 10, and 11.

2. Cass, Marion, Morris, and Titus counties; that part of Red River County not included in District 1; and that part of Harrison County included in census enumeration districts 9, 11, and 12.

3. Rusk County and that part of Harrison County not included in district 2.

4. Nacogdoches, Panola, and Shelby counties; and that part of San Augustine County included in census enumeration districts 4, 5, 6, and 7.

5. Hardin, Jasper, and Tyler counties; and that part of Newton County not included in district 6.

6. Orange County and that part of Newton County included in census enumeration districts 10, 11, 12, 13, 14, and 15.

7. That part of Jefferson County not included in district 9.
Place 1
Place 2
Place 3

8. Rains, Upshur, and Wood counties; that part of Smith County included in census tracts 13, 15, 17, 18, 21, and census enumeration district 148; and that part of Cherokee County included in census enumeration districts 1, 5, 10, 11, 12, 13, 14, 15, 16, 17, and 18.

9. Chambers County, that part of Jefferson County included in census tracts 113, 114, 115, 116, and that part of census tract 3 included in enumeration district 203 and census block groups 4, 5, 6, 7, 8, and 9, and that part of Galveston County included in census tracts 1237, 1238, 1239, 1240, 1249, 1254, and 1255, and that part of census tract 1232 included in census block groups 2, 3, 4, 5, 6, 7, 8, and 9, and that part of Liberty County included in census enumeration districts 1, 2, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.

10. Camp, Delta, Franklin, Hopkins, and Lamar counties.

11. That part of Smith County not included in district 8.

12. Angelina, Polk, and Sabine counties; and that part of San Augustine County not included in district 4.

13. Gregg County.

14. Fannin County and that part of Grayson County not included in district 60.

15. Hunt County and that part of Kaufman County not included in district 32.

16. Anderson, Henderson and Van Zandt counties.

17. Freestone, Limestone, and Robertson counties and that part of Navarro County not included in district 34 and that part of Falls County included in census enumeration districts 22, 23, 24, 25, 26, and 27.

18. Houston, Trinity and Walker counties; and that part of Cherokee County not included in district 8.

19. Grimes, Montgomery, and San Jacinto counties, and that part of Liberty County not included in district 9.

20. Fort Bend County and that part of Brazoria County included in census enumeration districts 1, 1B, 1C, 2, 2B, 3, 4, 5, 6, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 50, 54, 78, 79, 98, 99, 86, 87, 88, 89, 90, 102, and 100.

21. That part of Harris County included in census tracts 407, 417, 418, 419, 423, 424, 425, 426, 427, 432, 433, 434, 435, 436, 437, 438, 439, 441, 445, 446, 447, 448, 449, 450, 451, 452, 542; that part of census tract 422 included in census block groups 4 and 5; that part of census tract 440 included in census block groups 2, 3, 4, and 5; and that part of census tract 444 included in census block groups 3, 4, and 5.

Place 1
Place 2
Place 3

22. That part of Harris County included in census tracts 308, 314, 316, 318, 319, 320, 323, 324, 325, 326, 327, 328, 331, 332, 333, 334, 335, 336, 337, 338, 340, 341, 342, 343, 344, 345, 346, 348, 371, 372, 375, 408, 409, 410, 411, 412, 413, 414, 415, 416, 428, 429, 430, and 431.

Place 1
Place 2
Place 3
Place 4

23. That part of Harris County included in census tracts 121, 122, 123, 124, 201, 203, 204, 205, 206, 207, 208, 209, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 224, 225, 303, 304, 305, 306, 307, 315, 317, 329, 330, 339, 501, and 502.

Place 1
Place 2
Place 3
Place 4

24. That part of Harris County included in census tracts 125, 126, 401, 402, 403, 404, 405, 406, 420, 421, 442, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 526, 527; that part of census tract 422 included in census block groups 1, 2, 3, 6, and 9; and that part of census tract 440 included in census block groups 1, 6, 7, and 9.

Place 1
Place 2
Place 3
Place 4

25. That part of Harris County included in census tracts 202, 234, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 301, 302, 309, 310, 311, 312, 313, 321, 322, 347, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 373, and 374.

Place 1
Place 2
Place 3
Place 4

26. That part of Harris County included in census tracts 210, 211, 212, 223, 226, 228, 229, 230, 231, 232, 233, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 443, 522, 523, 524, 525, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 553, 554, 555, 556, 557, 558, 559, and that part of census tract 444 included in census block groups 1, 2, 6, and 7.

Place 1
Place 2
Place 3
Place 4

27. That part of Galveston County not included in district 9.

Place 1
Place 2

28. Bastrop, Colorado, Fayette, and Gonzales counties and that part of Wharton County included in census enumeration districts 1, 2, 3, 5, and 13.

29. Austin, Burleson, Lee, Waller, and Washington counties and that part of Harris County included in census tracts 541, 543, 544, 545, 546, 547, 548, 549, 550, 551, and 552.

30. Matagorda County; that part of Wharton County not included in district 28; and that part of Brazoria County included in census enumeration districts 91, 92, 93, 94, 97, 101, 95, 96, 96B, 104, 105, 106, 107, 108, 149, 160, and 160B.

31. That part of Brazoria County not included in districts 20 and 30.

32. Collin and Rockwall counties and that part of Kaufman County included in census enumeration districts 20, 21, 22, and 32.

33. Dallas County.

Place 1
Place 2
Place 3
Place 4
Place 5
Place 6
Place 7
Place 8
Place 9
Place 10
Place 11
Place 12
Place 13
Place 14
Place 15
Place 16
Place 17
Place 18

34. Ellis and Hill counties and that part of Navarro County included in census enumeration districts 3, 4, 5, 30, 31, 32, 33, 34, and 36.

35. That part of McLennan County not included in district 36 or 80.

36. Coryell County and that part of McLennan County included in census tracts 9, 10, 11, 12, 13, 25.01, 25.02, 28, 29, 30, 31, 39, 40, and 41.

37. Milam and Williamson counties and that part of Bell County included in census enumeration districts 27A, 27B, 27C, 28, 29, 36, 37, 38, 78A, 78B, 92, 93, 95, 96, 100, 101, 102, 103, 104, and 105.

38. Brazos, Leon and Madison counties.

39. Travis County.
Place 1
Place 2
Place 3
Place 4

40. Blanco, Burnet, Caldwell, Gillespie, and Hays counties.

41. Comal, Guadalupe, Kendall, and Wilson counties.

42. Aransas, DeWitt, Goliad, Jackson, Lavaca, and Refugio counties.

43. Calhoun and Victoria counties.

44. Live Oak, San Patricio and that part of Nueces County included in census tracts 35, 36, 37, 50, 58, 59, and 61.

45. That part of Nueces County not included in district 44.
Place 1
Place 2
Place 3

46. Cameron County and that part of Willacy County included in census enumeration districts 1, 2, 3, 15, 16, 17, 18, and 19.
Place 1
Place 2

47. Hidalgo, Kenedy and Kleberg counties and that part of Willacy County not included in district 46.
Place 1
Place 2
Place 3

48. Brooks, Duval, Jim Hogg, Jim Wells, and Starr counties.

49. Frio, Medina, and Zavala counties; that part of Uvalde County not included in district 65; and that part of Bexar County included in census tracts 1615, 1617, 1618, and 1619.

50. That part of Bell County included in census enumeration districts 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, and 91.

51. Erath, Hood and Parker counties and that part of Tarrant County included in census tracts 57.02, 60.01, 60.03, 108.03, 110.01, 110.02, 112.01, and 112.02.

52. That part of Tarrant County not included in district 51 or 54.
Place 1
Place 2
Place 3
Place 4
Place 5
Place 6
Place 7
Place 8
Place 9

53. Callahan, Jack, Palo Pinto, Shackelford, and Stephens counties; that part of Wise County not included in district 60; and that part of Jones County not included in district 63.

54. Bosque, Hamilton, Johnson, and Somervell counties and that part of Tarrant County included in census tracts 113 and 115.03.

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55. Bandera, Concho, Kerr, Kimble, Lampasas, Llano, Mason, McCulloch, Menard, Mills, San Saba, and Real counties.

56. That part of Tom Green County not included in district 65 and that part of Runnels County included in census enumeration districts 7, 16, 17, 18, 19, and 20.

57. That part of Bexar County not included in district 49 or 58.
Place 1
Place 2
Place 3
Place 4
Place 5
Place 6
Place 7
Place 8
Place 9
Place 10
Place 11

58. Atascosa, Bee, Dimmit, Karnes, LaSalle, and McMullen counties and that part of Bexar County included in census enumeration districts 129 and 146.

59. Webb and Zapata counties.

60. Cooke and Montague counties; that part of Grayson County included in census tracts 3, 4, 11, 12, 13, 17, and 19; and that part of Wise County included in census enumeration districts 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 15, 16, 17, and 18.

61. Archer, Clay, Throckmorton, and Young counties and that part of Wichita County included in census tracts 119, 120, 121, 122, 123, 124, 125, 128, 129, 130, 131, 136, 137, and 138.

62. That part of Taylor County not included in district 71.

63. Borden, Fisher, Haskell, Howard, Kent, King, Scurry, Stonewall, and that part of Jones County included in census enumeration districts 9, 10, 11, 12, 13, 14, and 15.

64. Brown, Coleman, Comanche, and Eastland counties and that part of Runnels County not included in district 56.

65. Coke, Crockett, Edwards, Irion, Kinney, Maverick, Reagan, Schleicher, Sutton, and Val Verde counties; that part of Uvalde County included in census enumeration districts 6, 7, 8, 10, 17, and 18; and that part of Tom Green County included in census enumeration districts 5 and 6.

66. Brewster, Crane, Pecos, Terrell, and Upton counties and that part of Midland County not included in district 71.

67. El Paso County.
Place 1
Place 2
Place 3
Place 4
Place 5

68. That part of Ector County not included in district 69.

69. Culberson, Hudspeth, Jeff Davis, Loving, Presidio, Reeves, Ward, and Winkler counties and that part of Ector County included in census tracts 1, 2, 7, 8, 9, 10, 11, and 26 and that part of census tract 21 West of U. S. Highway 385 and that part of census tract 22 North of the Texas and Pacific Railroad.

70. That part of Wichita County not included in district 61.

71. Glasscock, Mitchell, Nolan, and Sterling counties; that part of Midland County included in census enumeration districts 1, 2, 21, 22, 25,

26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, 88, 89, and 90; and that part of Taylor County included in census tracts 106, 113, 114, 131, 132, 136, and that part of census tract 126 included in census enumeration district 79.

72. Bailey, Castro, Cochran, Deaf Smith, Lamb, Oldham, and Parmer counties.

73. Andrews, Dawson, Gaines, Lynn, Martin, Terry, and Yoakum counties.

74. Carson, Potter, and Randall counties.
Place 1
Place 2

75. That part of Lubbock County not included in district 76.
Place 1
Place 2

76. Crosby, Garza, and Hockley counties; that part of Hale County included in census enumeration districts 35, 36, 37, 38, 39, 40, 41, 42, 43, and 45; and that part of Lubbock County included in census enumeration districts 174, 175, 176, 177, 178, 47, 48, 49, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 19, 20, 21, 02, 04, 06, 07, 24, 157, 01, and 03.

77. Dallam, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, and Sherman counties.

78. Armstrong, Donley, Gray, Swisher, and Wheeler counties, and that part of Hale County not included in district 76.

79. Denton County.

80. That part of Falls County not included in district 38; that part of Bell County not included in district 37 or 50; and that part of McLennan County included in census tracts 17, 18, 32, 33, 34, 35, 36, 37.01, 37.02, 38, and 42.

81. Baylor, Briscoe, Childress, Collingsworth, Cottle, Dickens, Floyd, Foard, Hall, Hardeman, Knox, Motley, and Wilbarger counties.

Sec. 2. This Act shall become effective for the elections, primary and general, for all representatives from the places herein specified and described to the 63rd Legislature, and continue in effect thereafter for succeeding legislatures; provided specifically that this Act shall not affect the membership, personnel or districts of the 62nd Legislature; and provided further, that in case a vacancy occurs in the office of any representative of the 62nd Legislature by death, resignation, or otherwise, and a special election to fill such vacancy becomes necessary, said election shall be held in the district as it was constituted on January 1, 1971.

Sec. 3. The terms "census tract" and "census enumeration district," as used in this Act, mean those geographic areas outlined and identified as such on official place, county, and metropolitan map series maps prepared by the United States Department of Commerce Bureau of the Census for the Nineteenth Decennial Census of the United States, enumerated as of April 1, 1970. "Block groups" are subdivisions of census tracts as defined on census metropolitan maps which differentiate block groups by the first digit of the block numbers assigned to city blocks within each tract.

Sec. 4. The Texas Legislative Council shall furnish to the Commissioners Court of each county which is divided into two or more districts appropriate maps showing census tract, census enumeration district, or census block group lines to facilitate the identification of district lines.

Sec. 5. When this Act becomes effective, Chapter 351, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 195a, Vernon's Texas Civil Statutes), and Chapters 733 and 808, Acts of the 61st Legislature, Regular Session, 1969 (Articles 195a—1 and 195a—2, Vernon's Texas Civil Statutes), are repealed.

Acts 1971, 62nd Leg., p. 2974, ch. 981, eff. Aug. 30, 1971.

CONGRESSIONAL DISTRICTS

Art. 197c. Repealed by Acts 1971, 62nd Leg., 1st C.S., p. 41, ch. 12, § 28, eff. Sept. 3, 1971

See, now, art. 197d.

Art. 197d. Congressional Districts

Section 1. The State of Texas is apportioned into Congressional Districts as provided in the following sections. Each district is entitled to elect one Member to the House of Representatives of the Congress of the United States.

Sec. 2. District 1 is composed of Bowie, Camp, Cass, Cherokee, Delta, Fannin, Franklin, Harrison, Henderson, Hopkins, Lamar, Marion, Morris, Panola, Red River, Rusk, San Augustine, Shelby, Titus, Upshur, and Wood Counties.

Sec. 3. District 2 is composed of Anderson, Angelina, Freestone, Grimes, Hardin, Houston, Jasper, Leon, Liberty, Madison, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Jacinto, Trinity, Tyler, and Walker Counties.

Sec. 4. District 3 is composed of that part of Dallas County included in census tracts 192.05, 192.06, 192.07, 192.04, 192.03, 192.02, 192.01, 191, 190.02, 190.03, 185.02, 130.02, 130.01, 78.03, 78.02, 136.02, 136.03, 132, 133, 131, 78.01, 76.04, 77, 136.01, 96.04, 134.02, 76.03, 75.02, 137.04, 137.05, 138.01, 96.03, 96.02, 134.01, 135, 76.01, 76.02, 75.01, 74, 73.01, 73.02, 71.02, 4.03, 95, 94, 98, 97, 96.01, 138.02, 137.01, 137.02, 139, 140.01, 72, 6.01, 4.02, 4.01, 6.02, 5, 19, 100, 99, 137.03, 140.02, 142, 148, 147, 146, 145, 152, 149, 150, 151, 198, 143, 101, 102, 103, 104, 69, 68, 43, 44, 42, 20, 105, 106, 190.04, 195.01, 18, 7.01, and 41.

Sec. 5. District 4 is composed of Collin, Grayson, Hunt, Gregg, Kaufman, Rains, Rockwall, Smith, and Van Zandt Counties, and that part of Dallas County included in census tracts 181.01, 181.02, 181.03, 181.04, and 182.

Sec. 6. District 5 is composed of that part of Dallas County included in census tracts 190.01, 190.06, 190.07, 190.05, 189, 188, 185.01, 186, 187, 183, 184, 126, 127, 128, 129, 180, 125, 124, 82, 179, 123, 122.01, 81, 80, 1, 12, 79.01, 193.01, 193.02, 3, 2.02, 2.01, 10, 11.01, 11.02, 14, 15.01, 13.01, 13.02, 15.02, 22.02, 31.02, 30, 33, 34, 29, 35, 36, 28, 23, 24, 25, 26, 27.01, 27.02, 37, 38, 39.01, 39.02, 40, 83, 84, 85, 91.01, 91.02, 93.01, 93.02, 115, 122.02, 178.01, 178.02, 90.01, 90.02, 92.01, 121, 120, 119, 176.02, 176.01, 172, 175, 174, 177, 173.02, 173.01, 170, 194, 195.02, 71.01, 197, 196, 7.02, 9, 8, 16, 22.01, 17.01, 21, 31.01, 32.01, 32.02, 118, 92.02, 79.02, and 17.02.

Sec. 7. District 6 is composed of Brazos, Ellis, Hill, Johnson, Limestone, Navarro, and Robertson Counties; that part of Dallas County included in census tracts 164, 165.01, 165.02, 165.03, 165.04, 165.05, 166.04, 166.03, 166.02, 166.01, 109, 108, 61, 110, 111.01, 111.02, 112, 113, 167.01, 167.02, 168, 169.04, 169.01, 169.02, 169.03, 171, 116, and 117; and that part of Tarrant County included in census tracts 108.03, 109, 54.01, 55.01, 54.02, 42.01, 43, 42.02, 48.01, 47, 56, 48.02, 55.02, 57.01, 58, 59, 60.02, 60.01, 110.02, 57.02, 55.03, 55.04, and 110.01.

Sec. 8. District 7 is composed of that part of Harris County included in census tracts 558, 557, 554, 553, 552, 556, 555, 551, 545, 550, 549, 548, 547, 546, 544, 537, 538, 541, 540, 452, 451, 543, 542, 529, 528, 527, 526, 519, 517, 443, 442, 441, 444, 447, 448, 450, 449, 446, 445, 440, 421, 406, 420, 422, 439, 438, 437, 436, 423, 419, 424, 435, 407, 409, 408, 411, 418, 417, 416, 425, 426, 434, 429, 428, 427, 433, 430, 431, 432, 410, and 413, and that part of census tract 405 included in census block group 5.

Sec. 9. District 8 is composed of that part of Harris County included in census tracts 559, 244, 245, 243, 242, 536, 535, 241, 533, 240, 223, 531, 532, 222, 221, 224, 525, 524, 523, 522, 220, 218, 225, 217, 216, 215, 227, 208, 229, 228, 230, 214, 203, 209, 213, 231, 212, 202, 210, 211, 232, 233, 321, 320, 322, 350, 351, 352, 354, 234, 262, 261, 267, 268, 263, 265, 266, 270, 269, 271, 264, 361, 362, 273, 274, 272, 275, 364, 360, 363, 365, 530, 539, and 534.

Sec. 10. District 9 is composed of Chambers, Galveston, and Jefferson Counties and that part of Harris County included in census tracts 250, 249, 247, 238, 251, 248, 246, 252, 253, 237, 236, 254, 256, 255, 257, 258, 235, 259, 260, 226, and 239.

Sec. 11. District 10 is composed of Austin, Bastrop, Blanco, Burleson, Caldwell, Colorado, Fayette, Hays, Lee, Travis, Waller, and Washington Counties.

Sec. 12. District 11 is composed of Bell, Bosque, Burnet, Coryell, Falls, Hamilton, Hood, Lampasas, McLennan, Milam, Mills, Parker, Somervell, and Williamson Counties.

Sec. 13. District 12 is composed of that part of Tarrant County not included in district 6 or 24.

Sec. 14. District 13 is composed of Archer, Armstrong, Baylor, Briscoe, Carson, Childress, Clay, Collingsworth, Cottle, Dallam, Dickens, Donley, Foard, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, King, Knox, Lipscomb, Moore, Motley, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, and Wilbarger Counties.

Sec. 15. District 14 is composed of Aransas, Calhoun, Jackson, Matagorda, Nueces, Refugio, San Patricio, Victoria, and Wharton Counties, and that part of Brazoria County included in enumeration districts 108, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 153B, 158, 159, 160, and 160B.

Sec. 16. District 15 is composed of Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Live Oak, McMullen, Starr, Willacy, and Zapata Counties.

Sec. 17. District 16 is composed of Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Presidio, Reeves, Ward, and Winkler Counties, and that part of Ector County not included in district 19.

Sec. 18. District 17 is composed of Borden, Brown, Callahan, Coleman, Comanche, Cooke, Crosby, Eastland, Erath, Fisher, Floyd, Garza, Haskell, Howard, Jack, Jones, Kent, McCulloch, Mitchell, Montague, Nolan, Palo Pinto, San Saba, Scurry, Shackelford, Stephens, Stonewall, Taylor, Throckmorton, Wise, and Young Counties.

Sec. 19. District 18 is composed of that part of Harris County included in census tracts 219, 521, 520, 510, 518, 509, 207, 511, 513, 512, 507, 508, 206, 204, 205, 503, 506, 516, 514, 515, 505, 504, 502, 501, 201, 121, 401, 126, 121, 123, 402, 125, 403, 404, 124, 303, 302, 301, 311, 310, 312, 309, 313, 304, 306, 305, 316, 307, 308, 314, 315, 317, 330, 318, 328, and that part of census tract 405 not included in census block group 5.

Sec. 20. District 19 is composed of Andrews, Bailey, Castro, Cochran, Dawson, Deaf Smith, Gaines, Hale, Hockley, Lamb, Lubbock, Lynn, Martin, Midland, Parmer, Terry, and Yoakum Counties, and that part of Ector County included in census tracts 3, 4, 5, 6, 7, 24, and 25, and that part of census tract 21 East of U. S. Highway 385 and North of the Texas and Pacific Railroad.

Sec. 21. District 20 is composed of that part of Bexar County not included in district 21 or 23.

Sec. 22. District 21 is composed of Bandera, Coke, Comal, Concho, Crane, Crockett, Edwards, Gillespie, Glasscock, Irion, Kendall, Kerr, Kimble, Kinney, Llano, Mason, Menard, Pecos, Reagan, Real, Runnels,

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Schleicher, Sterling, Sutton, Terrell, Tom Green, Upton, Uvalde, and Val Verde Counties, and that part of Bexar County included in census tracts 1719, 1720, 1816, 1817, 1806, 1807, 1815, 1821, 1820, 1819, 1915, 1916, 1914, 1818, 1814, 1809, 1810, 1811, 1813, 1812, 1911, 1912, 1909, 1913, 1207, 1210, 1209, 1208, 1206, 1203, 1204, 1803, 1808, 1802, 1908, 1718, 1717, 1714, 1805, 1917, 1211, 1212, 1213, 1617, 1219, 1218, and 1215.

Sec. 23. District 22 is composed of Fort Bend County; that part of Brazoria County not included in district 14; and that part of Harris County included in census tracts 412, 414, 415, 331, 329, 332, 333, 334, 339, 340, 335, 338, 336, 337, 341, 343, 342, 319, 325, 326, 324, 334, 353, 355, 356, 349, 357, 358, 366, 348, 359, 347, 346, 345, 370, 367, 369, 368, 373, 374, 371, 372, 375, 327, and 323.

Sec. 24. District 23 is composed of Atascosa, Bee, DeWitt, Dimmit, Frio, Goliad, Gonzales, Guadalupe, Karnes, LaSalle, Lavaca, Maverick, Medina, Webb, Wilson, and Zavala Counties, and that part of Bexar County included in census tracts 1619, 1620, 1612, 1613, 1610, 1611, 1512, 1520, 1521, 1513, 1511, 1514, 1516, 1518, 1519, 1522, 1416, 1415, 1418, 1417, 1414, 1413, 1419, 1312, 1313, 1314, 1310, 1309, 1315, 1205, 1214, 1217, 1216, 1317, 1316, 1318, 1517, 1615, and 1618.

Sec. 25. District 24 is composed of Denton County; that part of Dallas County included in census tracts 153.01, 153.02, 144, 141.04, 141.03, 141.02, 154, 161, 141.01, 155, 160, 162, 156, 157, 159, 163, 158, 107, 67, 199, 65, 64, 45, 53, 52, 46, 47, 51, 50, 63.02, 62, 48, 54, 56, 49, 89, 55, 88, 86, 114.02, 87.01, 87.02, 57, 59.01, 59.02, 60.01, 63.01, 114.01, and 60.02, and that part of Tarrant County included in census tracts 65.05, 131, 130, 218, 217.02, 217.01, 216.02, 216.01, 65.04, 65.01, 14.01, 65.02, 65.03, 14.03, 13, 216.03, 115.01, 115.02, 222, 223, 225, 224, 221, 220, 219, 229, 228, 227, 226, 115.03, 115.04, 114, 111.02, 60.03, 112.02, 112.01, and 113.

Sec. 26. The terms "census tract" and "census enumeration district," as used in this Act, mean those geographic areas outlined and identified as such on official place, county, and metropolitan map series maps prepared by the United States Department of Commerce Bureau of the Census for the Nineteenth Decennial Census of the United States, enumerated as of April 1, 1970. "Block groups" are subdivisions of census tracts as defined on census metropolitan maps which differentiate block groups by the first digit of the block numbers assigned to city blocks within each tract.

Sec. 27. The Texas Legislative Council shall furnish to the Commissioners Court of each county which is divided into two or more districts appropriate maps showing census tract, census enumeration district, or census block group lines to facilitate the identification of district lines.

Sec. 28. Chapter 342, Acts of the 60th Legislature, Regular Session, 1967 (Article 197c, Vernon's Texas Civil Statutes), is repealed.

Sec. 29. Nothing in this Act affects the tenure in office of the present delegation in Congress, but this Act takes effect for the general election in 1972.

Acts 1971, 62nd Leg., 1st C.S., p. 38, ch. 12, eff. Sept. 3, 1971.

JUDICIAL DISTRICTS

Art. 199. [30] [22] [17] Judicial Districts

8. —— Hopkins, Delta, Rains and Franklin

Section 1. The 8th Judicial District of Texas shall be composed of the Counties of Hopkins, Delta, Rains, and Franklin.

Sec. 2. (a) The District Court of the 8th Judicial District shall have in each county within its jurisdiction continuous terms, which shall commence on the first Monday in January and on the first Monday in July

of each year. Each term of court continues until the next succeeding term begins.

(b) The Judge of said Court in his discretion may hold as many sessions of court in any term of the Court in any county as is deemed by him proper and expedient for the dispatch of business.

(c) In any of the above named counties in which there are two or more District Courts, such District Courts shall have concurrent jurisdiction throughout the limits of each county in all civil and criminal cases and proceedings of which District Courts are given jurisdiction by the Constitution and Laws of the State; provided, however, that the Judge of the 62nd Judicial District shall never impanel the grand jury in the Court in the Counties of Hopkins, Delta and Franklin, unless in his judgment he deems it necessary.

Sec. 3. (a) In any of the above named counties in which there are two or more District Courts, the Judges of such Courts may, in their discretion, either in term time or in vacation, on motion of any party or on agreement of the parties, or on their own motion, transfer any case or proceeding, civil or criminal, on their dockets to the docket of one of the other said District Courts; and the Judges of the Courts may, in their discretion, exchange benches or districts from time to time.

(b) Whenever a Judge of one of the Courts is disqualified, he may transfer the case, or proceeding, from his Court to one of the other Courts, and any of the Judges may in his own courtroom try and determine any case or proceeding pending in either of the other Courts, without having the case transferred, or may sit in any of the other Courts and there hear and determine any case or proceeding there pending, and each judgment and order shall be entered in the minutes of the Court in which the case is pending, and two or more Judges may try different cases in the same Court at the same time and each may occupy his own courtroom or the room of any other Court.

(c) In case of absence, sickness, or disqualification of any of the Judges, any other of the Judges may hold court for him. Any of the Judges may hear any part of any case or proceeding and any other of the Judges may complete the hearing and render judgment.

(d) Any of the Judges may hear and determine motions, petitions for injunction, applications for appointment of receivers, interventions, pleas of privilege, pleas in abatement, and all dilatory pleas, motions for new trials and all preliminary matters, questions, and proceedings, and may enter judgment or order thereon in the Court in which the case or proceeding is pending without having the matter transferred to the Court of the Judge acting; and the Judge in whose Court the matter is pending may thereafter proceed to hear, complete and determine the same or other matter or any part thereof and render final judgment thereon. Any of the Judges of the Courts may issue restraining orders and injunctions returnable to any of the other Courts.

(e) The specific matters mentioned in this section shall not be construed as any limitation on the powers of such Judges when acting for any other Judge by exchange of benches or otherwise.

Sec. 4. The District Clerk and the Sheriff of each of the counties, and their successors in office, shall perform all the duties and functions relative to all District Courts of their county as is required by law for the District Court thereof.

Sec. 5. All processes, writs, bonds, and recognizances issued or executed, and all grand and petit jurors drawn and selected prior or subsequent to the effective date of this Act shall be valid and returnable to the terms of the District Courts in and for the several counties, as herein fixed, as though issued and served for such terms, and returnable to and drawn for the same, and all such processes, writs, bonds, and recogni-

For Annotations and Historical Notes, see V.A.T.S.

zances taken before or issued by the Courts and officers of the various counties affected by this Act shall be valid as though no change had been made in the length of the terms or the time of the holding thereof of the District Court of the counties affected by this Act.

Sec. 6. The Judge and all District Officers of the 8th Judicial District as heretofore constituted, shall be and continue in office as the Judge and District Officers of the 8th Judicial District as constituted and reorganized by this Act for and during the terms to which each was respectively elected or appointed.

Subd. 8 amended by Acts 1969, 61st Leg., 2nd C.S., p. 161, ch. 23, § 5.009, eff. Sept. 19, 1969; Acts 1971, 62nd Leg., p. 1013, ch. 199, § 1, eff. July 1, 1971.

Section 2 of the 1971 Act amended subd. 76 of this article. Sections 3 to 5 thereof provided:

"Sec. 3. This Act shall take effect on July 1, 1971.

"Sec. 4. If any section or part of this Act is held invalid, such invalidity shall not affect other provisions of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

"Sec. 5. All laws or parts of laws in conflict herewith are hereby repealed."

21. —— Washington, Lee, Bastrop and Burleson

Section 1. The Twenty-first Judicial District shall be composed of the Counties of Washington, Lee, Bastrop and Burleson, and the terms of the District Court are hereby designated and shall be held therein each year as follows:

In the County of Washington on the first Tuesdays in March and September;

In the County of Lee on the sixth Tuesdays after the first Tuesdays in March and September;

In the County of Burleson on the tenth Tuesdays after the first Tuesdays in March and September;

In the County of Bastrop on the second Tuesday in January, and the fifteenth Tuesday after the first Tuesday in March.

Each term of court in each of such counties may continue until the date herein fixed for the beginning of the next succeeding term therein.

Sec. 2. The judge of said court in his discretion may hold as many sessions of court in any term of the court in any county as is deemed by him proper and expedient for the dispatch of business.

Sec. 5. Judgments of all such District Courts shall become final on and after the expiration of ten (10) days after the date of judgment, or on and after the day the motion or amended motion for new trial, if any be filed, is overruled, as if the term of court had expired, when execution and all such other writs to enforce such judgment may issue. On and after the day such judgment becomes final, the judgment cannot be set aside except by bill of review for sufficient cause, filed within the time allowed by law for the filing of bills of review in other District Courts.

Subd. 21 amended by Acts 1971; 62nd Leg., p. 1086, ch. 236, § 1, eff. May 17, 1971.

43. —— Parker

(a) The 43rd Judicial District is composed of Parker County.

(b) The District Court for the 43rd Judicial District shall have and exercise all jurisdiction now or hereafter prescribed by the constitution and laws of this State for district courts. In addition, the 43rd District Court and the judge thereof shall have and exercise original jurisdiction in matters of eminent domain and original jurisdiction in all civil matters and causes, exclusive of probate matters. The 43rd District Court and the judge thereof shall have original jurisdiction in all criminal matters and causes in which the punishment that may be assessed includes confinement in the county jail or with the Texas Department of Corrections,

over which under the general laws of this State, a county court has jurisdiction.

(c) The terms of the 43rd District Court shall begin on the first Monday in January and the first Monday in July each year, provided, however, that the initial term shall be from September 1, 1971, until the first Monday in January, 1972. Each term of court continues until the next succeeding term begins. The judge of the court, in his discretion, may hold as many sessions of court in any term of the court as are deemed by him proper and expedient for the dispatch of business.

(d) The district clerk and sheriff of Parker County shall serve the 43rd District Court. The judge of the 43rd District Court shall appoint an official shorthand reporter for the court. The reporter shall be a sworn official of the court, and all provisions of law relating to the appointment, qualifications, and duties of official shorthand reporters in this State and to allowances to them as transcript fees and hotel and traveling expenses shall govern, except that when the salary of the official shorthand reporter for the 43rd District Court has been determined and fixed by the judge of the 43rd District Court, the official shorthand reporter shall receive an annual salary of not less than $6,000 nor more than $12,000.

(e) Nothing in this Act shall affect the office of the District Attorney of the 43rd Judicial District, except that the district attorney may employ secretarial help. The payment of the salary for secretarial assistance employed under authority of this subsection shall be made from the general fund of Parker County in an amount set by the District Judge of the 43rd Judicial District.

Subd. 43 amended by Acts 1971, 62nd Leg., p. 1806, ch. 535, § 1, eff. Sept. 1, 1971.

76. —— Titus, Camp, Morris and Marion

Section 1. (a) The 76th Judicial District of Texas shall be composed of the Counties of Titus, Camp, Morris, and Marion, and the terms of the District Court within those Counties shall be held as follows:

In Titus County, beginning on the first Monday in January of each year and may continue in session until the convening of the next regular term; on the sixteenth Monday after the first Monday in January of each year, and may continue in session until the convening of the next regular term; on the thirty-seventh Monday after the first Monday in January in each year and may continue in session until the convening of the next regular term.

In Camp County, beginning on the eighth Monday after the first Monday in January and may continue in session until the convening of the next regular term; on the thirty-third Monday after the first Monday in January in each year, and may continue in session until the convening of the next regular term.

In Morris County, beginning on the twelfth Monday after the first Monday in January in each year, and may continue in session until the convening of the next regular term; on the forty-second Monday after the first Monday in January in each year, and may continue in session until the convening of the next regular term.

In Marion County, beginning on the twentieth Monday after the first Monday in January in each year, and may continue in session until the convening of the next regular term; on the forty-sixth Monday after the first Monday in January in each year, and may continue in session until the convening of the next regular term.

(b) The Judge of the Court, in his discretion, may hold as many sessions of court in any term of the Court in any county as may be deemed by him proper and expedient for the dispatch of business.

For Annotations and Historical Notes, see V.A.T.S.

Sec. 2. The Clerk of the District Court in each of the Counties, and his successors in office, shall be the Clerk of the 76th Judicial District Court in the Counties, and shall perform all duties pertaining to the Clerkship of the Court.

Sec. 3. The Judge and all District Officers of the 76th Judicial District, as heretofore constituted, shall be the Judge and District Officers of the 76th Judicial District as constituted and reorganized by this Act, during the terms for which each was respectively elected.

Sec. 4. All processes, writs and bonds, civil and criminal, issued or executed prior or subsequent to the taking effect of this Act and returnable to the terms of the Court as heretofore fixed by law in the several Counties composing the 76th Judicial District as well as all grand and petit jurors, are made returnable to the terms of the Court, as the terms are fixed by this Act, and in conformity with the changes made herein. All bonds executed and recognizances entered into in the Court shall bind the parties for their appearances, or to fulfill the obligations of the bonds and recognizances at the terms of the Court as they are here fixed by this Act. All processes of any kind heretofore issued or returned, as well as all bonds and recognizances heretofore or hereafter taken or entered into in any of the Courts of the District shall be as valid and as binding as if no change had been made in the time of holding the Courts.

Sec. 5. (a) The District Court of the 76th Judicial District in Titus, Camp, Morris, and Marion Counties shall exercise general jurisdiction over civil and criminal matters as is now, or may hereafter be provided by law.

(b) The 76th Judicial District Court in Marion County shall have concurrent jurisdiction with the 115th Judicial District Court in the county. The Judges of the 76th and 115th District Courts in Marion County may transfer on their dockets any case to be tried in Marion County with the consent of the Court to which transferred, and each may sit in the other Court to hear cases without transferring the case.

(c) All writs and processes issued and bonds and recognizances made in cases transferred are returnable to the Court to which transferred, as if originally issued there. The officers serving the 76th District Court in Marion County shall serve in the same manner the 115th Judicial District Court in Marion County.

Sec. 6. The Judge of the 76th Judicial District Court in Titus County shall have summoned and empaneled a Grand Jury for the terms beginning in that County on the first Monday in January of each year and the thirty-seventh Monday after the first Monday in January of each year; and for the term beginning on the sixteenth Monday after the first Monday in January of each year the Judge of that Court in his discretion may have a Grand Jury summoned and empaneled. In the event a Grand Jury is not had for the term, all bonds, processes issued, recognizances made, and all writs of any nature whatsoever, shall be valid and returnable to the next succeeding term of Court in Titus County as though issued and served for each term.

Subd. 76 amended by Acts 1971, 62nd Leg., p. 1015, ch. 199, § 2, eff. July 1, 1971.

Section 3 of the 1971 Act provided: "This Act shall take effect on July 1, 1971."

124. — Gregg

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Sec. 17. The District Clerk of Gregg County, Texas, duly elected and now acting as such, shall be the District Clerk of the One Hundred Eighty-eighth and the One Hundred Twenty-fourth Judicial Districts.

He shall receive such salary as is now or may be hereafter prescribed for District Clerks of the State of Texas.

Subd. 124, § 17, amended by Acts 1969, 61st Leg., 2nd C.S., p. 156, ch. 23, § 5.002, eff. Sept. 19, 1969; Acts 1971, 62nd Leg., p. 53, ch. 29, § 1, eff. March 18, 1971.

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Sec. 19. The Criminal District Attorney for the One Hundred Twenty-fourth Judicial District of Texas shall have and exercise all such powers, duties and privileges as are now by law conferred, or which may hereafter be conferred, upon District and County Attorneys, and shall represent the State of Texas in all Criminal cases under examination or prosecution in the One Hundred Twenty-fourth Judicial District and One Hundred Eighty-eighth Judicial District Courts and in the County Court, Justice Courts and all Municipal Courts of Gregg County, Texas, where the defendant is charged with violating a state law, and shall be entitled to collect the fees provided by law for representing the State of Texas in Municipal Courts, which fees are the same as the fees for representing the state in Justice Courts.

Subd. 124, § 19, amended by Acts 1969, 61st Leg., 2nd C.S., p. 156, ch. 23, § 5.002, eff. Sept. 19, 1969; Acts 1971, 62nd Leg., p. 53, ch. 29, § 2, eff. March 18, 1971.

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Art. 199a. Judicial Districts Act of 1969

SUBCHAPTER B. GENERAL PROVISIONS

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Juvenile boards and supplemental compensation

Sec. 2.006. The district judge of any new district created by this Act shall sit as a member of the juvenile board in any county within his district in which a juvenile board exists. The judge shall receive the same amount as supplemental compensation for his services on the board as is received by other judges on the board. Unless otherwise provided by this Act, the judge shall receive the same amount in other supplemental compensation from the county as is received by other district judges in that county.

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SUBCHAPTER C. CREATION OF DISTRICTS

198. —— Kerr, Bandera, Menard, Concho, Kimble, and McCulloch

Sec. 3.026. (a) The 198th Judicial District, composed of the Counties of Kerr, Bandera, Menard, Concho, Kimble, and McCulloch, is hereby created.

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149. — Brazoria

Sec. 3.027. (a) The 149th Judicial District, composed of the County of Brazoria, is hereby created.

(b) The Commissioners Court of Brazoria County may supplement the salary of the judge of the 149th Judicial District in an amount suffi-

cient to equal the total supplemented salary of any other judge of a judicial district which includes Brazoria County.

235. —— Wise, Jack and Cooke

Text of section 3.028 as added by Acts 1971, 62nd Leg., p. 1807, ch. 535, § 2

Sec. 3.028. (a) The 235th Judicial District, composed of the Counties of Wise, Jack, and Cooke, is hereby created.

(b) The enactment of this amendment shall in no way change, alter, diminish, or affect the provisions of Subdivision 16, Article 199, Revised Civil Statutes of Texas, 1925, as amended, but is in addition to and cumulative of those provisions.

Sec. 3.028 added by Acts 1971, 62nd Leg., p. 1807, ch. 535, § 2, eff. Sept. 1, 1971.

For text of section 3.028 as added by Acts 1971, 62nd Leg., p. 2017, ch. 621, § 1, see section 3.028, post

199. —— Collin

Text of section 3.028 as added by Acts 1971, 62nd Leg., p. 2017, ch. 621, § 1

Sec. 3.028. (a) The 199th Judicial District, composed of the County of Collin, is hereby created.

(b) The County Court of Collin County shall have the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle the accounts of executors, administrators, and guardians; transact all business pertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement, and distribution of estates of deceased persons pending in such court; to conduct lunacy hearings; to apprentice minors as provided by law, and to issue all writs necessary for the enforcement of its own jurisdiction; to punish contempt under such provisions provided for by general law governing county courts throughout the state, but neither the County Court of Collin County nor the judge thereof shall have any jurisdiction over matters of eminent domain, or other original civil jurisdiction, or other original criminal jurisdiction, or appellate civil jurisdiction, or other appellate criminal jurisdiction; provided, however, that all future statutes pertaining to probate matters enacted by the Legislature of the State of Texas shall be operative in Collin County as fully as though this statute had not been enacted.

(c) The 199th District Court and the presiding judge thereof shall have and exercise original jurisdiction in matters of eminent domain in Collin County. The 199th District Court and the presiding judge thereof shall have and exercise original and appellate jurisdiction in all civil and criminal matters and causes over which, by the laws of this state, the County Court of Collin County would have had original or appellate jurisdiction but for the provisions set out in Subsection (b) of this section; all causes, other than probate matters, as are provided in Subsection (b) of this section, shall be and the same are hereby transferred to the 199th District Court, and all writs and process relating to such civil and criminal matters and causes included in the subject matter of jurisdiction prescribed in this section, issued by or out of said County Court of Collin County, are hereby made returnable to the next term of the 199th District Court after this section takes effect. Provided further, however, that as to any civil or criminal case on appeal from the county court, should a judgment be entered by the Court of Civil Appeals or the Supreme Court, or the Court of Criminal Appeals, remanding the case for a new trial or

for further proceedings, it shall be remanded to the 199th District Court, and all jurisdiction in respect to the particular case shall thereafter vest in the 199th District Court.

(d) The County Clerk of Collin County is hereby required, within 30 days after this section takes effect, to file with the clerk of the 199th District Court all original papers in cases here transferred to the district court and all judges' dockets and certified copies of any interlocutory judgment or other order entered in the minutes of the county court in the cases so transferred. The district clerk shall immediately docket all such cases on the docket of the 199th District Court. All such cases shall stand on the docket of the district court in the same manner and place as each stands on the docket of the county court. It shall not be necessary that the district clerk refile any papers theretofore filed by the county court, but papers in the case bearing the file mark of the county clerk prior to the time of the transfer shall be held to have been filed in the case as of the date filed without being refiled by the district clerk. The county clerk in cases so transferred shall accompany the papers with a certified bill of cost, and against all cost deposits, if any, the county clerk shall charge accrued fees due him, and the remainder of the deposit he shall pay to the district clerk as a deposit in the particular case for which deposited. Credit shall be given litigants for all jury fees paid in the county court.

(e) This section shall not be construed to in anywise or manner affect final judgments heretofore rendered by the County Court of Collin County pertaining to matters and causes which by this section are transferred to the district court. The county court shall retain jurisdiction to enforce those final judgments and the county clerk of the county shall issue all writs of execution and orders of sale and proceedings thereunder, and his act in so doing shall be valid and binding to all intents and purposes the same as if no change had been made as set out in Subsection (c).

Sec. 3.028 added by Acts 1971, 62nd Leg., p. 2017, ch. 621, § 1, eff. Aug. 30, 1971.

For text of section 3.028 as added by Acts 1971, 62nd Leg., p. 1807, ch. 535, § 2, see section 3.028, ante

200, 201. —— Travis

Sec. 3.029. (a) The 200th and 201st Judicial Districts, each composed of the County of Travis, are hereby created.

(b) The 200th Judicial District is created effective September 1, 1971.

(c) The 201st Judicial District is created effective January 1, 1973.

202. —— Bowie

Sec. 3.033(a) The 202nd Judicial District, composed of the County of Bowie, is hereby created.

(b) The 202nd District Court shall give preference to criminal cases.

(c) The jurisdiction of the 202nd District Court, insofar as Bowie County is concerned, is coextensive with the 5th and 102nd Judicial District Courts, and its terms are continuous, and said court may sit in Texarkana, Texas, to try, hear, and determine any civil non-jury case, and may hear and determine motions, agreements and other non-jury civil matters as may come before the court, and may hear and determine any criminal non-jury matters, including, but not limited to pleas of guilty, both felony and misdemeanor, where a jury has been waived, but nothing herein shall be construed as limiting said court's power to hear such matters in Boston, Texas.

For Annotations and Historical Notes, see V.A.T.S.

Acts 1969, 61st Leg., 2nd C.S., p. 107, ch. 6, eff. Oct. 1, 1969. Sec. 2.006 amended by Acts 1971, 62nd Leg., p. 1113, ch. 244, § 1, eff. May 17, 1971, Sec. 3.026, subsec. (a) amended by Acts 1971, 62nd Leg., p. 1973, ch. 611, § 1, eff. Aug. 30, 1971; Sec. 3.027 amended by Acts 1971, 62nd Leg., p. 1113, ch. 244, § 2, eff. May 17, 1971. Sec. 3.028 added by Acts 1971, 62nd Leg., p. 1807, ch. 535, § 2, eff. Sept. 1, 1971; Acts 1971, 62nd Leg., p. 2017, ch. 621, § 1, eff. Aug. 30, 1971; Sec. 3.029 added by Acts 1971, 62nd Leg., p. 1786, ch. 525, § 1, eff. Aug. 30, 1971; Sec. 3.033 added by Acts 1971, 62nd Leg., p. 2899, ch. 959, § 1, eff. Aug. 30, 1971.

ADMINISTRATIVE JUDICIAL DISTRICTS

Art. 200a. Administrative Judicial Districts

Numbers and composition

Section 1. The State of Texas is hereby divided into nine (9) Administrative Judicial Districts, which districts shall be numbered and composed of Counties as follows:

First—Bowie, Red River, Lamar, Fannin, Grayson, Collin, Hunt, Delta, Hopkins, Franklin, Titus, Morris, Camp, Cass, Marion, Harrison, Gregg, Upshur, Wood, Rains, Kaufman, Van Zandt, Dallas, Ellis, Henderson, Anderson, Houston, Cherokee, Nacogdoches, Angelina, Panola, Shelby, Smith, Rusk.

Second—San Augustine, Sabine, Jasper, Newton, Orange, Jefferson, Tyler, Hardin, Liberty, Chambers, Galveston, Harris, Brazoria, Matagorda, Wharton, Fort Bend, Waller, Montgomery, San Jacinto, Polk, Walker, Trinity, Grimes, Madison, Leon, Brazos, Freestone, Limestone, Burleson, Washington, Bastrop, Robertson, Lee.

Third—Johnson, Somervell, Bosque, Hill, Navarro, McLennan, Falls, Milam, Williamson, Travis, Austin, Fayette, Caldwell, Comal, Hays, Colorado, Lavaca, Gonzales, Guadalupe, Blanco, Burnet, San Saba, Llano, Mason, Menard, Bell, Lampasas, Mills, Coryell, Hamilton, Comanche.

Fourth—Jackson, Calhoun, Aransas, Refugio, San Patricio, Bee, Live Oak, McMullen, Goliad, Victoria, De Witt, Karnes, Wilson, Atascosa, Frio, LaSalle, Dimmit, Webb, Zapata, Jim Hogg, Bexar.

Fifth—Nueces, Kleberg, Kenedy, Jim Wells, Duval, Brooks, Starr, Hidalgo, Willacy, Cameron.

Sixth—Maverick, Kinney, Edwards, Val Verde, Terrell, Kerr, Kendall, Bandera, Gillespie, Kimble, Real, Medina, Uvalde, Zavala, Sutton, Crockett, Pecos, Brewster, Jeff Davis, Presidio, Culberson, Hudspeth, El Paso, Upton, Reagan.

Seventh—Lynn, Garza, Gaines, Dawson, Andrews, Martin, Loving, Winkler, Ector, Midland, Glasscock, Reeves, Ward, Crane, Sterling, Coke, Irion, Tom Green, Schleicher, Borden, Scurry, Howard, Mitchell, Nolan, Taylor, Callahan, Throckmorton, Haskell, Jones, Fisher, Stonewall, Kent, Runnels, Coleman, Brown, McCulloch, Concho.

Eighth—Cooke, Denton, Montague, Clay, Wichita, Archer, Jack, Wise, Young, Stephens, Eastland, Erath, Hood, Palo Pinto, Parker, Tarrant, Shackelford.

Ninth—Wilbarger, Baylor, Knox, King, Dickens, Motley, Cottle, Crosby, Lubbock, Hockley, Cochran, Bailey, Lamb, Hale, Floyd, Castro, Swisher, Briscoe, Parmer, Deaf Smith, Oldham, Hartley, Dallam, Sherman, Moore, Potter, Randall, Armstrong, Hansford, Ochiltree, Lipscomb, Hutchinson, Roberts, Hemphill, Carson, Gray, Wheeler, Donley, Collingsworth, Hall, Childress, Hardeman, Foard, Yoakum, Terry.

Sec. 1 amended by Acts 1969, 61st Leg., p. 159, ch. 58, § 1, eff. April 3, 1969; Acts 1971, 62nd Leg., p. 3414, ch. 1043, § 1, eff. Aug. 30, 1971.

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Assignment of retired district judges to domestic relations or juvenile courts

Sec. 5b. A retired district judge, as defined by Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes), may be assigned by the presiding judge of the administrative judicial district wherein the assigned judge resides to a domestic relations or juvenile court within the geographic limits of the respective administrative judicial district. The assignment shall be governed by all other provisions of this Act, except that the county wherein the domestic relations or juvenile court is located shall pay the salary stipulated in Section 5a of this Act.

Sec. 5b added by Acts 1971, 62nd Leg., p. 1967, ch. 605, § 1, eff. June 2, 1971.

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Compensation for performing duties as presiding judge of administrative judicial districts

Sec. 11. (a) In addition to and cumulative of all other compensation, expenses, and perquisites authorized by law and this Act, Presiding Judges of Administrative Judicial Districts shall receive not to exceed $3,000 per annum as compensation for performing duties as the Presiding Judge of an Administrative Judicial District. In each Administrative Judicial District the salary of the administrative judge shall be set biennially by the Texas Civil Judicial Council, heretofore created, as provided for in Chapter 19, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 2328a, Vernon's Texas Civil Statutes). Whether an administrative judge is active in administrative duties, performs part-time, or is retired from the bench shall be considered in arriving at the salary. Each county comprising the Administrative Judicial District shall upon certification pay out of the officers salary fund or the general fund of the county the amount of salary fairly apportioned to it. The aforesaid salary, or compensation, and all other expenses incidental thereto, shall be paid annually by the said counties in each Administrative Judicial District to the Presiding Judge of each Administrative Judicial District, and by said Judge placed in an Administrative Fund, from which said salary, and other expenses incidental thereto, shall be paid. Said salary shall be paid in twelve equal monthly payments. Said salary shall be apportioned according to the population of each judicial district comprising the Administrative Judicial District and after so apportioned the amount apportioned to each judicial district shall be apportioned to each county comprising the judicial district according to the population of the county.

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Sec. 11(b) added as Sec. 11b by Acts 1969, 61st Leg., p. 1984, ch. 674, § 1, eff. June 12, 1969. Sec. 11(a) amended by Acts 1971, 62nd Leg., p. 2818, ch. 919, § 1, eff. Aug. 30, 1971.

Sections 2 and 3 of Acts 1971, 62nd Leg., p. 2818, ch. 919, provided:

"Sec. 2. All laws or parts of laws in conflict with provisions of this Act are hereby expressly repealed to the extent of such conflict, except that nothing in this Act shall be construed to modify, amend, or repeal the provisions of Section 11b, Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as added by Section 1, Chapter 674, Acts of the 61st Legislature, Regular Session, 1969 (Article 200a, Vernon's Texas Civil Statutes).

"Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

For Annotations and Historical Notes, see V.A.T.S.

Art. 200b. Judicial administration in certain counties

Application of Act

Section 1. This Act shall apply in any county in which there are three or more courts, including criminal district courts, juvenile courts, and courts of domestic relations, having any of the jurisdiction conferred upon district courts under the constitution and laws of this State.

Authority of judge

Sec. 2. In any county coming within the purview of Section 1 of this Act, any judge of a court having any district court jurisdiction may hear and determine any matter pending in any other of the courts having any district court jurisdiction, whether the matter is preliminary or final or after judgment in the matter. The judge may sign any judgment or order in any of the courts, with or without having the case transferred. Any such judgment, order, or action shall be valid and binding to the same extent as if the case were pending in the court of the judge so acting. This authority extends to any active or retired judge assigned to any of the courts having any district court jurisdiction under the provisions of Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes), or under the provisions of Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes).

Rules

Sec. 3. (a) The judges of the courts having any district court jurisdiction may, by majority vote, make and amend rules governing the assignment, docketing, transfer, and hearing of cases, including civil, criminal, juvenile, and domestic relations cases, subject to jurisdictional limitations.

(b) The judges may make and amend rules of practice and procedure in the courts not inconsistent with the statutes of this State and not inconsistent with the rules of procedure promulgated by the Supreme Court of Texas.

Presiding judge

Sec. 4. (a) The judges of the courts having any district court jurisdiction may elect, from time to time by majority vote, one of their number as presiding judge. The presiding judge may, under rules adopted under Section 3 of this Act, assign and transfer any case pending in any of the courts to any other of the courts; he may direct the manner in which such cases shall be filed and docketed; he may assign any case or proceeding pending in any of the courts to the judge of any other of the courts; and he may assign the judge of any of the courts to try any case or hear any proceeding pending in any other of the courts.

(b) The judges of the courts shall try any case and hear any proceeding as assigned by the presiding judge. The district clerk of the county shall file, docket, transfer, and assign all such cases as directed by the presiding judge in accordance with the rules adopted under Section 3 of this Act.

Appointment and removal of presiding judges

Sec. 5. The rules adopted under Section 3 of this Act may authorize the presiding judge elected under Section 4 to appoint and remove, from time to time, presiding judges for courts assigned to any specified class of cases, such as civil, criminal, juvenile, and domestic relations cases.

The presiding judge appointed under this section shall have the same authority under the rules adopted under Section 3 of this Act, with respect to such class of cases and with respect to the judges of the courts assigned to such class of cases, as is conferred under Section 4 of this Act on the presiding judge of all the courts in the county.

Jurisdiction

Sec. 6. Neither this Act nor any rule adopted under this Act may be construed to authorize any judge to act in a case of which his own court would not have potential jurisdiction under the constitution and laws of this State.

Acts 1971, 62nd Leg., p. 1395, ch. 376, eff. May 26, 1971.

Title of Act:

An Act relating to certain counties in which there are three or more courts having any of the jurisdiction conferred upon district courts; authorizing transfer of cases and exchange of benches, rule-making for the assignment and docketing of cases, and the election and appointment of certain presiding judges in those counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1395, ch. 376.

TITLE 14—ATTORNEYS AT LAW

Art. 320a—1. State Bar Act

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Members of State Bar; unlicensed persons prohibited from practicing; assistance of law students in trial of cases subject to rules and regulations; licensed persons

Sec. 3. All persons who are now or who shall hereafter be licensed to practice law in this State shall constitute and be members of the State Bar, and shall be subject to the provisions hereof and the rules adopted by the Supreme Court of Texas; and all persons not members of the State Bar are hereby prohibited from practicing law in this State except as provided below. A bona fide law student attending a law school approved by the Supreme Court of Texas who has completed two-thirds of the required curriculum for graduation as computed on an hourly basis, may, with the consent of the presiding judge, assist licensed attorneys in the trial of cases. His participation in the trial of cases shall be governed by rules and regulations which shall be promulgated within 90 days after this Act becomes law by a joint committee composed of five members of the State Bar designated by the president of such bar and four members of the State Junior Bar designated by the president of such bar. The presiding officer of the joint committee shall be chosen by the committee members from the members designated by the State Bar. All rules and regulations promulgated within 90 days after this Act becomes law by the joint committee shall be subject to approval by the Supreme Court of Texas, but shall contain at least the following minimum requirements: (1) that a qualified law student may file instruments and motions and handle other routine matters before any court or administrative body of this State; (2) that a qualified law student may make an appearance for the purpose of trial and the arguing of motions, provided that he is accompanied at such appearance by an attorney licensed to practice law in this State, in all courts of this State; and (3) that a qualified law student may not appear in or conduct any contested hearing or trial, before any administrative tribunal or in any of the courts, unless accompanied at such appearance by an attorney licensed to practice law in this State.

Within the meaning of this section, all persons furnishing evidence of or complying with any of the following provisions shall be deemed as now licensed to practice law within this State, viz:

(a) That he is now enrolled as an attorney at law before the Supreme Court of this State.

(b) A license or the issuance of a license by the Board of Legal Examiners of this State authorizing him to practice law within this State.

(c) A license or the issuance of a license to practice law within this State by any authority, which, at the time of the issuance thereof, was authorized by the laws of this State, then in effect, to issue the license.

(d) Where an attorney, licensed before October 6, 1919, has lost or misplaced his license, issued by legal authority, and where the proof of its issuance is not available in the records of the Court in Texas in which he claims it was issued, then his status as a licensed attorney in this State may be established by a certificate of the District Judge in the District of his residence that such person has been engaged in the practice of law within this State for a period of five (5) years immediately and continuously next preceding the effective date of this Act, and, within the judgment of said District Judge, said attorney has theretofore been duly licensed to practice law under the laws of the State of Texas and is of good moral character. Before any such certificate shall be is-

sued by a District Judge, the Judge shall give an opportunity to the president of the local bar association in the county of said attorney's residence to be heard.

(e) Any proof satisfactory to the Supreme Court of this State that he is and was, upon the effective date of this Act, authorized to practice law within this State.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 2336, ch. 706, § 1, eff. Aug. 30, 1971.

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Section 3. Section 2 of the 1971 act, amending this section, repealed conflicting laws to the extent of conflict.

TITLE 15—ATTORNEYS—DISTRICT AND COUNTY

1. DISTRICT ATTORNEYS

Art. 322a. Repealed by Acts 1971, 62nd Leg., p. 2338, ch. 707, § 7, eff. Aug. 30, 1971

See, now, art. 322a—1.

Art. 322a—1. Twenty-sixth Judicial District; office created; compensation; election; staff personnel

Section 1. The office of district attorney for the 26th Judicial District is established.

Sec. 2. The district attorney for the 26th Judicial District shall represent the State in all criminal cases in the district court for the 26th Judicial District and perform other duties provided by law governing district attorneys.

Sec. 3. The district attorney shall receive compensation for his services in an amount as may be fixed by the general law relating to the salaries paid to district attorneys by the State.

Sec. 4. On or as soon as possible after the effective date of this Act, the Governor shall appoint a district attorney for the 26th Judicial District, who shall serve until January 1 following the next general election and until his successor is elected and has qualified. Thereafter, a district attorney shall be elected every four years for a four-year term beginning January 1 following his election.

Sec. 5. The district attorney, with the approval of the Commissioners Court of Williamson County, may appoint assistants, investigators, and office personnel as he deems necessary. The salary of each person appointed shall be set by the district attorney with the approval of the Commissioners Court.

Sec. 6. The salary of each person appointed by the district attorney and the other operating expenses of the office of district attorney shall be paid from county funds by the Commissioners Court of Williamson County.

Acts 1971, 62nd Leg., p. 2338, ch. 707, §§ 1–6, eff. Aug. 30, 1971.

Art. 326b. Assistant district attorneys in such counties

Said District Attorney in connection with, and for the purpose of conducting his office in said 34th Judicial District shall be, and is hereby, authorized to appoint two First Assistant District Attorneys, or one First Assistant District Attorney and one First Assistant Administrative Dis-

trict Attorney, both of whom shall be compensated in accordance with the salary provisions set out in Article 3886h.
Amended by Acts 1971, 62nd Leg., p. 2496, ch. 818, § 2, eff. June 8, 1971.

Art. 326k—12. Counties of 70,000 to 220,000 and counties of 39,000 to 50,000; 30th Judicial District

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Investigators and assistants for Criminal District Attorney of McLennan county; salaries

Sec. 2b. The salary of the investigators and assistants appointed by the Criminal District Attorney of McLennan County shall be fixed at a sum of not more than Fifteen Thousand Dollars ($15,000) per annum.
Sec. 2b added by Acts 1959, 56th Leg., p. 564, ch. 255, § 1, eff. May 26, 1959. Amended by Acts 1967, 60th Leg., p. 179, ch. 93, § 1, eff. April 22, 1967; Acts 1969, 61st Leg., p. 1373, ch. 415, § 1, eff. June 2, 1969; Acts 1971, 62nd Leg., p. 2461, ch. 800, § 2, eff. June 8, 1971.

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Art. 326k—23. Criminal district attorney for Brazoria County

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Commission; salary

Sec. 4. The Criminal District Attorney of Brazoria County, Texas, shall be commissioned by the Governor and shall receive as salary and compensation the following: a salary of Five Hundred ($500) Dollars from the State of Texas for the salary of District Attorneys, and a sum of not less than Seventeen Thousand Five Hundred ($17,500) Dollars and not more than Eighteen Thousand Five Hundred ($18,500) Dollars a year to be paid out of the Officers' Salary Fund of Brazoria County, if adequate; if inadequate the Commissioners Court shall transfer the necessary funds from the General Fund of the County to the Officers' Salary Fund. The effective date of this Section is January 1, 1972.
Sec. 4 amended by Acts 1965, 59th Leg., p. 1037, ch. 513, § 1, eff. June 16, 1965; Acts 1971, 62nd Leg., p. 2620, ch. 860, § 1, eff. Jan. 1, 1972.

Assistant and other employees

Sec. 5. The Criminal District Attorney of Brazoria County, for the purpose of conducting the affairs of his office, and with the approval of the Commissioners Court shall be and is hereby authorized to appoint one First Assistant and two Assistants and fix their salaries as follows, and no less: said First Assistant shall receive the sum of not less than Twelve Thousand ($12,000) Dollars per annum. Each of said Assistants shall receive the sum of not less than Ten Thousand ($10,000) Dollars per annum.

The Criminal District Attorney of Brazoria County may employ four stenographers and fix their salaries at not less than Forty-Eight Hundred ($4,800) Dollars per annum. All of the salaries mentioned in this section shall be payable from the Officers' Salary Fund of Brazoria County, if adequate; if inadequate the Commissioners Court shall transfer the necessary funds from the General Fund of the County to the Officers' Fund.

In addition to the salaries provided the Criminal District Attorney, his First Assistant, Assistants, and Stenographers, the Commissioners Court of Brazoria County, Texas, shall provide such Criminal District Attorney of Brazoria County, Texas, such reasonable and necessary expenses for the operation of the Office of Criminal District Attorney of Brazoria County, Texas, as the Commissioners Court of Brazoria County, Texas, may deem necessary for the proper operation of the Office of the

Criminal District Attorney of Brazoria County, Texas, and said expenses shall be paid as provided by law for such expenses.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 2621, ch. 860, § 2, eff. June 9, 1971.

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Conflicting provisions repealed

Acts 1971, 62nd Leg., p. 1301, ch. 341, which by sections 1 to 3 enacted article 326k–29a, provided in section 4 that the provisions of this article are repealed to the extent of conflict with said act and providing further that the 1971 act should govern the compensation of the district attorney of the 105th Judicial District.

Art. 326k—29a. One hundred and fifth judicial district; compensation of district attorney

Annual compensation

Section 1. The District Attorney of the 105th Judicial District of Texas shall be compensated for his services by an annual salary which shall be an amount equal to the salary paid to District Attorneys by the State of Texas plus the salary supplementation herein provided.

Supplemental salary

Sec. 2. The supplemental salary to be paid the District Attorney of the 105th Judicial District shall be the sum of not less than $3,000 but not more than $6,000, to be paid by the Commissioners Courts of the counties comprising the 105th Judicial District, which sum shall be paid to the District Attorney in addition to all compensation which he is authorized to receive by law from the State of Texas.

Pro rata basis for supplemental salary

Sec. 3. The supplemental salary herein provided for the District Attorney of the 105th Judicial District shall be paid by the several counties comprising said District on a pro rata basis according to the population of each county as determined by the last preceding Federal Census. Such supplement may be paid from the Officers Salary Funds of said counties; or, if said funds are inadequate for such purpose, the respective Commissioners Courts may transfer the necessary funds to pay said supplement from the general funds of such counties to the Officers Salary Funds.

Acts 1971, 62nd Leg., p. 1301, ch. 341, eff. May 24, 1971.

Sections 4 and 5 of the 1971 act provided:

"Sec. 4. Acts 1955, 54th Legislature, Regular Session, Page 528, Chapter 161; and Acts 1965, 59th Legislature, Regular Session, Page 145, Chapter 60; and all other laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict. It is specifically provided that the provisions hereof shall govern the compensation of the District Attorney of the 105th Judicial District to the exclusion of all other laws or parts of laws now in effect on the same subject.

"Sec. 5. Should any Section, paragraph or other part of this Act be declared unconstitutional or invalid for any reason, such declaration shall not affect the constitutionality or validity of any other Section, paragraph or part of this Act; and the Legislature specifically declares that it would have passed the remainder of this Act notwithstanding the omission therefrom of any Section, paragraph or other part held or declared to be unconstitutional or invalid."

Title of Act:

An Act fixing the salary of the District Attorney of the 105th Judicial District of Texas; providing for supplemental compensation to be paid by the several counties composing the 105th Judicial District; providing the method of supplementation; providing for severability; repealing conflicting laws; and declaring an emergency. Acts 1971, 62nd Leg., p. 1301, ch. 341.

Art. 326k—30a. One hundred and forty second judicial district of Midland county; stenographers; assistants; special investigators

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Compensation of district attorney; supplemental salary

Sec. 8. The District Attorney of the 142nd Judicial District shall be compensated for his services in such amount as may be fixed by the General Law relating to the salary to be paid to District Attorneys by the state, and in addition his salary may be supplemented by the Commissioners Court of Midland County. The Commissioners Court of Midland County in its discretion is authorized to pay the supplemental salary in such amount as it may determine.

Acts 1959, 56th Leg., p. 868, ch. 394, eff. May 30, 1959. Secs. 2, 3, 8 amended by Acts 1967, 60th Leg., p. 1990, ch. 737, § 1, eff. Aug. 28, 1967; Sec. 8 amended by Acts 1971, 62nd Leg., p. 3366, ch. 1028, § 1, eff. June 15, 1971.

Art. 326k—33. Criminal district attorney for Harrison County created

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Commission; compensation

Sec. 4. (a) The Criminal District Attorney of Harrison County, Texas, shall be commissioned by the Governor and shall receive as salary and compensation the following, and no more: an annual sum of not more than Eighteen Thousand Dollars ($18,000) to be paid out of the officers salary fund of Harrison County, if adequate; if inadequate the Commissioners Court shall transfer the necessary funds from the general fund of the County to the officers salary fund.

(b) The Criminal District Attorney of Harrison County, if paid at least Sixteen Thousand Dollars ($16,000) per year, and his assistants, if paid at least Ten Thousand Dollars ($10,000) per year, may not engage in the private practice of civil law and may not refer legal business to others engaged in the private practice of law. This subsection does not apply to those acts required in the performance of the official duties as Criminal District Attorney.

Sec. 4 amended by Acts 1971, 62nd Leg., p. 2647, ch. 870, § 1, eff. Aug. 30, 1971.

Assistants; investigator; stenographers; compensation

Sec. 5. (a) The Criminal District Attorney of Harrison County, for the purpose of conducting the affairs of his office, and with the approval of the Commissioners Court shall be and is hereby authorized to appoint assistants and fix their annual salary as follows: Said assistants shall receive not more than Twelve Thousand Dollars ($12,000).

(b) The Criminal District Attorney of Harrison County may employ one investigator and he may employ two (2) stenographers and pay said employees such compensation as may be fixed by the Commissioners Court of Harrison County, Texas. All the salaries mentioned in this section shall be payable from the officers salary fund, if adequate; if inadequate the Commissioners Court shall transfer the necessary funds from the general fund of the County to the officers salary fund.

(c) In addition to the salaries provided the Criminal District Attorney, his assistants and investigators, the Commissioners Court of Harrison County may allow such Criminal District Attorney, his assistants and investigators, such necessary expenses as within the discretion of the Court seems reasonable and said expenses shall be paid as provided by law for such other claims of expenses.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 2647, ch. 870, § 2, eff. Aug. 30, 1971.

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For Annotations and Historical Notes, see V.A.T.S.

Art. 326k—38a. Forty-ninth judicial district; compensation of district attorney; assistant district attorney; special investigators; stenographers

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Assistant district attorneys; appointment; qualifications; oath; compensation; removal

Sec. 2. Assistant District Attorneys; appointment; qualifications; oath; compensation; and removal: Said District Attorney is hereby authorized to appoint two (2) Assistant District Attorneys for Webb County, provided that the District Attorney shall furnish data to the Commissioners Court of Webb County that he is in need of two Assistants and that it is necessary and to the best interests of the State and said County that said Assistant District Attorneys be appointed. Said Assistant District Attorneys so appointed shall be qualified residents of Webb County and shall give bond and take the official oath; and said Assistant District Attorneys shall be qualified licensed attorneys and shall have authority to perform all the acts and duties of the District Attorney in Webb County under the laws of this State. Said appointments shall be for such time as the District Attorney shall deem best in the enforcement of the law, not to be less than one month. Each Assistant District Attorney shall be paid by Webb County for the time of actual service rendered at a rate not to exceed Twelve Thousand, Five Hundred Dollars ($12,500) per annum, in twelve (12) equal monthly installments out of county funds by warrants drawn upon such county funds. The District Attorney of said District, at any time he deems said Assistants unnecessary or finds that they, or either one of them, are not attending to their duties as required by law, may remove either one, or both, from office by giving written notice to the Assistant or Assistants and to the Commissioners Court to that effect.

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Acts 1961, 57th Leg., p. 11, ch. 7. Amended by Acts 1965, 59th Leg., p. 854, ch. 414, § 1, eff. June 14, 1965; Sec. 2–5 amended by Acts 1969, 61st Leg., p. 1848, ch. 620, § 1, eff. Sept. 1, 1969; Sec. 2 amended by Acts 1971, 62nd Leg., p. 1972, ch. 610, § 1, eff. June 2, 1971.

Art. 326k—40. Salaries of investigators and assistants of the district attorney of the 30th Judicial District

Section 1. From and after the effective date of this Act, the District Attorney of the 30th Judicial District, with the consent of the Commissioners Court of Wichita County, shall appoint investigators and assistants as he deems necessary for the performance of his duties. Each investigator and assistant shall receive a salary to be fixed by the Commissioners Court.

Sec. 2. From and after the effective date of this Act, the District Attorney of the 30th Judicial District, with the consent of the Commissioners Court of Wichita County, shall appoint stenographers as he deems necessary for the performance of his duties. Each stenographer shall receive a salary to be fixed by the Commissioners Court.

Amended by Acts 1961, 57th Leg., p. 126, ch. 69, § 1; Sec. 1 amended by Acts 1967, 60th Leg., p. 1207, ch. 542, § 1, eff. June 14, 1967; Secs. 1, 2 amended by Acts 1971, 62nd Leg., p. 1058, ch. 217, § 1, eff. May 17, 1971.

Art. 326k—41a. One hundred and twenty-first judicial district; investigators or assistants; stenographers

The District Attorney of the 121st Judicial District, with the consent of the District Judge of the 121st Judicial District and the combined majority of the Commissioners Courts of the counties composing the 121st Judicial District, is hereby authorized to appoint not more than two (2) investigators or assistants. Such investigators or assistants shall receive a salary not to exceed Ten Thousand Dollars ($10,000) per annum each. The salaries shall be fixed by the Commissioners Courts of the several counties composing the 121st Judicial District, provided, however, that the salaries may not be reduced by the Commissioners Courts of the several counties unless approval is first obtained from the District Attorney of the 121st Judicial District. The assistants to the District Attorney must be duly and legally licensed to practice law in the State of Texas; however, the investigators need not be licensed attorneys. The investigators or assistants provided for in this Act shall be allowed a reasonable amount for expenses not to exceed Twelve Hundred Dollars ($1,200) per annum. The District Attorney of the 121st Judicial District shall be authorized to employ a stenographer, who shall receive a salary not to exceed Five Thousand, Four Hundred Dollars ($5,400) per annum. The salary of the investigators, assistants, and stenographer provided for in this Act and the expenses provided for in this Act shall be paid monthly by the Commissioners Court of each county composing the 121st Judicial District out of the Officers' Salary Fund of the county. Such salary and expenses shall be prorated according to the population of the respective counties.

Acts 1959, 56th Leg., p. 425, ch. 190, § 8. Amended by Acts 1961, 57th Leg., p. 25, ch. 15, § 1, eff. March 6, 1961; Acts 1971, 62nd Leg., p. 1189, ch. 288, § 1, eff. Aug. 30, 1971.

Art. 326k—45. Twenty-fourth judicial district; compensation of district attorney; appointment and compensation of stenographer, investigator and assistant

District attorney; compensation

Section 1. The District Attorney of the 24th Judicial District shall be compensated for his services in such amount as may be fixed by the General Law relating to the salary to be paid District Attorneys by the State, and in addition his salary may be supplemented by the Commissioners Courts of the counties comprising such District, in the manner specified in succeeding Sections of this Act.

Supplemental salary; monthly payments

Sec. 2. The Commissioners Courts of the counties comprising the 24th Judicial District are hereby authorized to pay in equal monthly payments the supplement to the salary paid the District Attorney by the State of Texas in such amounts that they approve and deem proper.

Payment of salaries and expenses

Sec. 3. The supplemental salary and the expenses to be paid the District Attorney, and the salary to be paid the investigator or Assistant District Attorney, shall be paid by the Commissioners Courts of the counties comprising the 24th Judicial District, except Victoria County, in proportion to the population of the counties, except Victoria County, according to the last preceding Federal Census.

Stenographer; appointment and salary; office

Sec. 4. The District Attorney of the 24th Judicial District is hereby authorized to appoint one Stenographer whose salary shall be fixed and

For Annotations and Historical Notes, see V.A.T.S.

determined by the District Attorney with the approval of the Commissioners Court of each County of said Judicial District and the District Attorney shall file with the Commissioners Court of each County in said District a statement specifying the amount of salary to be paid said Stenographer. Said salary shall be paid monthly by the Commissioners Court of each County comprising said District in the manner and on the same pro rata basis as that contained in the order of the District Judge of such Districts for the payment of the salary of the official shorthand reporter.

The Commissioners Court of the County in which the District Attorney resides shall furnish the District Attorney with adequate office space and the supplies necessary to the efficient operation of said office.

Investigator or assistant; appointment and salary

Sec. 5. The District Attorney of the 24th Judicial District is authorized to appoint an Investigator or Assistant District Attorney for the district with the approval and consent of the Commissioners Courts of the counties comprising the 24th Judicial District, except Victoria County. The salary of the Investigator or Assistant District Attorney shall be fixed and determined by the District Attorney with the approval and consent of the Commissioners Courts of the counties comprising the 24th Judicial District, except Victoria County and the District Attorney shall file with the Commissioners Court of each county comprising the district, except Victoria County, a statement specifying the amount of the salary to be paid to the Investigator or Assistant District Attorney. The salary shall be paid monthly by the Commissioners Court of each County in the proportion prescribed by Section 3 of this Act. The Assistant District Attorney must be duly and legally licensed to practice law in the State of Texas, and he is authorized to perform all duties imposed upon the District Attorney by law.

Expenses

Sec. 6. In addition to the salary prescribed by law, the District Attorney of the 24th Judicial District may be allowed the actual and necessary expenses, not to exceed Two Thousand Dollars ($2,000) per year, incurred by him in the proper discharge of his duties; and each County shall pay a proportion of these expenses as prescribed by Section 3 of this Act.

Additional employees; appointment and salary

Sec. 7. Should the District Attorney of the 24th Judicial District be of the opinion that the number of investigators, assistants, stenographers, clerks, or employees as provided is not adequate for the proper investigation and prosecution of crime and the effective performance of the duties of his office, he may with the approval of the Commissioners Court of each County comprising the District, except Victoria County, appoint additional investigators, assistants, stenographers, clerks or employees and pay same such compensation as may be fixed by the Commissioners Courts of said District, except Victoria County.

Acts 1961, 57th Leg., p. 671, ch. 310, eff. June 14, 1961. Amended by Acts 1971, 62nd Leg., p. 1587, ch. 431, § 1, eff. May 26, 1971.

Art. 326k—48. Eighty-first judicial district; supplemental salary of district attorney

The District Attorney of the 81st Judicial District shall be compensated for his services in such amount as may be fixed by the general law relating to the salary paid to District Attorneys by the State, and in addition his salary may be supplemented by the Commissioners Courts of the

counties comprising the 81st Judicial District, or any one or more of such Commissioners Courts; providing, however, that the total salary of such District Attorney shall not be supplemented to exceed the sum of Sixteen Thousand Dollars ($16,000.00) per annum. The Commissioners Courts of the counties comprising the 81st Judicial District or any one or more of them, are hereby authorized to pay the supplemental salary herein authorized, in such amount within the limit fixed above.

Acts 1963, 58th Leg., p. 419, ch. 143, § 1, eff. Aug. 23, 1963. Amended by Acts 1967, 60th Leg., p. 1010, ch. 440, § 1, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 704, ch. 69, § 1, eff. Aug. 30, 1971.

Art. 326k—51. Criminal district attorney for Upshur County

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Commission; salary

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

Assistants, investigators, etc.; appointment and salary

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

Acts 1963, 58th Leg., p. 1345, ch. 508, eff. Aug. 23, 1963. Secs. 4, 5 amended by Acts 1971, 62nd Leg., p. 2467, ch. 806, § 1, eff. June 8, 1971.

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Art. 326k—56. 19th, 54th, 74th and 170th Judicial Districts; compensation of district attorney

(a) The General Law of the State of Texas regarding compensation of district attorneys shall apply to the district attorney of the 19th, 54th, 74th, and 170th Judicial Districts.

(b) The commissioners court of McLennan County may supplement the compensation paid the district attorney of the 19th, 54th, 74th, and 170th Judicial Districts under the General Law over and above that paid by the State of Texas.

(c) There is hereby appropriated from the General Revenue Fund of the state an amount equal to that sum set in the General Appropriation Bill as the state's portion of the salary of the district attorneys of the State of Texas.

Acts 1965, 59th Leg., p. 1663, ch. 716, § 1, eff. Aug. 30, 1965. Subsec. (c) amended by Acts 1967, 60th Leg., p. 178, ch. 92, § 1, eff. April 22, 1967; subsecs. (a)–(c) amended by Acts 1971, 62nd Leg., p. 2461, ch. 800, § 1, eff. June 8, 1971.

Art. 326k—56a. Seventy-fifth judicial district; compensation of district attorney

The district attorney of the 75th Judicial District shall be compensated for his services in such amount as may be fixed by the general law relating to salaries paid to district attorneys by the state, and in addition his salary may be supplemented by the commissioners court of the counties comprising the 75th Judicial District, or any one of the commissioners courts. The total amount of supplemental salary to be paid by the commissioners court or courts for the district attorney shall not exceed $5,000.00 per year. Any supplemental salary shall be paid 40 percent by the Chambers County Commissioners Court and 60 percent by the Liberty County Commissioners Court out of the officers salary fund of such county or counties, if adequate; if inadequate, the commissioners courts may transfer the necessary funds from the general funds of the counties to the officers salary funds.

Acts 1969, 61st Leg., p. 2212, ch. 754, § 1, eff. June 12, 1969. Amended by Acts 1971, 62nd Leg., p. 1952, ch. 593, § 1, eff. June 2, 1971.

Art. 326k—61b. District attorney for 235th judicial district

(a) The office of district attorney for the 235th Judicial District is established. The district attorney shall have the powers and duties prescribed by law for district attorneys.

(b) On the effective date of this Act, the Governor shall appoint a district attorney for the 235th Judicial District who shall serve until the general election in 1972 and until his successor is elected and has qualified. Thereafter, beginning with the general election in 1972, he shall be elected every four years for a four-year term beginning on January 1 following his election.

Acts 1971, 62nd Leg., p. 1807, ch. 535, § 4, eff. Sept. 1, 1971.

Art. 326k—64. Criminal district attorney of Deaf Smith County

Creation of office; powers and duties

Section 1. There is hereby created the constitutional office of Criminal District Attorney of Deaf Smith County, Texas, to become operative on the date provided in Section 12 of this Act. It shall be the duty of the Criminal District Attorney, or his assistants, as provided herein, to be in attendance upon each term and all sessions of the District Court of Deaf Smith County. The Criminal District Attorney and his assistants shall have the right and it shall be their primary duty to represent the State of Texas in criminal and civil cases pending in the District Court and inferior courts of Deaf Smith County. He shall have and exercise in addition to the specific powers given and duties imposed upon him and his assistants by this Act, all powers, duties, and privileges within Deaf Smith County as are now by law conferred and which may hereafter be conferred on County Attorneys and District Attorneys in various counties and judicial districts of this State relative to criminal and civil matters for and in behalf of the County and the State of Texas.

Qualifications; oath; bond

Sec. 2. The Criminal District Attorney shall possess the qualifications and take the oath and give bond required by the constitution and laws of this State of other District Attorneys.

Assistants; appointment; compensation; qualifications; removal

Sec. 3. The Criminal District Attorney may appoint a first assistant Criminal District Attorney and other assistants necessary to the proper performance of his official duties. The assistants shall be paid a salary to be determined and paid by the Commissioners Court. The assistants

must be duly and legally licensed to practice law in this State. The assistants shall be subject to removal at the will of the Criminal District Attorney and shall be and are hereby authorized to perform any official act devolving upon or authorized to be performed by the Criminal District Attorney.

Special investigator; appointment; qualifications; compensation; powers and duties; removal

Sec. 4. The Criminal District Attorney is hereby authorized to appoint one assistant in addition to his legal assistants provided for in this Act, which assistant shall not be required to possess the qualifications prescribed by law for District or County Attorneys. The assistant shall be known as special investigator, shall perform such duties as may be assigned to him by the Criminal District Attorney, and shall receive as compensation a salary set by the Commissioners Court and payable out of the County funds. The special investigator shall be subject to removal at the will of the Criminal District Attorney. The special investigator shall have authority under the direction of the Criminal District Attorney to make arrests and execute process in criminal cases and shall have all the rights and duties of a peace officer in criminal cases and in cases growing out of the enforcement of all laws.

Stenographer; appointment; qualifications; compensation; duties; removal

Sec. 5. The Criminal District Attorney is hereby authorized to appoint one stenographer who may or may not possess the qualifications prescribed by law for District and County Attorneys, who shall perform the necessary stenographic work as may be assigned by the Criminal District Attorney, and who shall receive as compensation a salary set by the Commissioners Court and payable out of the County funds. The stenographer shall be subject to removal at the will of the Criminal District Attorney.

Expenses

Sec. 6. Deaf Smith County is hereby authorized to set aside each year a sum of money to be expended by the Criminal District Attorney in the preparation and conduct of criminal affairs of the office.

Commission; compensation

Sec. 7. The Criminal District Attorney of Deaf Smith County, Texas, shall be commissioned by the Governor and shall receive as salary and compensation the following: A salary of Five Hundred Dollars ($500.00) from the State of Texas as provided in the Constitution of the State of Texas for the salary of District Attorneys and the sum of not less than $11,500.00 nor more than $15,500.00 per annum to be paid out of the Officers Salary Fund of Deaf Smith County, if adequate; if inadequate, the Commissioners Court shall transfer the necessary funds from the General Fund of the County to the Officers Salary Fund.

Elections; certificate

Sec. 8. (a) The qualified electors of Deaf Smith County shall, by majority vote, elect a Criminal District Attorney at a special election on May 18, 1971, for a term ending on December 31, 1974. The election shall be held jointly with the special election on proposed constitutional amendments which is ordered for that date. The election shall be ordered by the Governor and it shall be conducted under the procedures applying to a special election to fill a vacancy in the Legislature as prescribed in Section 32a and Subdivisions 1, 2, 3, and 5 of Section 32c, Texas Election Code (Article 4.10 and Subdivisions 1, 2, 3, and 5 of Article 4.12, Vernon's Texas Election Code), except that the certificate of election shall be issued by the Governor instead of the Secretary of State. The person elected is entitled to take office immediately upon receiving the certifi-

For Annotations and Historical Notes, see V.A.T.S.

cate of election. If no candidate receives a majority of the votes in the first election, a second election shall be called and held in accordance with the provisions of Subdivision 3 of Section 32c of the Election code. Each candidate in the first election shall pay a filing fee of $100, which shall accompany his application.

(b) At the general election in 1974 and every four years thereafter, the Criminal District Attorney shall be elected for a four-year term as provided in Section 30, Article V, and Section 65, Article XVI, Constitution of Texas.

District attorney of 69th Judicial District; jurisdiction; application of act

Sec. 9. Upon the date that the office of Criminal District Attorney becomes operative, the District Attorney of the 69th Judicial District of Texas shall only represent the State of Texas in the Counties of Oldham, Moore, Hartley, Sherman, and Dallam. The provisions of this Act shall not affect the office of District Attorney or the duties and powers of such District Attorney in the Counties of Oldham, Moore, Hartley, Sherman, and Dallam, and the District Attorney shall continue to perform his duties in those counties as before, and it is specifically understood that this Act only applies to Deaf Smith County and not to the Counties of Oldham, Moore, Hartley, Sherman, and Dallam.

Severability

Sec. 10. If any paragraph, phrase, clause, or section of this statute be held invalid, it shall not affect the balance of said statute, but it is expressly declared to be the intention of the Legislature that it would have passed the balance of said Act without such portion as may be held invalid.

Office of county attorney abolished

Sec. 11. The office of County Attorney of Deaf Smith County is abolished from and after the date that the office of the Criminal District Attorney becomes operative.

Operative date

Sec. 12. The office of Criminal District Attorney of Deaf Smith County becomes operative upon the date that the initial holder of the office qualifies and assumes office following his election.

Acts 1971, 62nd Leg., p. 65, ch. 34, eff. March 22, 1971.

Title of Act:

An Act relating to the creation of the constitutional office of Criminal District Attorney of Deaf Smith County and abolishing the office of county attorney of that county; providing for a special election; providing for the hiring of assistants, an investigator, and a stenographer; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 65, ch. 34.

Art. 326k—65. Appointment and compensation of assistants and employees of district attorney for 22nd Judicial District

Assistants and employees; appointment

Section 1. The District Attorney of the 22nd Judicial District is hereby authorized to appoint such assistants, secretaries, stenographers, investigators, deputies and other necessary employees as the Commissioners Court of the county in the district where said employee would serve may authorize. Such employees shall serve at the pleasure of the District Attorney.

Number of employees; compensation

Sec. 2. The number of positions in each class of employment, and the salary or hourly wage payable to the person holding each position, shall be designated by the District Attorney with the consent of the Commis-

sioners Courts of the counties within the district; provided that the County Commissioners Court of any county in the district may authorize additional employees, at the expense of such county, and designate the salary or hourly wage payable to such employees.

Office and travel expenses; budget

Sec. 3. The District Attorney of the 22nd Judicial District, with the joint consent of the Commissioners Courts in the district, is hereby authorized to pay all necessary and proper expenses of the District Attorney's office, including but not limited to office equipment, rent, law books, supplies, postage, telephone, investigating equipment, and vehicles for transportation. And, in addition to their salaries, the District Attorney, his assistants and investigators may be allowed necessary travel expenses incurred in the proper discharge of their duties. Provided, however, that as a condition to receiving the consent of the Commissioners Courts for the expenditure of any funds for expenses, the District Attorney shall supply each Commissioners Court in the district with a budget of the proposed expenditures.

Payment of salaries and expenses

Sec. 4. All salaries, hourly wages and expenses provided for in this Act shall be borne by the counties composing the 22nd Judicial District in proportion to the population of each at the last preceding Federal Census, and shall be paid monthly from the officers salary fund, the general fund, or any other available county funds, or any combination thereof, at the discretion of the Commissioners Court; provided that salaries, hourly wages and expenses of any additional employees authorized in Section 2 of this Act shall be borne solely by the county which said employee serves. Salaries shall be paid in twelve (12) equal monthly installments.

Qualifications of assistants

Sec. 5. Assistant District Attorneys of the 22nd Judicial District shall be residents of a county within the district and shall be duly licensed to practice law in the State of Texas. They shall, when appointed, give bond and take the constitutional oath of office, which bond and oath shall be approved by the District Judge of the 22nd Judicial District and be filed with the County Clerk of the assistant's residence. Assistant District Attorneys who have complied with the provisions of this Act are hereby authorized to represent the State of Texas in the 22nd Judicial District and its courts, and to perform for the State and the several counties of the district all duties imposed by law on the District Attorney.

Compensation by state

Sec. 6. Nothing in this Act shall be construed so as to deprive the District Attorney or the counties of the district of any salary, compensation or expense allowance that is now, or may in the future be, paid by the State of Texas.

County employment of assistants, etc.

Sec. 7. Nothing in this Act shall be construed as prohibiting any county or counties within the district from employing at its or their expense, assistant district attorneys, secretaries, stenographers, investigators, deputies or other employees, or from paying salaries, wages or expenses of such persons in the same manner and from the same funds as provided in Section 2 and Section 4 of this Act.

Acts 1971, 62nd Leg., p. 898, ch. 125, eff. May 10, 1971.

Title of Act:

An Act authorizing the District Attorney of the 22nd Judicial District of Texas to employ certain necessary employees; providing for setting of salaries and funding; providing authority for payment of necessary expenses of District Attorney's office; providing for bonding and necessary qualifications; and declaring an emergency. Acts 1971, 62nd Leg., p. 898, ch. 125.

For Annotations and Historical Notes, see V.A.T.S.

Art. 326k—66. Sixty-ninth judicial district; compensation of district attorney; appointment and compensation of assistants, investigators and stenographers

District attorney; salary

Section 1. The district attorney of the 69th Judicial District shall be compensated for his services by the State of Texas in an amount fixed by the general law relating to the salary to be paid to district attorneys by the state, and in addition his salary may be supplemented by the commissioners courts of the counties comprising the 69th Judicial District, in an amount not to exceed $8,500 per year.

The commissioners court of each county in the 69th Judicial District, in its discretion, may pay the supplemental salary herein authorized. The supplemental salary paid by each county shall be in such amount as the commissioners court may determine but shall not exceed the amount paid the county attorney in the county. If more than one county should pay a supplemental salary, then the amount of supplemental salary to be paid by each county shall be determined by a proration of the case load in the counties paying the supplemental salary, not to exceed the amount paid the county attorneys in the counties participating.

Assistants, investigators and stenographers; authorization

Sec. 2. Whenever the district attorney of the 69th Judicial District shall require the services of assistants, investigators, or stenographers in the performance of his duty, he shall apply to the commissioners court or commissioners courts of the county or counties in the 69th Judicial District where the services are needed for authority to appoint the assistants, investigators, or stenographers, stating by sworn application the number needed, the position to be filled, the amount to be paid, and whether the services will apply to one or more counties. The district attorney may make application for such services to be used in one or all of the counties under his jurisdiction, but application shall be made only to the counties where such services will be used. Upon receipt of such application, the commissioners court or commissioners courts of the county or counties where the application is made may enter an order authorizing the employment of the assistants, deputies, and stenographers and fix the compensation to be paid them within the limitations herein prescribed and determine the number to be appointed as in the discretion of the commissioners court or commissioners courts may be deemed proper, provided that in no case shall the commissioners court or commissioners courts or any member thereof attempt to influence the employment of any person as assistant, investigator, or stenographer. Upon entry of the order, the district attorney of the 69th Judicial District may employ the assistants, investigators, and stenographers as authorized by the commissioners court or commissioners courts, provided that the compensation paid them shall not exceed the maximum amount prescribed in Section 3 of this Act.

Compensation

Sec. 3. Each stenographer of the district attorney in the 69th Judicial District shall be paid an annual salary of not less than $2,400 and not more than $4,800 as determined by the commissioners courts affected thereby.

Each assistant and each investigator of the district attorney of the 69th Judicial District shall be paid an annual salary of not less than $4,800 and not more than $7,500, as determined by the commissioners courts affected thereby.

The assistants to the district attorney of the 69th Judicial District shall be duly and legally licensed to practice law in the State of Texas and shall be authorized to perform all duties imposed upon the district at-

torney provided by law. The investigators need not be duly and legally licensed to practice law in the State of Texas.

Expenses

Sec. 4. The investigators or assistants provided for in this Act shall be allowed their reasonable and necessary expenses incurred in their official duties. The expenses shall be paid only after approval of the district attorney and the commissioners courts affected thereby.

Payment of salaries

Sec. 5. All salaries and supplemental salaries provided for herein shall be paid out of the officers salary fund of the respective counties of the 69th Judicial District, if adequate; if inadequate, the commissioners courts shall transfer the necessary funds from the general fund to the officers salary fund.

Bond; powers

Sec. 6. The investigators and assistants provided for in this Act may be required to give bond and shall have authority under the discretion of the district attorney to make arrests and execute process in criminal cases and in cases growing out of the enforcement of all laws.

Acts 1971, 62nd Leg., p. 1620, ch. 449, eff. May 26, 1971.

Title of Act:

An Act relating to the district attorney of the 69th Judicial District and his assistants, investigators, and stenographers; and declaring an emergency. Acts 1971, 62nd Leg., p. 1620, ch. 449.

Art. 326k—67. Criminal district attorney for Collin County

Creation and duties

Section 1. (a) The constitutional office of Criminal District Attorney of Collin County is created.

(b) The criminal district attorney or his assistants shall be in attendance upon each term and all sessions of any district court in Collin County held for the transaction of criminal business. The criminal district attorney shall represent the state in criminal and civil cases, unless otherwise provided by law, pending in the district court and inferior courts having jurisdiction in Collin County.

(c) The criminal district attorney shall have and exercise, in addition to the specific powers given and duties imposed upon him and his assistants by this Act, all powers, duties, and privileges within Collin County conferred on district attorneys and county attorneys in the various counties and judicial districts of this state relative to criminal and civil matters for and in behalf of the county and the State of Texas.

Qualifications and oath

Sec. 2. The criminal district attorney shall possess the qualifications take the oath, and give the bond required by the Constitution and laws of this state of district attorneys.

Salary

Sec. 3. The Criminal District Attorney of Collin County shall receive an annual salary to be set by the commissioners court in an amount not to exceed $15,000.

Assistants and other personnel

Sec. 4. (a) The criminal district attorney, for the purpose of conducting the affairs of his office, may appoint assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel as the commissioners court may provide. All salaries of the assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel shall be paid by the commissioners court in equal monthly installments from the officers salary fund of Collin County.

For Annotations and Historical Notes, see V.A.T.S.

(b) In addition to the salary provided the criminal district attorney, his assistants, investigators, stenographers, clerks, and other personnel, the commissioners court may allow the criminal district attorney, his assistants and investigators such necessary expenses as the commissioners court deems reasonable. The expenses shall be paid as provided by law for other such claims of expenses.

Office

Sec. 5. The commissioners court shall provide and furnish suitable office space and such office furniture, supplies, and equipment as necessary to carry out the duties of the criminal district attorney. The commissioners court shall pay the necessary expenses incident to carrying out the duties of the criminal district attorney.

County Attorney

Sec. 6. The office of County Attorney of Collin County is abolished from and after the effective date of this Act.

Term of office

Sec. 7. (a) Upon the effective date of this Act, the county attorney of Collin County shall be commissioned as the criminal district attorney of Collin County. He shall fill the office of criminal district attorney until the general election in 1972 and until his successor is elected and has qualified.

(b) At the general election in 1972, there shall be elected a criminal district attorney for Collin County for a term ending on December 31, 1974. At the general election in 1974 and every four years thereafter, this officer shall be elected for a regular four-year term as provided in Section 30, Article V, and Section 65, Article XVI, Constitution of Texas.

(c) Any vacancy occurring in the office of the Criminal District Attorney of Collin County shall be filled by the Commissioners Court of Collin County, and the appointee shall hold office until the next general election and until his successor is elected and has qualified.

Acts 1971, 62nd Leg., p. 1775, ch. 519, eff. May 31, 1971.

Title of Act:

An Act relating to the creation of the constitutional office of criminal district attorney for Collin County; abolishing the office of county attorney for Collin County; and declaring an emergency. Acts 1971, 62nd Leg., p. 1775, ch. 519.

Art. 326k—68. Criminal district attorney of Eastland County; office of county attorney abolished

Creation of office; powers and duties

Section 1. There is hereby created the constitutional office of Criminal District Attorney of Eastland County, Texas, to become operative on the date provided in Section 12 of this Act. It shall be the duty of the Criminal District Attorney, or his assistants, as provided herein, to be in attendance upon each term and all sessions of the District Court of Eastland County. The Criminal District Attorney and his assistants shall have the right and it shall be their primary duty to represent the State of Texas in criminal and civil cases pending in the District Court and inferior courts of Eastland County. He shall have and exercise in addition to the specific powers given and duties imposed upon him and his assistants by this Act, all powers, duties, and privileges within Eastland County as are now by law conferred and which may hereafter be conferred on county attorneys and district attorneys in various counties and judicial districts of this State relative to criminal and civil matters for and in behalf of the county and the State of Texas.

Qualifications; oath; bond

Sec. 2. The Criminal District Attorney shall possess the qualifications and take the oath and give bond required by the constitution and laws of this State of other district attorneys.

Assistants; appointment; compensation; qualifications; removal

Sec. 3. The Criminal District Attorney may appoint a first assistant Criminal District Attorney and other assistants necessary to the proper performance of his official duties. The assistants shall be paid a salary to be determined and paid by the Commissioners Court. The assistants must be duly and legally licensed to practice law in this State. The assistants shall be subject to removal at the will of the Criminal District Attorney and shall be and are hereby authorized to perform any official act devolving upon or authorized to be performed by the Criminal District Attorney.

Special investigator; appointment; qualifications; compensation; powers and duties; removal

Sec. 4. The Criminal District Attorney is hereby authorized to appoint one assistant in addition to his legal assistants provided for in this Act, which assistant shall not be required to possess the qualifications prescribed by law for district or county attorneys. The assistant shall be known as special investigator, shall perform such duties as may be assigned to him by the Criminal District Attorney, and shall receive as compensation a salary set by the Commissioners Court and payable out of the county funds. The special investigator shall be subject to removal at the will of the Criminal District Attorney. The special investigator shall have authority under the direction of the Criminal District Attorney to make arrests and execute process in criminal cases and shall have all the rights and duties of a peace officer in criminal cases and in cases growing out of the enforcement of all laws.

Stenographer; appointment; compensation; removal

Sec. 5. The Criminal District Attorney is hereby authorized to appoint one stenographer who may or may not possess the qualifications prescribed by law for district and county attorneys, who shall perform the necessary stenographic work as may be assigned by the Criminal District Attorney, and who shall receive as compensation a salary set by the Commissioners Court and payable out of the county funds. The stenographer shall be subject to removal at the will of the Criminal District Attorney.

Expenses

Sec. 6. Eastland County is hereby authorized to set aside each year a sum of money to be expended by the Criminal District Attorney in the preparation and conduct of criminal affairs of the office.

Compensation

Sec. 7. The Criminal District Attorney of Eastland County, Texas, may be commissioned by the Governor and may receive as annual salary and compensation $6,300 from the State of Texas. The Commissioners Court of Eastland County may, in its discretion, supplement the salary paid by the State but in no event may the total annual salary paid by the State and the county exceed $15,500. The sum paid by the county shall be paid out of the Officers Salary Fund of Eastland County, if adequate; if inadequate, the Commissioners Court shall transfer the necessary funds from the General Fund of the county to the Officers Salary Fund.

Appointment by governor; election

Sec. 8. On the effective date of this Act, the Governor shall appoint a Criminal District Attorney for Eastland County who shall serve until the general election in 1972 and until his successor is elected and qualified. There shall be elected by the qualified electors of Eastland County

For Annotations and Historical Notes, see V.A.T.S.

at the general election in November, 1972, a Criminal District Attorney in and for Eastland County for a term ending on December 31, 1974. At the general election in 1974 and every four years thereafter this officer shall be elected for a regular four-year term as provided in Section 30, Article V, and Section 65, Article XVI, Constitution of Texas.

Service on juvenile board

Sec. 9. Upon the effective date of this Act the Criminal District Attorney of Eastland County, Texas, shall thereafter serve on the Eastland County Juvenile Board in lieu of the Eastland County Attorney.

Severabililty

Sec. 10. If any paragraph, phrase, clause, or section of this statute be held invalid, it shall not affect the balance of said statute, but it is expressly declared to be the intention of the Legislature that it would have passed the balance of said Act without such portion as may be held invalid.

Office of county attorney abolished

Sec. 11. The office of County Attorney of Eastland County is abolished from and after the date that the office of the Criminal District Attorney becomes operative.

Operative date

Sec. 12. The office of Criminal District Attorney of Eastland County becomes operative upon the date that the initial holder of the office qualifies and assumes office following his election.
Acts 1971, 62nd Leg., p. 2377, ch. 738, eff. June 8, 1971.

Title of Act:

An Act relating to the creation of the constitutional office of Criminal District Attorney of Eastland County and abolishing the office of county attorney of that county; providing for compensation; providing for the hiring of assistants, an investigator, and a stenographer; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 2377, ch. 738.

Art. 326k—69. Criminal district attorney of Lubbock County

Creation of office; qualifications; oath; bond

Section 1. The office of the Criminal District Attorney in and for Lubbock County, Texas, is created to become operative on January 1, 1973. The Criminal District Attorney for Lubbock County shall be at least 25 years of age, a practicing attorney in this State for five years, and a resident of Lubbock County. He shall possess all the qualifications, take the oath of office, and give the bond required of district attorneys by the constitution and general laws of this state. He shall reside in Lubbock County during his term of office.

Election; term

Sec. 2. There shall be elected by the qualified electors of Lubbock County at the general election in November, 1972, a Criminal District Attorney in and for Lubbock County for a term beginning on January 1, 1973, and ending on December 31, 1974. At the general election in 1974 and every four years thereafter, this officer shall be elected for a regular four-year term as provided in Section 30, Article V, and Section 65, Article XVI, Constitution of Texas.

Duties; fees, commissions and perquisites

Sec. 3. It shall be the duty of the Criminal District Attorney in and for Lubbock County or his assistants, as herein provided, to be in attendance upon each term and all sessions of the district courts in Lubbock County, and all of the sessions and terms of the inferior courts of Lubbock County held for the transaction of criminal business, and exclusively

to represent the State of Texas in all criminal matters pending before those courts and perform such other duties as may be conferred by law upon the district and county attorneys in the various counties and judicial districts of this state. He shall collect such fees, commissions, and perquisites as are now, or may hereafter be provided by law for similar services rendered by district and county attorneys of this state.

Compensation; payment

Sec. 4. The Criminal District Attorney in and for Lubbock County shall be commissioned by the Governor, and shall receive as compensation an annual salary, payable in equal monthly installments. Such salary shall include the amount paid District Attorneys by the State of Texas, and shall be paid by the Comptroller of Public Accounts, as appropriated by the Legislature. In addition, the Criminal District Attorney of Lubbock County shall be paid in equal monthly installments out of the Officers' Salary Fund of Lubbock County an amount which, when added to the amount paid by the State of Texas as above, would equal an amount not less than 90 percent of the total salaries paid to the Judge of the 72nd Judicial District of Texas by the State of Texas and Lubbock County.

Assistants, investigators, etc.; appointment and compensation; expenses

Sec. 5. The Criminal District Attorney in and for Lubbock County, for the purpose of conducting the affairs of his office, is hereby authorized to appoint assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel as the Commissioners Court of Lubbock County may provide. All salaries of the assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel shall be paid by the Commissioners Court of Lubbock County in equal monthly installments from the Officers' Salary Fund of Lubbock County.

In addition to the salary provided the Criminal District Attorney, his assistants, investigators, stenographers, clerks, and other personnel, the Commissioners Court of Lubbock County may allow the Criminal District Attorney, his assistants and investigators such necessary expenses as the commissioners court deems reasonable. The expenses shall be paid as provided by law for other such claims of expenses.

Oath of assistant; powers and duties

Sec. 6. The assistant criminal district attorneys of Lubbock County shall take, upon appointment, the constitutional oath of office. The criminal district attorney and his assistants shall have the exclusive right, and it shall be their duty, to represent the State of Texas in all criminal cases pending in any and all of the courts of Lubbock County, as well as perform other statutory or constitutional duties imposed upon district and county attorneys of this state. The assistant criminal district attorneys in and for Lubbock County are authorized to administer oaths, file informations, examine witnesses before the grand jury, and generally perform any duty devolving upon the Criminal District Attorney in and for Lubbock County and exercise any power and perform any duty conferred by law upon the Criminal District Attorney in and for Lubbock County.

Offices of district and county attorney abolished; transfer of duties

Sec. 7. On January 1, 1973, the office of District Attorney for the 72nd Judicial District and the office of County Attorney of Lubbock County are abolished. On January 1, 1973, the duties heretofore prescribed by law for the District Attorney of the 72nd Judicial District in Crosby County are transferred to the County Attorney of Crosby County. From and after January 1, 1973, the County Attorney of Crosby County shall perform all the duties of both district and county attorneys for the 72nd Judicial District in Crosby County.

Repealer

Sec. 8. All laws or parts of laws in conflict with the provisions of the Act are hereby expressly repealed.

Severability

Sec. 9. If any provisions of the Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Private practice of law

Sec. 10. The Criminal District Attorney in and for Lubbock County, Texas, and his assistants, shall not engage in the private practice of law while serving as Criminal District Attorney, or assistant criminal district attorney, in and for Lubbock County, Texas.

Acts 1971, 62nd Leg., p. 2428, ch. 776, eff. June 8, 1971.

Title of Act:

An Act creating the office of Criminal District Attorney for Lubbock County; providing qualifications, powers, and duties of the Criminal District Attorney for Lubbock County; providing for the election of a Criminal District Attorney for Lubbock County; providing compensation and expenses of the Criminal District Attorney for Lubbock County and his assistants, investigators, and stenographers; providing for the organization of the office of Criminal District Attorney of Lubbock County; making other provisions relating to the office of Criminal District Attorney for Lubbock County; abolishing the office of County Attorney of Lubbock County on January 1, 1973, and abolishing the office of District Attorney for the 72nd Judicial District on January 1, 1973, and providing that the duties of the District Attorney for the 72nd Judicial District shall thereafter be performed in Crosby County by the County Attorney of Crosby County and making other provisions relating thereto; providing a repealing clause; providing a severability clause; providing for the prohibition from the private practice of the law by the Criminal District Attorney and his assistants; and declaring an emergency. Acts 1971, 62nd Leg., p. 2428, ch. 776.

Art. 326*l*—2. Assistant district attorney for 9th Judicial District

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Sec. 4. The person appointed to the office is entitled to receive a salary of not more than $10,000 per year, as determined by the district attorney for the 9th Judicial District subject to the approval of the Commissioners Courts of the counties composing such district. He shall make bond in the amount fixed by that district attorney.

Acts 1967, 60th Leg., p. 1237, ch. 560, eff. Aug. 28, 1967. Sec. 4 amended by Acts 1971, 62nd Leg., p. 2435, ch. 782, § 1, eff. June 8, 1971.

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2. COUNTY ATTORNEYS

Repealer

Acts 1971, 62nd Leg., p. 2019, ch. 622, providing for the setting of compensation, expenses and allowances for certain county and precinct officials and employees by the commissioners courts effective January 1, 1972, provides in section 8 thereof that to the extent any local, special, or general law, including Acts of the 1971 Legislature, prescribes such compensation, expenses and allowances for any official or employee covered by this Act, that law is repealed. See article 3912k.

Art. 331g—2. Special investigators; counties of 11,200 to 11,400

Section 1. The commissioners court of any county having a population of not less than 11,200 nor more than 11,400, according to the last preceding federal census, may appoint a special investigator. The investigator shall work under the supervision of the county attorney for such law enforcement purposes as designated by the commissioners court.

Sec. 2. An investigator appointed under this Act shall receive an annual salary, not to exceed $8,000, to be set by the commissioners court and paid in equal monthly installments. He shall receive a reasonable allowance for expenses to be set by the commissioners court.

Sec. 3. The investigator shall have all the authority of a peace officer of this state.

Sec. 4. The investigator shall post a bond in an amount, not to exceed $10,000, to be set by the commissioners court and conditioned on his faithful performance of his duties under the direction of the county attorney. The bond shall be payable to the county judge.

Sec. 5. The office of such special investigator shall terminate two years from the effective date of this Act.

Acts 1971, 62nd Leg., p. 2608, ch. 855, eff. June 9, 1971.

Title of Act:

An Act relating to the authority of the commissioners courts of certain counties to appoint a special investigator to serve under the direction of the county attorney; providing for termination of the office; and declaring an emergency. Acts 1971, 62nd Leg., p. 2608, ch. 855.

Art. 331j. Secretary to county attorney in counties of 18,095 to 18,110; employment; salary

The Commissioners Court of any county having a population of not less than eighteen thousand, ninety-five (18,095) nor more than eighteen thousand, one hundred ten (18,110), according to the last preceding federal census, may employ a secretary to the county attorney and fix the salary for such secretary at a sum not to exceed Two Thousand, Four Hundred Dollars ($2,400) per annum. The salary shall be paid out of the Officers' Salary Fund of the county in twelve (12) equal monthly installments.

Acts 1961, 57th Leg., p. 1175, ch. 530, § 1, eff. June 17, 1961. Amended by Acts 1971, 62nd Leg., p. 1845, ch. 542, § 112, eff. Sept. 1, 1971.

TITLE 16—BANKS AND BANKING

TEXAS BANKING CODE OF 1943

CHAPTER ONE—SCOPE OF ACT, DEFINITIONS, FINANCE COMMISSION AND STATE BANKING BOARD

Art. 342—104. Finance Commission—Sections—Qualifications of Members

Four (4) members of the Banking Section shall be active bankers who shall have had not less than five (5) years executive experience next preceding their appointment in a State bank in a capacity not lower than cashier. Two (2) members of the Building and Loan Section shall be practical building and loan executives who shall have had not less than five (5) years full time employment experience in a State Building and Loan or Federal Savings and Loan Association in a capacity not lower than secretary next preceding their appointment. Provided that experience as Commissioner, Deputy Commissioner, Departmental Examiner, or Examiner shall be deemed banking experience, and experience as Building and Loan Supervisor or Building and Loan Examiner shall be deemed building and loan experience, within the meaning of this article. The Banking Section shall at all times include four (4) members, each of whom, at the time of his appointment, is an officer in a State bank which falls within one of the four (4) quartiles of the total number of State banks, according to and measured by the capital, certified surplus and undivided profits of such banks as of the last statement of condition published pursuant to the Commissioner's call in the year previous to the year in which the appointments are made. Each quartile shall at all times be represented by one (1) member on the Banking Section who, at the time of his appointment, is an officer in a State bank within such quartile, and each member shall continue to serve from his respective quartile throughout his term of office notwithstanding any adjustment of his bank's capital, certified surplus and undivided profits subsequent to the date of the appointment. The Commissioner shall divide the total number of State banks with as near an equal number of banks as mathematically possible being placed in each quartile and advise the Governor which State banks fall within each of the four (4) quartiles prior to any appointments of banker members of the Commission. The Building and Loan Section shall at all times consist of one (1) member who is a full time employed executive in a State association which, at the time of his appointment, had gross assets not exceeding Twenty Million Dollars ($20,000,000) and one (1) member who is a full time employed executive in a State association which, at the time of his appointment, had gross assets exceeding Twenty Million Dollars ($20,000,000). Two (2) members of the Banking Section and one (1) member of the Building and Loan Section shall be selected by the Governor upon the basis of recognized business ability.

Amended by Acts 1961, 57th Leg., p. 1004, ch. 437, § 1, eff. Aug. 28, 1961; Acts 1967, 60th Leg., p. 743, ch. 312, § 1, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 875, ch. 109, § 1, eff. Aug. 30, 1971.

Art. 342—113. Banking Section—Rules and Regulations—Loans and Investments—Insurance—Preservation of Books and Records—Affairs Transacted by National Banks—Determination of Incidental Powers

The Banking Section, through resolution adopted by not less than four affirmative votes, may promulgate general rules and regulations not inconsistent with the Constitution and Statutes of this State, and from

time to time amend the same, which rules and regulations shall be applicable alike to all state banks to effect the following ends and purposes:

1. To prevent state banks from concentrating an excessive or unreasonable portion of their resources in any particular type or character of investment or in any single line of credit under any exception to Article 7, of Chapter V of this Code [1], thereby preventing the solvency or liquidity of such banks depending to an undue extent upon such type or character of investment or single line of credit.

2. To provide adequate fidelity coverage or insurance on the officers and employees of state banks, and fire, burglary, robbery and other casualty coverage for state banks, so as to prevent loss through theft, defalcation or other casualty, and to make certain that the insurer or surety is solvent and will be able to pay losses sustained.

3. To provide for the preservation of the books and records of the Banking Department and of banks during such time as said books and records are of value, and to permit the destruction or other disposition of such books and records after the same are no longer of any value.

4. To permit state banks to transact their affairs in any manner or make any loan or investment which they could do under existing or any future law, rule or regulation were they organized and operating as a National bank under the laws of the United States; but it is expressly provided that this authority is subject to the laws of this State and shall not be construed in any wise to confer authority to abridge such laws or diminish or limit any rights or powers specifically given to state banks by such laws; and it is further provided that, any provision of this Code to the contrary notwithstanding, the transaction of affairs and making of loans or investments permitted by valid rules and regulations shall not constitute a violation of any penal provision of the statutes of this state.

5. From time to time upon request of the Banking Commissioner, to define, identify and determine incidental powers which a state bank may exercise as necessary to its specific powers under Article 1, Chapter III of this Code.[2]

Amended by Acts 1971, 62nd Leg., p. 1687, ch. 481, § 1, eff. May 27, 1971.

[1] Article 342—507.

[2] Article 342—301.

Sections 2 and 3 of the 1971 amendatory act provided:

"Sec. 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only."

Art. 342—115. State Banking Board—Members—Duties—Rules of Practice—Appeal

1. The State Banking Board shall consist of three (3) members, to wit: the Banking Commissioner, who shall serve as Chairman; the State Treasurer; and a citizen of this State, who shall represent the interests of the general public, and who shall be appointed by the Governor for a term of two (2) years with the advice and consent of the Senate. The term of the citizen member appointed to fill the present vacancy shall expire on January 31, 1973, and on said date of every odd-numbered year thereafter.

2. The State Banking Board shall hear annd determine applications for State banking charters, and shall make such other determinations and perform such other duties as are provided elsewhere in this Code.

3. The State Banking Board shall adopt and publish such rules and procedural regulations as may be necessary to facilitate the fair hearing

and adjudication of charter applications and such other business to come before it, provided, however, that such Board shall be governed by, and shall implement by appropriate regulations, the following rules of practice and procedure:

(a) Notwithstanding any law or statute to the contrary, the State Banking Board shall enter into executive session and shall meet in private for their personal deliberations on the following questions, to wit: the proposed officers and directors of proposed banks, and their character and fitness; the good faith of the applicants; and the evidence concerning applications for conversion of national banks to State banks.

(b) The minutes of the meetings of the Board shall set forth the names of persons appearing as applicants, as opponents, and their respective counsel, representatives, and expert witnesses, together with the substance of their testimony or presentations. The decision of the Board shall be evidenced in the minutes by the vote of each Board member in respect to each of the five statutory requisites for issuance of a bank charter, and no member shall abstain from voting unless he shall be disqualified for some ethical or personal reason, which ground of disqualification shall be stated in the record.

(c) No member of the Board shall be an officer, director or otherwise interested in the management or operation of any State or national bank or savings and loan association; provided further, that if any Board member shall own or otherwise control any shares of stock in any State or national bank, or savings and loan association, that he shall file with the chairman a list of all such stocks, describing the security, the quantity, and the value thereof, which list shall be a public record of the Banking Board.

(d) When either the State Treasurer or Commissioner is unable to personally attend an official meeting of the Board, the respective first deputy of such member may appear and vote in his stead, provided that the Board rules shall prescribe the deputy by name and title who is so authorized, and provided further, that two such deputies may not both sit as substitute members of the Board at the same meeting.

4. Any person, firm or corporation who is a party to, or is necessarily aggrieved by any final order, ruling or judgment of the State Banking Board shall have the right to appeal by filing a suit to set aside such order, ruling or judgment in the District Court of Travis County, Texas, within thirty (30) days following the date of rendition of such order, ruling or judgment. Provided, that in such cases the substantial evidence rule shall apply and govern the trial, as is the common practice in cases of appeal from administrative orders and as construed by the courts of this State. Pending final judgment of the court the order shall remain in effect, unless otherwise stayed or enjoined by the court upon proper application.

Amended by Acts 1963, 58th Leg., p. 1138, ch. 442, § 12, eff. Aug. 23, 1963; Acts 1971, 62nd Leg., p. 2884, ch. 950, § 1, eff. June 15, 1971.

Sections 2 and 3 of the 1971 amendatory act provided:

"Sec. 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only."

CHAPTER THREE—INCORPORATION, MERGER, REORGANIZATION, PURCHASE OF ASSETS OF ANOTHER BANK, DISBURSING AGENT, AMENDMENT OF ARTICLES OF ASSOCIATION OF STATE BANKS, AND CONVERSION

Art. 342—305. Application For and Granting of Charters—Approval

A. Applications for a State bank charter shall be granted only upon good and sufficient proof that all of the following conditions presently exist:

(1) A public necessity exists for the proposed bank;

(2) The proposed capital structure is adequate;

(3) The volume of business in the community where such proposed bank is to be established is such as to indicate profitable operation of the proposed bank;

(4) The proposed officers and directors have sufficient banking experience, ability and standing to render success of the proposed bank probable; and

(5) The applicants are acting in good faith.

The burden to establish said conditions shall be upon the applicants.

B. Applicants desiring to incorporate a State bank shall file with the Banking Commissioner an application for charter, the proposed Articles of Association, and a written list of information as may tend to establish the above conditions of incorporation, all upon official forms prepared and prescribed by the Commissioner. All persons subscribing to the capital stock of the proposed bank shall sign and verify under oath a statement of such stock subscribed, and which statement shall truly report the number of shares and the amount to be paid in consideration; the names, identity, title and address of any other persons who will be beneficial owners of such stock or otherwise share an interest or ownership in said stock, or who will pay any portion of the consideration; whether said stock is to be pledged as security for any loan; whether a loan has been committed or is intended for the subscription and purchase of said stock, and if so, the name and address of such person or corporation which is intended to loan funds for said purchase; the names of any cosigners, guarantors, partners or other persons liable for the repayment of any loan financing the purchase of such stock. Provided, however, that the verified statement of subscribers to stock shall be confidential and privileged from public disclosure prior to the final determination by the Board of the application for a charter, unless the Board shall find that public disclosure prior to public hearing and final determination of the charter application is necessary to a full development of the factual record. Subject to the above qualification, the list of incorporators and proposed officers and directors who support the application for a charter shall be available to public inspection.

C. Upon the filing of said application the Commissioner may meet and confer with any applicants for charter, examine data submitted in support of the application, and request such further information and data as may be pertinent and necessary. The Commissioner shall require deposit of such charter fees as are required by law and shall proceed to conduct a thorough investigation of the application, the applicants and their personnel, and the charter conditions alleged. The actual expense of such investigation and report shall be paid by the applicants, and the Commissioner may require a deposit in an estimated amount, the balance to be paid in full prior to hearing of the application. Upon the conclusion of the investigation, and based upon the written report of such investigation, the Commissioner shall make his findings and report such findings, together with the investigation report, to the State Banking

Board. The written report of investigation and the findings of the Commissioner shall also be made available to all interested parties at their request, provided that all sources of information contained in the investigation report shall be considered confidential and shall be privileged communications.

D. Upon completion of the investigation and findings the Commissioner shall promptly set the time and place for public hearing of the application for charter, giving the applicants and such other banks in the same trade area reasonable notice thereof. After full and public hearing the Board shall vote and determine whether the necessary conditions set out in Paragraph 1 above have been established. Should the Board, or a majority of the Board, determine all of the said conditions affirmatively, then the application shall be approved; if not, then the application shall be denied. If approved, and when the Commissioner receives satisfactory evidence that the capital has been paid in full in cash, the Commissioner shall deliver to the incorporators a certified copy of the Articles of Association, and the bank shall come into corporate existence. Provided however, that the State Banking Board may make its approval of any application conditional, and in such event shall set out such condition in the resolution granting the charter, and the Commissioner shall not deliver the certified copy of the Articles of Association until such condition has been met, after which the Commissioner shall in writing inform the State Banking Board as to compliance with such condition and delivery of the Articles of Association.

Amended by Acts 1963, 58th Leg., p. 134, ch. 81, § 3, eff. Aug. 23, 1963; Acts 1971, 62nd Leg., p. 2882, ch. 949, § 1, eff. June 15, 1971.

Sections 2 and 3 of the 1971 amendatory act provided:

"Sec. 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only."

CHAPTER FOUR—STOCK, STOCKHOLDERS, BY-LAWS, DIRECTORS, OFFICERS, EMPLOYEES

Art. 342—401. Transfer of Stock—Notice to Commissioner

Shares of stock in a state bank shall be personal property and transferable only upon its books, and it shall be the duty of the officers of a state bank to transfer such stock upon its books at the request of the transferee, supported by a transfer in writing or other legally effective transfer.

If title to more than ten percent (10%) of the total number of shares of stock outstanding is transferred, the transferee shall, within fifteen (15) days thereafter, give the Commissioner written notice of the date of the transfer, the number of shares transferred and the consideration therefor, and the names and addresses of the persons or corporations from whom and to whom the stock was transferred. Where the title to the stock so transferred is to be held by the transferee in the capacity of agent or trustee, the transferee shall, within fifteen (15) days after title to the stock is transferred, give the Commissioner written notice of the name and address of each principal or each beneficiary having an interest therein. Information obtained hereunder by the Commissioner shall be confidential and shall not be disclosed by the Commissioner or any officer or employee of the Banking Department, except that the Commissioner may, in his discretion, if he deems it necessary or proper to the enforcement of the laws of this state or the United States, and to the best interest of the public di-

vulge such information to any department of the state or national government, or any agency or instrumentality thereof.

Any transferee who willfully and knowingly fails or refuses to give the Commissioner notice as required by this Article, shall, upon conviction, be fined in an amount not exceeding One Thousand Dollars ($1,000), or be confined in jail for a period not to exceed six (6) months, or both. Amended by Acts 1967, 60th Leg., p. 1855, ch. 722, § 2, eff. June 18, 1967; Acts 1971, 62nd Leg., p. 1689, ch. 482, § 1, eff. May 27, 1971.

Sections 2 and 3 of the 1971 amendatory act provided:

"Sec. 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only."

Art. 342—402. Stockholders' Meetings—Quorum—Voting

The stockholders of each State bank shall hold one regular meeting each year at the time prescribed in its bylaws, and such special meetings as may be deemed necessary after notice as prescribed in the bylaws. At all stockholders' meetings the owners of a majority of the capital stock, present in person or by proxy, shall constitute a quorum. In the absence of a quorum a stockholders' meeting may be adjourned from time to time without notice to the stockholders. Each stockholder of record shall be entitled to one vote for each share of stock owned by him, which he may cast in person or by proxy duly authorized in writing filed among the records of the bank. Stock owned of record by an estate shall be voted by its executor, administrator, guardian, trustee or personal representative, and stock held in a fiduciary capacity shall be voted by the fiduciary, but stock which is owned or held by the State bank in any such capacity and stock which is acquired by the State bank in any other lawful manner shall not be voted by the bank for any purpose and shall not be included in determining whether or not a quorum is present at any annual or special meeting of the stockholders; provided, however, if the voting rights to stock held in trust by a state bank are vested in a person or third party other than the bank, such stock may be voted by such person or third party or their proxy and shall be included in determining whether or not a quorum is present at any annual or special meeting of the stockholders. Amended by Acts 1959, 56th Leg., p. 894, ch. 412, § 4, eff. May 30, 1959; Acts 1971, 62nd Leg., p. 1690, ch. 483, § 1, eff. May 27, 1971.

Art. 342—412. Officers and Directors—Cease and Desist—Removal—Appeal

1. If the Commissioner finds that an officer, director or employee of a State bank, or the State bank itself acting through any authorized person, has committed any of the following violations or practices:

(a) violates the provisions of this Code or any other law or regulation applicable to State banks; or

(b) refuses to comply with the provisions of this code or any other law or regulation applicable to State banks; or

(c) wilfully neglects to perform his duties, or commits a breach of trust or of fiduciary duty.

(d) Commits any fraudulent or questionable practice in the conduct of the bank's business that endangers the bank's reputation or threatens its solvency; or

(e) refuses to submit to examination under oath; or

(f) conducts business in an unsafe or unauthorized manner; or

(g) violates any conditions of its charter or of any agreement entered with the Banking Commissioner or the Banking Department; then in such event the Commissioner shall give notice in writing to such bank and the offending officer, director or employee, stating the particular violations or practices complained of, and the Commissioner shall call a meeting of the directors of said bank and lay before them such findings and demand a discontinuance of such violations and practices as have been found.

2. If the Commissioner shall find that an order to cease and desist from such actions is necessary and in the best interests of the bank involved and its depositors, creditors and stockholders, then at the directors' meeting above provided or within thirty (30) days thereafter the Commissioner may serve on the State bank, its board of directors, and any offending officers, directors or employees, a written order to cease and desist from the violations and practices enumerated therein and to take such affirmative action as may be necessary to correct the conditions resulting from such violations or practices. Said cease and desist order shall be effective instanter if the Commissioner finds that immediate and irreparable harm is threatened to the bank, its depositors or stockholders; otherwise, said order shall state the effective date, not less than ten (10) days after delivery or mailing of the notice thereof. Unless the bank or directors shall file a notice of appeal with the Banking Section of the Finance Commission within ten (10) days after such delivery or mailing of notice, whichever is the case, the order shall be final. A copy of said order shall be entered upon the minutes of the directors, who shall thereafter certify to the Commissioner in writing that each has read and understood the order.

3. If the Commissioner subsequently finds by examination or other credible evidence that the offending officer, director or employee has continued such violations or practices as previously charged and found by the Commissioner, after notice and demand made under Paragraph 1 above, and further finds that removal from office is necessary and in the best interests of such bank and its depositors, creditors and stockholders, then the Commissioner may serve such officer, director or employee with an order of removal from office. Said order shall state the grounds for removal with reasonable certainty and shall state the effective date of removal, not less than ten (10) days after delivery or mailing of the notice thereof. Unless the bank, the directors or the person removed shall file a notice of appeal with the Banking Section of the Finance Commission within ten (10) days after such delivery or mailing of notice, whichever is the case, the order of removal shall be effective and final and said person shall thereafter be prohibited from further holding office or employment by, or participating in the affairs of, the said State bank. A copy of said order shall be entered upon the minutes of the directors, and an officer shall acknowledge receipt of such order and certify to the Commissioner that such person has been removed from office.

4. Upon the timely filing of an appeal the Banking Section of the Finance Commission shall set a time and place for hearing such appeal, giving reasonable notice thereof to the appellants. The Banking Section may adopt such rules or procedure as may be necessary to govern the fair hearing and adjudication of the questions appealed, subject to the following conditions:

(a) Appeal from Cease and Desist Order. If the Banking Section finds that appellants have committed one or more of the violations or practices charged by the Commissioner, and further finds that an order to cease and desist from said actions is necessary and in the best interests of the bank involved and its depositors, creditors and stockholders, the said order of the Commissioner shall be affirmed and made final and effective. If the findings are otherwise, the Banking Section shall set aside the order of the Commissioner.

(b) Appeal from Order of Removal. If the Banking Section finds that appellant has committed one or more of the violations or practices

charged by the Commissioner sufficient to justify his removal, and further finds that an order of removal from office is necessary and in the best interests of the bank involved and its depositors, creditors and stockholders, the said order of the Commissioner shall be affirmed and made final and effective. If the findings are otherwise, the Banking Section shall set aside the order of the Commissioner.

5. After a cease and desist order or an order of removal becomes effective and final, should a State bank or its board of directors or any duly authorized officer of said bank fail or refuse to comply with such an order, then the Commissioner may, upon notice, assess a penalty against said State bank in an amount not to exceed Five Hundred Dollars ($500) per day for each day the bank is in violation of said order of the Commissioner or the Banking Section of the Finance Commission. Failure to remit any penalty so assessed shall subject the bank to a suit for collection by the Attorney General of Texas to be instituted in the District Court of Travis County, Texas. In addition to the remedy above provided the Attorney General of Texas, upon the relation of the Banking Commissioner, may bring suit in the District Court of Travis County, Texas, against any bank in violation of the final orders of the Commissioner or the Banking Section to enjoin the further violation of said orders and the violations and practices charged by the Commissioner as the grounds for such orders.

6. Orders to cease and desist, orders for removal from office, and all copies of notices, correspondence or other records in the Banking Department relating to such orders concerning such violations or unsound practices shall be confidential and shall not be publicized or revealed to the public except in any lawsuit authorized by this Code or by other lawful order or authority.

Amended by Acts 1971, 62nd Leg., p. 2872, ch. 946, § 1, eff. June 15, 1971.

Sections 2 and 3 of the 1971 amendatory act provided:

"Sec. 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only."

CHAPTER FIVE—LOANS AND INVESTMENTS

Art. 342—509a. Stockholders, Officers and Employees—Authority to Take Acknowledgments

No Notary Public or other Public Officer qualified to take acknowledgments or proofs of written instruments shall be disqualified from taking the acknowledgment or proof of an instrument in writing in which a State bank, national bank or private bank is interested by reason of his ownership of stock in or employment by the State or national or private bank interested in such instrument, and any such acknowledgment heretofore taken is hereby validated.

Acts 1943, 48th Leg., p. 148, ch. 97, subch. V, art. 9a, added by Acts 1963, 58th Leg., p. 134, ch. 81, § 5, eff. Aug. 23, 1963. Amended by Acts 1971, 62nd Leg., p. 1282, ch. 325, § 1, eff. May 24, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Art. 342—509b. Statements of Loans or Extensions of Credit Obtained by Officers of State Banks—Filing—Failure to File—Penalties

(a) An officer of a State bank who obtains a loan or extension of credit from a bank shall file at the bank of which he is an officer within ten (10) days of obtaining the loan or extension of credit, a verified statement including the amount of the loan or extension of credit and the name and address of the bank from which it was obtained. The statement shall be entered in the minutes of the board of directors.

(b) Within ten (10) days of the effective date of this article, every officer of a State bank shall file with the bank of which he is an officer a verified statement of all loans or extensions of credit which he owes to any bank. The statement shall include the amount of each loan or extension of credit and the name and address of the creditor bank. The statement shall be entered in the minutes of the board of directors.

(c) A statement filed under this article is a privileged communication. It may not be disclosed to any person other than the Commissioner or his agent or representative, an examiner or assistant examiner, or a director of the bank.

(d) An officer who fails to file a statement as required by this article or who files a false statement is guilty of a misdemeanor and upon conviction is punishable by imprisonment in the county jail for not more than 30 days or by a fine or not more than $250 or by both.

(e) Any State bank officer convicted of a violation of this article forfeits his office by operation of law upon conviction. He may not be an officer of a State bank within one year of conviction of a violation of this article.

Acts 1943, 48th Leg., p. 148, ch. 97, subch. V, art. 9b, added by Acts 1971, 62nd Leg., p. 2880, ch. 948, § 2, eff. June 15, 1971.

CHAPTER SIX—SURPLUS, DIVIDENDS, LIABILITIES, UNINVESTED TRUST FUNDS, PREFERENCES, RESERVES, DEBENTURES AND WITHDRAWALS

Art. 342—606. Cash Reserve—Calculation—Reserve Depositaries—Amount Carried

Every State bank shall maintain a reserve of not less than fifteen per cent (15%) of its aggregate demand deposits and five per cent (5%) of all other deposits, provided that any member of the Federal Reserve System which maintains the reserves required by that System shall not be deemed to have violated the provisions of this article.

Such reserve shall be kept in the vaults of the bank or on deposit with Federal Reserve banks or with banks incorporated by any state or the United States with not less than Fifty Thousand Dollars ($50,000) capital approved as reserve depositaries by the Commissioner and such reserves may be calculated on the basis of the average daily deposit balances covering weekly periods. Items in the process of clearing through a clearing house association shall be considered as reserves on deposit with an approved reserve depositary within the meaning of this article. If a State bank shall fail to maintain the total reserves required by this article, it shall be liable for and the Banking Commissioner may collect as a fee or penalty not more than Five Hundred Dollars ($500) per week for the period of such failure as may be prescribed from time to time by the Banking Section of the Finance Commission of Texas; and upon relation of the Banking Commissioner of default in such payment, the Attorney General shall institute a suit to recover such fees or penalties and for such other relief as in the judgment of the Attorney General is proper and necessary. No State bank shall deposit an amount in excess of twenty

per cent (20%) of its capital, certified surplus and deposits in any one reserve depositary.

Amended by Acts 1959, 56th Leg., p. 894, ch. 412, § 11, eff. May 30, 1959; Acts 1967, 60th Leg., p. 2047, ch. 756, § 1, eff. Aug. 28, 1967; Acts 1969, 61st Leg., p. 1630, ch. 507, § 9, eff. June 10, 1969; Acts 1971, 62nd Leg., p. 2886, ch. 951, § 1, eff. June 15, 1971.

Sections 2 and 3 of the 1971 amendatory act provided:

"Sec. 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only."

CHAPTER SEVEN—DEPOSITORY CONTRACTS

Acts 1971, 62nd Leg., p. 2875, ch. 947, §§ 1, 2, effective August 30, 1971, amended Subchapter VII of the Banking Code of 1943 by adding Article 2 [article 342—702], and by renumbering Articles 7, 7a to 10 [formerly numbered articles 342—707, 342—707a to 342—710] as Articles 1, 3 to 6 [articles 342—701, 342—703 to 342—706], respectively.

Art. 342—701. Depository Contract—Limitation of Actions

The contract of deposit between a bank and a depositor, whether evidenced by deposit tickets or otherwise shall be deemed a contract in writing within the purview of Article 5527 of the Revised Civil Statutes of Texas. The cause of action on any such depository contract, other than a time deposit, shall not accrue until the bank has denied liability and given the depositor notice thereof. Provided that the delivery to the depositor of a statement of his account or pass book reflecting the balance, or the mailing of a statement of such account (with or without cancelled items) to the depositor at his address as reflected by the books of the bank, shall constitute a denial of any liability on the part of the bank in excess of the balance reflected by such statement or pass book, and notice thereof to the depositor, and, to the extent of any excess over the balance reflected shall accrue the cause of action.

Acts 1943, 48th Leg., p. 154, ch. 97, subch. VII, art. 7. Renumbered as art. 1 by Acts 1971, 62nd Leg., p. 2876, ch. 947, § 2, eff. Aug. 30, 1971.

Renumbering

Section 2 of Acts 1971, 62nd Leg., p. 2875, ch. 947, provides:

"Sec. 2. Articles 1 through 6 of Chapter VII of the Texas Banking Code of 1943 having been heretofore repealed at the time of the enactment of the Uniform Commercial Code by the 59th Legislature, Acts, 1965, the remaining articles in said Chapter VII are hereby renumbered as follows:

"Article 7 is renumbered as Article 1.
"Article 7a is renumbered as Article 3.
"Article 8 is renumbered as Article 4.
"Article 9 is renumbered as Article 5.
"Article 10 is renumbered as Article 6."

For Annotations and Historical Notes, see V.A.T.S.

Art. 342—702. Brokered Funds Defined—Reporting—Commissioner's Authority

For the purpose of this article, "brokered funds" are funds accepted by a bank on which a fee in money is paid or agreed to be paid, directly or indirectly, either to the depositor of such funds or a third party by such bank or a third party, in addition to any interest to be paid under the contract of repayment.

In the event that any bank shall accept brokered funds as defined herein, it shall forthwith notify the Commissioner in writing of the acceptance of such funds, the depositor and his address, any loans, if any, made in consideration of or conditioned upon said deposit, and listing the borrower, his address, and any collateral securing said loan, and such other information concerning said deposit and loan as the Commissioner may require and on such forms as may be prescribed by the Commissioner. The Commissioner may further require any bank to report such brokered funds and loans as above described, if any, which have been accepted or made previous to the effective date of this Act.

Provided, however, should the Commissioner find from examination or other evidence that a bank is being operated in an unsafe manner, or insolvency of the bank is threatened, or the continued acceptance of brokered funds will threaten the liquidity of the bank, then the Commissioner shall have the authority to act as follows:

(a) to issue an order to cease and desist from further accepting any brokered funds, or otherwise to regulate the amount of such funds which may be accepted or the rate of interest to be paid, and

(b) to issue a written order stating that after the effective date thereof all brokered funds accepted by said bank shall be and are hereby classified as the issuance, sale and negotiation of 'notes, bonds, and other evidence of indebtedness' by the bank as provided in Paragraph (h), Article 1, Chapter III of such Code,[1] and not as deposits received by the bank as provided in Paragraph (a), Article 1, Chapter III of the Banking Code of 1943 as amended.[2] In the event that brokered funds are accepted after issuance of such order, it shall be the duty of said bank to state in the contract of repayment that in the event of liquidation of the issuing bank, the owner and holder of such contract of repayment shall be considered and treated as a common creditor and not as a depositor of the bank, and a cash reserve of ten percent (10%) of the total outstanding brokered funds shall be maintained against such funds, in the same manner as cash reserves are maintained against demand deposits and time deposits.

Provided further, that the Commissioner may exercise any or all of the powers above provided, which shall be cumulative of any other powers and remedies provided elsewhere in this Code.

Acts 1943, 48th Leg., p. 154, ch. 97, subch. VII, art. 2, added by Acts 1971, 62nd Leg., p. 2875, ch. 947, § 1, eff. Aug. 30, 1971.

[1] Article 342—301(h).

[2] Article 342—301(a).

Sections 3 and 4 of the 1971 act provided:

"Sec. 3. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 4. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only."

Art. 342—703. Deposits—Discharge From Liability on Public Funds

Any bank or depository with whom there may be deposited funds of the State or of any county, city, school district, improvement district or any other municipal subdivision or district or public agency, upon the pay-

ment of any warrant, check or draft drawn by the qualified public official or officials authorized to make withdrawals of such funds or any part thereof, shall be fully discharged of any further liability on account of the deposit covered by such withdrawals.

Acts 1943, 48th Leg., p. 154, ch. 97, subch. VII, art. 7a, added Acts 1949, 51st Leg., p. 832, ch. 450, § 1. Renumbered as art. 3 by Acts 1971, 62nd Leg., p. 2876, ch. 947, § 2, eff. Aug. 30, 1971.

Art. 342—704. Deposits—Discontinuance or Reduction of Interest

Any bank heretofore or hereafter contracting to pay interest on any deposit or investment certificate without a definite maturity date may reduce the rate of, or discontinue its liability for, interest by posting prior noice thereof for at least thirty (30) days in the lobby of its banking house. This article shall not affect any contractual provision relative to the reduction of the rate of, or the discontinuing of liability for, interest.

Acts 1943, 48th Leg., p. 154, ch. 97, subch. VII, art. 8. Renumbered as art. 4 by Acts 1971, 62nd Leg., p. 2876, ch. 947, § 2, eff. Aug. 30, 1971.

Art. 342—705. Adverse Claims to Deposits—Disclosure as to Amount Deposited

No bank shall be required to recognize the claim of any third party to any deposit, or withhold payment of any deposit to the depositor or to his order, unless and until the bank is served with citation or other appropriate process issuing out of a court of competent jurisdiction in connection with a suit instituted by such third party for the purpose of recovering or establishing an interest in such deposit; neither shall any bank be required to disclose the amount deposited by any depositor to third parties except where (i) the depositor or owner of such deposit is a proper or necessary party to a proceeding in a court of competent jurisdiction in which event the records pertaining to the deposit of such depositor or owner shall be subject to disclosure or (ii) the bank itself is a proper or necessary party to a proceeding in a court of competent jurisdiction or (iii) in response to a subpoena issued by a legislative investigating committee of the Legislature of Texas, or (iv) in response to a request for examination of its records by the Attorney General of Texas pursuant to Article 1302—5.01 et seq. of the Texas Miscellaneous Corporation Laws Act.

Acts 1943, 48th Leg., p. 154, ch. 97, subch. VII, art. 9. Amended by Acts 1963, 58th Leg., p. 1135, ch. 440, § 1, eff. Aug. 23, 1963. Renumbered as art. 5 by Acts 1971, 62nd Leg., p. 2875, ch. 947, § 2, eff. Aug. 30, 1971.

Art. 342—706. Joint Deposits—Minors, Married Women—Trustees

A bank may pay a present or future deposit, payable to or on the order of (a) any one of two or more persons, or (b) a minor, married woman, or other person under disability, or in form payable to or on the order of one person, for the benefit of or in trust for another, without the terms of the trust being disclosed to the bank in writing, to any one of such joint depositors (before or after the death of the other joint depositor or depositors), or to such minor, married woman, or other person under disability, or, on the death or disability of the trustee, to the beneficiary of such trust.

Acts 1943, 48th Leg., p. 154, ch. 97, subch. VII, art. 10. Renumbered as art. 6 by Acts 1971, 62nd Leg., p. 2876, ch. 947, § 2, eff. Aug. 30, 1971.

CHAPTER EIGHT—LIQUIDATION

Art. 342—801a. Supervision of Banks—Conservatorship Proceedings—Review—Procedure

Definition of Terms

Section 1. As used in this article, the following words, terms and phrases include the meanings, significance or application described in this section, except as another meaning is clearly requisite from the purposes or is otherwise clearly indicated by the context:

(a) In respect of a bank, "unsafe condition" shall mean and include, and the conditions to which this article is applicable include, but are not limited to, any one or more of the following circumstances or conditions.

(1) if a bank's capital is impaired, or impairment of capital is threatened, or

(2) if a bank violates the provisions of this code or any other law or regulation applicable to State banks, or

(3) if a bank conducts any fraudulent or questionable practice in the conduct of the bank's business that endangers the bank's reputation or threatens its solvency, or

(4) if a bank conducts business in an unsafe or unauthorized manner, or

(5) if a bank violates any conditions of its charter or any agreement entered with the Banking Commissioner or the Banking Department.

(b) "Exceeded its Powers" shall mean and include, but is not limited to, the following circumstances:

(1) if a bank has refused to permit examination of its books, papers, accounts, records, or affairs by the Banking Commissioner of Texas, his deputy, or duly commissioned examiners, or

(2) if a bank has neglected or refused to observe an order of the Commissioner to make good, within the time prescribed, any impairment of its capital.

(c) "Consent" includes and means a written agreement by the bank to either supervision or conservatorship under this article.

Conditions for Supervision by Commissioner

Sec. 2. If upon examination or at any other time it appears to or is the opinion of the Banking Commissioner that any bank is in an unsafe condition (as defined herein) and its condition is such as to render the continuance of its business hazardous to the public or to its depositors and creditors, or if such bank appears to have exceeded its powers (as defined herein) or has failed to comply with the law, or if such bank gives its consent (as defined herein), then the Banking Commissioner shall upon his determination (a) notify the bank of his determination, and (b) furnish to the bank a written list of the Commissioner's requirements to abate his determination, and (c) if the Commissioner makes a further determination to supervise he shall notify the bank that it is under the supervision of the Banking Commissioner and that the Commissioner is invoking the provisions of this article. If placed under supervision such bank shall comply with the lawful requirements of the Banking Commissioner within such time as provided in the notice of the Commissioner, subject however to the provisions of this article. In the event of such bank's failure to comply within such time the Banking Commissioner may appoint a conservator as hereafter provided.

Prohibited Acts During Period of Supervision

Sec. 3. During the period of supervision the Commissioner may appoint a supervisor to supervise such bank and may provide that the bank may not do any of the following things during the period of supervision, without the prior approval of the Commissioner or his supervisor:

(1) Dispose of, convey or encumber any of its assets;
(2) Withdraw any of its bank accounts;
(3) Lend any of its funds;
(4) Invest any of its funds;
(5) Transfer any of its property; or
(6) Incur any debt, obligation or liability.

Conservatorship Proceedings

Sec. 4. After the period of supervision specified by the Commissioner for compliance, if it is determined that such bank has failed to comply with the lawful requirements of the Commissioner, then upon due notice and hearing, or by consent of the bank, the Commissioner may appoint a conservator, who shall immediately take charge of such bank and all of the property, books, records, and effects thereof. The conservator shall conduct the business of the bank and take such steps toward the removal of the causes and conditions which have necessitated such order, as the Commissioner may direct. During the pendency of conservatorship the conservator shall make such reports to the Commissioner from time to time as may be required by the Commissioner, and shall be empowered to take all necessary measures to preserve, protect, and recover any assets or property of such bank, including claims or causes of action belonging to or which may be asserted by such bank, and to deal with the same in his own name as conservator, and shall be empowered to file, prosecute, and defend any suit or suits which have been filed or which may thereafter be filed by or against such bank which are deemed by the conservator to be necessary to protect all of the interested parties or any property affected thereby. The Banking Commissioner, or any duly appointed deputy, may be appointed to serve as the conservator. If the Banking Commissioner, however, is satisfied that such bank is not in condition to continue business in the interest of its depositors or creditors, under the conservator as above provided, the Banking Commissioner may proceed with an appropriate remedy provided by any other provision of this Code.

Supervisor's and Conservator's Service Charge

Sec. 5. The cost incident to the supervisor's and conservator's service shall be fixed and determined by the Banking Commissioner and shall be a charge against the assets and funds of the bank to be allowed and paid as the Banking Commissioner may determine.

Review and Stay of Action

Sec. 6. During the period of supervision and during the period of conservatorship, the bank may request the Banking Commissioner or in his absence, the duly appointed deputy for such purpose, to review an action taken or proposed to be taken by the supervisor or conservator, specifying wherein the action complained of is believed not to be in the best interests of the bank, and such request shall stay the action specified pending review of such action by the Commissioner or his duly appointed deputy. Any order entered by the Commissioner appointing a supervisor and providing that the bank shall not do certain acts as provided in Section 3 and Section 4 of this article, any order entered by the Commissioner appointing a conservator, and any order by the Commissioner following the review of an action of the supervisor or conservator as hereinabove provided shall be immediately reviewed by the Banking Section of the Finance Commission upon the filing of an appeal by the bank. The Bank-

For Annotations and Historical Notes, see V.A.T.S.

ing Section of the Finance Commission may stay the effectiveness of any order appealed from, pending its review of such order. Such appeal shall have precedence over all other business of a different nature pending before the Banking Section of the Finance Commission; and all matters and evidence pertaining to the bank's condition and the subject appeal shall be presented to the Banking Section of the Finance Commission in a closed hearing. Upon hearing the Banking Section shall promptly render a decision which may affirm or terminate the order appealed from, modify the order, continue or discontinue such supervision, conservatorship or other order in connection therewith, or enter such other order as is appropriate and consistent with this article. The Banking Section of the Finance Commission shall make such other rules and regulations with regard to such appeals and their consideration as it deems advisable. Any bank dissatisfied with any order rendered by the Banking Section of the Finance Commission under this article shall have the right to appeal to the district court in the manner prescribed elsewhere in this Code, which order shall be considered final for the purpose of such appeal.

Venue

Sec. 7. Any suit filed against a bank or its conservator, after the entrance of an order by the Banking Commissioner placing such bank in conservatorship and while such order is in effect, shall be brought in a court of competent jurisdiction in Travis County, Texas, and not elsewhere. The conservator appointed hereunder for such bank may file suit in any court of competent jurisdiction in Travis County, Texas, against any person for the purpose of preserving, protecting, or recovering any assets or property of such bank including claims or causes of action belonging to or which may be asserted by such bank.

Duration of Conservatorship

Sec. 8. As respects a conservatorship, the conservator shall serve for such time as is necessary to accomplish the purposes of the conservatorship as intended by this Act. If rehabilitated, the rehabilitated bank shall be returned to management or new management under such conditions as are reasonable and necessary to prevent recurrence of the conditions which occasioned the conservatorship.

Administrative Election of Remedies

Sec. 9. If the Commissioner determines to act under authority of this article, or is directed by the Banking Section of the Finance Commission to act under this article, the sequence of his acts and proceedings shall be as set forth herein. However, it is a purpose and substance of this article to authorize administrative discretion—to allow Commissioner and the Banking Section of the Finance Commission administrative discretion in the event of unsound banking operations—and in furtherance of that purpose, the Commissioner is hereby authorized to proceed with regulation either under this article or under any other applicable article or law, or under this law in conjunction with other law, either as such law is now existing or as is hereafter enacted, and it is so provided.

Rules and Regulations

Sec. 10. The Banking Section of the Finance Commission shall be empowered to adopt and promulgate such reasonable rules and regulations as may be necessary for the augmentation and accomplishment of this Act, including its purposes.

Acts 1943, 48th Leg., p. 128, ch. 97, subch. VIII, art. 1a added by Acts 1971, 62nd Leg., p. 2877, ch. 948, § 1, eff. June 15, 1971.

Sections 3 and 4 of the 1971 act provided:

"Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only.

"Sec. 4. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable."

CHAPTER NINE—GENERAL PROVISIONS

Art. 342—903. Branch Banking Prohibited

No State, national or private bank shall engage in business in more than one place, maintain any branch office, or cash checks or receive deposits except in its own banking house. For purposes of this article "banking house" means the building in whose offices the business of the bank is conducted and which is functionally one place of business, including (a) office facilities whose nearest wall is located within five hundred (500) feet of the nearest wall of the central building and is physically connected to the central building by tunnel, passageway or hallway providing direct access between the central building and the connected office facility or by pneumatic tube or other similar carrier, and (b) in addition, in a county having a population of at least 350,000 according to the last preceding federal census, if authorized in the manner hereinafter provided, not more than one (1) automobile drive-in facility whose nearest boundary is located within one thousand eight hundred fifty (1,850) feet of the nearest wall of the central building but more than five hundred (500) feet therefrom and is connected to the central building by tunnel, passageway or hallway providing direct access between the central building and the connected automobile drive-in facility or by pneumatic tube or other similar carrier. The entire banking house shall for all purposes under the law be considered one integral banking house. The term "automobile drive-in facility" as herein used shall mean a facility offering banking services solely to persons who arrive at such facility in an automobile and remain therein during the transaction of business with the bank.

An automobile drive-in facility whose nearest boundary is located within one thousand eight hundred fifty (1,850) feet of the nearest wall of the central building but more than five hundred (500) feet therefrom shall be authorized only in the following manner: Written application for authority to operate the same shall be filed with the Commissioner by the bank proposing such facility, which application shall specify the location of the proposed facility. Promptly upon the filing of such written application the Commissioner shall, by registered United States mail, postage prepaid, notify each bank, if any, whose central building is situated within a one (1) mile radius of said proposed facility, hereinafter called the "Interested Banks," of the filing of such application, transmitting with such notice a true copy of said application. If within thirty (30) days following the mailing of such notice no written protest to the operation of the said proposed facility has been filed with the Commissioner by an Interested Bank, or, if there are no Interested Banks, said proposed facility shall thereupon be fully authorized without the necessity of any further action by the applying bank or by the Commissioner. However, if a written protest to the operation of said proposed facility is filed with the Commissioner during said thirty (30) day period by one or more of the Interested Banks, said application shall be promptly considered by the State Banking Board at a public hearing duly called, noticed and held in the same manner as hearings to consider applications for the granting of bank charters, and authorization to operate said proposed facility shall be granted at such hearing unless the State Banking Board shall find that the operation thereof will substantially and adversely affect one or more of the Interested Banks, in which case authorization shall be denied. National banks and private banks doing business in this State shall voluntarily submit to the jurisdiction of the State Banking

Board, and abide by the determination of the Board as to whether or not permission should be granted to establish and operate an additional drive-in facility authorized under this article, provided that any national bank which does not abide by the determination of the Board shall immediately forfeit all rights it may have under State law to act as reserve depository for any State chartered bank and to act as depository for the public funds of the State and any county, city, municipality, school district or any other political subdivision of the State, and such funds shall be immediately withdrawn by the depositor and shall not be deposited thereafter in said national bank unless and until the Commissioner certifies to the depositor that said national bank is conducting its business in compliance with the Board's determinations and orders. In addition the Attorney General shall seek an injunction against any violation of the Board's orders under this article by any national bank or private bank. Amended by Acts 1959, 56th Leg., p. 213, ch. 123, § 1; Acts 1963, 58th Leg., p. 134, ch. 81, § 6, eff. Aug. 23, 1963; Acts 1971, 62nd Leg., p. 1352, ch. 358, § 1, eff. Aug. 30, 1971.

Sections 2 and 3 of the 1971 amendatory act provided:

"Sec. 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only."

Art. 342—910. Moratoriums—Emergency Closing of Banks or Bank Operations—Limitations On Liabilities During Emergencies

(a) The Commissioner, with the approval of a majority of the Finance Commission and the Governor of Texas, may proclaim a financial moratorium for and invoke a uniform limitation on withdrawal of deposits of every character from all banks within the State. Any bank refusing to comply with any written proclamation of the Commissioner, signed by a majority of the members of the Finance Commission and the Governor of Texas, shall forfeit its charter, if it is a State chartered bank; or forfeit its right to continue to do business, if it is a private bank; or forfeit any and all rights it may have under State law, if it is a national bank, to act as reserve agent for any State chartered bank and to act as depository of any State, county, municipal or other public funds, and such funds shall be immediately withdrawn by the depositor on order of the Commissioner and shall not be deposited thereafter in said national bank without the written approval of the Commissioner.

(b) 1. Whenever the officers of a bank are of the opinion that an emergency exists, or is impending, which affects, or may affect, a bank's offices or particular bank operations, they shall have the authority, in the reasonable and proper exercise of their discretion, to determine not to conduct the particular bank operations or open the bank's offices on any business or banking day or, if having opened, to close such offices or suspend and close the particular bank operations during the continuation of such emergency, even if the Commissioner has not issued a proclamation of emergency. The office or operations so closed shall remain closed until such time as the officers determine that the emergency has ended, and for such further time thereafter as may reasonably be required to reopen; however, in no case shall such office or operations remain closed for more than 48 consecutive hours, excluding other legal holidays, without receiving the approval of the Commissioner. A bank closing an office or operations pursuant to the authority granted under this article shall give as prompt notice of its action as conditions will permit and by any means available, to the Commissioner.

2. Whenever the Commissioner is of the opinion that an emergency exists, or is impending, in this State or in any part or parts of this State, he may, by proclamation, authorize banks located in the affected area or areas to close any part or all of their offices or operations. In addition, if the Commissioner is of the opinion that an emergency exists, or is impending, which affects, or may affect, a particular bank or banks, or a particular bank operation, but not banks located in the area generally, he may authorize the particular bank or banks so affected, to close or to suspend and close a particular bank operation. The office or bank operation so closed shall remain closed until the Commissioner proclaims that the emergency has ended, or until such earlier time as the officers of the bank determine that the office or bank operation, theretofore closed because of the emergency, should reopen, and, in either event, for such further time thereafter as may reasonably be required to reopen.

3. "Emergency" means any condition or occurrence which may interfere physically with the conduct of normal business at the offices of a bank or of particular bank operations, or which poses an imminent or existing threat to the safety or security of persons or property, or both. Without limiting the generality of the foregoing, an emergency may arise as a result of any one or more of the following: fire; flood; earthquake; hurricane; tornado; wind, rain, or snow storm; labor dispute and strike; power failure; transportation failure; interruption of communication facilities; shortage of fuel, housing, food, transportation or labor; robbery or burglary or attempted robbery or burglary; actual or threatened enemy attack; epidemic or other catastrophe; riot; civil commotion, and other acts of lawlessness or violence, actual or threatened.

4. Any day on which a bank, or any one or more of its operations, is closed during all or any part of its normal banking hours pursuant to the authorization granted under this article shall be, as to such bank or, if not all of its operations are closed, then as to any operations which are closed, a legal holiday for all purposes with respect to any banking business of any character. No liability, or loss of rights of any kind, on the part of any bank, or any director, officer, or employee thereof, shall accrue or result by virtue of any closing authorized by this article.

5. The provisions of this article shall be construed and applied as being in addition to, and not in substitution for or limitation of, any other provision in this Code or other law of this State or of the United States, authorizing the closing of a bank or excusing the delay by a bank in the performance of its duties and obligations because of emergencies or conditions beyond the bank's control, or otherwise.

Amended by Acts 1971, 62nd Leg., p. 881, ch. 113, § 1, eff. Aug. 30, 1971.

Sections 2 and 3 of the 1971 amendatory act provided:

"Sec. 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only."

Art. 342—910a. Legal Holidays For Banks Or Trust Companies—Alternative Legal Holidays For Banks Or Trust Companies—Discrimination Prohibited

Section 1. Legal Holidays For Banks Or Trust Companies. Notwithstanding any existing provisions of law relative to negotiable or nonnegotiable instruments or commercial paper, but subject to the provisions of Section 2 of this article, only the following enumerated days are declared to be legal holidays for banking purposes on which each bank or trust company in Texas shall remain closed: Saturdays, Sundays, January 1, the third Monday in February, the last Monday in May, July 4, the first Monday in September, the second and fourth Mondays in October, the fourth Thursday in November, and December 25.

For Annotations and Historical Notes, see V.A.T.S.

When the dates January 1, July 4 or December 25 fall on Saturday, then the Friday immediately preceding such Saturday shall also be a legal holiday for banking purposes on which each bank or trust company in Texas shall remain closed, and when such dates fall on Sunday, then the Monday next following such Sunday shall also be a legal holiday for banking purposes on which each bank or trust company in Texas shall remain closed.

All such legal holidays shall be neither business days nor banking days under the laws of this State or the United States, and any act authorized, required or permitted to be performed at or by any bank or trust company on such days may be performed on the next succeeding business day and no liability or loss of right of any kind shall result therefrom to any bank or trust company.

Sec. 2. Alternative Legal Holidays For Banks Or Trust Companies. Any bank or trust company may elect to designate days on which it may close for general banking purposes pursuant to the provisions of this section, instead of Section 1 of this article, provided that any bank or trust company which has elected to be governed by this section shall remain closed on the following enumerated days, which days are declared to be legal holidays for banking purposes: Sundays, January 1, the third Monday in February, the last Monday in May, July 4, the first Monday in September, the second and fourth Mondays in October, the fourth Thursday in November, and December 25. When the dates January 1, July 4 or December 25 fall on Saturday, then the Friday immediately preceding such Saturday shall also be a legal holiday for banking purposes on which each bank or trust company shall remain closed, and when such dates fall on Sunday, then the Monday next following each Sunday shall also be a legal holiday for banking purposes on which each bank or trust company which has elected to be governed by this section shall remain closed. Except as herein provided, any bank or trust company doing business in this State may, at its option, elect to be governed by this section and close for general banking purposes either on Saturday or on any other weekday of any week in the year provided:

(a) such day is designated at least fifteen (15) days in advance by adoption of a resolution concurred in by a majority of the Board of Directors thereof (or, if an unincorporated bank or trust company, by its owner or a majority of its owners, if there be more than one owner); and

(b) notice of the day or days designated in such resolution is posted in a conspicuous place in such bank or trust company for at least fifteen (15) days in advance of the day or days designated; and

(c) a copy of such resolution certified by the president or cashier of such bank or trust company is filed with the office of the Commissioner of Banking Department of Texas.

The filing of such copy of resolution as aforesaid with the office of the Commissioner of the Banking Department of Texas shall be deemed to be proof in all courts in this State that such bank or trust company has duly complied with the provisions of this section. Any such election to so close shall remain in effect until a subsequent resolution shall be adopted and notice thereof posted and a copy thereof filed in the manner above provided.

If any bank or trust company elects to close for general banking purposes on Saturday or any other weekday as herein provided, it may, at its option, remain open on such day for the purpose of performing limited banking services. Notice of election to perform limited banking services shall be contained in the resolution and notices, above provided, with respect to closing for general banking purposes. Limited banking services may include such of the ordinary and usual services provided by the bank as the Board of Directors may determine, except the follow-

ing: making loans, renewing or extending loans, certifying checks, issuing cashier's checks, and providing access to safety deposit boxes or to property held in safekeeping by the bank.

Such day upon which such bank or trust company may elect to close for general banking purposes shall with respect to such institution be treated as a legal holiday for all purposes and not a business day; provided that if such bank shall elect to perform limited banking services on such day, the same shall not be deemed a legal holiday for the performance of limited banking services. Any bank or trust company which elects to close for general banking purposes on Saturday or any other weekday but which elects to perform limited banking services shall not be subjected to any liability or loss of rights for performing limited banking services or refusing to perform any other banking services on such day.

"Sec. 3. Discrimination Prohibited. The provisions of Section 2 of this article shall be completely permissive with each individual bank or trust company in this State, and no bank, trust company, clearing house association, or group of banks or trust companies, shall discriminate against or refuse its services to any bank or trust company or enter into any agreement to discriminate against or refuse its services, either directly or indirectly, to any bank or trust company which may or may not elect to exercise any of the options contained in Section 2 of this article. The provisions of the Antitrust Laws of this State shall be applicable to the provisions of this article, and the Attorney General of Texas shall institute and prosecute any legal proceedings authorized by law to enforce the provisions of this article, including forfeiture of right to do business in Texas for violation of such provisions.

Acts 1947, 50th Leg., p. 424, ch. 230, § 1. Amended by Acts 1955, 54th Leg., p. 19, ch. 16, § 1; Acts 1957, 55th Leg., p. 428, ch. 205, § 2; Acts 1967, 60th Leg., p. 1857, ch. 722, § 6, eff. June 18, 1967; Acts 1971, 62nd Leg., p. 872, ch. 108, § 1, eff. Oct. 1, 1971.

Sections 2 to 4 of the 1971 amendatory act provided:

"Sec. 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only.

"Sec. 4. This Act shall take effect at midnight on September 30, 1971."

Art. 342—911.1 Appeals from Orders of State Banking Board and Finance Commission

Any person, firm or corporation who is a party to, or is necessarily aggrieved by, any final order, ruling or judgment of the State Banking Board or the Banking Section of the Finance Commission shall have the right to appeal by filing a suit to set aside such order, ruling or judgment in the District Court of Travis County, Texas, within thirty (30) days following the date of rendition of such order, ruling or judgment. Provided, that in such cases the substantial evidence rule shall apply and govern the trial, as is the common practice in cases of appeal from administrative orders and as construed by the courts of this State. Pending final judgment of the court the order shall remain in effect, unless otherwise stayed or enjoined by the court upon proper application.

Acts 1943, 48th Leg., p. 164, ch. 97, subch. IX, art. 11 added by Acts 1971, 62nd Leg., p. 2888, ch. 952, § 1, eff. June 15, 1971.

Sections 2 and 3 of the 1971 act provided:

"Sec. 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only."

TITLE 19—BLUE SKY LAW—SECURITIES

Art. 581—4. Definitions

The following terms shall, unless the context otherwise indicates, have the following respective meanings:

* * * * * * * * * * *

B. The terms "person" and "company" shall include a corporation, person, joint stock company, partnership, limited partnership, association, company, firm, syndicate, trust, incorporated or unincorporated, heretofore or hereafter formed under the laws of this or any other state, country, sovereignty or political subdivision thereof, and shall include a government, or a political subdivision or agency thereof. As used herein, the term "trust" shall be deemed to include a common law trust, but shall not include a trust created or appointed under or by virtue of a last will and testament or by a court of law or equity. Under the criminal penal provisions of Section 29 of this Act, the word "person" shall mean a natural person.

Subsec. B. amended by Acts 1971, 62nd Leg., p. 1085, ch. 235, § 1, eff. May 17, 1971.

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Section 2 of the 1971 amendatory act, an emergency clause, provided in part: "Sec. 2. * * * a question has recently been raised in a decision by an Appellate Court in this State as to the applicability of Section 33 of the Securities Act to corporations and other entities other than natural persons; * * * the intent of the Legislature was, and is now, that Section 33 and certain other sections of said Act should apply to corporations and other entities as well as to natural persons; * * *".

TITLE 20—BOARD OF CONTROL

CHAPTER THREE—PURCHASING DIVISION

Art. 635. Bidder's certification; antitrust

A bidder offering to sell supplies, materials, services, or equipment to the State shall certify on each bid submitted that neither the bidder nor the firm, corporation, partnership, or institution represented by the bidder, or anyone acting for such firm, corporation, or institution has violated the antitrust laws of this State codified in Section 15.01, et seq., Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the bid made to any competitor or any other person engaged in such line of business. The Attorney General shall prepare the certification statement which is to be made a part of the bid form.

Amended by Acts 1967, 60th Leg., p. 30, ch. 12, § 1, eff. March 7, 1967; Acts 1971, 62nd Leg., p. 2834, ch. 928, § 1, eff. June 15, 1971.

Art. 655. Invoice; contractor/seller

The contractor or seller of supplies and/or services contracted for by the State Board of Control shall render his invoice to the ordering agency at the address shown on the purchase order. The invoice shall be prepared and submitted under such rules and regulations as the Board of Control shall provide.

Amended by Acts 1967, 60th Leg., p. 29, ch. 11, § 1, eff. March 7, 1967; Acts 1971, 62nd Leg., p. 1038, ch. 205, § 1, eff. May 31, 1971.

Art. 658a. Inter-governmental purchases; advance payments

All State Agencies and Institutions are authorized to make advance payments to Federal and State Agencies for merchandise purchased from such agencies when advance payments will expedite the delivery of the merchandise.

Acts 1971, 62nd Leg., p. 36, ch. 17, eff. March 11, 1971.

Title of Act:

An Act authorizing all State Agencies and Institutions to make advance payments to Federal and State Agencies for merchandise purchased from such agencies when advance payments will expedite the delivery of the merchandise; and declaring an emergency. Acts 1971, 62nd Leg., p. 36, ch. 17.

Art. 664—3. State Purchasing Act of 1957

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Authority

Sec. 5. The Board shall purchase all supplies, materials, services, and equipment used by each department of the State government, including the State Prison System, and each eleemosynary institution, Teachers College, Agricultural and Mechanical College, University of Texas, and each and all other State schools or departments of the State government heretofore or hereafter created, such supplies to include furniture and fixtures, technical instruments and books, and all other things required

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by the different departments or institutions, including perishable goods. The Board is given legal authority to delegate purchasing functions to agencies of the State. Purchases of supplies, materials, services and equipment for resale, for auxiliary enterprises, for organized activities relating to instructional departments of institutions of higher learning, and for similar activities of other State agencies, and purchases made from gifts and grants, may be made by State agencies without authority of the Board. The Board shall purchase all motor vehicles used for transporting school children, including buses, bus chassis, and bus bodies, tires and tubes, for school districts participating in the Foundation School Program as provided by Chapter 334, Acts, 51st Legislature, Article V, Section 3.[1] Community Centers for Mental Health and Mental Retardation Services that are receiving State grants-in-aid under the provisions of Article 4 of the Texas Mental Health and Mental Retardation Act [2] may purchase drugs and medicines through the Board of Control. The Board may also provide for emergency purchases by any department or institution and may set a monetary limit on the amount of each emergency purchase.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 109, ch. 57, § 1, eff. April 12, 1971.

[1] Article 634(B), repealed.
[2] Article 5547—204.

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Contract purchase procedure

Sec. 8. (a) Notice. Notice inviting bids shall be published at least once in at least one newspaper of general circulation in the state and at least seven days preceding the last day set for the receipt of bids. The newspaper notice shall include a general description of the articles to be purchased, and shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

(b) Bidders List. The Board shall maintain a bidders list and shall add or delete names from the list by the application and utilization of applicable standards set forth in subsection (e) of this section. In any case, bid invitations shall be sent only to those who have expressed a desire to bid on the particular types of items which are the subject of the bid invitation. Use of the bidders list shall not be confined to contract purchases but it may be used by the Board as it may find desirable in making any purchase.

(c) Bid Deposits. When deemed necessary by the Board bid deposits in amounts to be set by the Board shall be prescribed in the public notices and the invitation to bid. The Board shall establish and maintain records of bid deposits and their disposition with the cooperation of the State Auditor, and upon the award of bids or rejection of all bids, bid deposits shall be returned to unsuccessful bidders making bid deposits. The Board may accept a bid deposit in the form of a blanket bond from any bidder.

(d) Bid Opening Procedure. Bids shall be submitted to the Board sealed and identified as bids on the envelope. Bids shall be opened by the Board at the time and place stated in the public notices and the invitation to bid; provided, the State Auditor or a member of his staff may be present at any bid opening. A tabulation of all bids received shall be available for public inspection under regulations to be established by the Board.

(e) Award of Contract. The Board shall award contracts to the bidder submitting the lowest and best bid conforming to the specifications required by the Board. Complying with the specified time limit for submission of written data, samples or models on or before bid opening time is essential to the materiality of a bid, provided however that the Board shall have the authority to waive this provision if the failure to comply is

beyond control of the bidder. In determining who is the lowest and best bidder, in addition to price, the Board shall consider:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time required, without delay or interference;

(3) The character, responsibility, integrity, reputation, and experience of the bidder;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws relating to the contract or service;

(6) Any previous or existing noncompliance by the bidder with specification requirements relating to time of submission of specified data such as samples, models, drawings, certificates or other information;

(7) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

(8) The quality, availability and adaptability of the supplies, or contractual services, to the particular use required;

(9) The ability of the bidder to provide future maintenance, repair parts, and service for the use of the subject of the contract;

(10) The number and scope of conditions attached to the bid.

(f) Rejection of Bids. If a bid is submitted in which there is a material failure to comply with the specification requirements, such bid shall be rejected and the contract awarded to the bidder submitting the lowest and best bid conforming to the specifications, provided, however, the Board shall in any event have the authority to reject all bids or parts of bids when the interest of the state will be served thereby.

(g) Bid Record. When an award is made a statement of the basis for placing the order with the successful bidder shall be prepared by the purchasing division and filed with other papers relating to the transaction.

(h) Tie Bids. In case of tie bids, quality and service being equal, the contract shall be awarded under rules and regulations to be adopted by the Board.

(i) Performance Bonds. The Board may require a performance bond before entering a contract in such amount as it finds reasonable and necessary to protect the interests of the state. Any bond required under this subsection shall be conditioned that the bidder will faithfully execute the terms of the contract into which he has entered. Any bond required shall be filed with the Board and recoveries may be had thereon until it is exhausted.

Sec. 8 amended by Acts 1971, 62nd Leg., p. 2648, ch. 871, § 1, eff. Aug. 30, 1971.

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Art. 664—4. Professional Services Procurement Act

Section 1. This Act shall be known and may be cited as the "Professional Services Procurement Act."

Sec. 2. For purposes of this Act the term "professional services" shall mean those within the scope of the practice of accounting, architecture, optometry, medicine or professional engineering as defined by the laws of the State of Texas or those performed by any licensed architect, optometrist, physician, surgeon, certified public accountant or professional engineer in connection with his professional employment or practice.

Sec. 3. No state agency, political subdivision, county, municipality, district, authority or publicly-owned utility of the State of Texas shall

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make any contract for, or engage the professional services of, any licensed physician, optometrist, surgeon, architect, certified public accountant or registered engineer, or any group or association thereof, selected on the basis of competitive bids submitted for such contract or for such services to be performed, but shall select and award such contracts and engage such services on the basis of demonstrated competence and qualifications for the type of professional services to be performed and at fair and reasonable prices, as long as professional fees are consistent with and not higher than the published recommended practices and fees of the various applicable professional associations and do not exceed the maximum provided by any state law.

Sec. 4. Any and all such contracts, agreements or arrangements for professional services negotiated, made or entered into, directly or indirectly, by any agency or department of the State of Texas, county, municipality, political subdivision, district, authority or publicly-owned utility in any way in violation of the provisions of this Act or any part thereof are hereby declared to be void as contrary to the public policy of this State and shall not be given effect or enforced by any Court of this State or by any of its public officers or employees.

Acts 1971, 62nd Leg., p. 72, ch. 38, eff. March 30, 1971.

Sections 5 to 7 of the act of 1971 read as follows:

"Sec. 5. Nothing in this Act shall affect the validity or binding effect of any valid contracts in existence at the effective date hereof.

"Sec. 6. If any section, sentence, clause or part of this Act is, for any reason, held to be unconstitutional, such decision shall not affect the remaining portion of this Act.

"Sec. 7. Any laws or parts of laws in conflict with the provisions of this Act are hereby repealed."

Section 8 of the act of 1971, an emergency provision, provides in part:

"The fact that the selection of certified public accountants, architects, physicians, optometrists, surgeons and professional engineers on the basis of the lowest bid places a premium on incompetence and is the most likely procedure for selecting the least able or qualified and the most incompetent practitioner for the performance of services vitally affecting the health, welfare and safety of the public and that, in spite of repeated expressions of the legislature excepting such professional services from statutes providing for competitive bidding procedures, some public officers continue to apply competitive bidding procedures to the selection of such professional personnel, creates an emergency of the greatest public importance to the health, safety and welfare of the people of Texas * * *".

Title of Act:

An Act to be known as the "Professional Services Procurement Act," relating to and establishing state policies and procedures for the procurement of professional services of architects, optometrists, certified public accountants, physicians, surgeons, and registered engineers, by agencies and departments of the State of Texas, political subdivisions, counties, municipalities, districts, public authorities or publicly-owned utilities; defining terms; declaring public policy; prohibiting contracting for such services by competitive bidding; providing for severability; providing a repealing clause and declaring an emergency. Acts 1971, 62nd Leg., p. 72, ch. 38.

CHAPTER FOUR—PUBLIC BUILDINGS AND GROUNDS DIVISION

Art. 666. Salvage and Surplus Act of 1957

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Transfer or sale of surplus and salvage equipment or material

Sec. 6a. (a) When a state agency reports to the Board of Control that it has surplus or salvage equipment or material, the Board shall inform other state agencies of the existence, kind, number, location and condition of the equipment or material and it shall maintain a mailing list, renewable annually, of county purchasing agents or other officers performing similar functions who have asked for information on such surplus or salvage equipment or material as the State may have available.

(b) The county purchasing agent or other officer shall notify the Board of Control within 30 days from the date of the notice of the Board of Control if he desires to negotiate for surplus or salvage equipment or material.

(c) If no state agency negotiates an interagency transfer of the equipment or material within 30 days from the date of the notice of the Board of Control, and if the Board of Control determines that the equipment or material will not satisfy a state need, the Board may authorize the sale or transfer of surplus or salvage material or equipment to any county which has expressed a desire to negotiate.

(d) The Board of Control shall adopt rules and regulations to govern occasions when more than one county expresses a desire to negotiate for the same surplus or salvage material or equipment. The Board may adopt other necessary rules and regulations to govern the sale or transfer of surplus or salvage material and equipment to counties.

(e) If no state agency negotiates an interagency transfer of the equipment or material within 30 days from the date of the notice from the Board of Control and no county has expressed a desire to negotiate, or if a county or counties have expressed a desire to negotiate but are unable to negotiate a sale or transfer of the equipment or material within 40 days from the date of the notice from the Board of Control, the Board may offer the equipment or material to the organization known as the Texas Partners of the Alliance, a registered agency with the Advisory Committee on Voluntary Foreign Aid, with the approval of the Partners of the Alliance office of the Agency for International Development. The equipment or material shall be offered at its fair market value as determined by mutual agreement between the Board of Control and the Texas Partners of the Alliance.

(f) If the Texas Partners of the Alliance do not accept the offer within 60 days, or if the Board of Control and the Texas Partners of the Alliance cannot agree on the fair market value of the equipment or material, the Board shall sell or dispose of the material as otherwise provided by this Act.

Sec. 6a added by Acts 1967, 60th Leg., p. 1211, ch. 546, § 1, eff. Aug. 28, 1967. Amended by Acts 1971, 62nd Leg., p. 1870, ch. 553, § 1, eff. June 1, 1971.

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Art. 678. State Cemetery

(a) The State Board of Control shall control, superintend and beautify the grounds of the State Cemetery and shall preserve the grounds and everything pertaining thereto and protect the property from depreciation and injury. The Board shall procure and erect, at the head of each grave which has no permanent monument, an obelisk of marble upon which shall be engraved the name of the dead therein buried.

(b) The persons eligible for burial in the State Cemetery are as follows:

(1) present and former members of the Texas Legislature;

(2) present and former elective state officials;

(3) present and former state officials who have been appointed by the Governor and confirmed by the Texas Senate;

(4) persons specified by a Governor's proclamation; and

(5) persons specified in a concurrent resolution adopted by the Texas Legislature.

(c) Grave spaces shall be allotted for a person eligible for burial and for his or her spouse, together with his or her unmarried child or children, which child or children shall be buried alongside his, her, or their parent or parents, provided that such child on the effective date of this Act or at the time of his or her death is a resident in any state eleemosynary insti-

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tution. Children other than those hereinabove made eligible for burial may not be included. The size of a grave plot may not be longer than eight feet nor wider than five feet times the number of persons of one family authorized hereunder to be buried alongside one another.

(d) No monument or statue may be erected that is taller than any existing monument or statue in the State Cemetery on the effective date of this Act.

(e) No trees, shrubs, or flowers may be planted in the State Cemetery without written permission from the State Board of Control.

(f) Burial of persons on state property may take place only in the State Cemetery or in a cemetery maintained by a state eleemosynary institution, and no other state property, including the capitol grounds, may be used as an interment site.

(g) Allotment and location of the necessary number of grave plots authorized shall be made by the State Board of Control upon application of the person primarily eligible hereunder or by his or her spouse, or by the executor or administrator of his or her estate.

Amended by Acts 1969, 61st Leg., p. 1594, ch. 489, § 1, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 1146, ch. 259, § 1, eff. May 18, 1971.

Art. 678d—1. Vending facilities operated by blind persons

Definitions

Section 1. In this Act, unless the context requires a different definition,

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(6) "Rehabilitation Commission" means the Texas Constitution for Rehabilitation.

(7) "handicap" includes any physical or mental condition determined by the Commission or the Rehabilitation Commission to constitute a substantial vocational disadvantage.

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Licensing procedure—first priority to be given to blind

Sec. 3. Upon written notification by an agency in control of state property that a vending facility is desired on the property, or, upon its own initiative, the Commission

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(3) allow the Rehabilitation Commission to install a vending facility to be operated by a handicapped person other than a blind individual, according to rules and procedures comparable to those adopted by the Commission pursuant to Section 4 of this Act (interagency agreements for management services and related forms of necessary assistance being hereby expressly authorized), if the Rehabilitation Commission indicates that it is interested in undertaking such activities.

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Persons who may be licensed

Sec. 6.

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(e) When a vending facility is installed or operated by the Rehabilitation Commission pursuant to Section 7(a), the installation and operation of the facility shall, so far as possible, conform to the provisions of this Act applicable to vending facilities installed by the Commission.

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Employment of other handicapped persons in vending facilities

Sec. 7. (a) If the nature of a location for a vending facility on State property is such that the Commission determines a blind person could not properly operate the facility, the Rehabilitation Commission may survey the location to determine if an individual handicapped by a condition other than blindness might be able to operate the facility in a proper manner. The Commission and the Rehabilitation Commission are authorized to develop such procedures and methods of exchanging information as might be necessary to implement the cooperative activities agreed to under this subsection.

(b) If an individual licensed to operate a vending facility on State property requires hired assistance for the proper operation of the vending facility, priority shall be given to the employment of a visually handicapped person who is available and qualified to work as an assistant in the vending facility. If labor requirements are such that another visually handicapped person cannot, in the Commission's determination, successfully perform the labor for which an assistant is desired, or if another qualified visually handicapped person is not available, preference in employment shall be given to an individual handicapped by a disability that is not of a visual nature. If it is determined that a person handicapped by a disability not related to vision cannot successfully perform the labor for which an assistant is desired, or if no qualified person with a disability that is not of a visual nature is available, preference in employment of an assistant shall be given to an individual who is disadvantaged by reason of social, cultural, economic or educational factors.

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Competing vending facilities

Sec. 8.

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(b) It is the duty of the heads of all State agencies concerned to negotiate and to cooperate in good faith to accomplish the purposes of this Act. This provision applies equally to vending facilities, including vending machines or other coin-operated devices, in competition with a Commission sponsored vending facility on or before the effective date of this Act, vending facilities, including vending machines and other coin-operated devices, which would, if installed, be in competition with an existing Commission sponsored vending facility, and vending facilities, including vending machines or other coin-operated devices, the installation and operation of which in a State building precludes the installation and operation of a vending facility by the Commission or the Rehabilitation Commission.

(c) When vending machines are located in the same building as is a vending facility operated by a blind or otherwise vocationally handicapped individual, all commissions from the vending machine are to be received by the blind or otherwise vocationally handicapped individual. When vending machines and more than one vending facility operated by a blind or otherwise vocationally handicapped individual are located in the same building, the assignment of commissions from the vending machines shall be determined by the Commission, with a view toward achieving equity and equality in the incomes of the blind or otherwise vocationally handicapped individuals. If the Commission and the Rehabilitation Commission have, pursuant to Section 3 and Section 7(a) of this Act, rejected a location for a vending facility operated by a blind or otherwise vocationally handicapped individual, the assignment of commissions from vending machines is to be determined by the agency to whom a general permit is issued.

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Vending facility equipment and stock

Sec. 10. (a) The Commission may supply a blind vending facility operator with equipment and initial stock necessary for him to begin business.

(b) The Commission shall collect and set aside from the proceeds of the operation of its vending facilities enough money

(1) to insure a sufficient amount of initial stock for the vending facilities it operates and for their proper maintenance;

(2) to defray the costs of supervision and other expenses incidental to the operation of the vending facilities;

(3) to defray other program costs, to the extent not contraindicated by federal statutes applicable to those programs through which the Commission obtains financial support, and to the extent determined by the Commission to be necessary for assuring the fair and equal treatment of all blind persons licensed by the Commission to operate vending facilities on State or other property.

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Conformity with federal statutes; training; program improvements

Sec. 11A. (a) The provisions of this Act shall be construed in such manner as to be made as consistent as possible with the requirements of federal programs through which the Commission obtains financial support. In the event of any conflict between the provisions of this Act and applicable federal requirements, the Commission may, to the extent necessary to preclude questions of conformity and to the extent necessary to secure full and continued benefit of any applicable federal statutes, waive or modify provisions of this Act determined to be contraindicated by federal statutes, federal requirements or final decisions by courts of competent jurisdiction.

(b) In order to provide necessary and proper training to blind persons desiring to be licensed to operate vending facilities, and in order to develop and perfect techniques which will allow blind persons to operate such facilities or related types of small business enterprises more efficiently and more productively, the Commission may establish such locations for training or experimentation as may be determined necessary.

Applicability

Sec. 12.

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(b) No vending facility operated by a blind or otherwise vocationally handicapped individual, nor any vending facility location surveyed by the Commission, is to be closed because of the transfer of State property from one agency to another, the reorganization of a State agency, or the alteration of a State building, unless the closing is agreed to by the Commission or the Rehabilitation Commission.

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Acts 1965, 59th Leg., p. 445, ch. 227, eff. Aug. 30, 1965. Sec. 1(6) amended by Acts 1971, 62nd Leg., p. 1262, ch. 320, § 1, eff. May 24, 1971; Sec. 1(7) amended by Acts 1971, 62nd Leg., p. 1262, ch. 320, § 2, eff. May 24, 1971; Sec. 3(3) amended by Acts 1971, 62nd Leg., p. 1263, ch. 320, § 6; eff. May 24, 1971; Sec. 6(e) amended by Acts 1971, 62nd Leg., p. 1262, ch. 320, § 3, eff. May 24, 1971; Sec. 7(a) amended by Acts 1971, 62nd Leg., p. 1263, ch. 320, § 7, eff. May 24, 1971; Sec. 7(b) amended by Acts 1971, 62nd Leg., p. 1264, ch. 320, § 8, eff. May 24, 1971; Sec. 8(b), (c) amended by Acts 1971, 62nd Leg., p. 1262, ch. 320, § 4, eff. May 24, 1971; Sec. 10(a), (b) amended by Acts 1971, 62nd Leg., p. 1264, ch. 320, § 9, eff.

May 24, 1971; Sec. 11A added by Acts 1971, 62nd Leg., p. 1265, ch. 320, § 10, eff. May 24, 1971; Sec. 12(b) amended by Acts 1971, 62nd Leg., p. 1263, ch. 320, § 5, eff. May 24, 1971.

[1] Article 678d.

Art. 678f. State Building Construction Administration Act

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Projects covered and excluded

Sec. 3. This Act shall apply to all building construction projects as herein defined which may be undertaken by the State, with the following exceptions:

(A) All projects constructed by and for the Texas Highway Commission;

(B) All projects constructed by and for State institutions of higher education;

(C) All projects constructed by and for the Texas Department of Corrections;

(D) Pens, sheds and ancillary buildings constructed by and for the Texas Agriculture Department for the processing of livestock prior to export;

(E) Repair and rehabilitation projects of any other using agency, provided all labor for such projects is provided by the regular maintenance forces of the using agency under specific legislative authorization and provided further, that such projects do not require the advance preparation of working plans and/or drawings.

Nothing in this section shall be construed as prohibiting the Commission from undertaking a project excluded by this section under an interagency agreement originated by the appropriate using agency, and provided further, that nothing in this section shall be construed as exempting any agency or institution from the requirements of Section 15 of this Act (Compilation of Construction and Maintenance Data).

In addition to the exclusions enumerated in this section, the Commission may, by regulation, exclude repair and rehabilitation projects involving the use of contract labor, provided such projects do not require the advance preparation of working plans and drawings.

Acts 1965, 59th Leg., p. 926, ch. 455, eff. Sept. 1, 1965. Sec. 3 amended by Acts 1971, 62nd Leg., p. 1104, ch. 238, § 1, eff. May 17, 1971.

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Art. 678g. Construction of public buildings and facilities for use by handicapped persons

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Application of act

Sec. 2.

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(c) These standards and specifications shall be adhered to in all buildings leased or rented in whole or in part for use by the state under any lease or rental agreement entered into on or after January 1, 1972. To such extent as is not contraindicated by federal law or beyond the power of the state's regulation, these standards shall also apply to buildings or facilities leased or rented for use by the state through partial or total use of federal funds. Facilities which are the subject of lease or rental agreements on January 1, 1972, will not be required to meet

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standards and specifications for the term of the existing lease or rental agreement but must be brought into compliance before a lease or rental agreement is renewed. Where it is determined by the governmental department, agency, or unit concerned that full compliance with any particular standard is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the State Building Commission. If it is determined that full compliance is not practical, there shall be substantial compliance with the standard or specification to the maximum extent practical, and the written record of the determination that it is impractical to comply fully with a particular standard or specification shall also set forth the extent to which an attempt will be made to comply substantially with the standard for specification.

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Identification for the blind

Sec. 17. Appropriate identification of specific facilities within a building used by the public is essential to the blind. Raised or incised letters or numbers shall be used to identify rooms and offices. Identification shall be placed on the wall, to the right or left of the door, at a height between 4 feet 6 inches and 5 feet 6 inches measured from the floor, and preferably at 5 feet. Doors that are not intended for normal use, and that are dangerous if a blind person were to exit or enter by them, shall be made quickly identifiable to the touch by knurling the door handle or knob.

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Responsibilities for enforcement

Sec. 20. (a) The responsibility for administration and enforcement of this Act shall reside primarily in the State Building Commission, but the State Building Commission shall have the assistance of appropriate state rehabilitation agencies in carrying out its responsibilities under this Act. State agencies involved in extending direct services to disabled or handicapped persons are authorized to enter into interagency contracts with the State Building Commission to provide such additional funding as might be required to insure that service objectives and responsibilities of such agencies are achieved through the administration of this Act. In enforcing this Act the State Building Commission shall also receive the assistance of all appropriate elective or appointive state officials. The State Building Commission shall from time to time inform professional organizations and others of this law and its application.

(b) The State Building Commission shall have all necessary powers to require compliance with its rules and regulations and modifications thereof and substitutions therefor, including powers to institute and prosecute proceedings in the District Court to compel such compliance, and shall not be required to pay any entry or filing fee in connection with the institution of such proceedings.

(c) The State Building Commission is authorized to promulgate such rules and regulations as might reasonably be required to implement and enforce this Act. The State Building Commission, after consultation with state rehabilitation agencies, is also authorized to waive any of the standards and specifications presently set forth in this Act and to substitute in lieu thereof standards or specifications consistent in effect to such standards or specifications as might be adopted by the American Standards Association, Inc. (or its federally-recognized successor in function) subsequent to the effective date of this Act.

(d) All plans and specifications for construction of buildings subject to the provisions of this Act shall be submitted to the State Building

Commission for review and approval prior to bidding and award of contract in accordance with rules and regulations adopted by the State Building Commission. Likewise, any substantial modification of approved plans shall be resubmitted to the State Building Commission for review and approval.

(e) The State Building Commission may review plans and specifications, make inspections, and issue certifications that privately owned structures are free of architectural barriers and in compliance with the provisions of this Act. The State Building Commission is authorized to charge a fee, not to exceed $100, for review of plans and specifications, inspection, and certification of each privately owned building or facility.

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Acts 1969, 61st Leg., p. 1002, ch. 324, eff. Jan. 1, 1970. Sec. 2(c) added by Acts 1971, 62nd Leg., p. 3043, ch. 1005, § 1, eff. Aug. 30, 1971; Sec. 17 amended by Acts 1971, 62nd Leg., p. 3044, ch. 1005, § 2, eff. Aug. 30, 1971; Sec. 20 amended by Acts 1971, 62nd Leg., p. 3044, ch. 1005, § 3, eff. Aug. 30, 1971.

CHAPTER FOUR A—STATE BUILDING COMMISSION

Art. 678m—5. Grant of easements and rights-of-way for state project facilities

The State Building Commission or such Commission's successor in function is hereby authorized and empowered to grant such permanent and temporary easements and rights-of-way over and on lands of any State agency on any project administered by the State Building Commission as shall be necessary to insure the efficient and expeditious construction, improvement, renovation, use and operation of such State agency project building or facility.

Acts 1971, 62nd Leg., p. 1240, ch. 306, § 1, eff. May 24, 1971.

Title of Act:

An Act authorizing the State Building Commission or such Commission's successor in function to grant such easements and rights-of-way on behalf of the State of Texas as shall be necessary to construct, improve, renovate, use and operate project facilities for any State agency on any project administered by the State Building Commission; and declaring an emergency. Acts 1971, 62nd Leg., p. 1240, ch. 306.

TITLE 20A. BOARD AND DEPARTMENT OF PUBLIC WELFARE

Art.
695*l*. Uniform system of accounting; counties, hospital districts and certain cities; quarterly reports [New].

Art. 695c. Public Welfare Act of 1941

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Commodity distribution; food stamps

Sec. 7-A. There is hereby created in the State Department of Public Welfare a new Division to be known as the "Commodity Distribution Division." The State Department of Public Welfare shall be responsible for the distribution of such commodities and/or food stamps as may be made available to the State Department of Public Welfare by the United States Department of Agriculture or any other federal agency or department. The State Department of Public Welfare shall establish policies of operation and place into effect appropriate rules and regulations to assure the widest and most efficient distribution of agricultural commodities and/or food stamps to eligible recipients of the State. The Department shall have the authority to establish Distribution Districts on a geographical basis and to employ such Distributing Agents as may be determined necessary by the Commissioner of the State Department of Public Welfare and/or make such arrangements to efficiently effect the distribution of commodities and/or food stamps as the Department shall deem necessary.

The State Department of Public Welfare shall select and is hereby authorized to employ such personnel as it may deem necessary to carry out the provisions of this Act.

In order to effectuate the provisions of this Act, the State Department of Public Welfare is hereby authorized and empowered to enter into agreements with the United States Department of Agriculture and any other federal agency or department as a prerequisite to the allocation of commodities and/or food stamps, and with eleemosynary institutions, schools and other eligible agencies and recipients of commodities and/or food stamps. The State Department of Public Welfare is further authorized and empowered to enter into contracts or agreements with any State institutions or agencies or with private agencies for the processing of perishable commodities in order that they may be preserved for subsequent distribution to eligible recipients, such contracts or agreements to be on a nonprofit basis, with the cost of processing to be borne by each recipient on a pro rata basis in relation to the amount of the processed commodities received by the respective Districts. It is further authorized and empowered to levy and assess reasonable handling charges against such recipients to the extent necessary in the distribution of commodities and/or food stamps provided that the total operations will be conducted on a nonprofit basis. Such assessments shall be uniform in each Distribution District and at a rate agreed upon by the State Department of Public Welfare, provided that such assessments for commodities and/or food stamps shall not exceed Sixty Cents (60¢) per annum per capita recipient. The assessments shall be made by the State Department of Public Welfare at such times and in such amounts, not to exceed the limitations herein stated, as the Department deems necessary for the proper administration of these Programs.

It is further provided that the money to be assessed shall be paid to the State Department of Public Welfare and shall be used for no other purposes except for the necessary economic operation of the Programs subject to rules and regulations which may be established by the State Department of Public Welfare, by the provisions of this Act, and by the

provisions of the general appropriation Acts of the Legislature. The funds received by the State Department of Public Welfare shall be deposited in a separate account in the State Treasury, and shall be subject to withdrawals upon authorization by the Commissioner of said Department. The State Department of Public Welfare is hereby authorized and empowered to establish in each Distribution District, under the direction of the State Department of Public Welfare, a revolving fund or petty cash expense fund for the purpose of making emergency payments for services or goods, or other necessary emergency activities. The amounts of such funds shall be set by the Commissioner of the State Department of Public Welfare in relation to the anticipated needs of the respective Districts and in accordance with rules and regulations prescribed by the State Department of Public Welfare. Creation and reimbursement of said revolving fund shall be paid out of assessments collected by the State Department of Public Welfare from the recipients of commodities and/or food stamps.

The Agent shall be bonded and it shall be the duty of the State Department of Public Welfare to audit his records at least once annually and at any other time as deemed expedient by the Department.

The revolving fund at the disposal of each Distributing Agent shall be deposited in a bank designated by the Commissioner of the State Department of Public Welfare in an account to be known as the "Commodity Distribution Fund" and such money shall be expended upon the authority of the Distributing Agent under the direction of the State Department of Public Welfare. The Distributing Agent will make a monthly report to the State Department of Public Welfare of funds received and disbursed. In the event of the termination of the Commodity Distribution Program and/or the Food Stamp Program, the money remaining on hand in the "Commodity Distribution Fund" in each District, after all due and just accounts are paid, will be refunded to the contributors on a pro rata basis. In the event of the termination of the Commodity Distribution Program and/or the Food Stamp Program, the money remaining on hand in the separate special fund in the bank in Austin created pursuant to and in accordance with the provisions of this Act, after all due and just accounts are paid will be refunded to the contributors on a pro rata basis.

All equipment or property now in use by the various Distributing Agents over the State which was purchased from funds made available directly or indirectly from the distribution of commodities and/or food stamps are hereby transferred to the State Department of Public Welfare and from and after the effective date of this Act shall be the responsibility of the State Department of Public Welfare. In the event of the termination of the Commodity Distribution Program and/or the Food Stamp Program, such equipment, or any subsequently purchased from the "Commodity Distribution Fund," shall be sold on the basis of competitive bids; the proceeds to be deposited in the "Commodity Distribution Fund" in the respective Districts and liquidated as provided elsewhere in this Act.

The State Department of Public Welfare is hereby authorized to sell used commodity containers and the proceeds from the sale of the used commodity containers in each District shall be deposited in the special fund known as the "Commodity Distribution Fund" to be used for the purpose of furthering the commodity program and expended as hereinbefore provided.

The State Department of Public Welfare may establish on a State and/or District level Advisory Boards to serve in advisory capacity to facilitate the operation of the Commodity Distribution Program and/or the Food Stamp Program; such Advisory Boards shall be of such size, membership, and experience as may be determined by the Commissioner of the Department of Public Welfare to be essential for the accomplish-

For Annotations and Historical Notes, see V.A.T.S.

ment of the purposes of this Act not in conflict with or duplication of other laws on this subject.

Sec. 7–A amended by Acts 1971, 62nd Leg., p. 2411, ch. 761, § 1, eff. Sept. 1, 1971.

Child-caring institutions

Sec. 8(a).

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9a. Rules Relating to Immunization of Children

(a) The State Department of Public Welfare shall promulgate rules and regulations relating to the immunization of children admitted to institutions and facilities covered by this Act. The rules shall require the immunization of each child at an appropriate age against diphtheria, tetanus, poliomyelitis, rubella, rubeola, and smallpox, and such immunization must be effective upon the date of first entry into the institution or facility; provided however, a person may be provisionally admitted if he has begun the required immunizations and if he continues to receive the necessary immunizations as rapidly as is medically feasible. The State Department of Health shall promulgate rules and regulations relating to the provisional admission of persons to institutions and facilities covered by this Act. The State Board of Health may modify or delete any of the immunizations listed in this section or may require immunization against additional diseases as a requirement for admission to institutions and facilities covered by this Act, provided however, that no form of immunization shall be required for a child's admission to an institution or facility if the person applying for the child's admission submits either an affidavit signed by a doctor in which it is stated that, in the doctor's opinion, the immunization would be injurious to the health and well-being of the child or any member of his family or household, or an affidavit signed by the parent or guardian of the child stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member.

(b) Each institution or facility covered by this Act shall keep an individual immunization record for each child admitted, and the records shall be open for inspection by the State Department of Public Welfare at all reasonable times.

(c) The State Department of Health shall provide the required immunizations to children in areas where no local provision exists to provide these services.

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Sec. 8(a), subsec. 2(e) amended by Acts 1965, 59th Leg., p. 1444, ch. 634, § 1, eff. Aug. 30, 1965; Sec. 8(a), subsec. 9a added by Acts 1971, 62nd Leg., p. 710, ch. 74, § 1, eff. April 26, 1971; amended by Acts 1971, 62nd Leg., p. 2889, ch. 953, § 1, eff. June 15, 1971.

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Art. 695c—2. Protection of children from abuse and neglect; reports; investigation; procedures and remedies; central registry

Purpose

Section 1. The purpose of this Act is to protect children whose physical or mental health and welfare are adversely affected by abuse or neglect and may be further threatened by the conduct of those responsible for their care and protection by providing for the mandatory reporting of suspected cases by any person having cause to believe that such case exists. It is intended that as a result of such reports the protective services of the State shall be brought to bear on the situation in an effort to prevent further abuses, and to safeguard and enhance the welfare of these children. This Act shall be administered and interpreted to provide the greatest possible protection as promptly as possible for such children.

Persons Required to Report

Sec. 2. Any person having cause to believe that a child's physical or mental health or welfare has been or may be further adversely affected by abuse or neglect shall report in accordance with Section 3 of this Act.

Content of Reports and to Whom Made

Sec. 3.

(a) Non-accusatory reports reflecting the reporter's belief that a child has been abused or neglected shall be made to the County Child Welfare Unit, or to the county agency responsible for the protection of juveniles, or to any local or State law enforcement agency.

(b) All reports shall contain the name and address of the child, the name and address of the person responsible for the care of the child, if available, and any other pertinent information.

(c) All reports received by any local or State law enforcement agency shall be referred to the County Child Welfare Unit, or to the county agency responsible for the protection of juveniles.

(d) An oral report shall be made immediately upon learning of the abuse or neglect as prescribed in Subsection (a) of this section, and a written report shall follow within five days to the same agency or department. Anonymous reports, while not encouraged, will be received and acted upon in the same manner as acknowledged reports.

Immunities

Sec. 4. Any person reporting pursuant to this Act shall have immunity from liability, civil or criminal, that might otherwise be incurred or imposed. Such immunity shall extend to participation in any judicial proceeding resulting from such report. Persons reporting in bad faith or malice are not protected by this section.

Waiver of Privileges

Sec. 5. Any privilege between husband and wife, or between any professional person, except lawyers, or organization, including but not limited to physicians, ministers, counsellors, hospitals, clinics, day-care centers, and schools, and their clients shall not be grounds for excluding evidence at any proceeding regarding the abuse or neglect of the child or the cause thereof.

Mandate to Receiving Agency

Sec. 6.

(a) The County Child Welfare Unit, or the county agency responsible for the protection of juveniles, shall make a thorough investigation promptly after receiving either the oral or written report. The primary purpose of the investigation shall be the protection of the child.

(b) The investigation shall include the nature, extent, and cause of the abuse or neglect; the identity of the person(s) responsible therefor; the names and conditions of the other children in the home; an evaluation of the parents, or persons responsible for the care of the child, the home environment, and the relationship of the child(ren) to the parents, or persons responsible for their care; and all other pertinent data.

(c) The investigation shall include a visit to the child's home, a physical and psychological or psychiatric examination of all the children in that home, and an interview with the subject child. If admission to the home, school, or any place where the child may be, or permission of the parents or persons responsible for the child(ren)'s care for the physical and psychological or psychiatric examinations cannot be obtained, then the juvenile court, or the district court, upon cause shown, shall order the parents or persons responsible for the care of the children, or the person(s) in charge of any place where the child may be, to allow entrance for the interview, above examinations, and investigation.

For Annotations and Historical Notes, see V.A.T.S.

(d) If before the investigation is complete, the opinion of the investigators is that immediate removal is necessary to protect the children from further abuse or neglect, the juvenile court, or district court, upon petition of the investigators and with good cause being shown, shall issue an instanter order for the temporary removal and temporary custody of the children with a suitable agency or persons pending completion of the investigation and final rendition of the case. Said order shall set a date and time for a hearing which shall be within 10 days from the date of said order, on continued temporary custody of the children, and the clerk of the court shall issue citation and notice to the parents, or persons responsible for the care of the children, to show cause why the temporary order should not be continued until the investigation is complete, or a hearing for the permanent custody of the children is held, which shall be within a reasonable time, but not more than 120 days, after completion of the investigation. Said order shall appoint an attorney to represent the interest of the child or children in all hearings which follow. The juvenile court, or district court, shall have jurisdiction to issue any order it deems necessary for the protection and enhancement of the welfare of the children, including but not limited to remedial casework service for parents, or persons responsible for the care of the children, and the subject children.

(e) The county agency responsible for the protection of juveniles, or the County Child Welfare Unit, shall make a complete written report of the investigation together with its recommendations to the juvenile court or the district court, the district attorney, and the appropriate law enforcement agency.

Central Registry

Sec. 7. There shall be established and maintained in Austin, Texas, by the Texas State Welfare Department a central registry of reported cases of child abuse and/or neglect. The department may adopt such rules and regulations as may be necessary in carrying out the provisions of this section; specifically, such rules shall provide for cooperation with local child service agencies, including but not limited to hospitals, clinics, and schools, and cooperation with other states in exchanging reports to effect a national registration system.

Definitions

Sec. 8. When used in this Act the following words shall have the indicated meaning:

(1) "Person" and "persons" as used in this Act mean any individual, firm, partnership, joint stock company, joint venture, association, or corporation, and specifically include city, county, or State law enforcement agencies; and

(2) "Child" and "children" as used in this Act mean any individual under the age of 18 years.

Acts 1965, 59th Leg., p. 277, ch. 117, eff. Aug. 30, 1965. Amended by Acts 1969, 61st Leg., p. 637, ch. 219, § 1, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 2790, ch. 902, § 1, eff. June 15, 1971.

Art. 695k—1. Contribution of funds to local organizations cooperating with Governor's Committee on Aging; Counties of 24,400 to 24,500

In all counties of the State of Texas having a population of not less than 24,400 and not more than 24,500, according to the last preceding federal census, any such county, or any city or town located in any such county, may cooperate with the Governor's Committee on Aging in carrying out the purposes of such committee on a local level by con-

tributing funds to any local organization the functions of which, in whole or in part, are to cooperate with such committee, and which does operate with the approval and sanction of the Governor's Committee on Aging, as set out in Chapter 320, Acts of the 59th Legislature, Regular Session, 1965 (Article 695k, Vernon's Texas Civil Statutes). The fact that the buildings, facilities, services, or programs operated by such organization may be in part for other community activities or benefits shall not prohibit the contributing of such funds provided the Governor's Committee on Aging has approved that part of the program applying to the aging.

Acts 1969, 61st Leg., p. 1803, ch. 607, § 1, eff. June 12, 1969. Amended by Acts 1971, 62nd Leg., p. 1847, ch. 542, § 119, eff. Sept. 1, 1971.

Art. 695*l*. Uniform system of accounting; counties, hospital districts and certain cities; quarterly reports

Section 1. The Commissioners Court of every county in this State, the governing body of each hospital district, and the governing body of each city in this State with a population of 10,000 or more, according to the last preceding federal census, shall establish and maintain a uniform system of accounting whereby adequate and accurate records are compiled setting forth all the expenditures made by the county, city, or hospital district in connection with any of its welfare assistance programs.

Sec. 2. The State Comptroller of Public Accounts, with the advice and assistance of the Texas Department of Public Welfare and the State Auditor, shall prescribe a uniform system of accounting and records to be used by the counties, hospital districts, and cities in the performance of their duties as required by Section 1 of this Act. The accounting system used and the records maintained by the counties, hospital districts, or cities in connection with Section 1 of this Act must be approved by and done in accordance with the directions of the State Comptroller of Public Accounts.

Sec. 3. On the first day of January, 1972, and thereafter quarterly, the Commissioners Court of each county, the governing body of each hospital district, and the governing body of each city covered by the provisions of this Act shall cause to be filed with the State Comptroller of Public Accounts a report setting forth all expenditures by the county, hospital district, or city in connection with welfare assistance programs participated in by the county, hospital district, or city. Such reports shall be submitted on forms prepared by the State Comptroller of Public Accounts and shall contain all such information as may be required by the State Comptroller of Public Accounts.

Sec. 4. All such reports filed with the State Comptroller of Public Accounts by the counties, hospital districts, and the cities shall be kept and maintained by the State Comptroller of Public Accounts and shall be available to such other agencies of the State of Texas as may have use for the information contained therein.

Acts 1971, 62nd Leg., p. 1056, ch. 216, eff. May 17, 1971.

Section 5 of the 1971 Act provided: "If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end, the provisions of this Act are declared to be severable."

Title of Act:

An Act requiring every county, hospital district, and all cities with a population of 10,000 or more to establish a uniform system of accounting and record maintenance in connection with expenditures for all forms of welfare assistance; providing that the State Comptroller of Public Accounts, with the advice and assistance of the Texas Department of Public Welfare and the State Auditor, shall prescribe the system of accounting to be used and approve the system used; providing for the filing of quarterly reports by the cities, counties, and hospital districts with the State Comptroller of Public Accounts; providing for the use of such reports by State agencies; making other provisions relating thereto; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 1036, ch. 216.

TITLE 22. BONDS—COUNTY, MUNICIPAL, ETC.

CHAPTER ONE—GENERAL PROVISIONS AND REGULATIONS

Art. 709d. Offer for sale of bonds, obligations and pledges; submission to Attorney General; certificate of validity

When any county bonds, or the bonds of any incorporated city, independent or common school district, road precinct, drainage, irrigation, navigation and levee districts, or obligations and pledges of the University of Texas are offered for sale, the party offering, or proposing to sell, such bonds, obligations, and pledges shall first submit them to the Attorney General, who shall carefully inspect and examine the same in connection with the law under which they were issued, and shall diligently inquire into the facts and circumstances so far as may be necessary to determine the validity thereof; and, upon being satisfied that such bonds, obligations, and pledges were issued in conformity with law, and that they are valid and binding obligations, he shall thereupon certify to their validity, and his certificate to that effect, so procured by the party offering such bonds, obligations, and pledges as the case may be, shall be submitted to the Comptroller or State Board of Education with the bonds, obligations, and pledges so offered for sale, and shall be carefully preserved by the Comptroller. If the same be purchased from the county, city, precinct, or district issuing the same or from the University of Texas, or from any person authorized to act for it in the negotiation or sale of the same, they shall thereafter be held to be valid and binding obligations in every action or proceeding in which their validity is or may be called in question, unless fraudulently issued, or issued in violation of the constitutional limitation. In every such action, such certificate of the Attorney General shall be admitted and received as prima facie evidence of the validity of such bonds, obligations, or pledges, and coupons thereto, which may have been so purchased.

Acts 1905, p. 263. Amended by Acts 1909, p. 216; Acts 1929, 41st Leg., p. 573, ch. 278, § 1. Renumbered as art. 709d from art. 2670 by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 16(a), eff. Aug. 30, 1971.

Section 16(c) of the 1971 act provided: "This section has no effect except as to the official citation of the article affected."

TITLE 24—BUILDING—SAVINGS AND LOAN ASSOCIATIONS

CHAPTER ONE. SHORT TITLE, FORM, DEFINITIONS

Art. 852a, sec. 1.03. Definitions

As used in this Act the following terms, unless otherwise clearly indicated by the context, have the meanings specified below:

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(10) "Member" shall mean a person holding a savings account in an association, or owning one or more shares of its Permanent Reserve Fund Stock, or borrowing from or assuming or obligated upon a loan in which an association has an interest, or owning property which secures a loan in which an association has an interest. The voting rights of members shall be as provided in the bylaws of each respective association.
Sec. 1.03(10) amended by Acts 1971, 62nd Leg., p. 2811, ch. 913, § 1, eff. Aug. 30, 1971.

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CHAPTER THREE. DIRECTORS, OFFICERS AND MEMBERS

Art. 852a, sec. 3.06. Meetings of members; voting rights

The annual meeting of the members of each association shall be held each year at the time fixed in the bylaws of the association. Special meetings may be called as provided in the bylaws. Those members or stockholders who shall be entitled to vote at any annual or special meeting of the association shall be those members or stockholders of record as of the end of the calendar year preceding the meeting or those of record 20 business days prior to the date on which the notice of the meeting is given, whichever is later, except those who have ceased to be members or stockholders between the record date and the date of the meeting. The bylaws may provide the basis for computing the number of votes which a member shall be entitled to cast, and in the instance of a Permanent Reserve Fund Stock association the bylaws may provide that only holders of Permanent Reserve Fund Stock shall have the right to vote. In the absence of any bylaw provision to the contrary, in the determination of all questions requiring action by the members, each member shall be entitled to cast one (1) vote by virtue of his membership, plus an additional vote for each share or fraction thereof of the Permanent Reserve Fund Stock of the association, if any, owned by such member, and an additional vote for each One Hundred Dollars ($100) or fraction thereof of the withdrawal value of savings accounts, if any, held by such member. A loan or a savings account shall create a single membership for voting purposes even though more than one person is obligated on such loan or has an interest in such savings account. Voting may be in person or by proxy. Every proxy shall be in writing and signed by the member or his duly authorized attorney-in-fact and, when filed with the secretary, shall, unless otherwise specified in the proxy, continue in force from year to year until a revocation in writing is duly delivered to the secretary or until superseded by subsequent proxies. The bylaws of each association shall specify the quorum requirements and other voting requirements for conducting business at membership meetings.
Sec. 3.06 amended by Acts 1971, 62nd Leg., p. 2811, ch. 913, § 2, eff. Aug. 30, 1971.

CHAPTER EIGHT. SUPERVISION AND REGULATION, BOOKS AND RECORDS, ACCOUNTING PRACTICES, STATEMENTS, REPORTS, AUDITS, EXAMINATIONS, VIOLATIONS, RECEIVERSHIP

Art. 852a, sec. 8.10. Annual audit and examination

The Commissioner shall at frequent intervals examine or cause an examination to be made into the affairs of every association subject to this Act. If an association is not audited in a manner satisfactory to the Commissioner, the examination of such association shall include an audit. Upon completion of an audit, one (1) copy of same, signed and certified by the auditor making such audit, shall be promptly filed with the Commissioner. The Commissioner, any deputy commissioner, or his examiners or auditors shall have free access to all books and records of an association which relate to its business and books and records kept by any officer, agent or employee relating to or upon which any record of its business is kept; and may summon witnesses and administer oaths or affirmations in examination of the directors, officers, agents, or employees of any such association, or any other person in relation to its affairs, transactions and condition, and may require and compel the production of records, books, papers, contracts or other documents by court order, if not voluntarily produced.

Sec. 8.10 amended by Acts 1971, 62nd Leg., p. 2812, ch. 913, § 3, eff. Aug. 30, 1971.

Art. 912a—10. Dedication

Repeals

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Repeal of fees provided for county clerks in laws, or parts of laws, conflicting with the provisions of article 3930, see note under article 3930.

Art. 912a—13. Rights in plot of an individual owner; conveyance of exclusive right of sepulture therein; conveyances subject to the rules and regulations of the cemetery association; filing and recording of conveyances in the office of the cemetery association; designation of representative by co-owners in a plot

If the exclusive right of sepulture in a plot has been conveyed to an individual owner who is interred therein, then, unless such owner has made specific disposition of such plot either by will having express reference thereto, or by written declaration duly filed and recorded in the office of the cemetery association, then one grave, niche or crypt shall be reserved for the surviving spouse, if any, of such owner, and in those spaces remaining, if any, the children of such deceased owner, in the order of need, may be interred without the consent of any person claiming any interest therein. Any surviving spouse of such owner, and any child of such deceased owner, may waive his or her right to interment in said plot in favor of any other relative of such deceased owner, or the owner's spouse, and upon such waiver, the person in whose favor the waiver is made may be interred therein. The exclusive right of sepulture in any unused grave, niche or crypt in the plot may be conveyed only by a conveyance executed by the surviving spouse, if any, of such deceased owner and the children of the deceased owner, or if there is no surviving child of such deceased owner, by the surviving spouse, if any, and the heirs-at-law of such deceased owner.

If the exclusive right of sepulture in a plot has been conveyed to an individual owner who is not interred therein, then, unless such owner has made specific disposition of such plot either by will having express reference thereto, or by written declaration duly filed and recorded in the office of the cemetery association, the exclusive right of sepulture in the whole of said plot, except the one grave, niche, or crypt which is reserved to the surviving spouse, if any, shall upon the death of such owner, vest in the heirs-at-law of such deceased owner. Such exclusive right of sepulture to any unused grave, niche or crypt in the plot may be conveyed, subject to the right of the surviving spouse, if any, to a right of interment in one space, by such heirs-at-law of the deceased owner.

All conveyances of the exclusive right of sepulture shall be subject to the rules and regulations of the cemetery association, and shall be duly filed and recorded in the office of the cemetery association.

When there are two (2) or more owners of a plot, then such owners may designate one or more persons to represent said plot and file written notice of such designation with the cemetery association; in the absence of such notice, the cemetery association is duly authorized to inter or permit an interment therein upon the request or direction of any registered co-owner of such plot.

Amended by Acts 1971, 62nd Leg., p. 1857, ch. 545, § 1, eff. June 1, 1971.

TITLE 28—CITIES, TOWNS AND VILLAGES

CHAPTER ONE—CITIES AND TOWNS

Art. 969c—1. Termination of perpetual trust funds for cemeteries of municipalities in counties of 110,000 to 124,000

Section 1. This Act shall apply to all municipalities whether created by general law, special act, or under the home rule charter, in counties having a population of not less than 110,000 and not more than 124,000, according to the last preceding federal census.

Acts 1967, 60th Leg., p. 1824, ch. 703, eff. Aug. 28, 1967. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1822, ch. 542, § 25, eff. Sept. 1, 1971.

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Art. 974a—1. Enforcement of land use restrictions contained in plats; certain cities, towns and villages

Application

Section 1. This Act applies to incorporated cities, towns, or villages if the incorporated city, town, or village does not have zoning ordinances and provided the city, town, or village passes an ordinance that requires uniform application and enforcement of this statute to all property and citizens.

Acts 1965, 59th Leg., p. 180, ch. 72, eff. Aug. 30, 1965. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1384, ch. 370, § 1, eff. May 26, 1971.

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Art. 974d—15. Validation of incorporation, boundary lines, and governmental proceedings; exceptions; cities and towns of 215 to 217

Section 1. All cities and towns in Texas having a population of not less than 215 nor more than 217 according to the last federal census, heretofore incorporated under a special Act of the Legislature and thereafter adopting or attempting to adopt the provisions of Chapter 1 of Title 28 of the Revised Civil Statutes of Texas, 1925, as provided in Article 961, thereof, and which have functioned as incorporated cities or towns since the adoption or attempted adoption of the said provisions of Title 28 either under the aldermanic, commission, or council form of government, are hereby in all respects validated, ratified and confirmed as of the date of such adoption or attempted adoption of the said provisions of Title 28; and the adoption of said provisions of Title 28 shall not be held invalid by reason of the fact the proceedings or findings of the governing bodies of said cities or towns may not have been in compliance with the law.

Sec. 2. All governmental proceedings performed by the governing bodies of such cities and towns and all officers thereof since their incorporation and the adoption or attempted adoption of the provisions of Chapter 1 of Title 28 of the Revised Civil Statutes of Texas, 1925, are

hereby in all respects validated as of the respective date of such proceedings.

Sec. 3. All cities and towns in Texas having a population of not less than 215 nor more than 217, according to the last federal census, and heretofore incorporated under a special Act of the Legislature and thereafter adopting or attempting to adopt the provisions of Chapter 1 of Title 28 of the Revised Civil Statutes of Texas, 1925, which have extended or attempted to extend the corporate limits of such city or town to include territory, the majority of the inhabitants of said territory qualified to vote for members of the State Legislature having voted in favor of becoming a part of said town or city, are hereby in all respects ratified, validated and confirmed as of the date of such annexation or attempted annexation, as fully and completely as if said action had been taken and happened under legislative authority previously given, and such extension of boundaries and all proceedings had in connection therewith shall not be held invalid by reason of the fact that the election proceedings or other proceedings had in connection with such annexation may not have been in accordance with law nor because of the inclusion in such limits of more territory than is expressly authorized in Article 971, Revised Civil Statutes of Texas, 1925, or by reason of the inclusion in the corporate area of territory other than that which is intended to be used for strictly town purposes, provided, however, that the annexed area does not include any area that was validly within the extraterritorial jurisdiction of another incorporated city or town at the time of such annexation.

Sec. 4. The validation provisions of this Act shall not apply to litigation pending in any court of competent jurisdiction in this state on the effective date of this Act which litigation questions the legality of any of the matters which would otherwise be validated by the provisions hereof, if such litigation ultimately results in holdings or holding that the matters questioned thereby are invalid.

Sec. 5. If any part or provision of this Act or the application thereof to any person or circumstance shall be held invalid, it is hereby declared to be the intention of the Legislature that the remainder hereof and the application of such part or provision to other persons or circumstances shall not be affected thereby.

Sec. 6. As used in this Act, "the last federal census" means the 1970 census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Acts 1971, 62nd Leg., p. 945, ch. 157, eff. May 11, 1971.

Section 7 of the 1971 Act, an emergency clause, provided in part: "The fact that certain cities have adopted the provisions of Chapter 1 of Title 28 of the Revised Civil Statutes of Texas, 1925, and are presently operating on the basis that the adoption of said provisions of the state law were valid, and the further fact that certain cities have included within their boundary lines additional areas and the residents of said areas have considered themselves to be qualified voters of said cities and have participated in elections in said cities, it is imperative that the Legislature ratify, confirm, and validate said proceedings of said cities and the extension of the boundaries thereof in the inclusion of additional territories therein * * *."

Title of Act:

An Act validating the incorporation of cities and towns having a population of not less than 215 nor more than 217 heretofore incorporated under a special Act of the Legislature and thereafter adopting the provisions of Chapter 1 of Title 28 of the Revised Civil Statutes of Texas, 1925, as provided in Article 961, thereof; validating the boundary lines of all such towns or villages, including both boundary lines covered by the original incorporation and by any subsequent extension thereof; validating all governmental findings and proceedings thereof; providing that this Act shall not apply to any litigation pending on the effective date of the Act questioning the legality of any such governmental proceedings; containing a saving clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 945, ch. 132.

For Annotations and Historical Notes, see V.A.T.S.

Art. 974d—16. Validation of incorporation, boundary lines and governmental proceedings; cities and towns of 1,500 to 1,800

Section 1. All cities and towns in Texas of more than one thousand five hundred (1,500) and less than one thousand eight hundred (1,800) inhabitants, heretofore incorporated or attempted to be incorporated under the general laws of Texas, under the Commission form of government, and which have functioned as incorporated cities and towns since the date of such incorporation, and where there was an overlapping of territory with another city or town at the time of such incorporation and which overlapping of territory has been corrected by an ordinance of either of such cities or towns, are hereby in all respects validated, as of the date of such incorporation or attempted incorporation; and the incorporation of such cities and towns shall not be held invalid on account of such overlapping of territory at the time of such original incorporation.

Sec. 2. That the boundary lines of all such cities and towns, including both the boundary lines covered by the original incorporation proceedings, as corrected by such city ordinance, or by any subsequent extension thereof, are in all things validated.

Sec. 3. All governmental proceedings performed by the governing bodies of such cities and towns and all officers thereof since their incorporation, or attempted incorporation, are hereby in all respects validated as of the respective date of such proceedings.

Acts 1971, 62nd Leg., p. 2581, ch. 846, eff. Aug. 30, 1971.

Title of Act:

An Act validating the incorporation of all cities and towns of more than one thousand five hundred (1,500) and less than one thousand eight hundred (1,800) inhabitants, heretofore incorporated or attempted to be incorporated under the general laws of Texas under the Commission form of government; validating the boundary lines thereof where an overlapping of territory occurred at the time of such incorporation and which overlapping of territory has been removed by an ordinance of either of such cities or towns; validating governmental proceedings; and declaring an emergency. Acts 1971, 62nd Leg., p. 2581, ch. 846.

Art. 974d—17. Validation of incorporation, boundary lines and governmental proceedings; exceptions; cities and towns of 300 to 750

Section 1. All cities and towns in this state with not more than 750 inhabitants, nor less than 300 inhabitants, heretofore incorporated or attempted to be incorporated under the General Laws of Texas, whether under the aldermanic form of government or the commission form of government, and which have functioned as incorporated cities and towns since the date of such incorporation or attempted incorporation, are hereby in all respects validated as of the date of such incorporation or attempted incorporation; and the incorporation of such cities and towns shall not be held invalid by reason of the fact that the election proceedings or other incorporation proceedings may not have been in accordance with law.

Sec. 2. The boundary lines of all such cities and towns, including both the boundary lines covered by the original incorporation proceedings and by any subsequent extension thereof, are hereby in all things validated.

Sec. 3. All governmental proceedings performed by the governing bodies of such cities and towns and all officers thereof since their incorporation, or attempted incorporation, are hereby in all respects validated as of the respective date of such proceedings.

Sec. 4. The provisions of this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation.

Acts 1971, 62nd Leg., p. 2941, ch. 972, eff. June 15, 1971.

Title of Act:

An Act validating the incorporation of all cities and towns of not more than 750 inhabitants, nor less than 300 inhabitants, heretofore incorporated or attempted to be incorporated under the General Laws of Texas; validating the boundary lines thereof; validating governmental proceedings; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation; and declaring an emergency. Acts 1971, 62nd Leg., p. 2941, ch. 972.

Art. 974f—1. Annexation of streets, highways and alleys by cities of 15,900 to 16,000

Section 1. Any city incorporated and operating under the general laws of this State, having not less than 15,900 inhabitants nor more than 16,000 inhabitants according to the last preceding federal census may, by ordinance duly passed and enacted by its governing body, annex streets, highways, and alleys contiguous and adjacent to the city limits, and incorporate such streets, highways, and alleys within the corporate limits of the city

Acts 1967, 60th Leg., p. 107, ch. 51, eff. Aug. 28, 1967. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1840, ch. 542, § 95, eff. Sept. 1, 1971.

* * * * * * * * * * *

Art. 974f—2. Annexation of adjacent streets, highways and alleys by cities of 4,140 to 4,160

Section 1. Any city incorporated and operating under the general laws of this state, having a population of not less than 4,140 but less than 4,160 according to the last preceding federal census may, by ordinance duly passed and enacted by its governing body, annex streets, highways, and alleys contiguous and adjacent to the city limits, and incorporate those streets, highways, and alleys within the corporate limits of the city.

Sec. 2. Before the governing body of a city may pass and enact the ordinance described in Section 1 of this Act, the governing body must advertise the ordinance as provided by Article 1013, Revised Civil Statutes of Texas, 1925, as amended.

Acts 1971, 62nd Leg., p. 3068, ch. 1022, eff. June 15, 1971.

Section 3 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act authorizing the annexation of streets, highways, and alleys by the governing bodies of certain cities; prescribing the method for the annexation; and declaring an emergency. Acts 1971, 62nd Leg., p. 3068, ch. 1022.

Art. 980a. Election of governing body on place system in cities of 5,550 to 5,560

The governing body of a city with a population larger than 5,550 but smaller than 5,560, according to the last preceding federal census, may, by ordinance, provide that the members of the governing body shall be elected on the place system rather than the precinct system.

Acts 1965, 59th Leg., p. 1095, ch. 526, eff. Aug. 30, 1965. Amended by Acts 1971, 62nd Leg., p. 1839, ch. 542, § 93, eff. Sept. 1, 1971.

CHAPTER THREE—DUTIES AND POWERS OF OFFICERS

Art. 998a. Police reserve force

(a) The governing body of any city, town, or village may provide for the establishment of a police reserve force. Members of the police reserve force, if authorized, shall be appointed at the discretion of the chief of police and shall serve as peace officers during the actual discharge of official duties.

(b) The governing body shall establish qualifications and standards of training for members of the police reserve force, and may limit the size of the police reserve force.

(c) No person appointed to the police reserve force may carry a weapon or otherwise act as a peace officer until he has been approved by the governing body. After approval, he may carry a weapon only when authorized by the Chief of Police, and when discharging official duties as a duly constituted peace officer.

(d) Members of the police reserve force serve at the discretion of the chief of police and may be called into service at any time the chief of police considers it necessary to have additional officers to preserve the peace and enforce the law.

(e) Members of the police reserve force may serve without compensation but the governing body may provide uniform compensation for members of the police reserve force. The compensation shall be based solely upon time served by a member of the police reserve force while in training for, or in the performance of, official duties.

(f) The governing body may provide hospital and medical assistance to a member of the police reserve force who sustains injury in the course of performing official duties in the same manner as provided by the governing body for a full time police officer, and reserve officers shall be eligible for death benefits as set out in Chapter 86, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6228f, Vernon's Texas Civil Statutes), provided, however, that nothing in this Act shall be construed to authorize or permit a member of the police reserve force to become eligible for participation in any pension fund created pursuant to State statute to which regular officers may become a member by payroll deductions or otherwise.

(g) Reserve police officers shall act only in a supplementary capacity to the regular police force and shall in no case assume the full time duties of regular police officers without first complying with all requirements for such regular police officers.

(h) This Act does not limit the power of the mayor of any general-law city to summon into service a special police force, as provided by Article 995, Revised Civil Statutes of Texas, 1925.

Acts 1971, 62nd Leg., p. 2532, ch. 829, § 3, eff. Aug. 30, 1971.

Sections 5 and 6 of the 1971 act provided:

"Sec. 5. Any qualifications established for the position of reserve deputy sheriff or reserve deputy constable by the Commissioners Court or for the position of reserve deputy police officer by the governing body of any city, town, or village, shall meet the minimum physical, mental, educational, and moral standards established by the Commission on Law Enforcement Officer Standards and Education, but may be stricter than the standards of the Commission.

"Sec. 6. Any person serving as a reserve law enforcement officer before the effective date of this Act may be appointed to temporarily serve as a reserve law enforcement officer without fulfilling the minimum training standards established by the Commission on Law Enforcement Officer Standards and Education. In no case shall any person serve as a reserve law enforcement officer after January 1, 1973, unless he has fulfilled the minimum physical, mental, educational, moral and training standards established by the Commission on Law Enforcement Officer Standards and Education."

CHAPTER FOUR—THE CITY COUNCIL

Art. 1011e. Changes

Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a written protest against such change, signed by the owners of 20 per cent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the legislative body of such municipality. The provisions of the previous section relative to public hearing and official notice shall apply equally to all changes or amendments.
Amended by Acts 1971, 62nd Leg., p. 2864, ch. 942, § 1, eff. June 15, 1971.

Art. 1011g. Board of adjustment

(a) Such local legislative body may provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of this Act may provide that the said Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

(b) The Board of Adjustment shall consist of five (5) members, each to be appointed for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Provided, however, that the governing body of any city may, by charter provision or ordinance, provide for the appointment of four (4) alternate members of the Board of Adjustment who shall serve in the absence of one or more regular members when requested to do so by the mayor or city manager, as the case may be. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of four (4) members. These alternate members, when appointed, shall serve for the same period as the regular members and any vacancies shall be filled in the same manner and shall be subject to removal as the regular members.

(c) The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Act. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(d) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of

For Annotations and Historical Notes, see V.A.T.S.
the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(e) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

(f) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(g) The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Act or of any ordinance adopted pursuant thereto.

2. To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance.

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(h) In exercising the above-mentioned powers such Board may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(i) The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

(j) Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board.

(k) Upon presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

(*l*) The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be

called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(m) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm wholly or partly, or may modify the decision brought up for review.

(n) Costs shall not be allowed against the Board unless it shall appear to the court that it acted wih gross negligence, or in bad faith, or with malice in making the decision appealed from.

(o) All issues in any proceeding under this Section shall have preference over all other civil actions and proceedings.

Amended by Acts 1971, 62nd Leg., p. 2385, ch. 742, § 1, eff. June 8, 1971.

Art. 1011m. Regional Planning Commissions

Definitions

Sec. 1.

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D. "Region," "Area," or "Regional" means a geographic area consisting of a county or two or more adjoining counties which have common problems of transportation, water supply, drainage or land use, similar, common or interrelated forms of urban development or concentration, or special problems of agriculture, forestry, conservation or other matters, or any combination thereof. It is the intention of this Act to permit the greatest possible flexibility among the various participating governmental units to organize and establish Commissions most suitable to the nature of the area problems as they see them.

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F. "General purpose governmental unit" means a county or incorporated municipality.

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Creation

Sec. 3. (a) Any two or more general purpose governmental units may join in the exercise, performance, and cooperation of planning, powers, duties, and functions as provided by law for any or all such governmental units. When two or more such governmental units agree, by ordinance, resolution, rule, order, or other means, to cooperate in regional planning, they may establish a Regional Planning Commission. But nothing in this Act shall be construed to limit the powers of the participating governmental units as provided by existing law. The participating governmental units, by appropriate mutual agreement, may establish a Regional Planning Commission for a region designated in such agreement, provided that such region shall consist of territory under their respective jurisdictions, including extraterritorial jurisdiction.

(b) The geographic boundaries of Commissions established under this Act must be consistent with State Planning Regions or Subregions as delineated by the Governor and subject to review and modification at the end of each State biennium.

Powers

Sec. 4. (a) Under this Act, a Regional Planning Commission shall be a political subdivision of this State, the general purpose of which is to make studies and plans to guide the unified, far-reaching development of the area, to eliminate duplication, and to promote economy and efficiency

in the coordinated development of the area. The Commission may make plans for the development of the area which may include recommendations on major thoroughfares, streets, traffic and transportation studies, bridges, airports, parks, recreation sites, school sites, public utilities, land use, water supply, sanitation facilities, drainage, public buildings, population density, open spaces, and other items relating to the effectuation of the general purpose.

(b) The plans and recommendations of the Commission may be adopted in whole or in part by the respective governing bodies of the cooperating governmental units. The Commission may assist the participating governmental units individually or collectively in carrying out plans or recommendations developed by the Commission. The Commission may assist any participating governmental unit individually in the preparation or effectuation of local planning consistent with the general purposes of this Act.

(c) The Commission may contract with one or more of its member governments to perform any service which that government could, by contract, have any private organization without governmental powers perform, provided that such contract imposes no cost or obligation upon any member government not signatory thereto.

(d) A Commission may purchase, lease or otherwise acquire, hold, sell or otherwise dispose of real and personal property. It may employ such staff, and consult with and retain such experts as it deems necessary. It may provide for retirement benefits for its employees by means of a jointly contributory retirement plan with an agency, firm, or corporation authorized to do business in this State. A Commission may participate in the Texas Municipal Retirement System, the State Employees Retirement System or the City, County, and District Retirement System when such established systems by legislation or administrative arrangement make such participation permissible.

(e) Agencies of the State government and of governmental units are authorized to detail or loan employees to a Commission on either a reimbursable or nonreimbursable basis as may be mutually agreed by the State agency or governmental unit and the Commission. During the period of loan or detail the person will continue to be an employee of the lending agency or unit for purposes of salary, leave, retirement and other personnel benefits but will work under the direction and supervision of the Commission. A loan or detail made pursuant to this section shall expire at the mutual consent of the loaning or detailing agency or governmental unit and the Commission.

(f) In each State Planning Region or Subregion in which a Commission has been organized, the governing body of each governmental unit within the Region or Subregion, whether or not such unit is a member of the Commission, shall submit to the Commission for review and comment any application for loans or grants-in-aid from agencies of the federal government (for a project for which the federal government at the time is requiring the review and comment of an areawide planning agency) or agencies of the State of Texas before such application is filed with the federal or State government. For federally-aided projects for which an areawide review is required by federal law or regulation, the Commission shall review such application from the standpoint of consistency with regional plans and such other considerations as may be specified in federal or State regulations and shall enter its comments upon the application, returning same to the originating governmental unit.

(g) With respect to other federally-aided projects and to State-aided projects, the Commission shall advise the governmental unit as to whether or not the proposed project for which funds are requested has region wide significance. If it does not have region wide significance, the Commission shall certify that it is not in conflict with the regional plan or policies. If it does have region wide significance, the Commission shall determine

whether or not it is in conflict with the regional plan or policies. In making such determination, it may also consider whether the proposed project is properly coordinated with other existing or proposed projects within the region. The Commission shall thereupon record upon the application its views and comments and transmit the application to the originating governmental unit, with a copy to the federal or State agency concerned.

(h) The Governor shall issue guidelines to Commissions and governmental units to carry out the provisions of this Act relating to review and comment procedures.

(i) The Governor and agencies of the State shall provide such technical information and assistance to members of Commissions and their staffs as will increase to the greatest extent feasible the capabilities of such Commissions in discharging the various duties and responsibilities set forth in this Act.

Operations

Sec. 5. The cooperating governmental units may through joint agreement determine the number and qualifications of the governing body of the Commission. The governing body of the Commission shall consist of at least sixty-six and two-thirds percent (66–⅔%) elected officials of general purpose governmental units. The joint agreement may provide for the manner of cooperation and the means and methods of the operation of the Commission. The joint agreement may provide a method for the employment of the staff and consultants, the apportionment of the cost and expenses, and the purchase of property and materials. The joint agreement may allow for the addition of other governmental units to the cooperative arrangement.

Funds

Sec. 6. (a) A Regional Planning Commission is authorized to apply for, contract for, receive and expend for its purposes any funds or grants from any participating governmental unit or from the State of Texas, federal government, or any other source.

(b) The Commission shall have no power to levy any character of tax whatever. The participating governmental units may appropriate funds to the Commission for the cost and expenses required in the performance of its purposes.

(c) A Commission which meets the conditions set forth below shall be annually eligible for a maximum amount of State financial assistance based on the formula: Ten Thousand Dollars ($10,000.00) base grant to each certified organization, plus an additional One Thousand Dollars ($1,000.00) per dues paying member county, plus an additional ten cents ($.10) per capita for all population served of dues paying member counties and incorporated municipalities. The minimum amount of annual State financial assistance for which a Commission shall apply shall be Fifteen Thousand Dollars ($15,000.00).

(d) A Commission to qualify for State financial assistance must have an amount of funds available annually from sources other than federal or state governments equal to or greater than one-half of the State financial assistance amount for which the Commission applies.

(e) In order to be eligible for State financial assistance, a Commission shall comply with the regulations of the agency responsible for administering this Act and shall:

(1) Offer membership in the Commission to all general purpose governments (counties and incorporated municipalities) included in the State Planning Region or Subregion;

(2) Be composed of two or more general purpose governments having a combined population equal to not less than sixty percent (60%) of the total population of the State Planning Region or Subregion, and for pur-

poses of this Act the population of the county shall be the population outside any dues paying member incorporated municipality;

(3) Encompass a geographical area that is economically and geographically interrelated and which forms a logical planning area or region and includes at least one full county;

(4) Be engaged in a comprehensive development planning process.

Interstate Commissions

Sec. 7. With advance approval of the Governor, a Commission including a region or area which is contiguous to an area lying in another state may join with any similar commission or planning agency in such areas to form an interstate Regional Planning Commission or may permit the Commission in the contiguous area to participate in the planning functions of a Commission formed pursuant to this Act, and the funds provided under the provisions of Section 6 of this Act may be commingled with the funds provided by the state governments having jurisdiction over the contiguous areas.

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Acts 1965, 59th Leg., p. 1248, ch. 570, eff. Aug. 30, 1965. Amended by Acts 1969, 61st Leg., p. 1367, ch. 413, § 1, eff. Sept. 1, 1969; Sec. 1(D) amended by Acts 1971, 62nd Leg., p. 1699, ch. 492, § 1, eff. May 28, 1971; Sec. 1(F) added by Acts 1971, 62nd Leg., p. 1699, ch. 492, § 1, eff. May 28, 1971; Secs. 3–7 amended by Acts 1971, 62nd Leg., p. 1699, ch. 492, § 2, eff. May 28, 1971.

Art. 1015g—4. Eligible city operating toll bridge over Rio Grande River; acquisition of property, etc.; revenue bonds

Definition

Section 1. As used in this Act the term "eligible city" is defined as and means any incorporated city which owns and operates any portion of a toll bridge over the Rio Grande River.

General authority

Sec. 2. Each eligible city is authorized to acquire, purchase, construct, improve, enlarge, equip, operate, and maintain any property, buildings, structures, activities, operations, or other facilities, for any public purpose.

Authority to issue revenue bonds

Sec. 3. For the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and equip any property, buildings, structures, or other facilities, for any public purpose, the governing body of an eligible city may issue revenue bonds of said eligible city from time to time and in one or more issues or series, to be payable from and secured by liens on and pledges of all or any part of any of the revenues, income, or receipts derived by the eligible city from its ownership and operation of any portion of any toll bridge or bridges over the Rio Grande River, and from its ownership and operation of any other property, buildings, structures, activities, operations, or facilities.

Terms and conditions of bonds

Sec. 4. (a) The bonds may be issued to mature serially or otherwise within not to exceed 50 years from their date, and provisions may be made for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under any terms or conditions that may be set forth in the ordinance authorizing the issuance of the bonds.

(b) The bonds, and any interest coupons appertaining thereto, are and shall constitute negotiable instruments within the meaning and for all

purposes of the Texas Uniform Commercial Code, provided that the bonds may be issued registrable as to principal alone or as to both principal and interest, and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at such rates, all as shall be determined and provided in the ordinance authorizing the issuance of the bonds.

(c) If so provided in the bond ordinance, the proceeds from the sale of the bonds may be used for paying interest on the bonds during the period of the acquisition or construction of any facilities to be provided through the issuance of bonds, for paying expenses of operation and maintenance of any facilities, for creating a reserve fund for the payment of the principal of and interest on the bonds, and for creating any other funds, and such proceeds may be placed on time deposit or invested, until needed, all to the extent, and in the manner provided, in the bond ordinance.

Rentals, rates, and charges

Sec. 5. Each eligible city shall be authorized to fix and collect tolls, rentals, rates, and charges for the occupancy, use and availability of all or any of its toll bridge or bridges, and its property, buildings, structures, activities, operations, or other facilities, in such amounts and in such manner as may be determined by the governing body of the eligible city.

Pledges

Sec. 6. (a) Each eligible city may pledge all or any part of its revenues, income, or receipts from such tolls, rentals, rates, and charges, or other resources to the payment of the bonds, including the payment of principal, interest, and any other amounts required or permitted in connection with the bonds. The pledged tolls, rentals, rates, and charges shall be fixed and collected in amounts that will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with the bonds, and, to the extent required by the ordinance authorizing the issuance of the bonds, to provide for the payment of expenses in connection with the bonds, and for the payment of operation, maintenance, and other expenses in connection with the aforesaid toll bridge or bridges, property, buildings, structures, or other facilities.

(b) Said bonds may be additionally secured by mortgages or deeds of trust on any real property owned by the eligible city and by chattel mortgages or liens on any personal property appurtenant to such real property; and the governing body of the eligible city may authorize the execution of trust indentures, mortgages, deeds of trust, or other forms of encumbrances to evidence same.

(c) Also, each eligible city may pledge to the payment of the bonds all or any part of any grant, donation, revenues, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise.

Additional powers

Sec. 7. It is hereby found, determined, and declared that the acquisition, purchase, construction, improvement, enlargement, and/or equipment by an eligible city of any property, buildings, structures, or other facilities for lease or rental to the United States of America, or any department or agency thereof, for use in performing federal governmental functions in the city, or in performing federal governmental functions at or near, and relating to, its toll bridge, even though its toll bridge and said federal facilities relating thereto are not located in the city is and constitutes a public purpose and a proper municipal function. Any such

property, buildings, structures, or other facilities acquired, purchased, constructed, improved, enlarged, and/or equipped in whole or in part with proceeds from the sale of bonds issued pursuant to this Act may be leased or rented by an eligible city to the United States of America, or any department or agency thereof, upon such terms and conditions, and for such period, as such parties shall agree.

Bonds not general obligations of an eligible city

Sec. 8. Bonds issued pursuant to this Act by an eligible city are payable solely from the revenues, income, receipts, or other resources of the eligible city, as provided in this Act, and such bonds are not tax obligations of the eligible city.

Refunding bonds

Sec. 9. Any bonds issued pursuant to this Act may be refunded or otherwise refinanced by the issuance of refunding bonds for such purpose, under such terms, conditions, and details as may be determined by ordinance of the governing body of the eligible city. All pertinent and appropriate provisions of this Act shall be applicable to such refunding bonds, and they shall be issued in the manner provided herein for other bonds authorized under this Act; provided that such refunding bonds may be sold and delivered in amounts necessary to pay the principal, interest, and redemption premium, if any, of bonds to be refunded, at maturity or on any redemption date. Also, such refunding bonds may be issued to be exchanged for the bonds being refunded thereby. In the latter case, the Comptroller of Public Accounts of the State of Texas shall register the refunding bonds and deliver the same to the holder or holders of the bonds being refunded thereby, in accordance with the provisions of the ordinance authorizing the refunding bonds; and any such exchange may be made in one delivery, or in several installment deliveries. Bonds issued at any time by an eligible city also may be refunded in the manner provided by any other applicable law.

Approval and registration of bonds

Sec. 10. All bonds issued pursuant to this Act and the appropriate proceedings authorizing their issuance, shall be submitted to the Attorney General of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law, he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

Bonds are authorized investments and security for deposits

Sec. 11. All bonds issued pursuant to this Act are legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, insurance companies of all kinds and types, fiduciaries, and trustees, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

Cumulative effect of act

Sec. 12. This Act shall be cumulative of all other law on the subject, but this Act shall be wholly sufficient authority within itself for the issuance of the bonds and the performance of the other acts and procedures authorized hereby, without reference to any other law or any restrictions or limitations contained therein, except as herein specifically provided; and when any bonds are being issued under this Act, then to the extent of any conflict or inconsistency between any provisions of this Act and any provision of any other law, the provisions of this Act shall prevail and control; provided, however, that any eligible city shall have the right to use the provisions of any other laws, not in conflict with the provisions hereof, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this Act.

Severability

Sec. 13. In case any one or more of the sections, provisions, clauses, or words of this Act, or the application thereof to any situation or circumstance, shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of this Act, or the application thereof to any other situation or circumstance, and it is intended that this Act shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, provision, clause, or word had not been included herein.

Acts 1971, 62nd Leg., p. 1881, ch. 557, eff. June 1, 1971.

Title of Act:

An Act defining the term "eligible city" as any incorporated city which owns and operates any portion of a toll bridge over the Rio Grande River; authorizing each eligible city to acquire, purchase, construct, improve, enlarge, equip, operate, and maintain property, buildings, structures, activities, or other facilities for any public purpose; authorizing each eligible city to issue revenue bonds for public purposes; providing the terms, conditions, payment, and security of said revenue bonds, and liens, pledges, and encumbrances in connection therewith; providing for refunding bonds; enacting other provisions relating to the subject; prescribing a severability provision; and declaring an emergency. Acts 1971, 62nd Leg., p. 1881, ch. 557.

Art. 1015j—1. Promotional advertising for growth and development in cities of not more than 500,000; board of development; appropriations and expenditures authorized

Section 1. The governing body of any incorporated city having a population of not more than 500,000 according to the last preceding Federal Census may appropriate from the general fund an amount not exceeding one percent of the general fund budget for that year, such appropriation to be for advertising such city and promoting its growth and development.

Sec. 2. Before expending any money appropriated under authority of this Act, the governing body shall create a Citizens' Advisory Committee known as a City Board of Development, or by any other name, consisting of five members, to be appointed by the governing body for two-year terms. Members of the board shall receive no compensation, shall have advisory powers only, and shall not be deemed to be public officers or agents of the city, and their service on the board shall not invalidate city contracts in which they may have an interest.

Sec. 3. The board of development shall investigate the desirability of various methods of advertising and promoting the city and shall make appropriate recommendations to the governing body as to the best method of expending funds already available, and as to the amount which should be appropriated in the next budget. Recommendations of the board are not binding on the governing body, which shall have discretion as to the

amount to be appropriated (within the limit of one percent of the general fund budget) and as to the methods of using it.

Sec. 4. This statute is cumulative of any powers which a city has or shall have under its charter, and shall not impair any such charter power. Acts 1971, 62nd Leg., p. 678, ch. 63, eff. April 20, 1971.

Title of Act:

An Act authorizing incorporated cities of not more than 500,000 population according to the last preceding federal census to expend money, not exceeding one percent of the city's general fund budget, for advertising the city and promoting its growth and development and providing for the creation and operation of a Citizens' Advisory Committee or City Board of Development; and declaring an emergency. Acts 1971, 62nd Leg., p. 678, ch. 63.

Art. 1027j. Unenforceable and unrecorded tax levies in cities of 7,800 to 8,000; validation; assessment and collection as notice of levy

Unenforceable levies

Section 1. (a) All tax levies heretofore made by and for any tax unit, which levies are unenforceable because not made in strict compliance with the form and manner required by statute or because of any other defect which may be cured by the Legislature, are hereby validated and declared enforceable the same as though they had been regularly made in proper form and manner.

(b) Henceforth if for any cause any tax unit fails to make a valid tax levy for any year, the last prior valid tax levy of that tax unit shall be continued in force as the tax levy of such tax unit for the year in which a valid levy was not made.

Levies not recorded

Sec. 2. Should any tax unit fail to make a proper record of a tax levy for any year, but taxes were assessed and collected by the unit for that year and the tax rate(s) can be determined by examining the tax rolls for such year, this shall constitute notice that a tax levy was made by the unit for that year even though such levy was not properly recorded; and the unit's governing body may make inquiry and determine that a proper tax levy was regularly made for such year but was not recorded, and the governing body may order that a proper tax levy ordinance for such year be entered in the official records nunc pro tunc, and this shall be conclusive evidence that the tax unit's levy for such year was properly and regularly made. This provision shall be cumulative of and in addition to all other rights and remedies not available to any tax unit in such cases.

Definitions

Sec. 3. A tax unit or unit as used in this Act is any incorporated city with a population of not less than 7,800, and not more than 8,000, according to the last preceding federal census.

Inapplicability of this act

Sec. 4. This Act shall not affect any suit pending in any court on the effective date of this Act where the invalidity or non-record of any tax levy has heretofore been pleaded as a defense.

Partial invalidity

Sec. 5. If any provision of this Act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the

provisions of this Act are declared to be severable.
Acts 1971, 62nd Leg., p. 3066, ch. 1021, eff. June 15, 1971.

Title of Act:

An Act relating to incorporated cities with a population of not less than 7,800, and not more than 8,000, according to the last preceding federal census, validating certain unenforceable tax levies; providing for valid annual levies hereafter; providing for cases of tax levies made but not properly recorded and to declare that assessment and collection of taxes for any year constitute notice of a tax levy made, these provisions to be cumulative of existing rights and remedies now available; defining terms; specifying inapplicability of this Act; to provide for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 3066, ch. 1021.

Art. 1066c. Local Sales and Use Tax Act

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Authority to adopt tax; imposition and rate; election and ballots; canvass of returns; results of election; city boundaries; tax schedule and bracket system formula for joint collection of taxes; standards

Sec. 2.

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(2) When such Limited Sales, Excise and Use Tax imposed by the State of Texas shall be at the rate of four percent (4%) on the receipts from the sale at retail of all taxable items within this State which is subject to such tax, and the Local Sales and Use Tax imposed in any city under authority of this Act shall be at the rate of one percent (1%) on the receipts from the sale of all taxable items within such city which is subject to such tax, the total gross rate of such combined taxes in such city shall be at the rate of five percent (5%) on combined taxes in such city on the receipts from the sale of all tangible personal property within such city which is subject to such taxes. When the sale price shall involve a fraction of a dollar, the taxes shall be added to the sale price upon the following schedule:

Amount of Sale	Tax
$ .01 to $ .09	No Tax
.10 to .29	$ .01
.30 to .49	.02
.50 to .69	.03
.70 to .89	.04
.90 to 1.09	.05

Provided, that for successive brackets for this schedule in this paragraph, the tax shall be computed by multiplying five percent (5%) times the amount of the sale. Any fraction of one cent ($.01) which is less than one half of one cent ($.005) of tax shall not be collected. Any fraction of one cent ($.01) of tax equal to one half of one cent ($.005) or more shall be collected as a whole cent ($.01) of tax.

Provided, however, that any retailer who can establish to the satisfaction of the Comptroller that fifty percent (50%) or more of his receipts from the sale of tangible personal property and taxable services arise from individual transactions where the total sales price is nine cents ($.09) or less may exclude the receipts from such sales when reporting and paying the tax imposed under this Act and the Limited Sales, Excise and Use Tax imposed by the State of Texas. No retailer shall avail himself of this provision without prior written approval of the Comptroller. The Comptroller shall grant such approval when he is satisfied that the retailer qualifies on the basis set forth in this Section and when the retailer has submitted satisfactory evidence that he can and will maintain records adequate to substantiate the exclusion herein authorized. Any attempt on the part of any retailer to exercise this provision without prior

written approval of the Comptroller shall be deemed to be a failure and refusal to pay the taxes imposed by this Act and the Limited Sales, Excise and Use Tax Act and the retailer shall be subject to assessment for both taxes, penalties and interest as provided for in this Act and the Limited Sales, Excise and Use Tax Act.

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Sec. 2, subsec. K amended by Acts 1968, 60th Leg., 1st C.S., p. 7, ch. 2, § 8, eff. Oct. 1, 1968; Acts 1969, 61st Leg., 2nd C.S., p. 5, ch. 1, art. 1, § 40, eff. Oct. 1, 1969; Acts 1971, 62nd Leg., p. 1195, ch. 292, art. 1, § 5, eff. July 1, 1971.

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CHAPTER SIX—FIRE PREVENTION

Art.
1070.1 Liability of volunteer firemen for property damage [New].

Art. 1070.1. Liability of volunteer firemen for property damage

No volunteer fireman or volunteer fire department in this state shall be liable to any person for any damage done to his property resulting from the volunteer fireman's or volunteer fire department's reasonable and necessary action in fighting or extinguishing any fire on the property.

Acts 1971, 62nd Leg., p. 1910, ch. 573, eff. June 1, 1971.

Title of Act:

An Act relating to the liability of volunteer firemen and volunteer fire departments for damage done to private property; and declaring an emergency. Acts 1971, 62nd Leg., p. 1910, ch. 573.

CHAPTER TEN—PUBLIC UTILITIES

1. CITY OWNED UTILITIES

Art.
1109e—2. Validation of proceedings and contracts with districts to supply water [New].

1. CITY OWNED UTILITIES

Art. 1109e. Contract with district created to supply water to city

Section 1. Any city or town within this State is hereby authorized to enter into a contract with any district or authority, hereinafter called "district," created under Article XVI, Section 59 of the Constitution for the purpose of supplying water to such city. Any such city may also by contract lease its water production, water supply, and water supply facilities to such district, or make a contract with such district for operation by the district of its water production, water supply, and water supply facilities, or the operation by the city of the district's water production, water supply, and water supply facilities. Any contract authorized by this Act may provide that the city shall not obtain water from any source other than the district except to the extent provided in such contract. Any such contract may be upon such terms and for such time as the parties may agree, and it may provide that it shall continue

in effect until bonds specified therein and refunding bonds issued in lieu of such bonds are paid.

Amended by Acts 1971, 62nd Leg., p. 1625, ch. 452, § 1, eff. May 26, 1971.

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Art. 1109e—2. Validation of proceedings and contracts with districts to supply water

Section 1. Where any city or town within this State has heretofore submitted to the qualified resident electors of such city or town who own taxable property within such city or town and who had duly rendered the same for taxation a proposition or propositions to authorize the governing body of such city or town to enter into a contract with any district or authority created under Article XVI, Section 59 of the Texas Constitution for the purpose of supplying water to such city or town, pursuant to the provisions of Chapter 342, Acts of the 51st Legislature, 1949,[1] and such water supply contract was approved by a majority vote of the said property taxpaying voters voting at such election, all such election proceedings, the results thereof, and proceedings of the governing body and officials of such city or town relating to such contracts and the authorization, execution, and delivery thereof are hereby validated, ratified, and confirmed, and any such contract heretofore entered into by any such city or town pursuant to such election is hereby validated, ratified, and confirmed, notwithstanding the fact that only qualified electors of such city or town who owned taxable property therein and who had duly rendered the same for taxation participated in such election.

Sec. 2. The provisions hereof shall not be construed as validating any contract where (i) such contract was required by law to be approved at an election, unless such contract was approved by a majority of the participating resident qualified electors owning taxable property within such city or town who had duly rendered same for taxation and the statutory election contest period has expired prior to the effective date of this Act, or (ii) such contract or election proceedings are involved in litigation questioning the validity thereof on the effective date of this Act.

Acts 1971, 62nd Leg., p. 31, ch. 14, eff. March 9, 1971.

[1] Article 1109e.

Title of Act:

An Act validating elections and other proceedings relating to the authorization, execution, and delivery of water supply contracts pursuant to the provisions of Chapter 342, Acts of the 51st Legislature, 1949 (Article 1109e, Vernon's Texas Civil Statutes), under certain conditions; providing for the execution, delivery and validity of such contracts; limiting the application of the Act; and declaring an emergency. Acts 1971, 62nd Leg., p. 31, ch. 14.

Art. 1109j. Contracts with sanitation districts or non-profit corporations for water supply and distribution systems or sanitary sewer systems

Section 1. Any city or town, whether operating under the General Law or under its special or home rule charter, is authorized to enter into a contract with a district organized under the authority of Article XVI, Section 59 of the Constitution of Texas or any corporation or corporations organized to be operated without profit under the terms of which such district, corporation or corporations will acquire for the benefit of the city or town one or more water supply systems, water distribution systems and sanitary sewer systems, either singularly or together, and in connection with such acquisition make such improvements, enlargements and extensions of and additions to the existing facilities of such city or town as may be provided for in such contract.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 3370, ch. 1032, § 1, eff. June 15, 1971.

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Sections 2 to 4 of the 1971 amendatory act provided:

"Sec. 2. Where any city or town has heretofore entered into a contract or contracts with a sanitation district organized under the authority of Article XVI, Section 59 of the Constitution of Texas or any corporation or corporations organized to be operated without profit, pursuant to Chapter 224, Acts of the 56th Legislature, Regular Session, 1959 (Article 1109j, Vernon's Texas Civil Statutes), under the terms of which such district, corporation or corporations agreed to acquire for the benefit of such city or town one or more water supply systems, water distribution systems and sanitary sewer systems, either singularly or together, such contracts and the acts and proceedings of the governing body and officials of such city or town relating thereto are hereby validated, ratified, and confirmed in all respects, and such contracts are hereby declared to be in full force and effect.

"Sec. 3. The provisions of this Act shall not be construed as validating any contracts, acts, or proceedings involved in litigation questioning the validity thereof on the effective date of this Act if such litigation is ultimately determined against the validity thereof.

"Sec. 4. If any word, phrase, clause, sentence, section, or part of this Act shall be held by any court of competent jurisdiction to be invalid or unconstitutional, it shall not affect any other word, phrase, clause, sentence, section, or part of this Act, and such remaining portions shall remain in full force and effect."

Art. 1110c. Improvements to water and sewer systems

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Definitions

Sec. 2. As used in this Act, unless the context otherwise requires, the term:

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(H) "Benefited Property" shall mean any lot or tract to which water and sewer service, either or both, is made available under the terms of this Act.

Sec. 2(A) amended by Acts 1967, 60th Leg., p. 2068, ch. 769, § 1, eff. Aug. 28, 1967; Sec. 2(H) amended by Acts 1971, 62nd Leg., p. 2820, ch. 920, § 1, eff. Aug. 30, 1971.

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Amount of assessment against benefited property; payment and default; liens; certificates of special assessment; contents

Sec. 6. Subject to the terms hereof, the governing body of any city shall have power by ordinance to assess nine-tenths of the estimated cost of improvements against benefited property, and against the owners of such property, and to provide the time, terms, and conditions of payment and defaults of such assessments, and to prescribe the rate of interest thereon not to exceed ten per cent per annum. Any assessment against benefited property shall be a first and prior lien thereon, and shall be a personal liability and charge against the true owners of such property at the date upon which said lien is fixed and becomes effective, whether named or not in any notice, instrument, certificate or ordinance provided for hereunder. The governing body shall have power to cause to be issued in the name of the city assignable certificates in evidence of assessments levied hereunder declaring the lien upon the property and liability of the true owners thereof whether correctly named or not and to fix the terms and conditions of such certificates.

If any such certificate shall recite substantially that the proceeding with reference to making the improvements therein referred to have been regularly had in compliance with the law and that all prerequisites to the fixing of the assessment lien against the property described in said certificate and the personal liability of the owner or owners thereof have been performed, same shall be prima facie evidence of all the matters

recited in said certificate, and no further proof thereof shall be required. In any suit upon any assessment or reassessment in evidence of which a certificate may be issued under the terms of this Act it shall be sufficient to allege the substance of the recitals in such certificate and that such recitals are in fact true, and further allegations with reference to the proceedings relating to such assessment or reassessment shall not be necessary.

Such assessments shall be collectable with interest, expense of collections, and reasonable attorney's fees, if incurred, and shall be first and prior liens on the property assessed, superior to all other liens and claims except State, county, school district and city ad valorem taxes, and shall be a personal liability and charge against said owners of the property assessed.

Sec. 6 amended by Acts 1971, 62nd Leg., p. 2820, ch. 920, § 2, eff. Aug. 30, 1971.

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Assessment of subdivided or platted property; cities of less than 700,000

Sec. 19. In cities located in counties with a population of less than 700,000 inhabitants according to the last preceding Federal Census no assessment or other charge for the construction of improvements to any water or sewer system shall be made against any property or property owners, regardless of who initiates the request for said construction, unless such property is in an area which has been subdivided or platted for a period of at least ten years next preceding the effective date of this Act. For purposes of determining property or areas to which this Act shall apply, "subdivided or platted property" shall mean such property as has been duly platted under the terms of Article 974—a, Vernon's Texas Civil Statutes or any property which has been subdivided or platted by map or plat filed for record in the office of any county clerk, by the terms of which map or plat there has been made any dedication of the property to the public use for a street or alley right-of-way or for public utility easements.

Sec. 19 amended by Acts 1967, 60th Leg., p. 2068, ch. 769, § 2, eff. Aug. 28, 1967; Acts 1969, 61st Leg., p. 1681, ch. 542, § 1, eff. June 11, 1969; Acts 1971, 62nd Leg., p. 2821, ch. 920, § 2, eff. Aug. 30, 1971.

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The 1971 act, which by sections 1 and 2 amended sections 2(H), 6 and 19 of this article, provided in section 3: "Sec. 3. As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and Local governmental purposes."

Injection wells for industrial and municipal waste, see art. 7621b.

CHAPTER TWELVE—COMMISSION FORM OF GOVERNMENT

Art. 1164b. Special elections changing form of government validated

Section 1. In each instance where, prior to January 1, 1971, a special election has been held in a city or town operating under the general laws for the purpose of changing the form of government of such city or town from the aldermanic form to the commission form, or for the purpose of changing the form of government of such city or town from the commission form to the aldermanic form, as authorized by Article 1154, Revised

Civil Statutes of Texas, 1925, as amended, and such special election was held on the same day that a primary election was held throughout the state as prescribed in the Election Code of the State of Texas, as amended, such special election for the purpose of changing the form of government in such city or town, and the election of city officials under the new form of government so adopted by the voters at such special election, shall not be held invalid by reason of the fact that such special election was held on the same day as a primary election day. Such special election to change the form of government in any such city or town is hereby in all things ratified, validated, and confirmed, and the election of city officials under the new form of government so adopted by the voters at such election is hereby ratified, validated, and confirmed.

Sec. 2. All governmental proceedings performed by the governing bodies of such cities and towns and all offices thereof since such election changing the form of government of all such cities and towns are hereby in all respects validated as of the respective date of such proceedings.

Sec. 3. The provisions of this Act shall not apply to any city or town now involved in litigation questioning the legality of an election changing the form of government under Article 1154, Revised Civil Statutes of Texas, 1925, as amended, or the election of city officials under the new form of government so adopted at such election, if such litigation is ultimately determined against the legality thereof; nor shall this Act be construed as validating any proceeding which may have been nullified by a final judgment of a court of competent jurisdiction.

Acts 1971, 62nd Leg., p. 906, ch. 132, eff. May 10, 1971.

Section 4 of the 1971 Act was a severability provision.

Title of Act:

An Act validating special elections held, prior to January 1, 1971, under authority of Article 1154, Revised Civil Statutes of Texas, 1925, as amended, to change the form of government in cities and towns operating under the general laws, and which special elections were held on the same day as a primary election day as designated in the Election Code of the State of Texas, as amended; validating the election of city officials under the new form of government so adopted at such special elections; validating governmental proceedings; providing certain limitations as to the application of the Act; providing a non-litigation clause; providing a saving clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 906, ch. 132.

CHAPTER THIRTEEN—HOME RULE

Art. 1182c—1. Cities which have annexed territory within water control and improvement, fresh water supply or municipal utility districts

Application

Section 1. This Act shall apply to all incorporated cities and towns, including Home Rule Cities, and those operating under general laws or special charters (hereinafter called "city" or "cities"), which have heretofore annexed, or hereafter may annex, all or any part of the territory within one (1) or more water control and improvement districts, fresh

water supply districts or municipal utility districts, which districts were organized for the primary purpose of providing such municipal functions as the supply of fresh water for domestic or commercial uses, the furnishing of sanitary sewer service or drainage services, any or all. Such cities shall succeed to the powers, duties, assets, and obligations of such district or districts in the manner and to the extent hereinafter provided. Nothing herein shall prohibit any city from continuing to operate utility facilities within such districts in which such facilities are owned and are operated by such city at the effective date of annexation. This Act shall not apply in the case of any such district, the territory of which is now situated in more than one (1) incorporated city.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 2988, ch. 986, § 1, eff. June 15, 1971.

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Newly incorporated cities or towns

Sec. 6. When any city or town is newly incorporated over all or any part of the territory within a water control and improvement district, a fresh water supply district or municipal utility district, the governing body may adopt an ordinance making the provisions of this Act applicable to such city or town and, upon the adoption of such an ordinance by a vote of not less than two-thirds (⅔) of the entire membership of such governing body, the provisions of this Act shall thereafter be applicable to such city or town and to such districts situated in whole or in part therein.

Sec. 6 amended by Acts 1971, 62nd Leg., p. 2989, ch. 986, § 2, eff. June 15, 1971.

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Art. 1182c—5. Cities which have annexed territory within water control and improvement, fresh water supply or municipal utility districts

Application of act; succession to powers, duties, assets and obligations of districts

Section 1. This Act shall apply to all incorporated cities and towns, including Home Rule Cities and those operating under General Laws or special charters (hereinafter called "city" or "cities"), which now or hereafter contain within their city or corporate limits (by virtue of annexation of territory or original incorporation, either or both) any part of the territory within one (1) or more water control and improvement districts, freshwater supply districts or municipal utility districts (hereinafter called "district" or "districts"), which districts were organized for the primary purpose of providing such municipal functions as the supply of fresh water for domestic or commercial uses, or the furnishing of sanitary sewer service, any or all, when the balance of the territory comprising such district or districts lies in another city or cities so that the entire district lies wholly within two (2) or more cities. Such cities shall succeed to the powers, duties, assets and obligations of such district or districts in the manner and to the extent hereinafter provided. Nothing herein shall prohibit any city from continuing to operate utility facilities within any such district in which such facilities are, or were, owned and operated by such city at the time that the part of the territory of the district became, or becomes, a part of or included within the boundaries of such city.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 2989, ch. 986, § 3, eff. June 15, 1971.

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Abolition of certain multi-city conservation and reclamation districts

Sec. 2A(1) Notwithstanding any other provision of the law or this Act, any conservation and reclamation district created or existing pursuant to Article XVI, Section 59 of the Constitution of Texas which lies wholly within more than one city, and which, on April 1, 1971, did not lie wholly within more than one city, and which, on said date, was not a party to a contract providing for a federal grant for research and development pursuant to Title 33, Sections 1155(a) (2) and 1155(d) of the United States Code, as amended,[1] and which has provided or is providing fresh water supply, sanitary sewer and drainage services shall be abolished ninety (90) days after the inclusion of all of the territory of said district within said cities, and the physical assets, properties and facilities of the district shall be distributed to said cities and its intangible assets, bonded indebtedness, liabilities, obligations and other debts assumed by said cities in the following manner:

(a) All physical assets, properties and facilities of said district located within the boundaries of each respective city shall, at the date of distribution, belong to said city. The intangible assets, bonded indebtedness, liabilities, obligations and other debts of the district shall be assumed by the cities. That part of the intangible assets, bonded indebtedness, liabilities, obligations and other debts of the district assumed by each city shall be determined by multiplying the total intangible assets, bonded indebtedness, liabilities, obligations or other debts of the district by a fraction, the numerator of which is the original cost of all physical assets, properties and facilities of said district distributed to the city and the denominator of which is the total original cost of all physical assets, properties and facilities of the district. The term "original cost" as used in this section shall mean the actual cost of construction or acquisition. Operating expenses during construction, interest during construction, organizational expenses, engineering fees, legal fees, fiscal fees and other fees and expenses shall not be considered when determining the original cost of any physical assets, properties or facilities. Each city shall faithfully perform all duties, functions and obligations imposed by law or by contract upon the abolished district and its governing body in regard to any outstanding district bonds, warrants or other obligations payable in whole or in part from the revenues from the operation of the district's properties, assets and facilities; provided, however, that maintenance and operation expenses may be allocated by a city between two or more similar properties, assets and facilities owned and operated by the city in direct proportion to the gross income of each.

(b) All of the physical assets, properties and facilities which serve territory within more than one city shall continue to serve such territory and shall be operated and maintained by the city within which such properties, assets and facilities are located. Said city may make reasonable charges to the other cities served by such assets, properties and facilities for the operation and maintenance of such assets, properties and facilities.

(2) Notwithstanding any contrary provision of the law or this Act, a district defined by Section 2A(1) may be abolished by mutual agreement between all of the cities wherein said district lies. Such agreement need not be approved by the district. The agreement may designate a date or dates, no later than ninety (90) days after the inclusion of all of the territory of said district within said cities, upon which the district shall be abolished. The agreement may provide a method by which the district's properties, assets and facilities shall be taken over by the cities, and the bonded indebtedness, liabilities, obligations and other debts of the district shall be assumed by said cities pursuant to such agreement. Said agreement may define those physical assets, properties and facilities of the district which serve territory within more than one city, and may provide a method by which said assets, properties and facilities shall be

operated and maintained. An agreement executed pursuant to this section may contain all provisions necessary or proper to the abolition of said district, the distribution of its properties, assets and facilities, and the assumption of its bonded indebtedness, liabilities, obligations, and other debts. Said agreement may bind the parties for as long as fifty (50) years, notwithstanding any provision of the city charters of the respective cities to the contrary.

(3) If a city which has previously annexed territory within a district defined in Section 2A(1) annexes additional territory which lies wholly within such district and obtains the consent of all other cities which have previously annexed territory within said district and which have extraterritorial jurisdiction over the territory proposed to be annexed, then, notwithstanding any contrary provision of the Municipal Annexation Act (Article 970A, Vernon's Texas Civil Statutes, as amended), such annexing city need not obtain the consent of any other municipality.
Sec. 2A added by Acts 1971, 62nd Leg., p. 1076, ch. 228, § 1, eff. May 17, 1971.

[1] 33 U.S.C.A. § 1155(a) (2), (d).

Section 2 of Acts 1971, 62nd Leg., p. 1076, ch. 228, provided: "Nothing in this Act shall be construed to violate any provision of the Constitution of the United States of America or the Constitution of the State of Texas and all acts done hereunder shall be done in such manner as may conform thereto. If any word, phrase, clause, paragraph, sentence, part, portion or provision of this Act or the application thereof to any person or circumstances is held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision. All of the terms and provisions of this Act are to be liberally construed to effectuate the purposes, powers, rights, functions, and authorities herein set forth."

Section 3 of said act, an emergency clause, provided in part:

"* * * the provisions of this Act are urgently needed to effectuate efficient municipal government and to eliminate overlapping and duplicitous municipal functions * * *."

Art. 1182h. Validation of ordinances authorizing bond elections and issuance of bonds, and of bonds issued

Where any city in the state which operates pursuant to a home-rule charter has heretofore passed by unanimous vote of the governing body ordinances as emergency measures calling bond elections and authorizing the issuance of bonds, said ordinances are hereby in all things ratified, validated, and confirmed, including the purposes as stated in the voted propositions. All such bonds authorized by ordinances passed as emergency measures, including voted and authorized but undelivered bonds, are in all things ratified, validated, and confirmed.
Acts 1971, 62nd Leg., p. 83, ch. 46, § 1, eff. April 1, 1971.

Art. 1182i. Validation of actions taken during 1970 pursuant to designation of territory as disaster area

All actions, proceedings, and ordinances taken by cities and towns during the year 1970 under the authority of Article 5890e, Vernon's Texas Civil Statutes, and Article 1175, Vernon's Texas Civil Statutes, jointly or severally pursuant to and in implementation of a decision of the President of the United States and/or the Governor of the State of Texas designating the territory encompassing such city or town to be a disaster area are hereby validated and confirmed as of the date of such actions, proceedings or ordinances; provided, however, the terms of this Act shall not affect any proceeding in a court of law docketed as of the effective date hereof.
Acts 1971, 62nd Leg., p. 1542, ch. 410, eff. May 26, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Sections 2 and 3 of the 1971 act provided:

"Sec. 2. All laws in conflict herewith are hereby repealed to the extent of such conflict.

"Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared to be severable. If any section, paragraph, sentence, clause, phrase, or word of this Act shall, for any reason, be finally adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such final judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, or word thereof so found unconstitutional or invalid."

Title of Act:

An Act providing for the validation of certain actions of towns and cities of this State taken during the year 1970 pursuant to Article 5890e, Vernon's Texas Civil Statutes, and Article 1175, Vernon's Texas Civil Statutes, in implementation of a decision by the President of the United States or Governor of the State declaring the territory encompassing the city or town to be a disaster area; providing for repeal of all laws in conflict; providing a severability clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 1542, ch. 410.

CHAPTER FIFTEEN—CONSOLIDATION OF CITIES

Art. 1189. Petition; elections; contests; time limitations

(a) Whenever as many as one hundred (100) qualified voters of each of said cities shall petition the governing body of their respective cities to order an election for the purpose of voting on the consolidation of such cities into one city, said bodies may order an election to be held at the usual voting places in the city on such proposition. If any such petition be signed, however, by qualified voters equal to fifteen percent (15%) of the total vote cast at the last preceding general election for city officials in any of said cities, next preceding the filing of said petitions, the respective governing bodies receiving such a petition shall order an election to be held on such proposition, except as hereinafter provided.

(b) The election on consolidation shall first be held in the city having the smallest population according to the last preceding Federal Census. When a petition for consolidation has been presented to the governing body of the city having the smallest population, such governing body may, on a petition signed by one hundred (100) qualified voters, order an election for such purpose within forty-five (45) days after the receipt thereof. Upon the presentation of a petition in the city having the smallest population signed by qualified voters equal to fifteen percent (15%) of the total vote cast at the last preceding general election for the city officials in such city next preceding the filing thereof, the governing body of the city shall order an election within forty-five (45) days after the filing of the petition. Any such election shall be held within not less than thirty (30) nor more than ninety (90) days from the date of the election order.

(c) When the proposition has received a majority vote in favor of consolidation at an election in any city, the larger city or cities where no election has been held, in inverse order of rank in population according to the last preceding Federal Census, may or shall, depending on the number of qualified signatures on the petition presented in each such city, order an election on the same proposition within forty-five (45) days after the election returns have been canvassed in the next smaller city in which a majority have voted in favor of consolidation. Any such election shall be held within not less than thirty (30) nor more than ninety (90) days from the date of the election order. If the proposition for consolidation fails to receive a majority of the votes in an election held for that purpose in any city, the larger city or cities which have not held an election shall not order an election for consolidation.

(d) If an election contest is timely filed in any such election, the governing body of each larger city which has not held its consolidation

election may defer holding the election until the election contest is finally terminated. If no election contest is timely filed in any such election, the governing body of the next larger city may, when acting on a petition filed by one hundred qualified voters, and shall, when acting on a petition filed by voters equal to fifteen percent (15%) of the total vote cast at the last preceding general election for city officials, order an election for such purpose.

(e) If the proposition for consolidation fails to receive a majority of votes in favor thereof in an election in any of such cities, no consolidation election involving the same identical cities on the consolidation proposition which is defeated shall be held within two (2) years from the date of the defeat of such proposition in a consolidation election in any such city.

Amended by Acts 1971, 62nd Leg., p. 68, ch. 35, § 1, eff. March 22, 1971.

Section 2 of the amendatory act of 1971 repealed all conflicting laws and section 3 thereof was a severability provision.

CHAPTER SIXTEEN—MUNICIPAL COURT

GENERAL PROVISIONS [NEW]

Art. 1196. Judge of the municipal court

Such court shall be presided over by a judge to be known as the "judge of the municipal court" who, in cities, towns or villages incorporated under special charter shall be selected under the provisions of the charter concerning the election or appointment of the judge to preside over the municipal court. All such provisions are hereby made applicable to the judge of the municipal court herein provided for. All other statutory references to the "recorder" shall be construed to mean the "judge of the municipal court."

Amended by Acts 1971, 62nd Leg., p. 2423, ch. 771, § 1, eff. Aug. 30, 1971.

PARTICULAR MUNICIPAL COURTS [NEW]

Art. 1200aa. Wichita Falls

* * * * * * * * * * *

Complaints by city attorney

Sec. 5. All proceedings in municipal courts shall be commenced upon original complaint filed by the city attorney of the city, provided, however, that parking tickets, including red meter tickets, need not be signed by the city attorney unless a complaint is tried in court. All such complaints shall be prepared under the direction of the city attorney.

Filing of original papers; notations on case folder

Sec. 6. The clerk of the municipal courts under the direction of the presiding judge shall file the original complaint and the original of all judgments, orders, motions, or other papers and proceedings in each case in a folder for permanent record. No separate minute book for the court is required, but the original papers filed with the court shall constitute the records of the courts, provided however, that such records may be kept by the clerk on microfilm when over one year old and shall be admissible in evidence as provided by Articles 3731a, 3731b, and 3731c, Vernon's Texas Civil Statutes, in civil cases. The clerk of the municipal courts shall cause to be noted on the outside of each case folder the following information:

(1) The style of the action;

(2) The nature of the offense charged;

(3) The date the warrant was issued and return made thereon;

(4) The time when the examination or trial was had, and if a trial, whether it was by a jury or before the judge of the court;

(5) Trial settings;

(6) The verdict of the jury, if any;

(7) Judgment of the court, if any;

(8) Motion for a new trial, if any, and the decision thereon;

(9) If an appeal was taken; and

(10) The time when, and the manner in which the judgment and sentence was enforced.

Orders or judgments, showing disposition of parking tickets as well as red meter tickets, not tried in court, need not be signed by the court.

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Right to jury trial; selection of jurors

Sec. 13. (a) Every person brought before the municipal courts and charged with an offense shall be entitled to be tried by a lawful jury of six persons. The municipal judge may set certain days of each week or month for the trial of jury cases. Juries for the court shall be selected as follows: On the adoption of this Act by the governing body of the city and between the 1st and 15th days of August of each year thereafter, the clerk of the municipal court or one of his deputies, and the city clerk, or one of his deputies, shall meet together and select from the list of qualified jurors in the city, the jurors for service in the municipal courts for the ensuing year. The list of jurors shall be taken from the voters registration list of the City of Wichita Falls. The officers shall write the names of all persons who are known to be qualified jurors under the law residing in the city on separate cards of uniform size and color, writing also on the cards, whenever possible, the post-office address of each juror so selected. The cards containing the names shall be deposited in a jury wheel to be provided for that purpose by the governing body of the city. The wheel shall be constructed of any durable material, shall be so constructed so as to freely revolve on its axle, and may be equipped with a motor to revolve the wheel so as to thoroughly mix the cards. The wheel shall be locked at all times, except when in use as hereinafter provided, by the use of two separate locks so arranged that the key to one will not open the other lock. The wheel and the clasps into which the locks are fitted shall be arranged so that the wheel cannot be opened unless both of the locks are unlocked. The keys to the locks shall be kept one by the city clerk and the other by the clerk of the municipal court. The city clerk and the clerk of the municipal court shall not open the wheel nor permit it to be opened by any person except at the time and in the manner and by the persons herein specified. The city clerk shall keep the wheel when not in use in a safe and secure place where it cannot be tampered with.

(b) Not less than 10 days before January 1 and July 1 of each year, the clerk of the municipal court, or one of his deputies, and the city clerk or one of his deputies, in the presence and under the direction of the municipal judge shall draw from the wheel containing the names of jurors, after the wheel has been turned and the cards thoroughly mixed, one by one the names of jurors to provide the number directed by the judge for each week of the six months next ensuing for which a jury may be required, and shall record the names as they are drawn upon a separate sheet of paper for each week for which jurors may be required. At the drawing no person other than those above named shall be permitted to be present. The officers attending the drawing shall not divulge the name of any person that may be drawn as a juror to any person. If at any time during the next six months and prior to the next drawing date it appears that the list already drawn will be exhausted before the expiration of

six months, additional lists for as many additional weeks as the judge may direct will be drawn in the same manner. The several lists of names so drawn shall be certified under the hand of the clerk of the municipal court, or the deputy, doing the drawing and the municipal judge in whose presence the names were drawn, to be the lists drawn by him for that semiannual period and shall be sealed up in separate envelopes endorsed "List No. _____ of the Petit Jurors drawn on the _____ day of _____, 19__, for the Municipal Court of Wichita Falls, Texas." The clerk doing the drawing shall write his name across the seals of the envelopes and deliver them to the judge who shall inspect the envelopes to see that they are properly endorsed and shall then deliver them to the clerk or his deputy, and the clerk shall then immediately file them away in some safe and secure place in his office under lock and key. When the names are drawn for jury service, the cards containing the names shall be sealed in separate envelopes endorsed "Cards containing the names of jurors list No. _____ of the Petit Jurors drawn on the _____ day of _____, 19__, for the Municipal Court of Wichita Falls, Texas." Each envelope shall be retained unopened by the clerk until after the jury selected from the corresponding list has been impaneled. After the jurors so impaneled have served four or more days, the envelope containing the cards bearing the names of the jurors on that list shall then be opened by the clerk or his deputy and those cards bearing the names of persons who have not been impaneled and who have not served as many as four days shall be immediately returned to the wheel by the clerk or his deputy; and the cards bearing the names of the persons serving as many as four days shall be put in a box provided for that purpose for the use of the officers who shall next select the jurors from the wheel. If any of the lists drawn are not used, the clerk or his deputy shall open the envelopes containing the cards bearing the names of the unused lists immediately after the expiration of the six-month period and return the cards to the wheel. A juror serving on a jury in the court shall receive not less than $5 for each day and for each fraction of a day he attends the court as a juror and in no event less than that paid in county courts.

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Judgment and sentence

Sec. 17. The judgment and sentence, in case of conviction before municipal courts shall be in the name of the State of Texas, and shall recover of the defendant the fine and costs for the use and benefit of the city; except when otherwise ordered by the court, the court shall require that the defendant remain in custody of the chief of police of such city until the fine and costs are paid; and order that execution issue to collect the fines and penalties.

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Perfecting appeal; filing of bond

Sec. 25. Appeals from municipal courts may be perfected by filing the appeal bond provided for in the preceding section upon approval by the municipal court, subject to compliance with the provisions of Section 34.

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Preparation of transcript and statement of facts; fee

Sec. 34. The defendant shall pay a fee of $10 to the clerk of the municipal court for the preparation of the transcript and statement of

facts, at the time of request therefor. If the case is reversed on appeal, the $10 fee shall be refunded to the defendant.

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Acts 1969, 61st Leg., p. 2255, ch. 762, eff. Sept. 1, 1969. Sec. 5, amended by Acts 1971, 62nd Leg., p. 2501, ch. 822, § 1, eff. Aug. 30, 1971; Sec. 6 amended by Acts 1971, 62nd Leg., p. 2501, ch. 822, § 2, eff. Aug. 30, 1971; Sec. 13 amended by Acts 1971, 62nd Leg., p. 2502, ch. 822, § 3, eff. Aug. 30, 1971; Sec. 17 amended by Acts 1971, 62nd Leg., p. 2503, ch. 822, § 4, eff. Aug. 30, 1971; Sec. 25 amended by Acts 1971, 62nd Leg., p. 2503, ch. 822, § 5, eff. Aug. 30, 1971; Sec. 34 amended by Acts 1971, 62nd Leg., p. 2504, ch. 822, § 6, eff. Aug. 30, 1971.

CHAPTER SEVENTEEN—CONDEMNATION FOR HIGHWAYS

Art. 1220a. Notices of assessments for street improvements

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

CHAPTER TWENTY—MISCELLANEOUS PROVISIONS

Art. 1269j—4.1 Civic centers, auditoriums, exhibition halls, libraries and similar buildings; cities of 8,500 or more population

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Revenue bonds; ordinance; pledge of revenues; charges for services; leases

Sec. 3.

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

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

Occupancy tax authorized

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

Ordinances, bonds and taxes; validation

Sec. 3b. All ordinances heretofore passed and adopted by the governing body of any such city levying a tax upon the cost of occupancy of any sleeping room furnished by any hotel, where such cost of occupancy is at the rate of two dollars ($2) or more per day and such tax is equal to or less than three percent (3%) of the consideration paid by the occupant of such room to such hotel, and any bonds heretofore issued that are secured in whole or in part by a pledge of such tax, are hereby in all respects validated and held to be enforceable as of the respective date of passage and adoption of said ordinances levying such tax or issuing such bonds. All such occupancy taxes to be levied or attempted to be levied pursuant to such ordinances are hereby validated and declared fully enforceable to the same extent as if levied or attempted to be levied pursuant to valid laws duly enacted by the Legislature of this State specifically providing authority for the passage and adoption of such ordinances and the levy of such taxes.

Disposition of revenue

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

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

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

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

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

Definitions

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

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

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

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

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

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Acts 1965, 59th Leg., p. 148, ch. 63, eff. April 2, 1965. Secs. 1–4 amended by Acts 1967, 60th Leg., p. 1239, ch. 563, § 1, eff. June 4, 1967; Sec. 8 amended by Acts 1967, 60th Leg., p. 1239, ch. 563, § 1, eff. June 14, 1967; Sec. 3(b), (d) amended by Acts 1971, 62nd Leg., p. 1809, ch. 536, § 1, eff. June 1, 1971; Secs. 3a–3d added by Acts 1971, 62nd Leg., p. 1810, ch. 536, § 2, eff. June 1, 1971.

Art. 1269j—4.3. Parking facilities; revenue bonds; gulf coast cities of 55,000 to 120,000

Application to certain cities

Section 1. This Act shall apply to every incorporated city or town (including Home Rule Cities) located on the Coast of the Gulf of Mexico, or any channel, canal, bay or inlet connected therewith, having a population of more than fifty-five thousand (55,000) and less than one hundred twenty thousand (120,000) inhabitants according to the last preceding federal census.

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Acts 1969, 61st Leg., p. 1966, ch. 665, eff. June 12, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1839, ch. 542, § 94, eff. Sept. 1, 1971.

Art. 1269j—4.4. Sea life park and oceanarium; certificates of indebtedness

Authorization

Section 1. Any city or town which owns a sea life park and oceanarium, the same having been, or the same being, constructed, equipped and developed wholly or partly with the proceeds of general obligation park bonds duly voted by the inhabitants of such city or town, is hereby authorized to issue Certificates of Indebtedness for the purpose of obtaining funds for operating, maintaining, repairing, further equipping, developing, expanding or obtaining inventories for such sea life park and oceanarium or for paying for such services and items when performed,

obtained or acquired by others for the benefit of any such city or town under the terms of any lease, use, purchase, or concession agreement, operating agreement or other type of agreement relating to the development, operation, equipping, staffing, maintenance or upkeep of any such facilities; and for the same purposes, such obligations may be issued in connection with any other public facilities which are owned by such city or town in conjunction with such sea life park and oceanarium and which are of the type authorized by Chapter 63, Acts of the 59th Legislature, Regular Session, 1965 (Article 1269j—4.1, Vernon's Texas Civil Statutes) or under said Act and Chapter 400, Acts of the 61st Legislature, Regular Session, 1969 (Article 1269j—4.2, Vernon's Texas Civil Statutes).

Issuance; terms and conditions; security

Sec. 2. The Certificates of Indebtedness authorized by this Act may be issued when authorized by ordinance adopted by the governing body of any such city or town and may mature serially or otherwise and may be issued upon such other terms and conditions as may be contained and specified in any such ordinance, including, but not limited to, provisions as to interest rate or rates, registration and redemption privileges, and any manner and method of sale, exchange for goods, property or services, and for the delivery thereof; and the same may be secured by and made payable from taxes or revenues, or both; provided that, in the issuance of any such obligations payable from taxes, the issuer shall comply with the provisions of the Texas Constitution requiring in such cases that sufficient taxes to pay the principal thereof and interest thereon when due be duly and properly levied.

Certificates as investment securities

Sec. 3. Any Certificates of Indebtedness issued under authority of this Act shall constitute "Investment Securities" under Chapter 8 of the Texas Uniform Commercial Code,[1] and may be issued in such form and denominations and under such other terms, conditions and details, and may be executed, all as provided in the proceedings authorizing the same; and all Certificates of Indebtedness which shall recite that they have been issued under authority of this Act for the purposes herein authorized shall be incontestable for any reason and shall be valid and binding obligations in accordance with their terms and for all purposes.

[1] V.T.C.A. Bus. & C., § 8.101 et seq.

Refunding into bonds

Sec. 4. The Certificates of Indebtedness authorized by this Act may be wholly or partially refunded into bonds in any manner and upon such terms as now permitted by law with respect to the refunding of other indebtedness or obligations of any such city or town, including Chapter 503, Acts of the 54th Legislature, 1955, as amended, and Chapter 784, Acts of the 61st Legislature, 1969 (Article 717k, and Article 717k—3, Vernon's Texas Civil Statutes).

Legal and authorized investments; security for deposit of public funds

Sec. 5. All Certificates of Indebtedness issued under this Act shall be legal and authorized investments for all banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies of all kinds and types, and for the interest and sinking funds and other public funds of any city, county or other political subdivision of this State. Said obligations also shall be eligible and lawful security for all deposits of public funds of any city, county or other political subdivision or public agency.

For Annotations and Historical Notes, see V.A.T.S.

Contracts and agreements; operation, etc. of facilities; proceeds of certificates

Sec. 6. Upon or in anticipation of the issuance of any Certificates of Indebtedness authorized by this Act, (or in anticipation of the receipt of revenues from said facilities in lieu of the issuance of Certificates of Indebtedness) the governing body of any such city or town shall be authorized and permitted to make and enter into such contracts and agreements relating to the operation, maintenance, upkeep, equipment, development, expansion or supplying of or for any said public facilities, of such types and kinds, upon such terms, in such manner and in accordance with such procedures as the governing body of such city or town shall deem best, necessary and proper; and the proceeds of such Certificates of Indebtedness (or in lieu thereof such revenues) may be utilized and devoted to the satisfaction thereof.

Cumulative effect

Sec. 7. This Act shall be cumulative of all other laws on the subject, but this Act shall be wholly sufficient authority within itself for the issuance of such Certificates of Indebtedness and the performance of the other acts, powers and procedures authorized hereby, without reference to any other laws or any restrictions, procedures or limitations on borrowing or contracting contained therein, including the Bond and Warrant Law of 1931, as amended (Article 2368a, Vernon's Texas Civil Statutes), except as may be specifically required herein, and when any obligations are being issued or any act or contract is undertaken or made under this Act, then to the extent of any conflict or inconsistency between any provisions of this Act and any provisions of any other law otherwise applicable to such city or town, the provisions of this Act shall prevail and control.

Severability

Sec. 8. In case any one or more of the sections, provisions, clauses, or words of this Act, or the application thereof to any situation or circumstance, shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of this Act, or the application thereof to any other situation or circumstance, and it is intended that this Act shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, provision, clause, or word had not been included herein.

Acts 1971, 62nd Leg., p. 1284, ch. 327, eff. May 24, 1971.

Title of Act:

An Act providing for the authorization and issuance, by any city or town which owns a sea life park and oceanarium, the same having been or being constructed, equipped and developed wholly or partly with the proceeds of duly voted general obligation park bonds, of Certificates of Indebtedness for the purpose of operating, maintaining, supplying, repairing or further developing any such park improvements and certain other public facilities; providing for the manner and terms of issuance of said obligations and the security therefor; providing for their incontestability; providing for the refunding thereof; declaring them authorized investments and security for public funds and related matters; providing authority to make contracts and to prescribe procedures therefor and terms thereof; providing for a severability clause and that this Act shall be cumulative; and declaring an emergency. Acts 1971, 62nd Leg., p. 1284, ch. 327.

Art. 1269j—4.5. Civic Center Authority Act

SUBCHAPTER A. GENERAL PROVISIONS

Short title

Section 1. This Act may be cited as the "Civic Center Authority Act.

Definitions

Sec. 2. As used in this Act, unless the context requires a different definition:

(1) "County" means any county in the state.

(2) "Judge" or "county judge" means the county judge of a county.

(3) "Authority" means a civic center authority created under this Act.

(4) "Board" or "board of directors" means the board of directors of an authority.

(5) "Bond resolution" means the resolution authorizing the issuance of revenue bonds.

(6) "Person" means any individual, public agency as defined in this Act, public or private corporation, copartnership, association, firm, trust, estate, or any other entity.

(7) "Public agency" means a city, as defined in this Act, the United States, this state, or a political subdivision or governmental agency of the United States or of this state.

(8) "City" means an incorporated city, town, or village, whether operating under general law or under a home rule charter.

(9) "Facility" means the improvements and facilities described in Section 21 of this Act, or a designated portion of those improvements and facilities.

SUBCHAPTER B. CREATION OF AUTHORITIES

Creation authorized

Sec. 3. Civic center authorities without taxing power may be created in accordance with this Act.

Authority a political subdivision

Sec. 4. An authority created in accordance with this Act is a body politic and corporate and is a political subdivision of the state.

Composition of authority

Sec. 5. An authority may include the area of any county or portion thereof, including cities and other public agencies, and the area comprising an authority need not be in one body, but may consist of separate bodies of land separated by land not included in the boundaries of the authority.

Petition required

Sec. 6. (a) When it is proposed to create an authority, a petition requesting creation shall be filed with the county judge of the county in which such authority is proposed to be created. The petition shall be signed by a majority of the members of each of the governing bodies of two or more cities. Such petition shall describe the boundaries of the proposed authority by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of such area, or by natural or artificial boundaries or survey lines. If the area of the authority is to

For Annotations and Historical Notes, see V.A.T.S.

be composed entirely of cities, it shall be sufficient if the petition recites that fact and specifies the cities to be included. Such petition shall contain the names of those persons recommended for the authority's first board of directors, the number of said directors shall be an odd number, but not less than five nor more than eleven. Such petition shall state the desirability of or the need for the creation of the authority and shall include the name of the authority which shall be generally descriptive of the locale of the authority followed by the words "Civic Center Authority." A copy of such petition shall be recorded in the deed records of the county in which the authority is located, and no other authority in the same county shall have the same name.

(b) The petition shall be accompanied by a deposit of $200 to cover the cost of publishing notice of the hearing hereinafter mentioned. If all of such moneys are not required for such purpose, the excess shall be returned to the petitioners.

Hearing

Sec. 7. (a) Upon the filing of a petition with the county judge, said judge shall fix a date, time and place at which the petition shall be heard by him, such date to be not more than 20 days from the date of such filing of the petition. The county judge shall issue notice of the date, time, and place of hearing, and the notice shall inform all persons of their right to appear and contest the form and allegations of the petition and the desirability of or need for the creation of the authority.

(b) Notice of the hearing shall be published in a newspaper having general circulation in the county in which the authority is located at least one time, the date of publication to be at least 10 days prior to the date fixed for the hearing.

(c) The county judge shall examine the petition to ascertain the sufficiency thereof, and any person interested may appear before him in person or by attorney and offer testimony touching the sufficiency of the petition and whether the creation of the authority is desirable or necessary. The county judge shall have jurisdiction to determine all issues raised touching the sufficiency of the petition and creation of the authority. The hearing may be adjourned from day to day, and the county judge shall have the power to make all incidental orders in respect to the matters before him.

(d) If, upon the hearing of the petition, the county judge finds that it conforms to the requirements of Section 6 of this Act and that the creation of the authority is desirable or necessary, the county judge shall so declare by his order and grant the petition. If he finds that such authority is neither desirable nor necessary, he shall refuse to grant the petition.

(e) Any person who signed the petition or any person who did actually appear and protest the petition and offer testimony for or against the creation of the authority may appeal to an appropriate district court from the order of the judge, granting or refusing the petition, within 30 days after the entry of such order.

SUBCHAPTER C. ADMINISTRATIVE PROVISIONS

Board of directors

Sec. 8. An authority shall be governed by a board of not less than five nor more than eleven directors, as provided in Section 6 of this Act.

Qualifications of directors

Sec. 9. To be qualified to serve as a director of an authority a person shall be 21 or more years of age, a resident citizen of the State of Texas and must reside within the boundaries of the authority.

Term of office

Sec. 10. The term of office of the first board of directors shall be two years from the date the authority is created and until their successors are appointed and qualified. Thereafter, at two-year intervals the members of such boards of directors shall be appointed by the county judge upon the advice and consent of, and only from among those persons recommended by, all of the respective cities included within the boundaries of the authority and contracting with the authority under the terms of this Act. Such directors shall serve for a term of two years and until their successors are appointed and qualified.

Vacancies

Sec. 11. A vacancy in the office of a director or any office on the board shall be filled by appointment by the board of directors for the unexpired term. If at any time the number of qualified directors shall be less than a majority of the board because of the failure or refusal of one or more directors to qualify to serve, or because of his or their death or incapacitation, or for any other reason, then the county judge shall, upon the petition of any resident of the authority, appoint the necessary number of directors to fill all vacancies on the board.

Organization of board; election of officers

Sec. 12. After the directors have qualified by making the proper bond and taking the proper oath, they shall organize by electing a president, a vice president, a secretary, and such other officers as in the judgment of the board are deemed necessary. The authority's treasurer may be a director of a state or national bank. The treasurer shall give bond in such amount as may be required by the board, conditioned that he or it will faithfully account for all moneys which shall come into his or its custody as treasurer of the authority.

Quorum

Sec. 13. A majority of the directors appointed shall constitute a quorum and a concurrence of such majority shall be sufficient in all matters pertaining to the business of the authority. The president shall preside at all meetings of the board and shall be the chief executive officer of the authority. The vice president shall act as president in case of the absence or disability of the president. The secretary shall act as president if both the president and vice president are absent or disabled. The secretary shall act as secretary of the board and shall be charged with the duty of seeing that all records and books of the authority are properly kept. The board may appoint another director, the general manager or any employee as assistant or deputy secretary to assist the secretary and any such person shall be entitled to certify as to the authenticity of any record of the authority.

Bylaws

Sec. 14. The board is empowered to adopt bylaws to govern:

(1) the time, place, and manner of conducting its meetings;

(2) the powers, duties, and responsibilities of its officers and employees;

(3) the disbursement of funds by checks, drafts, and warrants;

(4) the appointment and authority of director committees; and

(5) the keeping of records and accounts and such other matters as the board deems appropriate.

Meetings and notice

Sec. 15. The board shall establish regular meetings to conduct authority business and may hold special meetings at such other times as the business of the authority requires. The board shall hold its meetings at one of its designated meeting places. Notice of the time, place and purpose of any meeting of the board shall be given by posting at a place convenient to the public within the boundaries of the authority. A copy of the notice shall be furnished to the clerk of the county in which the authority is located who shall post the same on a bulletin board in the county courthouse or sub-courthouse used for such purpose. The notice of the meeting shall be posted for at least three days prior to a meeting, unless there is an emergency or urgent public necessity, which shall be expressed in the notice. Failure to post notice as required herein shall not affect the validity of any action taken at a regular meeting of the board but shall affect the validity of action taken at a special meeting unless the board declares in action taken at that special meeting that an emergency existed. Any interested person may attend any meeting of the board.

Authority office and meeting place

Sec. 16. The board of directors shall designate, establish and maintain an authority office and meeting place within the authority. The board may also establish a meeting place outside the authority. If the board establishes a meeting place outside the authority, it shall give notice of the location thereof by filing a true copy of its order establishing the location of the authority office with the county clerk and also by publishing the location in a newspaper of general circulation in the county in which the authority is located. If the location of the meeting place outside the authority is thereafter changed, notice of the change shall be given in the same manner.

Fees of office

Sec. 17. The directors may receive as fees of office the sum of not to exceed $25 per day for each day of service necessary to discharge their duties, but such fees shall not exceed the sum of $100 in any one month regardless of the number of days of necessary service during that month.

General manager

Sec. 18. A director may be employed as general manager of the authority at such compensation as may be fixed by the other directors, and, when so employed, he shall continue to perform the duties of a director. If the general manager is not a director, he shall furnish a fidelity bond payable to the authority in the amount of $5,000 conditioned upon the faithful performance of his duties.

Bond and oath of office

Sec. 19. As soon as practicable after a director is appointed, he shall give a bond for $5,000 payable to the authority and conditioned upon the faithful performance of his duties. Each director shall take the oath of office prescribed for the commissioners court, except that the name of the authority shall be substituted for the county. The bond and oath shall be filed with the authority and retained in its records.

Qualification of directors

Sec. 20. After an authority has been created by the granting of a petition therefor, the first members of the board of directors shall make their bonds and take the oath of office and thereafter shall meet and organize. Said bonds of the first board of directors shall be approved by the county judge. The bonds for subsequent directors shall be approved by the board of directors of the authority.

SUBCHAPTER D. POWERS AND DUTIES

General powers

Sec. 21. Any authority created under this Act is authorized to establish, acquire, lease as lessee or lessor, purchase, construct, improve, enlarge, equip, repair, operate or maintain (any or all) public improvements such as civic centers, civic center buildings, auditoriums, opera houses, music halls, exhibition halls, coliseums, museums, libraries, recreational buildings or facilities, or other public buildings and related facilities (either or all), and to establish, acquire, lease as lessee or lessor, purchase, construct, improve, enlarge, equip, repair, operate or maintain (any or all) structures, parking areas, or facilities, located at or in the immediate vicinity of such public improvements, to be used in connection with such public improvements for off-street parking or storage of motor vehicles or other conveyances. Any such lease may be on such terms and conditions as the board of directors of said authority shall deem appropriate as in this Act provided.

Addition of cities

Sec. 22. A city may be added to and become a part of an authority upon filing a petition to that effect with an authority's board of directors. Such petition must be signed by a majority of the members of the governing body of such city. If the authority's board determines such addition to the authority is desirable or necessary, such board shall so find and enter its order adding such city to such authority, and a copy of same shall be recorded in the county deed records. Such an added city, however, shall not have any authority or power with respect to recommending or appointing members to the authority's board of directors unless and until it becomes a contracting city as mentioned in Section 10 of this Act.

Management of district

Sec. 23. The board shall have control over and management of all of the affairs of the authority and shall employ persons, firms, partnerships, or corporations deemed necessary by the board for the conduct of the affairs of said authority, including, but not limited to, engineers, attorneys, financial advisors, a general manager, bookkeepers, auditors, and secretaries. The board of directors shall determine the term of office and compensation of all employees. All employees may be removed by the board. The board of directors may require a bond of any employee payable to the authority and conditioned upon the faithful performance of his duties.

Supplies

Sec. 24. The board shall also have the right to purchase all materials, supplies, equipment, vehicles, and machinery needed by the authority.

Seal

Sec. 25. The directors shall adopt a seal for the authority.

Destruction of records

Sec. 26. All original minutes and orders of the board, all construction contracts and all instruments relating thereto, all bonds of the authority's board of directors, and all bonds of the authority's officers and employees shall be kept in a safe place and maintained as permanent records of said authority. No minutes or orders or resolutions of the board of directors shall be destroyed. All records necessary for the authority's annual audits and necessary to comply with the term of its bond resolutions shall be retained for at least one full year after the expiration of the next preceding fiscal year. Authority contracts other than construction contracts and records relating thereto shall be retained for at least four years after the performance thereof. Except for the foregoing, an authority's records may be destroyed when the board determines that they are no longer needed or useful. As to any authority records destroyed, the board of directors shall designate the person or persons to destroy same and the manner of such destruction. If the board deems it advisable it may cause any instruments to be first inventoried or microfilmed before they are destroyed.

Director interested in contract

Sec. 27. A director who is financially interested in any contract with the authority shall disclose that fact to the other directors and may not vote on the acceptance of the contract or participate in the discussion on the contract. The failure of a director to disclose his financial interest shall invalidate the contract.

Suits

Sec. 28. All authorities created under the provisions hereof shall be governmental agencies and bodies politic and corporate, and may, through their directors, sue and be sued in any and all courts of this state in the name of such authority. Service of process in any suit may be had by serving any three directors. All courts of this state shall take judicial knowledge of the establishment of such authorities.

Contracts in name of authority

Sec. 29. Authority shall contract and be contracted with in the name of said authority.

Fees and charges

Sec. 30. An authority shall have the power to adopt, promulgate, and enforce all necessary charges, fees or rentals for providing any authority facilities or services.

Rules and regulations

Sec. 31. An authority may adopt and enforce reasonable rules and regulations as to any or all of its facilities.

Acquisition of land

Sec. 32. An authority is empowered to acquire lands, materials, easements, rights-of-way, and everything deemed necessary, incidental, or helpful for the purpose of accomplishing any one or more of the purposes provided in Section 21 of this Act. An authority shall have the right to acquire all such property by gift, grant, purchase, or condemnation, and the right to acquire property shall include property deemed necessary for the construction, improvement, extension, enlargement, operation, or maintenance of its facilities. An authority may acquire either the fee simple title to, or an easement upon, all lands, both public and private, either within or beyond its boundaries and may acquire the title to, or an

easement upon, property other than lands held in fee. An authority may also lease property upon such terms and conditions as the board of directors may determine advantageous to the authority.

Eminent domain

Sec. 33. An authority may acquire any lands, easements, or other property within its boundaries by condemnation, and in case of a condemnation, the authority may elect to condemn either the fee simple title, or an easement only. The right of eminent domain shall be exercised in the manner provided in Title 52, Revised Civil Statutes of Texas, 1925, as amended (Article 3264, et seq., Vernon's Texas Civil Statutes), except that an authority shall not be required to give bond for appeal or bond for costs in any condemnation suit or other suit to which it is a party and shall not be required to deposit double the amount of any award in any such suit. Such proceedings shall be instituted under the direction of the directors and in the name of the authority.

Costs of relocation of property

Sec. 34. In the event that the authority, in the exercise of the power of eminent domain or power of relocation, or any other power, makes necessary the relocation, raising, rerouting or changing the grade of, or altering the construction of, any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocations, raising, rerouting, changing of grade, or alteration of construction shall be accomplished at the sole expense of the authority. The term "sole expense" shall mean the actual cost of such relocation, raising, rerouting, or changing grade, or alteration of construction and providing comparable replacement without enhancing such facilities after deducting therefrom the net salvage value derived from the old facility.

Sale of surplus land

Sec. 35. Any property or land owned by the authority which may be found to be surplus and not needed by the authority may be sold under order of the directors of the authority either by public or private sale or such property may be exchanged for other property.

Leases

Sec. 36. An authority may lease to or from any person, all or any part of any facilities constructed or acquired or to be constructed or acquired by it. The lease may contain the terms and provisions which the board determines to be advantageous to the authority. The term of any lease shall not exceed 40 years from the date thereof.

Contracts

Sec. 37. An authority shall have authority to contract with a public agency for furnishing or making available all or a part of the authority's facilities or services and for the joint ownership and operation of any improvements, facilities, and equipment necessary to accomplish any purpose or function permitted by an authority. An authority may enter into contracts with any person in the performance of any purpose or function permitted by an authority, such contracts not to exceed 40 years' duration and to be on such terms and conditions as the board of directors may deem desirable, fair and advantageous.

Contracts over $10,000

Sec. 38. (a) The board shall advertise a contract for more than $10,000 for the purchase of materials and all things to constitute the facilities

of the authority or for construction as specified in Subsections (b) through (d) of this section.

(b) The board shall advertise the letting of a contract, including the general conditions, time, and place of opening of sealed bids. The notice shall be published in one or more newspapers published in the county. The notice shall be published once a week for two consecutive weeks prior to the date that the bids are opened, and the first publication shall be at least 14 days before the opening of sealed bids.

(c) A contract may cover all the facilities to be provided by the authority, or the various elements of the facilities may be segregated for the purpose of receiving bids and awarding contracts. A contract may provide that the facilities will be constructed in stages over a period of years.

(d) A contract may provide for the payment of a total sum which is the completed cost of the facilities or may be based on bids to cover cost of units of the various elements entering into the work as estimated and approximately specified by the authority's architects or engineers or a contract may be let and awarded in any other form or composite of forms and to any responsible person or persons which, in the board's judgment, will be most advantageous to the authority and result in the best and most economical completion of the authority's proposed facilities.

Additional work; change orders

Sec. 39. After a contract has been awarded and the authority determines that additional work is needed or that the character or type of work or facilities should be changed, the board may authorize change orders to such contract provided same does not increase the total cost of the contract by more than 25 percent.

Construction bids

Sec. 40. (a) A person who desires to bid on proposed construction work shall submit to the board a written sealed bid together with a certified or cashier's check on a responsible bank in the state or a bidder's bond for at least two percent of the total amount of the bid.

(b) Bids shall be opened at the same time, and the board may reject any or all of the bids.

(c) If the successful bidder fails or refuses to enter into a proper contract with the authority or fails or refuses to furnish the bond required by law, he shall forfeit the amount of the check or bond which accompanied his bid.

Executing and recording construction contract

Sec. 41. (a) Contracts for construction work shall be in writing and signed by the board and the contractor.

(b) The contract shall be kept in the authority's records and be available for public inspection.

Contractor's bond

Sec. 42. Any person, firm, partnership, or corporation to whom a contract is let must give good and sufficient performance and payment bonds in accordance with Article 5160, Revised Civil Statutes of Texas, 1925, as amended.

Repayment of organizational expenses

Sec. 43. The authority's directors are authorized to pay all costs and expenses necessarily incurred in the creation and organization of an authority, the cost of investigation and making plans, engineer's or archi-

tect's report, and other incidental expenses, and to reimburse any person for money advanced for such purposes. Any such payments may be made from money obtained from the sale of bonds first issued by the authority.

Premium on directors or employees bonds

Sec. 44. The board of directors may pay the premium on surety bonds required of officials or employees of the authority out of any available funds of the authority including proceeds from the sale of bonds.

Depository

Sec. 45. The board of directors shall by order or resolution designate one or more banks within or without the authority to serve as the depository for the funds of the authority. All funds of the authority shall be deposited in the depository bank or banks unless otherwise required by orders or resolutions authorizing the issuance of the authority's bonds. To the extent that funds in the depository bank or banks are not insured by the Federal Deposit Insurance Corporation, they shall be secured in the manner provided by law for the security of funds of counties of the State of Texas.

Investments

Sec. 46. Funds of the authority may be invested and reinvested by the board of directors in direct or indirect obligations of the United States of America or any agency thereof, of the State of Texas or of any county, city, school district, or other political subdivision of the State of Texas. Funds of the authority may be placed in certificates of deposit of state or national banks or savings and loan associations within the State of Texas provided that the same are secured in the manner provided for the security of the funds of counties of the State of Texas.

Accounts and records; audits

Sec. 47. A complete system of accounts shall be kept by the authority and an audit of its affairs for each year shall be prepared by an independent certified public accountant or a firm of independent certified public accountants. The fiscal year of the authority shall be from January 1 to December 31, unless and until changed by the board of directors. A signed copy of the audit report shall be delivered to each member of the board of directors not later than 120 days after the close of each fiscal year. A copy of the audit shall be kept on file at the authority office and shall constitute a public record open for inspection by any interested person or persons during normal office hours.

SUBCHAPTER E. REVENUE BONDS

Issuance of bonds

Sec. 48. The authority is authorized to issue its revenue bonds for all or any of the purposes set forth in this Act. Said bonds may be issued when duly authorized by a resolution adopted by the board and shall be secured by a pledge of and be payable from all or any designated part of the authority's revenues from its facilities or whatever source derived, including but not limited to the proceeds of contracts and leases. Said bonds shall mature serially or otherwise in not more than 40 years from their date or dates, and shall bear interest at any rate or rates permitted by the Constitution and laws of the State of Texas, all as shall be determined by the board. Said bonds and interest coupons, if any, appertaining thereto, shall be investment securities under the terms of

Chapter 8 of the Business & Commerce Code [1] and may be issued registrable as to principal or as to both principal and interest and may be made redeemable prior to maturity, at the option of the board, or they may contain a mandatory redemption provision all as may be provided by said board. Such bonds may be issued in such form, denominations, and manner and under such terms, conditions and details, and shall be signed and executed, as provided by the board in the resolution authorizing their issuance.

[1] V.T.C.A. Bus. & C., § 8.101 et seq.

Additional security for bonds

Sec. 49. The bonds, within the discretion of the board, may be additionally secured by a deed of trust or mortgage lien upon part or all of the physical properties of the authority, and franchises, easements, leases, and contracts and all rights appurtenant to such properties, vesting in the trustee power to sell such properties for payment of the bonds or interest thereon, power to operate the properties and all other powers and authority for the further security for the bonds. Such trust indenture, regardless of the existence of the deed of trust or mortgage lien on the properties, may contain provisions prescribed by the board for the security of the bonds and as preservation of the trust estate, and may make provisions for amendment or modification thereof, and may condition the right to expend authority money or sell authority property upon approval of a registered professional engineer or architect selected as provided therein and may make provisions for investment of funds of the authority. Any purchaser under a sale under the deed of trust or mortgage lien, where one is given, shall be absolute owner of the properties, facilities and rights so purchased and shall have the right to maintain and operate same.

Provisions of bonds

Sec. 50. In the resolutions authorizing the issuance of bonds as provided in this Act (including refunding bonds) the board may provide for the flow of funds, the establishment and maintenance of the interest and sinking fund or funds, the reserve fund or funds, and other funds, and may make additional covenants with respect to the bonds and the pledged revenues and the operation and maintenance of those facilities (the revenues of which are pledged), including provisions for the operation or for the leasing of all or any part of said facilities and the use or pledge of moneys derived from such operation, contracts and leases, as such board may deem appropriate. The resolutions of the board authorizing the issuance of bonds may also prohibit the further issuance of bonds or other obligations payable from the pledged revenues or may reserve the right to issue additional bonds to be secured by a pledge of and payable from said revenues on a parity with, or subordinate to, the lien and pledge in support of the bonds being issued, subject to such conditions as are set forth in such resolutions. The resolutions of the board issuing bonds may contain other provisions and covenants, as the authority's board may determine, not prohibited by the Texas Constitution or by this Act, and said board may adopt and cause to be executed any other proceedings or instruments necessary and/or convenient in the issuance of any authority bonds.

Use of bond proceeds

Sec. 51. From the proceeds of sale of any bonds issued under the provisions of this Act, the board may appropriate or set aside an amount for the payment of interest and administrative and operating expenses expected to accrue during the period of construction, as may be provided

in the bond resolutions, and an amount necessary to pay all expenses incurred and to be incurred in the issuance, sale, and delivery of the bonds.

Sale of bonds

Sec. 52. After the issuance of said bonds, the board shall sell the bonds on the best terms and for the best possible price.

Approval by Attorney General; registration by Comptroller

Sec. 53. All bonds issued by an authority shall be submitted to the Attorney General of the State of Texas for examination. If he finds that the bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas. After the approval and registration of bonds by the comptroller, they shall be incontestable in any court or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes. If said bonds recite that they are secured partially or otherwise by a pledge of the proceeds of a contract or contracts or a lease or leases made between the authority and another party or parties (public agencies, cities, or otherwise), a copy of each such contract or lease and of the proceedings authorizing same may or may not be submitted to the attorney general along with the bond records, and, if so submitted, then the approval by the attorney general of the bonds shall constitute an approval of such contract or lease, and thereafter such contract or lease shall be incontestable.

Refunding bonds

Sec. 54. (a) By resolutions adopted by its board, an authority shall have the power and authority to issue bonds to refund all or any part of its outstanding bonds, including matured but unpaid interest coupons. Refunding bonds shall mature serially or otherwise not more than 40 years from their date and shall bear interest at any rate or rates permitted by the Constitution and laws of the State of Texas. Refunding bonds may be payable from the same source as the bonds being refunded or from other additional sources, shall be approved by the attorney general as in the case of original bonds, and shall be registered by the comptroller of public accounts upon the surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolutions authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the place or places where the underlying bonds ar payable, in which case the refunding bonds may be issued before the cancellation of the bonds being refunded provided an amount sufficient to pay the interest and principal on the underlying bonds to their maturity dates, or to their option dates if said bonds have been duly called for payment prior to maturity according to their terms, has been so deposited in the place or places where said underlying bonds are payable, and the comptroller of public accounts shall register them without the surrender and cancellation of the underlying bonds. The refunding may be accomplished in one or several installment deliveries. Refunding bonds, and the interest coupons appurtenant thereto, shall be investment securities under the provisions of Chapter 8 of the Business & Commerce Code and shall be issued as provided in this Act.

(b) In lieu of the method set forth in Subsection (a) of this section, an authority may refund its bonds as provided by the general laws of the State of Texas.

Bonds legal investments; security for funds

Sec. 55. All bonds issued by the authority shall be legal and authorized investments for all banks, trust companies, building and loan as-

sociations, insurance companies of all kinds and types, fiduciaries, and trustees, and for all interest and sinking funds and other public funds of the State of Texas, and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. Authority bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas, and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

Paid bonds or coupons

Sec. 56. All authority bonds and interest coupons, or notes and warrants when paid, shall be delivered to the authority or destroyed and evidence of such destruction furnished the board.

Acts 1971, 62nd Leg., p. 2468, ch. 807, eff. June 8, 1971.

Title of Act:

An Act to be known as the "Civic Center Authority Act," providing for the creation of civic center authorities without taxing power; defining terms; making the authority a body politic and corporate and a political subdivision of the state; providing for an authority's powers, authorization, and purposes; providing the areas which may be included within an authority; providing the manner of creation of an authority; providing for its governing body; providing that the authority can enter into contracts and leases; providing for the issuance of bonds and refunding bonds by the authority; making such bonds legal investments; containing other provisions relating to the subject; containing a severability clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 2468, ch. 807.

Art. 1269j—4.6. Contracts with civic center authorities

Applicability of act

Section 1. This Act shall be applicable to any incorporated city, town, or village (hereinafter "city") of the State of Texas, whether operating under the general laws or under a home-rule charter.

Contracts authorized; purposes

Sec. 2. A city, pursuant to approval by a majority of its governing body, is hereby authorized to enter into a contract or contracts with a civic center authority under which the authority, for the benefit of the contracting city or contracting cities, may establish, acquire, lease as lessee or lessor, purchase, construct, improve, enlarge, equip, repair, operate, or maintain (any or all) public improvements within or without the boundaries of such city such as civic centers, civic center buildings, auditoriums, opera houses, music halls, exhibition halls, coliseums, museums, libraries, or other public buildings and related facilities (either or all), and may establish, acquire, lease as lessee or lessor, purchase, construct, improve, enlarge, equip, repair, operate, or maintain (any or all) structures, parking areas, or facilities, located at or in the immediate vicinity of such public improvements, to be used in connection with such public improvements for off-street parking or storage of motor vehicles or other conveyances, as may be authorized to the authority by the laws of this state (hereinafter "facilities"), and under which the authority may furnish all or any part of its authorized services and facilities within or without the boundaries of such city to the contracting city or cities. Such contract may be upon such terms and conditions as the city may deem desirable, fair and advantageous, such contract not to exceed 40 years' duration.

Payments by city to authority; sources

Sec. 3. Payments by a city to an authority shall be made, as prescribed in the contract between the city and the authority, from any available funds, including, without limitation of the above, ad valorem taxes; provided, however, that if a city wishes to pledge ad valorem taxes as part or all of the required payments under the contract with an authority, it must follow the alternative procedure prescribed in Section 4. Unless the alternative procedure prescribed in Section 4 is followed, neither an authority nor the holder of any bonds of the authority shall have the right to demand payment of the city's obligation out of any funds raised or to be raised by taxation. If the alternative procedure prescribed in Section 4 is followed, payments under the contract may be payable from and constitute solely an obligation against the taxing powers of the city or may be payable both from taxes and from such funds and revenues as may be prescribed in the contract.

Election by city; authority to levy and collect ad valorem tax; contracts as obligations against taxing power; qualified electors

Sec. 4. (a) If an election is held, substantially according to applicable procedure prescribed in Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, as amended,[1] in reference to the issuance of bonds by cities, by a city and carried, determining that the governing body of the city is authorized to levy and collect an ad valorem tax to pay all or a portion of the payments to be made by the city under a contract to be entered into by and between the city and an authority, the contract, in such event, will constitute an obligation against the taxing power of the city to the extent therein provided. After such election and at or prior to the time such city enters into such contract it shall, in accordance with the Texas Constitution, make provision for assessing and collecting annually a sufficient sum to pay such contract and creating a sinking fund of at least two percent thereon. No election is required for the exercise of any power conferred by this Act except for the levy of such tax.

(b) Only electors of the city who are qualified to vote at such elections under the Constitution and laws of the State of Texas and the Constitution of the United States shall be entitled to vote at such elections.

[1] Article 701 et seq.

Authority of this act

Sec. 5. If there be any conflict or inconsistency between this Act and the general laws of the State of Texas and/or any provision of a home-rule charter of a contracting city, the provisions of this Act shall control. Acts 1971, 62nd Leg., p. 2481, ch. 808, eff. June 8, 1971.

Title of Act:

An Act authorizing cities, towns, and villages to contract with civic center authorities; declaring the applicability of the Act; authorizing the contracts for certain purposes and providing for the terms, conditions, and duration thereof; providing for payments by city to an authority and declaring the sources therefor; providing for election by a city for authority to levy and collect ad valorem taxes; providing that this Act shall control in instances of conflict with general laws or home-rule charters; containing other provisions relating to the subject; and declaring an emergency. Acts 1971, 62nd Leg., p. 2481, ch. 808.

Art. 1269j—4.7. Certificates of indebtedness authorized for New Community plan adopted by city or town under federal act

Authorization

Section 1. Any city or town, which has by duly adopted resolution, order or ordinance approved or approved in principle a New Community

plan in connection with a New Community Development project under the Urban Growth and New Community Development Act of 1970, enacted by the United States Congress as Title VII of the Housing and Urban Development Act of 1970, Public Law 91–609,[1] is hereby authorized to issue Certificates of Indebtedness for the purposes of acquiring, purchasing, constructing, repairing, renovating, improving and/or equipping any public projects or public facilities of any type, including but not excluding others, parks, streets, drainage facilities, water supply and distribution facilities, sewage and waste collection, disposal and treatment facilities, plants and properties, and for the purpose of planning, developing, engineering and financing such public projects and the payment for professional services incident thereto and in connection therewith.

[1] 42 U.S.C.A. § 4501 et seq.

Issuance; ordinance; terms and conditions; interest; pledge of revenues; levy of taxes

Sec. 2. The Certificates of Indebtedness authorized by this Act may be issued when authorized by ordinance adopted by the governing body of any such city or town and may mature serially or otherwise and may be issued upon such other terms and conditions as may be contained and specified in any such ordinance, including but not limited to provisions as to interest rate or rates, registration and redemption privileges, and any manner and method of sale, or as to exchange for goods, property or services, and for the delivery thereof. Said Certificates of Indebtedness may be issued in amount sufficient to provide for escrowed interest during such periods, not exceeding three years as such ordinance may direct, and/or may provide for deferred interest payments for such period as may be agreed upon with the purchaser thereof; and the same may be secured by and made payable from taxes or revenues by utility system or systems of the issuer, or both; provided that, in the issuance of any such obligations payable from taxes, the issuer shall comply with the provisions of the Texas Constitution requiring in such cases that sufficient taxes to pay the principal thereof and interest thereon when due be duly and properly levied.

Investment securities; incontestability

Sec. 3. Any Certificates of Indebtedness issued under authority of this Act shall constitute "Investment Securities" under Chapter 8 of the Texas Uniform Commercial Code [1], and may be issued in such form and denominations and under such other terms, conditions and details, and may be executed, all as provided in the proceedings authorizing the same; and all Certificates of Indebtedness which shall recite that they have been issued under authority of this Act for the purposes herein authorized shall be incontestable for any reason and shall be valid and binding obligations in accordance with their terms and for all purposes.

[1] V.T.C.A. Bus. & C. § 8.101 et seq.

Refunding bonds; security

Sec. 4. The Certificates of Indebtedness authorized by this Act may be wholly or partially refunded into bonds in any manner and upon such terms as now permitted by law with respect to the refunding of other indebtedness or obligations of any such city or town, including Chapter 503, Acts of the 54th Legislature, 1955, as amended (Article 717k, Vernon's Texas Civil Statutes), and Chapter 784, Acts of the 61st Legislature, 1969 (Article 717k—3, Vernon's Texas Civil Statutes), which refunding bonds may be secured by taxes and/or any revenues of any utility system and/or in any other manner permitted by said acts, irrespective of the purposes for which such Certificates of Indebtedness were issued or the manner in, or source from, which they were secured or were payable.

Legal investments and security for deposits

Sec. 5. All Certificates of Indebtedness issued under this Act shall be legal and authorized investments for all banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies of all kinds and types, and for the interest and sinking funds and other public funds of any city, county or other political subdivision of this State. Said obligations also shall be eligible and lawful security for all deposits of public funds of any city, county or other political subdivision or public agency.

Cumulative and prevailing effect

Sec. 6. This Act shall be cumulative of all other laws on the subject, but this Act shall be wholly sufficient authority within itself for the issuance of such Certificates of Indebtedness and the performance of the other acts, powers and procedures or limitations on borrowing contained therein, except as may be specifically required herein, and when any obligations are being issued under this Act, then to the extent of any conflict or inconsistency between any provisions of this Act and any provisions of any other law otherwise applicable to such city or town, the provisions of this Act shall prevail and control.

Severability

Sec. 7. In case any one or more of the sections, provisions, clauses or words of this Act, or the application thereof to any situation or circumstance, shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of this Act, or the application thereof to any other situation or circumstance, and it is intended that this Act shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, provision, clause, or word had not been included herein.

Acts 1971, 62nd Leg., p. 2895, ch. 957, eff. June 15, 1971.

Title of Act:

An Act providing for the authorization and issuance by any city or town which has by duly adopted resolution, order or ordinance approved or approved in principle a New Community plan in connection with a New Community Development project under the federal Urban Growth and New Community Development Act of 1970, of Certificates of Indebtedness for the purposes of acquiring, purchasing, constructing, repairing, renovating, improving, and/or equipping any public projects or facilities of any type, including streets, drainage, water supply and distribution facilities, and sewage and waste collection, disposal and treatment facilities, plants and properties, and for the purpose of planning, developing, engineering and financing such projects and the payment for professional services incident thereto and in connection therewith; providing for the manner and terms of issuance of said obligations and the security therefor; providing for their incontestability; providing for the refunding thereof; declaring them authorized investments and security for public funds and related matters; providing for a severability clause and that this Act shall be cumulative; and declaring an emergency. Acts 1971, 62nd Leg., p. 2895, ch. 957.

Art. 1269j—101. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Article 1269j—101 contained the Higher Education Authority Act, and was derived from Acts 1969, 61st Leg., p. 1734, ch. 571.

See, now, V.T.C.A. Education Code, § 53.01 et seq.

CHAPTER TWENTY-ONE—HOUSING

Art. 1269k. Housing Authorities Law

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Form and sale of bonds

Sec. 15. Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding eight (8) per centum per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

The bonds may be sold at not less than par at public sale held after notice published once at least five (5) days prior to such sale in a newspaper having a general circulation in the city or the county and in a financial newspaper published in the City of New York, New York, provided, however, that such bonds may be sold at not less than par to the Federal Government at private sale without any public advertisement.

In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this Act shall be fully negotiable.

In any suit, action, or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located, and constructed in accordance with the purposes and provisions of this Act.

Sec. 15 amended by Acts 1971, 62nd Leg., p. 1555, ch. 416, § 1, eff. Aug. 30, 1971.

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Area of operation of county or regional housing authorities

Sec. 23c. The area of operation of a regional housing authority shall include all of the counties for which such regional housing authority is created and established except that portion of the counties which lies within the territorial boundaries of any city. Provided that a county or regional housing authority shall not undertake any housing project or projects within the boundaries of any city unless a resolution shall have been adopted by the governing body of such city (and also by any housing authority which shall have been theretofore established and authorized to exercise its powers in such city) declaring that there is a need for the county or regional housing authority to exercise its powers within such city.

The area of operation of a regional housing authority shall be increased from time to time to include one or more additional counties not already within a regional housing authority (except in such portion or portions of such additional county or counties which lie within the

territorial boundaries of any city) if the Commissioners Court of each of the counties then included in the area of operation of such regional housing authority, the commissioners of the regional housing authority and the Commissioners Court of each such additional county or counties each adopt a resolution declaring that there is a need for the inclusion of such additional county or counties in the area of operation of such regional housing authority. Upon the adoption of such resolutions, the county housing authority created for each such additional county shall cease to exist except for the purpose of winding up its affairs and executing a deed to the regional housing authority as hereinafter provided; provided, however, that such resolutions shall not be adopted if there is a county housing authority created for any such additional county which has any obligations outstanding unless first, all obligees of any such county housing authority and parties to the contracts, bonds, notes, and other obligations of any such county housing authority agree with such county housing authority and the regional housing authority to the substitution of such regional housing authority in lieu of such county housing authority on all such contracts, bonds, notes, or other obligations; and second, the commissioners of such county housing authority and the commissioners of such regional housing authority adopt resolutions consenting to the transfer of all the rights, contracts, obligations, and property, real and personal, of such county housing authority to such regional housing authority as hereinafter provided; and provided further that when the above two (2) conditions are complied with and the area of operation of such regional housing authority is increased to include such additional county, as hereinabove provided, all rights, contracts, agreements, obligations, and property of such county housing authority shall be in the name of and vest in such regional housing authority, all obligations of such county housing authority shall be the obligations of such regional housing authority and all rights and remedies of any person against such county housing authority may be asserted, enforced, and prosecuted against such regional housing authority to the same extent as they may have been asserted, enforced, and prosecuted against such county housing authority.

When any real property of a county housing authority vests in a regional housing authority as provided above, the county housing authority shall execute a deed of such property to the regional housing authority which thereupon shall file such deed with the clerk of the county where such real property is, provided that nothing contained in this sentence shall affect the vesting of property in the regional housing authority as provided above.

The Commissioners Court of each of the counties in the regional housing authority, the commissioners of the regional housing authority and the Commissioners Court of each such additional county or counties shall by resolution declare that there is a need for the addition of such county or counties to the regional housing authority, if (a) the Commissioners Court of each such additional county or counties finds that insanitary or unsafe inhabited dwelling accommodations exist in such county or there is a shortage of safe or sanitary dwelling accommodations in such county available to persons of low income at rentals they can afford and (b) the Commissioners Court of each of the counties then included in the area of operation of the regional housing authority, the commissioners of the regional housing authority and the Commissioners Court of each such additional county or counties find that the regional housing authority would be a more efficient or economical administrative unit to carry out the purposes of this Housing Authorities Law if the area of operation of the regional housing authority shall be increased to include such additional county or counties.

For Annotations and Historical Notes, see V.A.T.S.

In connection with the issuance of bonds or the incurring of other obligations, a regional housing authority may covenant as to limitations on its right to adopt resolutions relating to the increase of its area of operation.

In determining whether dwelling accommodations are unsafe or insanitary under this or the preceding Section, the Commissioners Court of a county shall take into consideration the safety and sanitation of dwellings, the light and air space available to the inhabitants of such dwellings, the degree of overcrowding, the size and arrangement of the rooms and the extent to which conditions exist in such dwellings which endanger life or property by fire or other causes.

No governing body of a county shall adopt any resolution authorized by this or the preceding Section unless a public hearing has first been held. The clerk of such county shall give notice of the time, place, and purpose of the public hearing at least ten days prior to the day on which the hearing is to be held, in a newspaper published in such county, or if there is no newspaper published in such county, then in a newspaper published in the State and having a general circulation in such county. Upon the date fixed for such public hearing an opportunity to be heard shall be granted to all residents of such county and to all other interested persons.

Sec. 23c amended by Acts 1971, 62nd Leg., p. 2948, ch. 976, § 1, eff. Aug. 30, 1971.

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Validating Act:

Acts 1971, 62nd Leg., p. 2634, ch. 865, eff. June 9, 1971, provided:

"Section 1. The procedure for formation and creation of regional housing authorities pursuant to the provisions of the Housing Authorities Law, Chapter 462, page 1144, Acts of the 45th Legislature, Regular Session, 1937, as amended by Chapter 41, page 1924, Acts of the 45th Legislature, Second Called Session, 1937, as amended by Chapter 563, page 926, Acts of the 47th Legislature, Regular Session, 1941 (Article 1269k, Vernon's Texas Civil Statutes and any amendments thereto), together with all proceedings, acts, and things heretofore undertaken, performed or done with reference thereto, are hereby validated, ratified, confirmed, approved, and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority. This Act does not apply to any act or proceeding occurring prior to June 1, 1969.

"Sec. 2. This Act shall not be construed as validating any governmental act or proceeding which at the time this Act becomes effective is the subject of litigation pending in any court of competent jurisdiction, if the litigation is ultimately determined against the legality of the act or proceeding."

Art. 1269k—1. Bonds or other obligations of housing authorities as legal investments and security

Authorization; purpose

Section 1. Notwithstanding any restrictions on investments contained in any laws of this State, the State and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a housing authority pursuant to the Housing Authorities Law (Chapter 462, Regular Session of the 45th Legislature, as amended by House Bill No. 102, 2nd Called Session of the 45th Legislature, and amendments thereto)[1] or issued by any public housing authority or agency in the United States, when such bonds or other obligations are secured by

a pledge of annual contributions to be paid by the United States Government or any agency thereof, or secured or guaranteed by a pledge of the full faith and credit of the United States Government or any agency thereof, and such bonds and other obligations shall be authorized security for all public deposits; it being the purpose of this Act to authorize all persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations; provided, however, that nothing contained in this Act shall be construed as relieving any person, firm, or corporation from any duty of exercising reasonable care in selecting securities.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 2367, ch. 729, § 1, eff. June 8, 1971.

[1] Article 1269k.

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CHAPTER TWENTY-TWO—CIVIL SERVICE

Art. 1269m. Firemen's and Policemen's Civil Service in cities over 10,000

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Examination for eligibility lists

Sec. 9. The Commission shall make provisions for open, competitive and free examinations for persons making proper application and meeting the requirements as herein prescribed. All eligibility lists for applicants for original positions in the Fire and Police Departments shall be created only as a result of such examinations, and no appointments shall ever be made for any position in such Departments except as a result of such examination, which shall be based on the applicant's knowledge of and qualifications for fire fighting and work in the Fire Department, or for police work and work in the Police Department, as shown by competitive examinations in the presence of all applicants for such position, and shall provide for thorough inquiry into the applicant's general education and mental ability.

An applicant who has served in the armed forces of the United States and who received an honorable discharge shall receive five (5) points in addition to his competitive grades.

Appropriate physical examinations shall be required of all applicants for beginning or promotional positions, and the examinations shall be given by a physician appointed by the Commission and paid by such city; and in the event of rejection by such physician, the applicant may call for further examination by a board of three (3) physicians appointed by the Commission, but at the expense of the applicant, and whose findings shall be final. The age and physical requirements shall be set by the Commission in accordance with provisions of this law and shall be the same for all applicants.

No person shall be certified as eligible for a beginning position with a Fire Department who has reached his thirty-sixth birthday. No person shall be certified as eligible for a beginning position with a Police Department who has reached his thirty-sixth birthday unless the applicant has at least five (5) years prior experience as a peace officer. No person shall be certified as eligible for a beginning position with a Police Department who has reached his forty-fifth birthday.

For Annotations and Historical Notes, see V.A.T.S.

All police officers and firemen coming under this Act must be able to intelligently read and write the English language.

When a Fireman or Policeman is given a physical examination to determine if he is physically able to continue his duties, the physician appointed by the Commission to make such examination shall submit a complete physical report to the Chief of the Fire Department if the person so examined is a Fireman, and to the Chief of the Police Department if the person so examined is a Policeman. The Chief of each respective Department shall be the sole judge as to whether or not such Fireman or Policeman is able to continue his duties.

Sec. 9 amended by Acts 1971, 62nd Leg., p. 939, ch. 150, § 1, eff. May 11, 1971.

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Termination of service; accumulated sick and vacation leave; lump sum payment; cities of 1,200,000 or more

Sec. 26(b). (a) In any city in this State having a population of one million, two hundred thousand (1,200,000) or more inhabitants, according to the last preceding federal census, a fireman or policeman who leaves the classified service for any reason shall receive in a lump sum payment the full amount of his salary for the period of his accumulated sick leave, provided that the payment shall be based upon not more than ninety (90) working days of accumulated sick leave plus one-fourth (¼) of all remaining working days of accumulated sick leave in excess of the ninety (90). Any fireman or policeman who leaves the classified service or loses his life as the result of a line of duty injury or illness or the beneficiaries of such fireman or policeman shall be paid the full amount of his salary for the total number of his working days of accumulated sick leave.

(b) In any city in this State having a population of one million, two hundred thousand (1,200,000) or more inhabitants, according to the last preceding federal census, a fireman or policeman who leaves the classified service for any reason shall receive in a lump sum payment the full amount of his salary for the period of his accumulated vacation leave, provided that such payment shall be based upon not more than sixty (60) working days of accumulated vacation leave. Any fireman or policeman who leaves the classified service or loses his life as the result of a line of duty injury or illness or the beneficiaries of such fireman or policeman shall be paid the full amount of his salary for the total number of his working days of accumulated vacation leave.

Sec. 26(b) added by Acts 1971, 62nd Leg., p. 2822, ch. 921, § 1, eff. Aug. 30, 1971.

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Section 2 of the 1971 act, which added section 26(b) of this article, provided: "As used in this Act, 'the last preceding Federal Census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes."

TITLE 30—COMMISSION MERCHANTS

Art. 1275. [3827] Bond of

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 1285. Bond recorded

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 1287a. Livestock auction commission merchants

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

TITLE 32—CORPORATIONS

CHAPTER NINE—NON-PROFIT, RELIGIOUS, CHARITABLE AND EDUCATIONAL

1. TEXAS NON-PROFIT CORPORATION ACT

Art. 1396—2.27. Charitable Corporations

A. Notwithstanding any provision in this Act or in the articles of incorporation to the contrary (except as provided in Section B), the articles of incorporation of each corporation which is a private foundation described in Section 509 of the Internal Revenue Code of 1954 shall be deemed to contain the following provisions: "The corporation shall make distributions at such time and in such manner as not to subject it to tax under Section 4942 of the Internal Revenue Code of 1954; the corporation

For Annotations and Historical Notes, see V.A.T.S.

shall not engage in any act of self-dealing which would be subject to tax under Section 4941 of the Code; [3] the corporation shall not retain any excess business holdings which would subject it to tax under Section 4943 of the Code; [4] the corporation shall not make any investments which would subject it to tax under Section 4944 of the Code; [5] and the corporation shall not make any taxable expenditures which would subject it to tax under Section 4945 of the Code." [6] With respect to any such corporation organized prior to January 1, 1970, this Section A shall apply only for its taxable years beginning on or after January 1, 1972.

B. The articles of incorporation of any corporation described in Section A may be amended to expressly exclude the application of Section A, and in the event of such amendment, Section A shall not apply to such corporation.

C. All references in this Article to "the Code" are to the Internal Revenue Code of 1954, and all references in this Article to specific sections of the Code include corresponding provisions of any subsequent Federal tax laws.

Added by Acts 1971, 62nd Leg., p. 889, ch. 119, § 1, eff. May 10, 1971.

[1] 26 U.S.C.A. § 509.
[2] 26 U.S.C.A. § 4942.
[3] 26 U.S.C.A. § 4941.
[4] 26 U.S.C.A. § 4943.
[5] 26 U.S.C.A. § 4944.
[6] 26 U.S.C.A. § 4945.

Section 2 of the 1971 Act provided: "If any word, phrase, clause, paragraph, sentence, part, portion or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid, and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision. All of the terms and provisions of this Act are to be liberally construed to effectuate the purposes, powers, rights, functions and authorities herein set forth.

CHAPTER TEN—PUBLIC UTILITIES

4. GAS AND LIGHT

1. TELEGRAPH

Art. 1415a. Repealed by Acts 1971, 62nd Leg., p. 2016, ch. 620, § 2, eff. Jan. 1, 1972

See, now, V.T.C.A. Education Code, § 32.01 et seq.

Art. 1436c. Safety of persons engaged in activities in proximity of high voltage electric lines; restrictions

Definitions

Section 1. In this Act:

(1) "High voltage" means voltage in excess of 600 volts measured between conductors or measured between a conductor and the ground.

(2) "Overhead line" means all bare or insulated electrical conductors installed above ground except those conductors that are de-energized and grounded or that are enclosed in rigid metallic conduit.

(3) "Authorized person" means:

(A) employees of a light and power company with respect to the electrical system of such company, employees of an electric cooperative

with respect to the electrical system of such cooperative, employees of a city with respect to the electrical system of such city, and the employees of a transportation system with respect to the electrical circuits of such system;

(B) employees of communication utilities, or state and county or municipal agencies having authorized circuit construction on the poles or the structures of an electric power company, an electric cooperative, a city or transportation system or communication system;

(C) employees of an industrial plant with respect to the electrical system of such plant;

(D) employees of any electrical or communications contractor with respect to work under his supervision.

(4) "Warning sign" means a weather-resistant sign of not less than five inches by seven inches with a yellow background and black lettering reading as follows: "WARNING—UNLAWFUL TO OPERATE THIS EQUIPMENT WITHIN SIX FEET OF HIGH VOLTAGE LINES."

Exceptions

Sec. 2. This Act does not apply to the construction, reconstruction, operation, and maintenance of overhead electrical or communication circuits or conductors and their supporting structures and associated equipment of rail transportation systems, electrical generating, transmission or distribution systems, or communication systems by an authorized person.

Six-foot Restriction; Functions or Activities of Employees

Sec. 3. Unless danger against contact with high voltage overhead lines has been effectively guarded against pursuant to the provisions of Section 6 of this Act, no person, firm, corporation, or association shall require any employee to perform and no person, firm, corporation, or association shall, individually or through an agent or employee, perform any function or activity upon any land, building, highway, or other premises if at any time during the performance of any function or activity, it is possible that the person performing the function or activity shall move or be placed within six feet of any high voltage overhead line or if it is possible for any part of any tool, equipment, machinery, or material used by such person to be brought within six feet of any high voltage overhead line during the performance of any such function or activity.

Six-foot Restriction; Operation of Machinery, Etc.

Sec. 4. Unless danger against contact with high voltage overhead lines has been effectively guarded against pursuant to the provision of Section 6 of this Act, no person, firm, corporation, or association shall, individually or through an agent or employee, erect, install, operate, move, transport, handle, or store any tool, machinery, equipment, supplies, materials, house, or other building or structure or any part thereof within six feet of any high voltage overhead line.

Posting of Warning Signs, Insulated Guards

Sec. 5. No person, firm, corporation, or association shall, individually or through an agent or employee, or as an agent or employee, operate any crane, derrick, power shovel, drilling rig, hayloader, haystacker, mechanical cotton picker, pile driver, hoisting equipment, or similar apparatus, any part of which is capable of vertical, lateral, or swinging motion, unless:

(1) there is posted and maintained a warning sign, as herein defined, legible at 12 feet and placed as follows:

(A) within the equipment readily visible to the operator of such equipment when at the controls of such equipment; and

For Annotations and Historical Notes, see V.A.T.S.

(B) on the outside of equipment in such number and location as to be readily visible to mechanics or other persons engaged in the work operations; and

(2) there shall be installed an insulated cage-type guard or protective device about the boom or arm of all equipment, except backhoes or dippers and, where the equipment includes a lifting hook device, all lifting lines are equipped with insulator links on the lift hook connection.

Ten-foot Restriction; Operation of Equipment

Sec. 5A. In addition to the minimum distances prescribed in Sections 3 and 4 of this Act, the operation of equipment or machines described in Section 5 or any part of such equipment or machines within 10 feet of any high voltage overhead line shall be unlawful unless danger against contact with high voltage overhead lines has been effectively guarded against pursuant to the provisions of Section 6 of this Act.

Temporary Clearance of Lines

Sec. 6. When any person, firm, or corporation desires to temporarily carry on any function, activity, work, or operation in closer proximity to any high voltage overhead line than permitted by this Act, the person or persons responsible for the work to be done shall promptly notify the operator of the high voltage line. The work shall be performed only after satisfactory mutual arrangements have been negotiated between the owner or the operator of the lines or both and the person or persons responsible for the work to be done for temporary mechanical barriers separating and preventing contact between material, equipment, or persons and high voltage electric lines, temporary de-energization and grounding, or temporary relocation or raising of the lines. The actual expense incurred by any operator of high voltage lines in providing clearances as above set out shall be paid by the person or persons responsible for the work to be done in the vicinity thereof and the operator of the lines may require such payment in advance, such operator being without obligation to provide such clearance until such payment shall have been made. Should the actual expense be less than the payment made the difference shall be refunded. The operator of the lines shall be given not less than 48 hours' advance notice to arrange for such temporary clearances.

Violations and Penalties

Sec. 7. (a) Every person, firm, corporation, or association and every agent or employee of such person, firm, corporation, or association who violates any of the provisions of this Act shall be fined not less than $100, nor more than $1,000 or confined in jail for not more than one year or both.

(b) If a violation of this Act results in physical or electrical contact with any high voltage overhead line, the person, firm, corporation, or association violating the provisions of this Act shall be liable to the owner or operator of such high voltage line for all damage to such facilities and for all liability incurred by such owner or operator as a result of any such contact.

Acts 1971, 62nd Leg., p. 76, ch. 41, eff. March 30, 1971.

Title of Act:

An Act relating to safety of persons engaged in activities in the proximity of high voltage electric lines; prescribing penalties for violation; and declaring an emergency. Acts 1971, 62nd Leg., p. 76, ch. 41.

CHAPTER EIGHTEEN—MISCELLANEOUS

Art. 1528f. Professional associations

* * * * * * * * * * *

Authority

Sec. 2.

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(B) Licenses. All members of the association shall be licensed to perform the type of professional service for which the association is formed.

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Name

Sec. 4. A professional association shall adopt a name which shall be followed by the word or words 'Associated,' 'Association,' 'Professional Association,' 'and Associates,' or the abbreviation 'Assoc." or 'P.A.'; provided, and except, however, a professional association shall not adopt or make use of any name which is contrary to or in conflict with any law or ethics regulating the practice or practioners of any professional service rendered through or in connection with the professional association.

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Articles of association

Sec. 8.

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(C) Power to dissolve. The articles shall provide that no member of a professional association shall have the power to dissolve the association by his independent act of any kind.

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Articles of amendment

Sec. 15. The Articles of amendment shall be executed in duplicate by the association by its president or a vice-president and by its secretary or an assistant secretary, and certified by one of the officers signing such articles, and shall set forth:

(1) The name and address of the association

(2) If the amendment alters any provision of the original or amended articles of association, an identification by reference or description of the altered provision and a statement of its text as it is amended to read. If the amendment is an addition to the original or amended articles of association, a statement of that fact and the full text of each provision added

(3) The date of the adoption of the amendment

(4) A statement that the amendment was adopted in accordance with the procedure for amendment stated in the articles of association, or, if none is stated therein, a statement that the amendment was adopted by two-thirds vote of its members."

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For Annotations and Historical Notes, see V.A.T.S.

Association liability

Sec. 24. Nothing in this Act shall remove or diminish any rights at law which a person receiving professional services shall have against a person furnishing professional services for errors, omissions, negligence, incompetency or malfeasance. The association (but not the individual members) shall be jointly and severally liable for such professional errors, omissions, negligence, incompetency, or malfeasance on the part of any officer or employee thereof when such officer or employee is in the course of his employment for the association.

Applicability of Business Corporation Act

Sec. 25. The Texas Business Corporation Act shall be applicable to professional associations, except to the extent that the provisions of the Texas Business Corporation Act conflict with the provisions of this Act; and professional associations shall enjoy the powers and privileges and be subject to the duties, restrictions and liabilities of business corporations except insofar as the same may be limited or enlarged by this Act. This Act shall take precedence in the event of any conflict with the provisions of the Texas Business Corporation Act or the law.

Acts 1969, 62nd Leg., p. 2513, ch. 840, eff. June 18, 1969. Sec. 2(B) amended by Acts 1971, 62nd Leg., p. 888, ch. 118, § 1, eff. May 10, 1971; Sec. 4 amended by Acts 1971, 62nd Leg., p. 888, ch. 118, § 2, eff. May 10, 1971; Sec. 8(C) amended by Acts 1971, 62nd Leg., p. 888, ch. 118, § 3, eff. May 10, 1971; Sec. 15 amended by Acts 1971, 62nd Leg., p. 888, ch. 118, § 4, eff. May 10, 1971; Sec. 24 amended by Acts 1971, 62nd Leg., p. 888, ch. 118, § 5, eff. May 10, 1971; Sec. 25 added by Acts 1971, 62nd Leg., p. 889, ch. 118, § 6, eff. May 10, 1971.

Acts 1971, 62nd Leg., p. 888, ch. 118, § 1, modified section 2 of this article by deleting a former par. B which prohibited professional associations from engaging "in more than one type of professional service," and by redesignating par. (c) as par. (B).

Art. 1528g. Business development corporations

Definitions

Section 1. In this Act, unless the context requires a different definition:

(1) "Corporation" means a business development corporation created under the terms of this Act.

(2) "Board of directors" means the board of directors of a business development corporation.

(3) "Financial institution" means any banking corporation or trust company, building and loan association, governmental agency, insurance company, or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds.

(4) "Member" means any financial institution authorized to do business in this state which shall undertake to lend money to a corporation created under the terms of this Act.

(5) "Loan limit" means the maximum amount permitted to be outstanding at one time on loans by a member to a business development corporation.

Incorporation

Sec. 2. (a) Subject to the provisions of the Texas Securities Act,[1] 25 or more persons, a majority of whom shall be residents of this state, may form a business development corporation for the purpose of promoting, developing, and advancing the prosperity and economic welfare of this state.

(b) The corporation may be organized either as a profit making corporation under the Texas Business Corporation Act, or as a nonprofit corporation under the Texas Non-Profit Corporation Act.[2]

(c) The articles of incorporation shall set forth:

(1) the name of the corporation, which shall include the words "Business Development Corporation";

(2) the purpose or purposes for which the corporation is organized, which shall include the following:

The purposes of the corporation shall be to promote, stimulate, develop, and advance the business prosperity and economic welfare of this state and its citizens; to encourage and assist through loans, investments, or other business transactions, in the location of new business and industry in this state and to rehabilitate and assist existing industry; and so to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of the citizens of this state; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural, and recreational developments in this state; and to provide financing for the promotion, development, and conduct of all kinds of business activity in this state"; and

(3) any other information required by the Texas Business Corporation Act, if the corporation is organized as a profit making corporation, or by the Texas Non-Profit Corporation Act, if the corporation is organized as a nonprofit corporation.

[1] Article 581—1 et seq.

[2] Article 1396—1.01 et seq.

Powers

Sec. 3. (a) In addition to the powers conferred on business corporations generally by the Texas Business Corporation Act, or if the corporation is organized as a nonprofit corporation, by the Texas Non-Profit Corporation Act, the corporation has the following powers:

(1) to elect, appoint, and employ officers, agents, and employees; to make contracts and incur liabilities for any of the purposes of the corporation;

(2) to borrow money on a secured or unsecured basis to carry out any of the purposes of the corporation; to issue therefor its bonds, debentures, notes, or other evidences of indebtedness, whether secured or unsecured, and to secure any evidence of indebtedness by mortgage, pledge, deed of trust, or other lien on its property, franchises, rights, and privileges of every kind and nature, or any part thereof or interest therein, without securing stockholder or member approval;

(3) to make secured or unsecured loans and to establish and regulate the terms and conditions of these loans and the charges for interest or service connected therewith; however, the corporation shall not approve any application for a loan unless and until the person applying for the loan demonstrates that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least two not to take from the lending institutions of this state any loans desired banks or other financial institutions; it is the intention of the Legislature by these institutions generally in the course of their business;

(4) to purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease, or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to,

any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations;

(5) to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments;

(6) to protect its position as creditor by acquiring the goodwill, business, rights, real and personal property including stock, shares, bonds, debentures, notes, and other evidences of indebtedness, and other assets or any part thereof or interest therein, of any persons, firms, corporations, joint-stock companies, associations, or trusts to whom or to which the corporation has loaned money, and to assume, undertake, or pay the obligations, debts, and liabilities of any such person, firm, corporation, joint-stock company, or trust;

(7) to mortgage, pledge, or otherwise encumber any property, right, or thing of value, acquired pursuant to the powers contained in paragraphs (4), (5), or (6), as security for the payment of any part of the purchase price thereof;

(8) to promote the establishment of local development corporations in the various communities of this state; to enter into agreements with them; and to cooperate with, assist, and otherwise encourage such local foundations;

(9) to participate with any duly authorized federal lending agency in the making of loans.

(b) Any corporation organized under the provisions of this Act shall be a state development company as defined in the Small Business Investment Act of 1958, as amended, Public Law 85–699, 85th Congress,[1] or any other similar Federal legislation, and shall be authorized to operate on a statewide basis.

[1] See 15 U.S.C.A. § 662.

Participation

Sec. 4. All natural persons and corporations authorized to conduct business in this state, including without any implied limitation public utility companies, insurance and casualty companies, and foreign corporations licensed to do business in this state, and all trusts, may acquire, purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of any bonds, securities, or other evidences of indebtedness created by, or the shares of capital stock of, the corporation, and while owners of the stock, may exercise all the rights, powers, and privileges of ownership, including the right to vote thereon.

Membership

Sec. 5. (a) Any financial institution may become a member of the corporation and may make loans to the corporation as provided by this Act.

(b) Any financial institution may request membership in the corporation by making application to the board of directors in a manner prescribed by the board of directors, and membership shall be effective upon acceptance of the application by the board of directors.

(c) Any financial institution which becomes a member of the corporation may acquire, purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of, any bonds, securities, or other evidences of indebtedness created by, or the shares of the capital stock of, the corpora-

tion, and while owner of the stock may exercise all the rights, powers, and privileges of ownership, including the right to vote thereon. However, no member may acquire capital stock in an amount greater than 10 percent of the loan limit of that member. The amount of capital stock of the corporation which a member may acquire is in addition to the amount of capital stock in corporations which the member may otherwise acquire.

(d) A financial institution which is not a member of the corporation may not acquire any shares of the capital stock of the corporation.

Loans to the corporation

Sec. 6. (a) Each member of the corporation shall make loans to the corporation when called upon by it to do so on such terms and conditions as shall be approved from time to time by the board of directors.

(b) All loan limits shall be established at the thousand-dollar amount nearest to the amount computed in accordance with the provisions of this section.

(c) No loan to the corporation may be made if immediately thereafter the total amount of the obligations of the corporation would exceed 50 times the capital of the corporation. For the purposes of this subsection, the capital of the corporation includes the amount of the outstanding capital stock of the corporation, whether common or preferred, and the earned or paid-in surplus of the corporation.

(d) The total amount outstanding on loans to the corporation made by any member at any one time, when added to the amount of the investment in the capital stock of the corporation then held by the member, shall not exceed:

(1) twenty percent of the total amount then outstanding on loans to the corporation by all members, including outstanding amounts validly called for loan but not yet loaned;

(2) the following limit, to be determined as of the time such member becomes a member or at any time requested by a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or, in the case of an insurance company, its last annual statement to the State Board of Insurance: an amount of two percent of the capital and surplus of commercial banks and trust companies or $750,000, whichever is the lesser amount; an amount of one percent of the total outstanding loans made by a building and loan or savings and loan association; an amount of one percent of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; an amount of one percent of the unassigned surplus of mutual insurance companies, except fire insurance companies; an amount of one-tenth of one percent of the assets of fire insurance companies; and such limits as may be approved by the board of directors of the corporation for any government pension fund or for other financial institutions.

(e) Subject to Subsection (d) of this section, each call made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment in capital stock of the corporation held by such member at the time of such call.

(f) All loans to the corporation by members shall be evidenced by bonds, debentures, notes, or other evidences of indebtedness of the corporation, which shall be freely transferable at all times, and which shall bear interest at a rate of not less than one-quarter of one percent in excess of the rate of interest determined by the board of directors to be the

prime rate prevailing at the date of issuance thereof on unsecured commercial loans.

Withdrawal

Sec. 7. Upon written notice to the board of directors six months in advance, a member may withdraw from the corporation at the expiration date of the notice. A member is not obligated to make any loans to the corporation pursuant to calls made subsequent to the expiration date, but a member shall fulfill any obligations which have accrued or for which commitments have been made before the expiration date.

Powers of members and stockholders; voting

Sec. 8. (a) The stockholders and the members of the corporation shall have the following powers:

(1) to determine the number of and elect the directors as provided by Section 9 of this Act;

(2) to make, amend, and repeal bylaws of the corporation; and

(3) to exercise any other powers of the corporation which may be conferred on the stockholders and the members by the bylaws.

(b) Each stockholder has one vote, in person or by proxy, for each share of capital stock held by the stockholder, and each member has one vote, in person or by proxy; however, any member with a loan limit greater than $1,000 has one additional vote, in person or by proxy, for each additional $1,000 which the member may have outstanding on loans to the corporation at any one time as determined under the provisions of Section 6 of this Act.

Officers and directors

Sec. 9. (a) The organization, control, and management of the corporation are vested in a board of not less than 15 nor more than 21 directors.

(b) The board of directors may exercise all the powers of the corporation except those conferred upon the stockholders or members by law or by the bylaws of the corporation.

(c) The board of directors shall choose and appoint a president, a treasurer, and all other agents and officers of the corporation and shall fill all vacancies except vacancies in the board of directors, which shall be filled as provided by Subsection (g) of this section.

(d) The board of directors shall be named in the first instance by the incorporators and shall be elected thereafter at each annual meeting of the corporation, or if no annual meeting is held at the time fixed by the bylaws, at a special meeting held in lieu of the annual meeting.

(e) At any annual meeting or special meeting held in lieu of the annual meeting, the members of the corporation shall elect two-thirds of the directors, and the stockholders shall elect the remaining directors.

(f) The directors shall hold office until the next annual meeting or special meeting of the corporation held in lieu of the annual meeting after their election and until their successors are elected and have qualified, unless sooner removed in accordance with the provisions of the bylaws.

(g) Any vacancy in the office of a director elected by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director elected by the stockholders shall be filled by the directors elected by the stockholders.

Surplus

Sec. 10. (a) The corporation shall set apart as earned surplus not less than 10 percent of its net earnings each year, until such surplus, with any unimpaired surplus paid in, is equal to one-half of the amount paid in on the capital stock then outstanding. The surplus shall be kept to

secure against losses and contingencies, and whenever it becomes impaired, it shall be reimbursed in the manner provided for its accumulation.

(b) Net earnings and surplus shall be determined by the board of directors after providing for the required reserves as the directors deem advisable, and the determination of the directors made in good faith shall be conclusive on all persons.

Depositories

Sec. 11. (a) The corporation may deposit any of its funds in any banking institution which has been designated as a depository by a vote of the majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated.

(b) The corporation may not receive money on deposit.

Report of condition

Sec. 12. The corporation shall make annual reports of its condition to the banking commissioner and the State Board of Insurance, and the corporation shall furnish any information which may from time to time be required by the secretary of state.

Acts 1971, 62nd Leg., p. 2601, ch. 853, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the creation, organization, operation, powers, and duties of a business development corporation; and declaring an emergency. Acts 1971, 62nd Leg., p. 2601, ch. 853.

BUSINESS CORPORATION ACT

PART TWO

Art. 2.16. Payment for Shares

A. The consideration paid for the issuance of shares shall consist of money paid, labor done, or property actually received. Shares may not be issued until the full amount of the consideration, fixed as provided by law, has been paid. When such consideration shall have been paid to the corporation or to a corporation of which all of the outstanding shares of each class are owned by the corporation, the shares shall be deemed to have been issued and the subscriber or shareholder entitled to receive such issue shall be a shareholder with respect to such shares, and the shares shall be considered fully paid and non-assessable.

Sec. A amended by Acts 1971, 62nd Leg., p. 1173, ch. 276, § 1, eff. May 19, 1971.

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PART FIVE

Art. 5.01. Procedure for Merger of Domestic Corporations

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B. The board of directors of each corporation shall, by resolution adopted by each such board, approve a plan of merger setting forth:

(1) The names of the corporations proposing to merge.

(2) The name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(3) The terms and conditions of the proposed merger.

(4) The manner and basis of converting the shares of each merging corporation into shares, rights, other securities or obligations of the surviving corporation, and, if any shares of either merging corporation are not to be converted solely into shares, rights, other securities or obligations of the surviving corporation, the cash, property, shares, rights, other securities or obligations of any other corporation which the holders of such shares are to receive in exchange for, or upon conversion of, such shares and the surrender of the certificates evidencing them, which cash, property, shares, rights, other securities or obligations of any other corporation may be in addition to or in lieu of shares, rights, other securities or obligations of the surviving corporation.

(5) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(6) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

Sec. B amended by Acts 1971, 62nd Leg., p. 1173, ch. 276, § 2, eff. May 19, 1971.

Art. 5.02. Procedure for Consolidation of Domestic Corporations

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B. The board of directors of each corporation shall, by a resolution adopted by each such board, approve a plan of consolidation setting forth:

(1) The names of the corporations proposing to consolidate.

(2) The name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation.

(3) The terms and conditions of the proposed consolidation.

(4) The manner and basis of converting the shares of each corporation into shares, rights, other securities or obligations of the new corpo-

ration, and, if any shares of either corporation are not to be converted solely into shares, rights, other securities or obligations of the new corporation, the cash, property, shares, rights, other securities or obligations of any other corporation which the holders of such shares are to receive in exchange for, or upon conversion of, such shares and the surrender of the certificates evidencing them, which cash, property, shares, rights, other securities or obligations of any other corporation may be in addition to or in lieu of shares, rights, other securities or obligations of the new corporation.

(5) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this Act.

(6) Such other provisions with respect to the proposed consolidation as are deemed necessary or desirable.

Sec. B amended by Acts 1971, 62nd Leg., p. 1173, ch. 276, § 3, eff. May 19, 1971.

TITLE 33—COUNTIES AND COUNTY SEATS

CHAPTER THREE—CORPORATE RIGHTS AND POWERS

Art.
1581g—1. County industrial commissions in certain counties [New].

Art. 1578a. Contracts with United States for improvements in counties of 240,000 to 250,000

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Sec. 2. The provisions of this Act shall apply only to counties having a population in excess of 240,000 inhabitants and less than 250,000 inhabitants, according to the latest preceding or any future federal census.

Acts 1965, 59th Leg., p. 1647, ch. 710, eff. Aug. 30, 1965. Sec. 2 amended by Acts 1971, 62nd Leg., p. 1847, ch. 542, § 118 eff. Sept. 1, 1971.

Art. 1581d—1. Airstrips; counties of 18,200 to 18,600

Section 1. This Act shall apply in any county having a population of not less than eighteen thousand, two hundred (18,200) nor more than eighteen thousand, six hundred (18,600), according to the last preceding federal census.

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Acts 1963, 58th Leg., p. 823, ch. 313, eff. May 30, 1963. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1829, ch. 542, § 53, eff. Sept. 1, 1971.

Art. 1581g. County industrial commission in counties of 75,700 to 80,000 and 150,000 to 170,000

The County Judge of any county having a population of more than 75,700 and less than 80,000, or of more than 150,000 and less than 170,000, according to the last preceding federal census, may appoint a County Industrial Commission to consist of at least seven residents of the county who have exhibited interest in the industrial development of the county to serve for a term of two (2) years. The county is hereby authorized to pay the necessary expenses of such Commission. Such Commission shall investigate, study and undertake ways and means of promoting and encouraging the prosperous development of business, industry and commerce within said county. Such Commission shall promote and encourage the location and development of new businesses and industries in such county as well as the maintenance and expansion of existing businesses. Such Commission shall cooperate with, and utilize the services of, the Texas Industrial Commission. The data obtained shall be available to the Commissioners Court.

Acts 1965, 59th Leg., p. 1192, ch. 553, § 1, eff. Aug. 30, 1965. Amended by Acts 1967, 60th Leg., p. 821, ch. 347, § 1, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 1828, ch. 542, § 47, eff. Sept. 1, 1971.

Art. 1581g—1. County industrial commissions in certain counties

The county judge of any county having a population of not less than 10,300 nor more than 10,372, or not less than 19,800 nor more than 20,150, or not less than 17,299 nor more than 17,325, or not less than 14,350 nor more than 14,400, according to the last preceding federal census, may appoint a County Industrial Commission to consist of at least seven residents of the county and who are currently serving or have served in the past on the Industrial Foundation Com-

mittee, Commissioners Court, City Council or school boards, who have exhibited interest in the industrial development of the county to serve for a term of two years. The county is hereby authorized to pay the necessary expenses of such commission. Such commission shall investigate, study, and undertake ways and means of promoting and encouraging the prosperous development of business, industry, and commerce within said county. Such Commission shall promote and encourage the location and development of new businesses and industries in such county as well as the maintenance and expansion of existing businesses. Such commission shall cooperate with, and utilize the services of, the Texas Industrial Commission. The data obtained shall be available to the commissioners court.

Acts 1971, 62nd Leg., p. 2947, ch. 975, eff. June 15, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to authorizing the county judge of certain counties to appoint a county industrial commission; and declaring an emergency. Acts 1971, 62nd Leg., p. 2947, ch. 975.

CHAPTER FIVE—COUNTY SEATS

Art. 1605a—2. Office buildings outside county seat in counties of 22,400 to 22,600

Section 1. In all counties having a population of more than 22,400 but less than 22,600, according to the last preceding federal census, the Commissioners Court of each said county shall have the power and authority to construct, operate and maintain an office building and/or jail at a city other than the county seat in the same manner as such Commissioners Court may not provide for and maintain a court house and jail at the county seat. The Commissioners Court may authorize the maintenance of a branch office of the county tax assessor and collector, a jail, and a justice court in such buildings. However, all county officers shall keep all original records at the county seat. The Commissioners Court shall have the care and custody of such buildings and may place such limitations as it may see fit on the authorization and maintenance of such facilities. When authorized to maintain such branch office, the assessor and collector of taxes may appoint one or more deputies for said offices. The expenses incidental to maintaining said facilities shall be considered as a part of the necessary expenses of the county. Said deputy assessor-collectors shall have the right to collect taxes from all persons who desire to pay their taxes to them, and to issue a valid receipt therefor. Such deputy shall enter into such bond, payable to the County Judge of the county, as the tax assessor and collector and Commissioners Court of the county may require. The period of time such branch offices shall be maintained, and the salary of such deputy collector and the period of time he shall hold such office shall be fixed by the Commissioners Court and such deputy collector shall be subject to all of the terms and provisions of the law relating to deputy tax collectors. The tax collectors shall remain liable on his bonds for all taxes collected by such deputy, and nothing herein shall be construed as a limitation on the liability of the bonds of either the tax collector or such deputy. Nothing contained herein shall be construed as making it mandatory upon the assessor and collector of taxes and the Commissioners Courts of such counties to maintain such branch offices and appoint such deputies, but the establishment of such branch offices and the appointment shall wholly be within the discretion of the Commis-

For Annotations and Historical Notes, see V.A.T.S.

sioners Courts of such counties. When such branch office or offices are established and a deputy or deputies are appointed hereunder, the salary or salaries to be paid and expense necessary to maintain said office or offices shall be considered as a part of the necessary expenses of the assessor and collector of taxes, and shall be paid as now provided by law for the payment of the expenses of the assessor and collector of taxes. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1841, ch. 542, § 101, eff. Sept. 1, 1971.

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Art. 1605a—4. Branch offices for tax assessors and collectors in counties of 27,700 to 27,900

Section 1. In any county which has a population of not less than 27,700 inhabitants but not more than 27,900 inhabitants according to the last preceding federal census, the Commissioners Court may provide for, operate, and maintain a branch office for the county tax assessor and collector for any length of time the commissioners consider necessary.

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Acts 1969, 61st Leg., p. 74, ch. 32, §§ 1–5, eff. March 26, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1819, ch. 542, § 14, eff. Sept. 1, 1971; Acts 1971, 62nd Leg., p. 1958, ch. 599, § 1, eff. Sept. 1, 1971.

Sections 143 to 145 of Acts 1971, 62nd Leg., p. 1817, ch. 542, provided:

"Sec. 143. Any other Act passed during the same session of the Legislature prevails over this Act to the extent of any conflict.

"Sec. 144. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

"Sec. 145. This Act takes effect September 1, 1971."

Section 2 of Acts 1971, 62nd Leg., p. 1958, ch. 599, provided: "This Act takes effect September 1, 1971."

TITLE 34—COUNTY FINANCES

2. COUNTY AUDITOR

1. GENERAL PROVISIONS

Art. 1641e. Biennial independent audit of books, records and accounts in counties of 100,000 to 120,000

Section 1. In every county in the State of Texas having a population of not less than 100,000 inhabitants nor more than 120,000 inhabitants according to the last preceding federal census, a biennial independent audit shall be made of all books, records, and accounts of the district, county, and precinct officers, agents or employees, including regular auditors of the counties and all governmental units of the county hospitals, farms, and other institutions of the county, and all matters pertaining to the fiscal affairs of the county.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1820, ch. 542, § 19, eff. Sept. 1, 1971; Acts 1971, 62nd Leg., p. 2373, ch. 734, § 1, eff. Sept. 1, 1971.

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Section 2 of Acts 1971, 62nd Leg., p. 2373, ch. 734, provided that this act takes effect September 1, 1971.

Art. 1644c—1. Counties of 8,000 to 8,040 with taxable property in excess of $45,000,000; authority to borrow money

Section 1. All counties of this State having a population of more than eight thousand (8,000) but less than eight thousand and forty (8,040) according to the last preceding United States Census, and which had taxable property in said county in excess of Forty-five Million Dollars ($45,000,000) according to its last ad valorem tax rolls, are hereby expressly authorized and empowered to borrow money from any source, public or private, in any amount not to exceed the aggregate principal amount of One Hundred and Sixty-five Thousand Dollars ($165,000). By the term "aggregate principal amount" is meant the total of the sums so borrowed by any county under the provisions of this Act, and not the balance owing and due by any county at any one time.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1821, ch. 542, § 21, eff. Sept. 1, 1971.

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2. COUNTY AUDITOR

Art. 1645a—10. Auditors in counties of 1,500,000 or more; election by judges; term of office

Section 1. In any county having a population of 1,500,000 or more, according to the last preceding federal census, the district judges having jurisdiction in the county, shall nominate candidates for the office of county auditor. Each judge may nominate as many candidates as he wishes. The office of county auditor shall be filled by the candidate receiving a two-thirds vote of the district judges having jurisdiction

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in the county at a meeting held for that purpose and the vote of a district judge shall not be counted unless he is present at the meeting.

Sec. 2. The term of office of the county auditor in counties to which this Act applies is two years, beginning on January 1 of odd-numbered years. The initial appointee under this Act shall be appointed within 20 days after this Act takes effect and shall serve for the unexpired portion of the term of office specified in this section.

Acts 1971, 62nd Leg., p. 2633, ch. 864, eff. June 9, 1971.

Sections 3 and 4 of the 1971 act provided:

"Sec. 3. As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

"Sec. 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Art. 1645a—11. Abolition of office of county auditor in counties of 2,260 to 2,290

Section 1. The office of county auditor is abolished in all counties having a population of not less than 2,260 nor more than 2,290 according to the last preceding federal census.

Sec. 2. As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Acts 1971, 62nd Leg., p. 3036, ch. 1000, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the abolition of the office of county auditor in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 3036, ch. 1000.

Art. 1657a. Relieving clerk of certain duties prescribed by article 1657 in counties of over 1,500,000

In counties containing a population in excess of 1,500,000 inhabitants according to the last preceding federal census, the county clerk is relieved of all duties prescribed by Article 1657, Revised Civil Statutes of the State of Texas, 1925. The county treasurer shall prepare a triplicate receipt for all moneys received, retain one copy of the receipt, and transmit the original and duplicate to the county auditor and the depositor, respectively. The county auditor shall prescribe for the county treasurer a system for receiving and depositing all moneys received; provided that such system shall not be inconsistent with the provisions of this Act.

Acts 1967, 60th Leg., p. 540, ch. 235, § 1, eff. Aug. 28, 1967. Amended by Acts 1971, 62nd Leg., p. 1846, ch. 542, § 115, eff. Sept. 1, 1971.

Art. 1663b. Private business operation on public property; records and reports of receipts and disbursements

Section 1. No county official, his agents, servants, deputies, or employees shall operate a private business on public property unless he shall:

(a) keep an accurate and detailed record of all monies received and disbursed by him; and

(b) file with the county auditor, or the auditing authority of the county, a report covering all of said receipts and disbursements during

the immediately preceding calendar year on or before January 1 of each year; and

(c) make available to the county auditor all records of said receipts and disbursements,

provided however that this Act shall not apply to compensation received by justices of the peace and official court reporters for performance of an act not required by law of such official.

Sec. 2. Any and all monies received and required to be reported under Section 1 of this Act together with any interest thereon which has been paid by any financial institution as a result of the deposit of said funds over and above any disbursements required to be reported under Section 1 of this Act shall be delivered to the county treasurer at the time of filing said report or at such other regular intervals throughout the year as may be prescribed by the county auditor or auditing authority of the county, provided, however, that this section shall not be applicable to any person, firm or corporation operating or doing business under or by virtue of any written contract with the county.

Sec. 3. If any county official covered by Section 1 of this Act has not complied with Sections 1 and 2 of this Act by February 1 of each year the county auditor shall notify the county or district attorney. The county or district attorney shall, or any qualified voter of the county may, file in the district court of the county a petition for a writ of mandamus to compel compliance with Sections 1 and 2 of this Act.

Sec. 4. In addition to the remedies provided in Section 3 of this Act, any county official, his agents, servants, deputies, or employees, failing to comply with any provision of Section 1 or 2 of this Act or falsifying any records or reports required in Section 1 or 2 of this Act shall be guilty of official misconduct and subject to removal under Title 100, Revised Civil Statutes of Texas, 1925 as amended.[1]

Acts 1971, 62nd Leg., p. 2433, ch. 780, eff. Aug. 30, 1971.

[1] Article 5961 et seq.

Section 5 of the 1971 act was a severability provision.

Title of Act:

An Act requiring of certain county officials and others records and reports of certain monies received or disbursed by them, with certain exceptions; relating to the disposition of said monies; relating to compelling compliance with this Act; prescribing penalties; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 2433, ch. 780.

TITLE 35—COUNTY LIBRARIES

2. LAW LIBRARY

2. LAW LIBRARY

Art. 1702j. Law libraries in counties of 750,000 to 1,000,000

Application of Act; costs

Section 1. For the purpose of establishing and maintaining a county law library for each county coming within the terms of this Act, there shall be charged as costs, and taxed, collected, and paid as other costs, a sum to be fixed by order of the Commissioners Court, of not more than $5, in each civil case, except suits for delinquent taxes, hereafter filed in every district or county court, including county courts at law, in each county having a population of not less than 750,000 nor more than 1,000,000, according to the last preceding federal census. In no case shall the county be liable for the cost imposed by this Act.

Collection of costs; law library fund

Sec. 2. The costs imposed by this Act shall be collected by the clerks of the respective courts. When collected, the funds shall be paid to the county treasurer and shall be kept by him in a separate fund to be known as the County Law Library Fund.

Administration of fund; payment of employees' salaries

Sec. 3. The fund authorized by Section 2 of this Act shall be administered by the Commissioners Court for the purchase, lease, or maintenance of a law library and furniture and equipment necessary for the library, in a place convenient and accessible to the judges and litigants in the district and county courts, including county courts at law. The fund may also be expended for the payment of salaries to employees to be appointed by the Commissioners Court.

Rules; space and shelving

Sec. 4. The Commissioners Court shall make rules for the use of books in the county law library and shall provide suitable space and shelving for housing the library.

Salaries

Sec. 5. The salary of the custodian or librarian and such other employees or assistants as may be necessary shall be fixed by the Commissioners Court and shall be paid out of the funds collected under authority of this Act.

Managing committee

Sec. 6. The Commissioners Court may vest the management of the county law library in a committee to be selected by the bar association of the county, but the acts of the committee shall be subject to the approval of the Commissioners Court.

Acts 1971, 62nd Leg., p. 1417, ch. 394, eff. May 26, 1971.

Section 7 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes."

Title of Act:

An Act relating to the establishing and maintaining of a county law library in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1417, ch. 394.

TITLE 36—COUNTY TREASURER

Art. 1709. Duties

The County Treasurer, as chief custodian of county finance, shall receive all moneys belonging to the county from whatever source they may be derived; keep and account for the same in a designated depository or depositories; and pay and apply or disburse the same, in such manner as the Commissioners Court may require or direct, not inconsistent with constituted law. Said court may provide funds for adequate personnel and proper media that would enable the treasurer to perform such constituted duties. Upon failure to perform such duties the treasurer shall be guilty of dereliction of duty and subject to prosecution.
Amended by Acts 1971, 62nd Leg., p. 1654, ch. 467, § 1, eff. May 27, 1971.

Art. 1709a. Receipt, safekeeping and disbursement of moneys

Section 1. [Amends article 1709].

Sec. 2. From and after the effective date of this Act, the County Treasurer in each county of this State shall receive all moneys belonging to the county from whatever source they may be derived. Clarification as to moneys and mode and manner of receipt thereof not inconsistent with existing laws follows:

(a) All fees, commissions, funds and moneys belonging to the county shall be turned over to the County Treasurer by the officer who collected them, in the manner prescribed in Chapter 98, Acts of the 43rd Legislature, 1933, as amended (Article 1656a, Vernon's Texas Civil Statutes). Such deposit of funds in the county treasury shall not in any wise change the ownership of any fund so deposited, except to indemnify said officer and his bondsman or other owners of such funds during the period of deposit with the county.

(b) All deposits that are made in the county treasury shall be upon deposit warrant issued by the County Clerk in triplicate; said warrants shall authorize the treasurer to receive the amount named, for what purpose, and to which fund the same shall be applied. The treasurer shall retain the original; the duplicate shall be signed and returned to the clerk and the triplicate signed and returned to the depositor as provided in Article 1657, Revised Civil Statutes of Texas, 1925. In each county of this State having a County Auditor the County Clerk shall give his copy to the auditor, who then shall enter same upon his books as a check and balance, charging the amounts to the County Treasurer and crediting the same to the depositing party. The treasurer shall not under any circumstances receive any money in any other manner than that named herein; except that in counties of whose population exceeds 1,200,000 the County Clerk is relieved of all duties prescribed by Article 1657, Revised Civil Statutes of Texas, 1925. In such counties the County Treasurer shall prepare a triplicate receipt for all moneys received, retain one copy of the receipt and transmit the original and the duplicate to the county auditor and the depositor respectively, as provided in Chapter 235, Acts of the 60th Legislature, 1967 (Article 1657a, Vernon's Texas Civil Statutes).

Sec. 3. From and after the effective date of this Act, the County Treasurer in each county of this State shall safekeep and account for all

For Annotations and Historical Notes, see V.A.T.S.

moneys belonging to the county; clarification as to mode and manner of safekeeping not inconsistent with existing laws follows:

(a) All moneys deposited with the County Treasurer by such officer as collected shall be deposited in the county depository, in a special fund to the credit of such officer as provided in Chapter 98, Acts of the 43rd Legislature, 1933, as amended (Article 1656a, Vernon's Texas Civil Statutes); any interest accrued therefrom shall benefit the county in accordance with all laws. All such funds so deposited shall be secured by the bond of such depository.

(b) Liability of Treasurer. The County Treasurer shall not be responsible for any loss of the county funds through failure or negligence of any depository; but nothing in this Act shall release any County Treasurer, for any loss resulting from any official misconduct or negligence on his part, nor from any responsibility for the funds of the county until a depository shall be selected and the funds deposited therein, nor for any misappropriation of such funds by him (Article 2557, Revised Civil Statutes of Texas, 1925, as amended).

(c) The County Treasurer before entering upon the duties of his office, and within twenty days after he has received his certificate of election, shall give a bond payable to the County Judge of his county, to be approved by the Commissioners Court, in such sum as such court may deem necessary, conditioned that such treasurer shall faithfully execute the duties of his office and pay over according to law all moneys which shall come into his custody as County Treasurer and render a true account thereof to said court in accordance with Article 1704, Revised Civil Statutes of Texas, 1925.

(d) In counties having auditors, all reports of collections of moneys for the county required to be made to the Commissioners Court shall also be carefully examined and reported on by the auditor as provided in Article 1654, Revised Civil Statutes of Texas, 1925. He shall at least once in each quarter check the books and examine all reports of the treasurer, in detail, verifying the footings and correctness of same, and shall stamp his approval thereon, or note any difference, errors or discrepancies; he shall carefully examine the quarterly report of the treasurer, of all the disbursements, together with the cancelled warrants which have been paid, and shall verify the same with the register of warrants issued, as shown in the accounts of the auditor.

(e) Furthermore, the auditor, without giving any notice beforehand, shall examine fully into the condition of, or inspect and count the cash in the hands of the treasurer, or in the banks in which he may have placed same for safekeeping, not less than once each quarter and oftener if desired in accordance with Article 1655, Revised Civil Statutes of Texas, 1925; and shall see that all balances to the credit of the various funds are actually on hand in cash and that none of said funds are invested in any manner except as the law may authorize.

Sec. 4. From and after the effective date of this Act the County Treasurer in each county shall disburse all moneys belonging to the county, for whatever purpose they may be claimed, and shall pay and apply the same as required by law. No moneys shall be expended or withdrawn from the county treasury except by checks or warrants drawn on the county treasury, whether such moneys are in a county depository as required by law or not. Clarification of mode and manner of disbursement not inconsistent with existing laws follows:

(a) Claims: The County Treasurer shall enter each claim in a permanent bound register, in the manner provided in Article 1627, Revised Civil Statutes of Texas, 1925, stating the class, the name of the payee, and the number of the claim. On the face of such claim shall be placed the word "Registered," the date actually registered, and the official signature or approved facsimile of the County Treasurer.

(b) The treasurer shall pay no such claim, nor shall any part thereof be received by any officer in payment of any indebtedness to the county, until it has been duly registered, in accordance with the provisions of Article 1625, Revised Civil Statutes of Texas, 1925. All claims in each class shall be paid in the order in which they are registered.

(c) In counties having a County Auditor, all claims, bills, and accounts against the county must be filed in ample time for the auditor to examine and approve same before the meetings of the Commissioners Court. No claim, bill, or account shall be allowed or paid until it has been examined and approved by the County Auditor as provided in Article 1660, Revised Civil Statutes of Texas, 1925. Said auditor shall examine the same and stamp his approval thereon.

(d) Warrants: It shall be the duty of the County Treasurer, upon presentation to him of any warrant, check, voucher, or order drawn by the proper authority, if there be funds sufficient for payment thereof on deposit in the account against which such warrant is drawn, to endorse upon the face of such instrument his order to pay same to the payee named therein and to charge the same on his books to the fund upon which it is drawn as provided in Article 2554, Revised Civil Statutes of Texas, 1925, as amended. The County Treasurer is not authorized to issue nor is the county depository authorized to pay a check drawn on the county depository to take up a warrant drawn by a proper authority, but the County Treasurer must, when such a warrant is presented to him, endorse it and deliver it to the payee for the payee to present to the county depository for payment. The County Treasurer shall not make any endorsement upon any instrument designated as a "time deposit" until after the notice is duly given and the time has expired as required in the contract with said depository which designated said funds as "time deposits." In case any bonds, coupons, or other instruments of any county by the terms thereof are payable at any place other than the county treasury nothing herein contained shall prevent the Commissioners Court of such county from so ordering the treasurer to place a sufficient sum at the place where such debts shall be payable at the time and place of their maturity, provided such payments shall be made in the manner prescribed by law. All warrants issued or drawn by any officer under the provisions of this Act shall be subject to all laws and regulations providing for auditing and countersigning and all such laws and regulations are hereby continued in full force and effect.

(e) All warrants issued against the County Treasurer by any judge or court shall be signed and attested by the clerk or judge of the court issuing the same under his official seal as provided in Article 1643, Revised Civil Statutes of Texas, 1925. No Justice of the Peace shall have authority to issue warrants against the County Treasurer for any purpose whatever, except as provided in the Code of Criminal Procedure.

(f) In each county having an auditor, the County Treasurer and the depository shall make no payment unless such warrant is countersigned by the auditor as provided in Chapter 98, Acts of the 43rd Legislature, 1933, as amended (Article 1656a, Vernon's Texas Civil Statutes) to validate the same as a proper and budgeted item of expenditure.

(g) The only exception to the auditors' countersigning is that of warrants for jury service, as provided in Article 1661, Revised Civil Statutes of Texas, 1925.

Sec. 5. All existing laws pertaining to the duties and responsibilities of the County Auditors of the State of Texas shall in no way be affected or changed by this law. Reference to various articles mentioned herein pertaining to County Auditors is intended for the purpose of clarification only and for no other reason.

For Annotations and Historical Notes, see V.A.T.S.

Sec. 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications thereto, and the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 1654, ch. 467, §§ 2–6, eff. May 27, 1971.

TITLE 37—COURT—SUPREME

CHAPTER TWO—CLERK, EMPLOYÉS AND REPORTER

Art. 1722. Repealed by Acts 1971, 62nd Leg., p. 2360, ch. 722, § 10, eff. June 8, 1971

See, now, art. 5444b.

Art. 1736. Repealed by Acts 1971, 62nd Leg., p. 2536, ch. 831, § 6, eff. Aug. 30, 1971

See, now, art. 1911a.

TITLE 38—COURT OF CRIMINAL APPEALS

Arts. 1811a, 1811b. Repealed by Acts 1971, 62nd Leg., p. 1647, ch. 462, § 3, eff. May 27, 1971

The subject matter of these articles is now covered by article 1811e.

Arts. 1811c, 1811d. Repealed by Acts 1971, 62nd Leg., p. 1647, ch. 462, § 3, eff. May 27, 1971

The subject matter of these articles is now covered by article 1811e.

Art. 1811e. Appointment of Commissioners and Commission of Court of Criminal Appeals

Section 1. (a) The presiding judge of the Court of Criminal Appeals may, with the concurrence of a majority of the judges of the Court of Criminal Appeals, designate and appoint a retired appellate judge or district judge who has consented to be subject to appointment, or an active appellate judge or district judge, to sit as a commissioner of the Court of Criminal Appeals, with the designated judge's consent. The presiding judge of the Court of Criminal Appeals may designate and appoint as many commissioners as he deems necessary to aid and assist the court in disposing of the business before it.

(b) A commissioner shall discharge the duties which may be assigned him by the court and may be appointed to serve either for a certain period of time or for a particular case or cases.

(c) All opinions of the commissioner shall be submitted to the Court of Criminal Appeals and shall receive the approval of the court, or a majority of the court. When approved by the court, the opinion shall have the same weight and legal effect as if prepared by the Court of Criminal Appeals of Texas.

(d) The compensation of a judge while sitting as a commissioner of the court shall be paid out of moneys appropriated from the General Revenue Fund for such purpose in an amount equal to the salary of the judges of the Court of Criminal Appeals, in lieu of retirement allowance or in lieu of the compensation he receives as an active judge of another court. A judge sitting as a commissioner of the court also shall receive his actual travel expense to and from Austin, Texas, and per diem of $25 per day while he is assigned to the Court of Criminal Appeals in Austin.

Sec. 1a. (a) In addition to the authority granted under the provisions of Section 1 of this Act, the Court of Criminal Appeals of this State may appoint a Commission to be composed of two attorneys-at-law, having those qualifications fixed by the laws and Constitution of this State for the Judges of the Court of Criminal Appeals of Texas, which Commission shall be for the aid and assistance of said Court in disposing of the business before it; and such Commission shall discharge such duties as may be assigned it by the said Court. On September 1, 1971, and thereafter every two years, the Court of Criminal Appeals may appoint two Commissioners for terms of two years each. Each member of said Commission shall receive for his services such salary as is now or may hereafter be provided by law. Two stenographers for said Commission shall be appointed by the Court.

For Annotations and Historical Notes, see V.A.T.S.

(b) In case of a vacancy on said Commission in aid of the Court of Criminal Appeals of Texas by the death, resignation, or removal of any member thereof, the Court of Criminal Appeals may fill the same by appointment, and the person so appointed shall continue in office for the unexpired portion of the term for which the Commissioner so vacating his office has been appointed.

(c) All opinions of said Commissioners shall be submitted to the Court of Criminal Appeals and shall receive the approval of said Court, or a majority of them, before handed down as opinions of said Court, and when so approved and handed down, shall have the same weight and legal effect as if originally prepared and handed down by said Court of Criminal Appeals of Texas.

Acts 1971, 62nd Leg., p. 1646, ch. 462, § 1, eff. May 27, 1971. Sec. 1a added by Acts 1971, 62nd Leg., 1st C.S., p. 14, ch. 2, § 1, eff. Sept. 3, 1971.

TITLE 39—COURTS OF CIVIL APPEALS

CHAPTER ONE—TERMS AND JURISDICTION

Art. 1826. Repealed by Acts 1971, 62nd Leg., p. 2536, ch. 831, § 6, eff. Aug. 30, 1971

See, now, art. 1911a.

CHAPTER TWO—CLERKS AND EMPLOYES

Art. 1831. [1600–1] Records and judgments

Each clerk shall file and carefully preserve all records certified to his court and all papers relative thereto; docket all causes in the order in which they are filed; record the proceedings of said court, except opinions, and certify their judgments to the proper courts. He shall annually have bound in one or more volumes, to be preserved as a permanent record, the original opinions of the judges of said court, shall number the pages thereof consecutively, prepare and attach to each volume an index showing the style, number and page where each opinion is found, also prepare a general index showing the volume and page where each opinion can be found; the expense of which shall be paid out of the fund provided by the Legislature for the purchase of record books for said court.

He may, after ascertaining that any case filed in said court has been finally disposed of for a period of ten years, destroy all records filed in said court in connection therewith except indexes, original opinions, and records of the minutes.

Amended by Acts 1971, 62nd Leg., p. 2350, ch. 713, § 1, eff. June 8, 1971.

Section 2 of the 1971 amendatory act, an emergency provision, provided in part: "* * * part of Chapter 263, Acts of the 41st Legislature, Regular Session, 1929, has been held by the Texas Supreme Court to be invalid because of a defect in the caption to the bill * * *".

TITLE 40—COURTS—DISTRICT

CHAPTER TWO—DISTRICT CLERK

Art. 1899a. Records of District Clerk

Section 1. The District Clerk may, pursuant to his duty to keep a fair record of acts and proceedings, provide a plan for the reproduction by microfilm or other process which correctly and legibly reproduces or which forms a medium of copying or reproducing all records, acts, proceedings held, minutes of the court or courts, and including all registers, records, and instruments for which the District Clerk is or may become responsible by law. The plan shall be in writing and shall include provisions for maintenance, retention, security, and retrieval of all records so microfilmed or otherwise duplicated.

Sec. 2. Any such plan shall provide for the following requirements:

(1) All original instruments, records, and minutes shall be recorded and released into the file system within a specified minimum time period after presentation to the clerk;

(2) Original paper records may be used during the pendency of any legal proceeding;

(3) The plan shall include setting standards for organizing, identifying, coding, and indexing so that the image produced during the microfilming or other duplicating process can be certified as a true and correct copy of the original and may be retrieved rapidly.

(4) All materials used in the microfilming or other process which correctly and legibly reproduces or which forms a medium of copying or reproducing all public records, as herein authorized, and all processes of development, fixation, and washing of said photographic duplicates, shall be of quality approved for permanent photographic records by the United States Bureau of Standards.

(5) The plan shall provide for permanent retention of the records and shall provide security provisions to guard against physical loss, alterations, and deterioration.

Sec. 3. The clerk may present such plan in writing to the District Judge or Judges of the county in which the clerk is located. If the Judge, or a majority of the Judges, determine that the plan meets the requirements set forth in Section 2 of this Act, they shall so inform the clerk in writing, and the clerk may adopt the plan. The decision of the Judge or Judges shall be entered in the minutes of the court or courts, and thereafter all recordings and orders of the court in accordance with the plan shall be considered to be the original records for all purposes and shall be so accepted by courts and administrative agencies in this State. All transcripts, exemplifications, copies, or reproductions on paper or on film of an image or images of any microfilmed or otherwise duplicated record shall be deemed to be certified copies of the original for all purposes.

Sec. 4. In any hearing, proceeding, or trial in which instruments and records have been filed with or left in the possession of the District Clerk, and upon certification of the clerk to the Librarian of the State that all requirements have been met and are on record as provided by this plan, the clerk may destroy such instruments and records after one year has elapsed following the time at which the judgment has become

final and times for appeal, writ of error, bill of review under Rule 329, Texas Rules of Civil Procedure and certiorari has expired without having been perfected, or mandate which is finally decisive of such matters has been issued, further providing, that after these requirements are reached and prior to the actual destruction of the instruments and records by the clerk, any party or parties or the State Librarian by petitioning the court may move for the return of such instruments and records.

Added by Acts 1971, 62nd Leg., p. 2831, ch. 926, § 1, eff. June 15, 1971.

Art. 1901a. Destruction of records by shredding

Any records, ballots, stubs, lists, or papers which the district clerk or county clerk of any county in this state is required or authorized to destroy by burning may alternatively be destroyed by shredding at the discretion of the clerk.

Acts 1971, 62nd Leg., p. 2452, ch. 792, eff. June 8, 1971.

Title of Act:

An Act providing that the county clerk or district clerk may destroy certain records, ballots, stubs, lists, or papers by shredding; and declaring an emergency. Acts 1971, 62nd Leg., p. 2452, ch. 792.

CHAPTER THREE—POWERS AND JURISDICTION

Art. 1906. [1705] [1098] [1117] Original jurisdiction

Jurisdiction in particular counties, Tarrant. Acts 1971, 62nd Leg., p. 50, ch. 27, § 2, provides:

"Sec. 2. Original jurisdiction in all matters of eminent domain in which venue is in Tarrant County is in the district courts of Tarrant County, and shall be exercised by the district courts and the judges thereof."

See, also, art. 1970-62.1 and note thereunder.

Art. 1911. Repealed by Acts 1971, 62nd Leg., p. 2536, ch. 831, § 6, eff. Aug. 30, 1971

See, now, art. 1911a.

Art. 1911a. Contempt; power of courts; penalties

Inherent power and authority of courts

Section 1. A court possesses inherently all powers necessary for the exercise of its jurisdiction and the enforcement of its lawful orders, including authority to issue such writs and orders as may be necessary or proper in aid of its jurisdiction. It has the duty to require that proceedings shall be conducted with dignity and in an orderly and expeditious manner and to so control the proceedings that justice is done. A court has the power to punish for contempt.

Penalties for contempt

Sec. 2. (a) Every court other than a justice court or municipal court may punish by a fine of not more than $500, or by confinement in the county jail for not more than six months, or both, any person guilty of contempt of the court;

For Annotations and Historical Notes, see V.A.T.S.

(b) A justice court or municipal court may punish by a fine of not more than $200, or by confinement in the county or city jail for not more than 20 days, or both, any person guilty of contempt of the court;

(c) Provided, however, an officer of a court held in contempt by a trial court, shall, upon proper motion filed in the offended court, be released upon his own personal recognizance pending a determination of his guilt or innocence by a judge of a district court, other than the offended court. Said judge to be appointed for that purpose by the presiding judge of the Administrative Judicial District wherein the alleged contempt occurred.

Confinement to enforce order

Sec. 3. Nothing in this Act affects a court's power to confine a contemner in order to compel him to obey a court order.

Acts 1971, 62nd Leg., p. 2535, ch. 831, §§ 1–3, eff. Aug. 30, 1971.

CHAPTER FIVE—CRIMINAL DISTRICT COURTS [NEW]

JEFFERSON COUNTY

Art. 1926—63. Criminal Judicial District of Jefferson County

* * * * * * * * * * *

Sec. 4. The Criminal District Attorney of Jefferson County shall be commissioned by the Governor and shall receive a salary of not more than Twenty-five Thousand Dollars ($25,000) per annum, as shall be fixed by the Commissioners Court of Jefferson County, to be paid out of the Officer's Salary Fund of Jefferson County if adequate; if inadequate the Commissioners Court shall transfer necessary funds from the General Fund of the County to the Officer's Salary Fund.

Sec. 4 amended by Acts 1967, 60th Leg., p. 680, ch. 284, § 1, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 1005, ch. 193, § 1, eff. May 13, 1971.

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TITLE 41—COURTS—COUNTY

CHAPTER ONE—THE COUNTY JUDGE

Art. 1929. Repealed by Acts 1971, 62nd Leg., p. 1384, ch. 369, § 1, eff. May 26, 1971

Art. 1934a—17. Stenographer or secretary in counties of 66,000 to 67,000; salary

In any county in the State having a population of not less than sixty-six thousand (66,000) inhabitants and not more than sixty-seven thousand (67,000), according to the last preceding federal census, the County Judge, with the approval of the Commissioners Court, shall be, and is hereby authorized to appoint a stenographer or secretary at a salary not to exceed Four Thousand, Eight Hundred Dollars ($4,800) per annum.
Amended by Acts 1971, 62nd Leg., p. 1838, ch. 542, § 90, eff. Sept. 1, 1971.

CHAPTER TWO—COUNTY CLERK

Art. 1941(a). Microfilm records of county clerks

Microfilming is permissive

Section 1. (a) County clerks and county recorders and clerks of county courts are hereby authorized, in their sole discretion, to adopt and thereafter to use exclusively, for the purpose of recording, preserving and protecting public records in their custody and control, or for the purpose of obtaining economical recording costs for such public records, or for the purpose of reducing and conserving the space required for filing, storing and safekeeping of such public records, or for the purpose of providing efficient retrieval of such public records, or for any similar purpose or purposes, a microphotograph or microfilm process or processes which accurately and permanently copies or reproduces, or forms a medium for copying or reproducing the original record on a film, in lieu of any other process, processes, method, or methods authorized or required, for filing, for filing and registering, or for filing and recording all instruments of writing, legal documents, papers or records authorized, permitted or required to be filed or to be filed and registered or to be filed and recorded in the offices of county clerks, or of county recorders, or of clerks of county courts; subject to the conditions and requirements hereinafter set out and specified in this Act.

Official public records

Sec. 2. (a) Said instruments of writing, legal documents, papers or records authorized, permitted or required to be filed, or filed and registered, or filed and recorded in the offices of said county clerks and county recorders and clerks of county courts, shall be divided into seven types or classes of records for recording by microphotograph or microfilm process or processes as described hereinbelow. The recording and indexing of said instrument of writing, legal document, paper, or record in an Of-

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ficial Public Record which is on microfilm imparts notice in like manner and effect as if recorded in separate books or films and as if recorded in each Official Public Record described hereinbelow. Each of said classes or types of records shall be recorded on a separate series of rolls of microfilm, or on a separate series of discrete groups of separate and individual discrete microfilm images. Each of such rolls of microfilm shall be deemed to be a bound volume or book and each image on each of said rolls shall be properly identified for indexing purposes; and each of such separate series of discrete groups of separate and individual discrete microfilm images shall be deemed to be a bound volume or book and each discrete image of each of said discrete groups shall be properly identified for indexing purposes.

(b) The said seven types or classes of records for recording on microfilm shall be as follows:

(1) Records relating to or affecting real property, the microfilm records of which shall be known as "Official Public Records of Real Property";

(2) Records relating to or affecting receivables, chattels and personal property, the microfilm records of which shall be known as "Official Public Records of Personal Property and Chattels";

(3) Records relating or incidental to matters in probate, the microfilm records of which shall be known as "Official Public Records of Probate Courts";

(4) Records relating or incidental to matters in county civil courts, the microfilm records of which shall be known as "Official Public Records of County Civil Courts";

(5) Records relating or incidental to matters in county criminal courts, the microfilm records of which shall be known as "Official Public Records of County Criminal Courts";

(6) Records relating or incidental to matters in Commissioners Court, the microfilm records of which shall be known as "Official Public Records of Commissioners Court"; and

(7) Records relating to or affecting persons, business entities and/or agencies of government, other than property records, both real and personal, court proceedings and court records as described in Subparagraphs (1) thru (6) above, the microfilm records of which shall be known as "Official Public Records of Governmental, Business and Personal Matters."

(c) Releases, transfers, assignments and other actions relating to any instruments of writing, legal document, paper, or record, which has been recorded in an Official Public Record, shall be made by separate instruments of writing, documents, papers or records filed, or filed and registered, or filed and recorded in the same manner provided for herein for said original instrument of writing, legal document, paper or record; and no entry, marginal or otherwise, shall be made on any record, or index, or records, or indexes, previously made.

Microfilm records deemed original records; certified copies

Sec. 3. The microfilm records provided for in this Act shall be deemed to be original records for all purposes and shall be so accepted by all courts and administrative agencies of this State; and transcripts, exemplifications, copies, or reproductions on paper or on film of an image or images of said microfilm records, when issued and certified to by said clerk, shall be deemed to be certified copies of the originals for all purposes and shall be so accepted by all courts and administrative agencies of this State.

Indices

Sec. 4. (a) Each such instrument of writing, legal document, paper or record which is recorded in an Official Public Record, as provided in Sections 2(a) (1) thru 2(a) (7) hereinabove, shall be indexed and cross-indexed in the indices to the Public Record in which it is recorded in the full and perfect alphabetical order of the names of the parties as definitely identified therein in each such instrument of writing, legal document, paper or record.

(b) In addition to the names of the parties, each entry in an index for the appropriate Official Public Record described in Sections 2(a) (1), 2(a) (2) and 2(a) (7) shall include: an abbreviated description of the nature of such instrument of writing, legal document, paper or record as shown therein, including the name of the record in which it would have been recorded under existing laws pertaining to bound volume records and to other records in the Recorder's office; the time and date of filing; the location of the recorded image or images on microfilm by roll number, or by group number, and image number or numbers, or by other suitable data; an abbreviated description of the property, if any, or an abbreviated description of a lien or mortgage, if any, or of other reference, if any, to former recorded data, or such additional information as will properly identify each index entry as pertaining to the particular type of record to which the index applies.

(c) In addition to the names of the parties in actions in county courts, each entry in an index for the appropriate Official Public Record described in Sections 2(a) (3) thru 2(a) (6) shall include the nature of the cause or action, the date the cause or action was opened or taken, the court in which the cause or action lies, the docket number, such other data which would assist in further identifying the cause or action being indexed, and the location of the recorded image or images on the microfilm by roll number, or by group number, and image number or numbers, or by other suitable data.

(d) Such alphabetical indices shall be revised periodically throughout each year so that there will be a full and perfect alphabetical index to each of said Public Records for each full calendar year.

(e) Registers shall be kept up to date of court docket numbers in perfect numerical sequence for each type Court Record, and shall include essentially the same data as is contained in the indices.

(f) Such other Registers of file numbers shall be kept as will be of assistance to the public, and shall include essentially the same data as is contained in the indices.

(g) No marginal entry or entries shall be required to be made by said clerks on indices previously completed.

Standards for microfilm records

Sec. 5. Should a Public Records Commission of Texas be authorized by law, all microfilming shall be done in accordance with reasonable rules and regulations, and under the general supervision, of said Commission; otherwise the county clerk shall establish the reasonable rules and regulations and have complete control of the microfilming in the county clerk's office in accordance with the following:

(a) Each original negative roll, and each original negative discrete image, of microfilmed records shall meet all of the requirements for archival quality, for density, for resolution and for definition, of the Public Records Commission of Texas, if there be one, otherwise of the United States Bureau of Standards.

(b) For each roll, or part of a roll, of microfilm to be an official original record, the first image on the roll, or part of a roll, shall be of a Title Page showing the name of the Official Record, the starting identification number, the date, and a certificate of the county clerk signed by the

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camera operator; and the last image on the roll, or part of a roll, shall be of a Certificate of Legality and Authenticity certifying that "the microfilming of the images between the Title Page and the Certificate of Legality and Authenticity has been in strict accordance with Article 1941(a), Vernon's Texas Civil Statutes, and that each image is a true, correct, and exact copy of the page or pages of the identified instrument of writing, legal document, paper, or record which had been filed for record on the date and at the time stamped on each; that no splice was made in the original negative film between the Title Page and this Certificate"; followed by the name of the Official Record, the starting image identification number of the Title Page and the ending image identification number of the Certificate of Legality and Authenticity, the date microfilmed and the certificate of the county clerk signed by the camera operator, if the camera operator is a deputy county clerk, or otherwise signed by the county clerk in person.

(c) For each separate and individual image of a discrete group of discrete images of a microfilm record to be an official original record, the first image of the discrete group shall be of a Title Page showing the name of the Official Record, the starting identification number, the date, and a certificate of the county clerk signed by the camera operator; and the last image of the discrete group shall be of a Certificate of Legality and Authenticity certifying "that the discrete numbered microfilm images between the Title Page and the Certificate of Legality and Authenticity have been made in strict accordance with Article 1941(a), Vernon's Texas Civil Statutes, and that each image is a true, correct, and exact copy of the page or pages of the identified instrument of writing, legal document, paper, or record which had been filed for record on the date and at the time stamped on each; that no microfilm image or images were substituted for any original discrete microfilm image or images between the Title Page and this Certificate"; followed by the name of the Official Record, the starting image identification number of the Title Page and the ending image identification number of the Certificate of Legality and Authenticity, the date microfilmed and the certificate of the county clerk signed by the camera operator, if the camera operator is a deputy county clerk, or otherwise signed by the county clerk in person.

(d) At least one additional negative copy of each roll, or part of a roll, or of each discrete image of a group of discrete images, of the original negative microfilm shall be made. The original negative of each roll, or part of a roll, or of each discrete image of a group of discrete images, of microfilm shall be the security record and, in the absence of other statutory provisions, shall be stored in a fireproof and burglarproof safe or locker outside of, and at a distance from, the courthouse. One negative copy of each roll, or part of a roll, or of each discrete image of a group of discrete images, of microfilm shall be used for making positive film prints and for no other purpose. Either negative copies or positive copies of film shall be used on projection devices or readers.

(e) All original negative microfilm now in an office of a county clerk and which negative microfilm is of archival quality, or which is made into negative film of archival quality, and which has thereon the certificates of the county clerk is hereby designated original records for all purposes and shall be so accepted by all courts and administrative agencies of this State.

(f) Each image on each roll, or each discrete image of a group of discrete images, of microfilm shall be of such a size that its image can be projected with clear legibility and without distortion onto a view screen or view glass with such projected image being as large as, or larger than, the original instrument of writing, legal document, paper or record from which it was made.

(g) Each image on a microfilm record shall be identified by a number by which it can be located quickly and easily, and which number shall be used in indexing such image.

(h) Cameras used for microfilming shall meet or exceed the then current standards of the United States Bureau of Standards for the documentation of permanent records.

(i) Suitable means shall be furnished for the public to quickly and easily locate and project onto a viewing screen or viewing glass the complete image of a desired record. Such projected image shall be as large as, or larger than, the instrument of writing, legal document, paper or record of which it is an image.

Checking and proving microfilm records; return of original instruments; disposition of printed records

Sec. 6. (a) Each county clerk and county recorder and clerk of county courts, whenever the original paper record is not retained in the files of the county clerk, shall reproduce from microfilm onto paper records each filmed image on each roll of microfilm, or each filmed image of the discrete group of filmed images of such paper records, and shall inspect and check each reproduced paper record against the original instrument of writing, legal document, paper or record for accuracy and clarity. Should the paper record which was reproduced from a microfilm image be defective in any respect due to the image or images on the microfilm, the original instrument of writing, legal document, paper or record, from which said defective reproduced paper record was made, shall be remicrofilmed on a subsequent roll of microfilm, or on a subsequent discrete image or images of a subsequent discrete group of individual images, to obtain acceptable images on microfilm.

(b) Notwithstanding anything to the contrary provided by any other statute or statutes, when an instrument of writing, legal document, paper, or record has been microfilmed, reproduced from microfilm onto paper records and said reproduced paper record has been proven satisfactory by inspecting and checking as provided herein, said clerk is hereby authorized to, and shall, return each such instrument of writing, legal document, paper or record, excepting those involved in or relating to court matters and proceedings, to the party or parties who filed it.

(c) Original instruments of writing, original legal documents, original papers and original records, which have been filed relating to court matters and proceedings and which have been recorded on microfilm records, shall be retained in the files of the docket to which they relate until a written order of the court closes such docket, after which all of the records in such docket shall be microfilmed in time sequence to provide all of such records of a docket in an unbroken continuous sequence on one roll of microfilm, or in an unbroken continuous sequence of discrete images in a group of discrete images.

(d) Upon the certificate of a county clerk of a county to the Commissioners Court of the county that the original negative microfilm of a designated microfilm record fully meets the requirements of the Bureau of Standards of the United States Government for archival quality, for density, for resolution and for definition of said original negative microfilm and, further, that microfilm film prints from said negative have been satisfactorily used by the public for five years, or more, said Commissioners Court may authorize by order of said court the disposal of the original paper records from which said microfilm records were made.
Added by Acts 1971, 62nd Leg., p. 2716, ch. 886, § 1, eff. June 14, 1971.

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Repeals

Acts 1971, 62nd Leg., p. 2716, ch. 886, enacting this article, provides in section 2: "All laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to Section 10, Chapter 340, Acts of the 49th Legislature, 1945, as amended; Chapter 21, Acts of the 41st Legislature, 5th Called Session, 1930; Chapter 192, Acts of the 45th Legislature, 1937, as amended; Chapter 251, Acts of the 53rd Legislature, 1953, as amended; Chapter 211, Acts of the 41st Legislature, 1929; Section 10, Chapter 382, Acts of the 57th Legislature, 1961; Section 2, Chapter 89, Acts of the 53rd Legislature, 1953; Chapter 85, Acts of the 43rd Legislature, 1933, as amended; Section 1, Chapter 162, Acts of the 39th Legislature, 1925; Section 1, Chapter 58, Acts of the 50th Legislature, 1947; Chapter 48, Acts of the 48th Legislature, 1943; Chapter 98, Acts of the 43rd Legislature, 1st Called Session, 1933 (Articles 912a-10, 1220a, 1278a, [should read "1287a"] 4582b, 5472c, 5472d, 5476a, 5506a, 6574a, 6574b, 6899—1, and 7345a of Vernon's Texas Civil Statutes); Articles 1275, 1285, 1939, 1941, 1942, 1943, 1944, 1945, 4524, 4546, 5238, 5275, 5333, 5348, 5448, 5453, 5486, 5924, 5925, 5949, 6000, 6574, 6591, 6593, 6594, 6595, 6596, 6597, 6598, 6599, 6601, 6633, 6634, 6635, 6636, 6641, 6644, 6662, 6898, 6905, 6912, 6913, 6923, 6927, 7361, and 7362, Revised Civil Statutes of Texas, 1925, as amended; Subsections (d) and (e) of Section 137, Texas Probate Code, as amended; and Sections 9.403 through 9.407, as amended, Business and Commerce Code."

Section 3 of the 1971 act was a severability clause.

Art. 1942. [1755] [1145] [1152] Custody of records

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 1943. [1756] [1146] [1153] Keep record of proceedings

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 1944. [1757] [1147] [1154] Index to judgments

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 1945. [1758] [1148] [1155] Other dockets, indexes, etc.

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

CHAPTER THREE—POWERS AND JURISDICTION

Art. 1955. Repealed by Acts 1971, 62nd Leg., p. 2536, ch. 831, § 6, eff. Aug. 30, 1971

See, now, art. 1911a.

Art. 1960. [1775] [1166] Changed jurisdiction; eminent domain

Where the jurisdiction of a county court has been taken away, altered or changed by existing laws, the jurisdiction shall remain as established, until otherwise provided by law. The county courts shall have no jurisdiction in eminent domain cases.

Amended by Acts 1971, 62nd Leg., p. 2537, ch. 832, § 7, eff. June 9, 1971.

CHAPTER FIVE—MISCELLANEOUS PROVISIONS

MISCELLANEOUS PROVISIONS

Art.
1970a. Amount in controversy [New].

Acts Creating County Courts at Law and Similar Courts, and Affecting Particular County Courts, and Decisions Thereunder

TARRANT COUNTY

1970—62.1 Transfer of eminent domain jurisdiction from county to district courts [New].

TRAVIS COUNTY

1970—324d. Eminent domain cases in Travis County [New].

FRANKLIN COUNTY

1970—331c. County Court and district courts of Franklin County; jurisdiction and related matters [New].

NUECES COUNTY

Art.
1970—339B. County Courts at Law Nos. 1 and 2 of Nueces County; eminent domain jurisdiction concurrent with County Court [New].

ORANGE COUNTY

1970—349A. County Court at law of Orange County; jurisdiction concurrent with District and County Courts [New].

DENTON COUNTY [NEW]

1970—353. Parker County; jurisdiction of county court diminished [New].
1970—354. County Court at Law of Hunt County [New].
1970—355. County Court at Law of Angelina County [New].

MISCELLANEOUS PROVISIONS

Art. 1970a. Amount in controversy

All county courts at law, county civil courts, and other statutory courts exercising civil jurisdiction corresponding to the constitutional jurisdiction of the county court in civil cases shall have jurisdiction concurrent with that of the district court when the matter in controversy shall exceed in value Five Hundred Dollars ($500) and shall not exceed Five Thousand Dollars ($5,000) exclusive of interest.

Added by Acts 1971, 62nd Leg., p. 2814, ch. 915, § 1, eff. June 15, 1971.

For Annotations and Historical Notes, see V.A.T.S.

ACTS CREATING COUNTY COURTS AT LAW AND SIMILAR COURTS, AND AFFECTING PARTICULAR COUNTY COURTS, AND DECISIONS THEREUNDER

TARRANT COUNTY

Art. 1970—62.1. Transfer of eminent domain jurisdiction from county to district courts

Neither the County Court of Tarrant County, the County Court at Law of Tarrant County nor the judges of the courts have any jurisdiction over matters of eminent domain.

Acts 1971, 62nd Leg., p. 50, ch. 27, § 1, eff. March 18, 1971.

Section 2 of the 1971 act appears as a note under art. 1906. Sections 3 to 6 thereof provided:

"Sec. 3. All proceedings in matters of eminent domain pending in the County Court or County Court at Law of Tarrant County when this Act takes effect are transferred to the district courts, and all writs and process relating to those matters issued by or out of the County Court or County Court at Law of Tarrant County are returnable to the district courts of Tarrant County.

"Sec. 4. After this Act takes effect, should a judgment be entered by the court of civil appeals or the supreme court remanding for a new trial or for further proceedings any cause in matters of eminent domain that was appealed from the County Court or County Court at Law of Tarrant County, the cause shall be remanded to the district courts, and all jurisdiction in respect to that cause vests in the district courts.

"Sec. 5. Within 10 days after this Act takes effect the county clerk of Tarrant County shall file with the district clerk of Tarrant County all original papers in causes transferred by this Act to the district court, with all judges' dockets and certified copies of any interlocutory judgment or other order entered in the minutes of the county court in those causes, and the district clerk shall immediately docket all such causes on the dockets of the district courts in a manner to equalize case loads, and all such causes shall stand on the docket of the district court in the same order in which they appeared on the docket of the county court, and each such case shall take its place on the docket of the district court in the same manner in the same priority as other civil cases are assigned to such docket, with the position on such docket to be determined in the same manner as though such cases had been committed to the district court in the first instance. It shall not be necessary for the district clerk to refile any papers theretofore filed by the county court, but papers in a cause bearing the file mark of the county clerk prior to the time of the transfer shall be held to have been filed in the cause as of the date filed without being refiled by the district clerk. The county clerk in cases so transferred shall accompany the papers with a certified bill of cost, and against all cost deposits, if any, the county clerk shall charge accrued fees due him and the remainder of the deposit he shall pay to the district court as a deposit in the particular cause for which it was deposited. Credit shall be given litigants for all jury fees paid in the county court.

"Sec. 6. This Act shall not be construed to in anywise or manner affect final judgments heretofore rendered by the County Court or County Court at Law of Tarrant County pertaining to matters of eminent domain, and the county court shall retain jurisdiction to enforce those final judgments and the county clerk of Tarrant County shall issue all writs of execution and orders of sale and proceedings thereunder and his act in so doing shall be valid and binding to all intents and purposes the same as if no transfer of jurisdiction had been made by this Act."

JEFFERSON COUNTY

Art. 1970—112. Jurisdiction

The County Court of Jefferson County at Law shall have jurisdiction in all matters and cases, civil and criminal, original and appellate, over which by the general laws of the State the County Court of said County would have jurisdiction, except as hereinafter provided in Section 3 of this Act, and all cases pending in the County Court of said County other than probate matters such as are provided in Section 3 of this Act shall be and the same are hereby transferred to the County Court of Jefferson County at Law, and all writs and process, civil and criminal, heretofore issued by or out of said County Court, other than those pertaining to matters which are hereby exempt by this Act that are to remain in the County Court of Jefferson County, shall be and the same are thereby made returnable to the County Court of Jefferson County at Law. The

jurisdiction of the County Court of Jefferson County at Law, and to the Judge thereof, shall extend to all matters of eminent domain of which jurisdiction as heretofore vested in the County Court or in the County Judge; but this provision shall not affect the jurisdiction of the Commissioners Court or the County Judge of Jefferson County as the presiding officer of said Commissioners Court as to roads, bridges and public highways, or matters of eminent domain which are now in the jurisdiction of the Commissioners Court or the Judge thereof. The County Court of Jefferson County at Law, in addition to the jurisdiction provided by law, shall have concurrent jurisdiction with the district court in all civil matters and cases when the matter in controversy shall exceed $500 and not exceed $10,000, exclusive of interest.

Amended by Acts 1971, 62nd Leg., p. 1859, ch. 547, § 1, eff. June 1, 1971.

Art. 1970—122. Salary of judge; assessment and collection of fees

The judge of the County Court of Jefferson County at Law shall receive a salary of not more than Twenty-five Thousand Dollars ($25,000) per annum, which shall be paid in twelve (12) equal monthly installments out of the County Treasury of Jefferson County as fixed and ordered by the Commissioners Court of said county. The judge of the County Court of Jefferson County at Law shall assess the same fees as are now prescribed by law relating to county judges' fees, all of which shall be collected by the clerk of the court and paid into the County Treasury on collection and no part of which shall be paid to said judge, who shall instead draw a salary as herein provided.

Amended by Acts 1967, 60th Leg., p. 179, ch. 94, § 1, eff. April 22, 1967; Acts 1971, 62nd Leg., p. 1004, ch. 192, § 1, eff. May 13, 1971.

Section 2 of the amendatory act of 1971 was a severability provision and section 3 thereof repealed conflicting laws to the extent of conflict.

Art. 1970—126a. County Court of Jefferson County at Law No. 2

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Sec. 2. The County Court of Jefferson County at Law No. 2, shall have, and it is hereby granted, the same jurisdiction and powers in all actions, matters, and proceedings of every nature that are now conferred by law upon and vested in the County Court of Jefferson County at Law, and the Judge thereof. Provided, however, that the jurisdiction of the said County Court of Jefferson County at Law and the County Court of Jefferson County at Law No. 2 over all such actions, matters and proceedings, civil and criminal, shall be concurrent. The County Court of Jefferson County at Law No. 2, in addition to the jurisdiction provided by law, shall have concurrent jurisdiction with the district court in all civil matters and cases when the matter in controversy shall exceed Five Hundred Dollars ($500) and not exceed Ten Thousand Dollars ($10,000), exclusive of interest.

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Sec. 8. The judge of the County Court of Jefferson County at Law No. 2 shall receive a salary of not more than Twenty-five Thousand Dollars ($25,000) per annum, which shall be paid in twelve (12) equal monthly installments out of the County Treasury of Jefferson County as fixed and ordered by the Commissioners Court of said county. The judge of the County Court of Jefferson County at Law No. 2 shall assess the same fees as are now prescribed by law relating to county judges' fees, all of which shall be collected by the clerk of the court and paid into the County Treasury on collection and no part of which shall be paid to said judge who shall instead draw a salary as herein provided.

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For Annotations and Historical Notes, see V.A.T.S.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 1860, ch. 547, § 2, eff. June 1, 1971; Sec. 8 amended by Acts 1971, 62nd Leg., p. 1003, ch. 191, § 1, eff. May 13, 1971.

Section 2 of Acts 1971, 62nd Leg., p. 1003, ch. 191, was a severability provision.

McLENNAN COUNTY

Art. 1970—298b. County Court at Law of McLennan County

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Sec. 2. (a) The County Court at Law of McLennan County shall have jurisdiction in all matters and causes, civil and criminal, original and appellate, over which by the general laws and Constitution of the State, the County Court of the county would have jurisdiction.

(b) The jurisdiction of the County Court at Law of McLennan County and the Judge thereof shall extend to all matters of eminent domain, but this provision shall not affect the jurisdiction of the Commissioners Court, or of the County Judge of McLennan County as the presiding officer of the Commissioners Court as to roads, bridges, and public highways, and matters of eminent domain which are now within the jurisdiction of the Commissioners Court or the Judge thereof.

(c) Except as provided in Subsection (b) of this section, the County Court at Law of McLennan County and the Judge thereof shall have concurrent jurisdiction with the County Court of McLennan County and the Judge thereof in all matters and causes over which by the general laws and Constitution of the State the County Court would have jurisdiction.
Sec. 2 amended by Acts 1971, 62nd Leg., p. 1784, ch. 524, § 1, eff. June 1, 1971.

Sec. 3. The County Court of McLennan County shall have the jurisdiction given County Courts under the Constitution and general laws of this State. The County Court, and the Judge thereof, shall have the power to issue writs of injunction, mandamus, and all writs necessary to the enforcement of the jurisdiction of the court, and also to punish contempts under such provisions as are or may be provided by law governing County Courts throughout the State. The County Judge of McLennan County shall be the Judge of the County Court of McLennan County. All ex officio duties of the County Judge shall be exercised by the Judge of the County Court of McLennan County, except insofar as the same shall by this Act be committed to the Judge of the County Court at Law of McLennan County.
Sec. 3 amended by Acts 1971, 62nd Leg., p. 1784, ch. 524, § 1, eff. June 1, 1971.

Sec. 3a. (a) The Judge of either the County Court at Law of McLennan County or the County Court of McLennan County may, in his discretion, either in term time or in vacation, on motion of any party or on agreement of the parties, or on his own motion, transfer any cause on his docket, to the docket of the other Court.

(b) The Judges of the Courts may, in their discretion, exchange benches from time to time. Whenever a Judge of one of the Courts is disqualified, he shall transfer the case from his Court to the other Court.

(c) Either Judge may, in his own courtroom, try and determine any case or proceeding pending in either Court, without having the case transferred, or may sit in the other Court, without having the case transferred, or may sit in the other Court and there hear and determine any case there pending. Each judgment and order shall be entered in the minutes of the Court in which the case is pending.

(d) In case of absence, sickness, or disqualification of either Judge, the other Judge may hold Court for him. Either of the Judges may hear any part of any case or proceeding pending in either of the Courts and

determine the same or may hear and determine any question in any case, and either Judge may complete the hearing and render judgment in the case.

(e) In cases transferred to either of the Courts by order of the Judge of the other Court, all processes, writs, bonds, recognizances or other obligations issued or made in the cases shall be returned to and filed in the Court to which transfer is made. All bonds executed and recognizances entered into in those cases shall bind the parties for their appearance or to fulfill the obligations of such bonds or recognizances at the terms of the Court to which the cases are transferred to as are fixed by law.

(f) All processes issued or returned before transfer of the cases as well as all bonds and recognizances before taken in the cases shall be valid and binding as though originally issued out of the Court to which the transfer is made.

Sec. 3a added by Acts 1971, 62nd Leg., p. 1785, ch. 524, § 2, eff. June 1, 1971.

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Sec. 12. The Judge of the County Court at Law of McLennan County shall assess the same fees as are or may be established by law relating to County Judges, all of which shall be collected by the clerk of said court and be by him paid monthly into the County Treasury; and the Judge of said County Court at Law shall receive an annual salary of not more than Twenty Thousand Dollars ($20,000), payable monthly, to be paid out of the County Treasury by the Commissioners Court.

Sec. 12 amended by Acts 1969, 61st Leg., p. 2120, ch. 724, § 1, eff. June 12, 1969; Acts 1971, 62nd Leg., p. 1784, ch. 524, § 1, eff. June 1, 1971.

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CAMERON COUNTY AT LAW

Art. 1970—305. County Court at Law of Cameron County

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Sec. 6. (a) The County Court at Law of Cameron County shall also have the general jurisdiction of a probate court, and all jurisdiction now conferred by law over probate matters, within the limits of Cameron County, concurrent with the jurisdiction of the County Court of Cameron County in such matters and proceedings. The County Court at Law of Cameron County shall have no other jurisdiction than that specifically provided by law, and the County Court of Cameron County as now and as heretofore existing shall have all jurisdiction which it now has, save and except that which is given the County Court at Law of Cameron County by this Act, or as may be otherwise specifically given by law to said County Court at Law of Cameron County, but the County Court of Cameron County shall have no other jurisdiction, civil or criminal. The County Judge of Cameron County shall be the Judge of the County Court of said County, and all ex-officio duties of the County Judge shall be exercised by said Judge of the County Court of Cameron County, except insofar as the same shall be herein, or as may be otherwise by law specifically committed to the County Court at Law of Cameron County, or the Judge thereof.

(b) The Judge of the County Court at Law of Cameron County or the judge of the County Court of Cameron County may, in his discretion, either in term-time or in vacation, on motion of any party or on agreement of the parties, or on his own motion, transfer any probate matter on his docket to the docket of the other court.

The Judges of the Courts may, in their discretion, in any probate matter exchange benches from time to time. Whenever a Judge in one of

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the Courts is disqualified in a probate matter, he shall transfer the matter from his Court to the other Court.

Either Judge may, in his own courtroom, try and determine any probate matter pending in either Court, without having the case transferred, or may sit in the other Court and there hear and determine any probate matter there pending. Each judgment and order shall be entered in the minutes of the Court in which the matter is pending.

The Judges may try different probate matters in the same Court at the same time and each may occupy his own courtroom or the courtroom of the other. In case of absence, sickness, or disqualification of either Judge, the other Judge may hold court for him in any probate matter. Either of the Judges may hear any part of or question in any probate matter pending in either of the Courts and determine the matter or question. Either Judge may complete the hearing and render judgment in the case.

In any matter transferred by order of the Judge of one of the Courts, all process, writs, bonds, recognizances, or other obligations issued or made in the matter shall be returned to and filed in the court to which the transfer is made. All bonds executed and recognizances entered into in the matter shall bind the parties for their appearance or to fulfill the obligations of the bonds or recognizances at the terms of the Court to which the matter is transferred to as are fixed by law and by this Act. All processes issued or returned before transfer of the matter as well as all bonds and recognizances before taken shall be valid and binding as though originally issued out of the court to which the transfer may be made.

Sec. 6 amended by Acts 1969, 61st Leg., p. 1255, ch. 394, § 2, eff. May 29, 1969; Acts 1971, 62nd Leg., p. 1862, ch. 549, § 1, eff. June 1, 1971.

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Historical Note

Section 2 of the 1971 amendatory act provided: "In any matter or proceeding within the jurisdiction of both the County Court at Law of Cameron County and the County Court of Cameron County, any transfer from the docket of one court to the docket of the other, exchange of benches by the judges of the two courts, or any other similar action authorized by this Act prior to the effective date of this Act is hereby validated."

PARTICULAR COUNTY COURTS

Art. 1970—310. Other acts creating or affecting jurisdiction of particular county courts

Camp—General jurisdiction in matters of eminent domain transferred to district court—Acts 1971, 62nd Leg., p. 1952, ch. 592, §§ 1, 2, eff. June 2, 1971.

Cass—General jurisdiction in matters of eminent domain transferred to district court—Acts 1971, 62nd Leg., p. 1168, ch. 273, §§ 1–6, eff. May 19, 1971.

Fannin—General jurisdiction in matters of eminent domain transferred to district court—Acts 1971, 62nd Leg., p. 820, ch. 89, §§ 1–6.

LaSalle—Jurisdiction restored: Acts 1971, 62nd Leg., p. 1214, ch. 295, eff. May 24, 1971.

TRAVIS COUNTY

Art. 1970—324. County Court at Law No. 1 of Travis County

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Sec. 2. The County Court at Law No. 1 of Travis County, Texas, shall have and exercise jurisdiction in all matters and causes, civil and criminal, original and appellate, over which by the General Laws of the State the County Court of said County would have jurisdiction; and all cases pending in the County Court at Law of Travis County, Texas, shall

be and the same are hereby transferred to the County Court at Law No. 1 of Travis County, Texas, and all writs and process, civil and criminal, heretofore issued by or out of the County Court at Law of Travis County, Texas, shall be and the same are hereby made returnable to the County Court at Law No. 1 of Travis County, Texas. The jurisdiction of the County Court at Law No. 1 of Travis County, Texas, and of the Judge thereof shall extend to all matters of which jurisdiction has heretofore vested in the County Court or in the County Judge or in the County Court at Law of Travis County, Texas; and such County Court at Law No. 1 of Travis County, Texas, shall exercise and have concurrent jurisdiction with the County Court or County Judge or any other numbered County Court at Law of Travis County, now or hereafter created, as to all probate matters.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 1444, ch. 401, § 1, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., 1st C.S., p. 11, ch. 1, § 1, eff. June 7, 1971.

Sec. 3. The County Court of Travis County shall have and retain, as heretofore, jurisdiction now conferred by law over probate matters; but such jurisdiction shall hereafter be concurrent as herein provided; but the County Court of said County as now existing shall have no jurisdiction over other matters civil or criminal. The County Judge of Travis County shall be the Judge of the County Court of said County, and all ex officio duties of the County Judge shall be exercised by said Judge of the County Court of Travis County, except insofar as the same shall by this Act or otherwise be committed exclusively to the County Court at Law No. 1 of Travis County, Texas, now or hereafter created.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 1444, ch. 401, § 1, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., 1st C.S., p. 11, ch. 1, § 1, eff. June 7, 1971.

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Text of section 17 as amended by Acts 1971, 62nd Leg., p. 1444, ch. 401, § 1

Sec. 17. The Judge of the County Court at Law No. 1 of Travis County, Texas, may be paid by the Commissioners Court of Travis County a yearly salary not less than the amount paid District Judges from the general revenue fund of the State of Texas and not more than the total salary, including supplements, paid any District Judge sitting in Travis County, Texas. The salary shall be paid out of the general fund of the County in equal monthly installments by warrants drawn upon the County Treasurer upon Orders of the Commissioners Court of Travis County, Texas. The Judge of the County Court at Law No. 1 shall assess the same fees and costs as are now prescribed by law for County Judges, to be deposited in the County Treasury as prescribed by law.

Sec. 17 amended by Acts 1965, 59th Leg., p. 175, ch. 69, § 3, eff. April 8, 1965, Acts 1967, 60th Leg., p. 1196, ch. 532, § 2, eff. Jan. 1, 1968; Acts 1971, 62nd Leg., p. 1444, ch. 401, § 1, eff. Aug. 30, 1971.

For text of section 17 as amended by Acts 1971, 62nd Leg., 1st C.S., p. 3421, ch. 1, § 1, see section 17, post.

Text of section 17 as amended by Acts 1971, 62nd Leg., 1st C.S., p. 11, ch. 1, § 1

Sec. 17. The Judge of the County Court at Law No. 1 of Travis County, Texas, may be paid by the Commissioners Court a yearly salary not less than $19,000 and not more than the amount paid District Judges from the general revenue fund of the State of Texas. The salary shall be paid out of the general fund of the County in equal monthly installments by warrants drawn upon the County Treasurer upon Orders of the Commissioners Court of Travis County, Texas. The Judge of the County Court at Law No. 1 shall assess the same fees and costs as are now prescribed by law for

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County Judges, to be deposited in the County Treasury as prescribed by law.

Sec. 17 amended by Acts 1965, 59th Leg., p. 175, ch. 69, § 3, eff. April 8, 1965; Acts 1967, 60th Leg., p. 1196, ch. 532, § 2, eff. Jan. 1, 1968; Acts 1971, 62nd Leg., 1st C.S., p. 11, ch. 1, § 1, eff. June 7, 1971.

For text of section 17 as amended by Acts 1971, 62nd Leg., p. 1444, ch. 401, § 1, see section 17, ante.

Art. 1970—324a. County Court at Law No. 2 of Travis County

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Sec. 2. The County Court at Law No. 2 of Travis County, Texas, shall have and exercise jurisdiction in all matters and causes, civil and criminal, original and appellate, over which by the General Laws of the State, the County Court of said County would have jurisdiction and all cases pending in the County Court at Law of Travis County, Texas, shall be and the same are hereby transferred to the County Court at Law No. 2 of Travis County, Texas, and all writs and process, civil and criminal, heretofore issued by or out of the County Court at Law of Travis County, Texas, shall be and the same are hereby made returnable to the County Court at Law No. 2 of Travis County, Texas. The jurisdiction of the County Court at Law No. 2 of Travis County, Texas, and of the Judge thereof, shall extend to all matters of which jurisdiction has heretofore vested in the County Court or in the County Judge or in the County Court at Law of Travis County, Texas; and such County Court at Law No. 2 of Travis County, Texas, shall exercise and have concurrent jurisdiction with the County Court or County Judge or any other numbered County Court at Law of Travis County, now or hereafter created, as to all probate matters.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 1445, ch. 401, § 2, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., 1st C.S., p. 12, ch. 1, § 2, eff. June 7, 1971.

Sec. 3. The County Court of Travis County shall have and retain, as heretofore, jurisdiction now conferred by law over probate matters; and such jurisdiction shall hereafter be concurrent as herein provided; but the County Court of said County as now existing shall have no jurisdiction over other matters civil or criminal. The County Judge of Travis County shall be the Judge of the County Court of said County, and all ex officio duties of the County Judge shall be exercised by said Judge of the County Court of Travis County, except insofar as the same shall by this Act or otherwise be committed exclusively to the County Court at Law No. 2 of Travis County, Texas, now or hereafter created.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 1445, ch. 401, § 2, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., 1st C.S., p. 12, ch. 1, § 2, eff. June 7, 1971.

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Text of section 17 as amended by Acts 1971, 62nd Leg., p. 1445, ch. 401, § 2

Sec. 17. The Judge of the County Court at Law No. 2 of Travis County, Texas, may be paid by the Commissioners Court of Travis County a yearly salary not less than the amount paid District Judges from the general revenue fund of the State of Texas and not more than the total salary, including supplements, paid any District Judge sitting in Travis County, Texas. The salary shall be paid out of the general fund of the County in equal monthly installments by warrants drawn upon the County Treasurer upon Orders of the Commissioners Court of Travis County, Texas. The Judge of the County Court at Law No. 2 shall assess the same

fees and costs as are now prescribed by law for County Judges, to be deposited in the County Treasury as prescribed by law.
Sec. 17 amended by Acts 1965, 59th Leg., p. 175, ch. 69, § 5, eff. April 8, 1965; Acts 1967, 60th Leg., p. 1196, ch. 532, § 2, eff. Jan. 1, 1968; Acts 1971, 62nd Leg., p. 1445, ch. 401, § 2, eff. Aug. 30, 1971.

For text of section 17 as amended by Acts 1971, 62nd Leg., 1st C.S., p. 3422, ch. 1, § 2, see section 17, post.

Text of section 17 as amended by Acts 1971, 62nd Leg., 1st C.S., p. 12, ch. 1, § 2

Sec. 17. The Judge of the County Court at Law No. 2 of Travis County, Texas, may be paid by the Commissioners Court a yearly salary not less than $19,000 and not more than the amount paid District Judges from the general revenue fund of the State of Texas. The salary shall be paid out of the general fund of the County in equal monthly installments by warrants drawn upon the County Treasurer upon Orders of the Commissioners Court of Travis County, Texas. The Judge of the County Court at Law No. 2 shall assess the same fees and costs as are now prescribed by law for County Judges, to be deposited in the County Treasury as prescribed by law.
Sec. 17 amended by Acts 1971, 62nd Leg., 1st C.S., p. 12, ch. 1, § 2, eff. June 7, 1971.

For text of section 17 as amended by Acts 1971, 62nd Leg., p. 1445, ch. 401, § 2, see section 17, ante.

Sec. 17 amended by Acts 1965, 59th Leg., p. 175, ch. 69, § 5, eff. April 8, 1965; Acts 1967, 60th Leg., p. 1196, ch. 532, § 2, eff. Jan. 1, 1968; Acts 1971, 62nd Leg., 1st C.S., p. 12, ch. 1, § 2, eff. June 7, 1971.

Art. 1970—324d. Eminent domain cases in Travis County

Section 1. The County Courts at Law shall have concurrent original jurisdiction over eminent domain proceedings with the County Court of Travis County and the administrative and ministerial jurisdiction to file and dispose of proceedings in eminent domain concurrently and coextensively with the County Court and other County Courts at Law of Travis County now or hereafter created.

Sec. 2. Eminent domain cases filed in Travis County shall be assigned in rotation to the County Courts at Law by the County Clerk.
Added by Acts 1971, 62nd Leg., p. 1446, ch. 401, § 3, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., 1st C.S., p. 13, ch. 1, § 3, eff. June 7, 1971.

FRANKLIN COUNTY

Art. 1970—331b. Repealed by Acts 1971, 62nd Leg., p. 951, ch. 161, § 5, eff. May 11, 1971

The repealed article provided for the jurisdiction of the Franklin County Court and related matters; and was derived from Acts 1967, 60th Leg., p. 722, ch. 302, and Acts 1969, 61st Leg., p. 1112, ch. 361, § 1. See, now, art. 1970—331c.

Art. 1970—331c. County Court and district courts of Franklin County; jurisdiction and related matters

Section 1. The County Court of Franklin County has the full jurisdiction granted by the Constitution and general law to county courts.

Sec. 2. The district courts having jurisdiction in Franklin County have the jurisdiction granted by the Constitution and general law to district courts.

Sec. 3. (a) All cases pending on the effective date of this Act in the district courts having jurisdiction in Franklin County which are within

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the jurisdiction of the county court under Section 1 of this Act are transferred to the County Court of Franklin County.

(b) All writs and process relating to cases transferred under Subsection (a) are returnable to the next term of the County Court of Franklin County.

Sec. 4. This Act may not be construed to affect judgments rendered by the district courts having jurisdiction in Franklin County prior to the effective date of this Act. The clerks of the district courts having jurisdiction in Franklin County shall issue all executions and orders of sale and proceedings thereunder, which shall be valid and binding.

Acts 1971, 62nd Leg., p. 951, ch. 161, eff. May 11, 1971.

Historical Note

Title of Act:

An Act relating to the jurisdiction of the County Court of Franklin County and the district courts having jurisdiction in Franklin County; repealing Chapter 302, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 1970—331b, Vernon's Texas Civil Statutes); and declaring an emergency. Acts 1971, 62nd Leg., p. 951, ch. 161.

JOHNSON COUNTY COURT

Art. 1970—335. Johnson county; jurisdiction of county court diminished; jurisdiction of district court

Section 1. The County Court of Johnson County shall have and exercise the general jurisdiction of a probate court, shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle the accounts of executors, administrators, and guardians; transact all business pertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement, and distribution of estates of deceased persons pending in such Court; to conduct lunacy hearings; to apprentice minors as provided by law, and to issue all writs necessary for the enforcement of its own jurisdiction; to punish contempt under such provisions as now or may be provided for by General Law governing County Courts throughout the State; and in addition thereto, said County Court of Johnson County and the Judge thereof, subject to the conditions hereinafter stated, shall have jurisdiction over matters of eminent domain and other original civil jurisdiction, and original criminal jurisdiction and appellate civil jurisdiction and appellate criminal jurisdiction as are normally exercised by County Courts under the Constitution and General Laws of this State; provided, however, that all future Statutes pertaining to probate matters enacted by the Legislature of the State of Texas shall be operative in Johnson County as fully as though this Statute had not been enacted.

Sec. 2. The Judge of the District Court of Johnson County will be the presiding Judge, insofar as said District Court and said County Court are concerned, over original jurisdiction in matters of eminent domain, as well as original and appellate jurisdiction in all civil and criminal matters in causes over which by the laws of this State the County Court of Johnson County would have original or appellate jurisdiction; and all such causes will be filed with the District Clerk of Johnson County in said District Court. The Judge of the District Court of Johnson County may, in his discretion, assign to the County Court of Johnson County, for trial and disposition, cases, or portions thereof, of eminent domain as well as cases of original and appellate jurisdiction in civil and criminal matters and causes over which, by the General Laws of this State, the County Court of Johnson County would have original or appellate jurisdiction. Such assignments shall be made by docket notation. The purpose and intent of this Statute is to vest the District Court of Johnson County

and the County Court of Johnson County with concurrent jurisdiction over matters of eminent domain as well as original and appellate jurisdiction in all civil and criminal matters over which, by the General Laws of this State, the County Court of Johnson County would have original or appellate jurisdiction, subject to the control over assignments of such cases, or parts thereof, by the said District Court, as hereinabove set out.

Sec. 3. The District Clerk of Johnson County shall continue to perform all the clerical functions of and for the County Court of Johnson County, insofar as all matters and causes over which the said District Court and County Court have concurrent jurisdiction, as hereinabove set out. Insofar as all cases over which the said District Court and County Court have concurrent jurisdiction, as hereinabove set out, said Clerk shall charge fees at the rate set by law for County Court cases.

Sec. 4. The duties of the County Attorney of Johnson County shall not be in any manner changed or affected by this Act; and said County Attorney shall have and perform the same duties as were had and performed prior to the passage of this Act.

Amended by Acts 1971, 62nd Leg., p. 26, ch. 11, § 1, eff. March 4, 1971.

NUECES COUNTY

Art. 1970—339. County Court at Law No. 1 of Nueces County

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Sec. 17. The Judge of the County Court at Law No. 1 of Nueces County shall receive a salary of Eighteen Thousand Dollars per annum, to be paid out of the County Treasury by order of the commissioners court, and said salary shall be paid monthly in equal installments. The Judge of the County Court at Law No. 1 of Nueces County shall assess the same fees as are now prescribed or may be established by law, relating to the County Judge's fees, all of which shall be collected by the Clerk of the Court and shall be paid into the County Treasury on collection, and no part of which shall be paid to said Judge, but he shall draw the salary as above specified in this section.

Sec. 17 amended by Acts 1967, 60th Leg., p. 436, ch. 200, § 4, eff. May 15, 1967; Acts 1971, 62nd Leg., p. 3053, ch. 1014, § 2, eff. June 15, 1971.

Art. 1970—339A. County Court at Law No. 2 of Nueces County

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Sec. 18. The Judge of the County Court at Law No. 2 of Nueces County shall receive a salary of Eighteen Thousand Dollars per annum, to be paid out of the County Treasury by order of the commissioners court, and said salary shall be paid monthly in equal installments. The Judge of the County Court at Law No. 2 of Nueces County shall assess the same fees as are now prescribed or may be established by law, relating to County Judge's fees, all of which shall be collected by the Clerk of the Court and shall be paid into the County Treasury on collection, and no part of which shall be paid to said Judge, but he shall draw the salary as above specified in this section.

Sec. 18 amended by Acts 1967, 60th Leg., p. 437, ch. 200, § 8, eff. May 15, 1967; Acts 1971, 62nd Leg., p. 3054, ch. 1014, § 3, eff. June 15, 1971.

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For Annotations and Historical Notes, see V.A.T.S.

Art. 1970—339B. County Courts at Law Nos. 1 and 2 of Nueces County; eminent domain jurisdiction concurrent with County Court

The Judge of the County Court of Nueces County, Texas, shall have concurrent jurisdiction with the Judges of County Court at Law No. 1 of Nueces County, Texas, and County Court at Law No. 2 of Nueces County, Texas, to file the statement in eminent domain proceedings and to appoint Special Commissioners, and, where no objections are filed to the award, to cause the decision of the Commissioners to be recorded in the Minutes of the County Court, to make same the judgment of the Court, and to issue necessary process to enforce the same. In all such proceedings where objections to the decision of the Commissioners are filed, the proceedings shall be filed in the County Court at Law No. 1 of Nueces County, Texas, or County Court at Law No. 2 of Nueces County, Texas.

Acts 1971, 62nd Leg., p. 3053, ch. 1014, § 1, eff. June 15, 1971.

HIDALGO COUNTY

Art. 1970—341. County Court at Law of Hidalgo County

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Sec. 11. (a) The Judge of the County Court at Law of Hidalgo County is entitled to receive an annual salary not to exceed $16,000, the exact amount of which shall be fixed by the Commissioners Court of Hidalgo County. The salary shall be paid in the same manner and from the same fund as prescribed by law for payment of the salary of the County Judge of Hidalgo County.

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Amended by Acts 1965, 59th Leg., p. 844, ch. 406, § 1, eff. Aug. 30, 1965; Subsec. (a) amended by Acts 1971, 62nd Leg., p. 908, ch. 133, § 1, eff. May 10, 1971.

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GALVESTON COUNTY

Art. 1970—342. County Court No. 2 of Galveston County

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Sec. 9. The Judge of the County Court No. 2 shall be paid by the Commissioners Court of Galveston County a yearly salary not less than the amount paid the County Judge of Galveston County but in no event more than the amount paid District Judges from the General Revenue Fund of the State of Texas. The salary shall be paid out of the general fund of the County in equal monthly installments by warrants drawn upon the County Treasury upon orders of the Commissioners Court of Galveston County, Texas.

Sec. 9 amended by Acts 1965, 59th Leg., p. 286, ch. 123, § 1, eff. Aug. 30, 1965; Acts 1969, 61st Leg., p. 2131, ch. 735, § 1, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 2845, ch. 932, § 1, eff. Aug. 30, 1971.

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Art. 1970—342a. County Court No. 1 of Galveston County

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Sec. 11. (a) The Judge of the County Court No. 1 of Galveston County shall take the oath of office prescribed by the Constitution, but no bond shall be required of him.

(b) The Judges of the County Court No. 1 and of the County Court No. 2 shall each be paid an annual salary of not less than the amount paid the County Judge of Galveston County, but in no event more than the amount paid District Judges from the General Revenue Fund of the State of Texas. The salary shall be paid to each Judge in equal monthly installments out of the General Fund of Galveston County, Texas, by warrants drawn upon the County Treasury upon orders of the Commissioners Court of Galveston County, Texas.

Acts 1965, 59th Leg., p. 523, ch. 269, eff. May 28, 1965. Sec. 11 amended by Acts 1969, 61st Leg., p. 2130, ch. 734, § 1, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 2844, ch. 931, § 1, eff. Aug. 30, 1971.

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TAYLOR COUNTY

Art. 1970—343. County Court at Law of Taylor County

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Sec. 12. The Judge of the County Court at Law of Taylor County shall assess the same fees as are or may be established by law relating to County Judges, all of which shall be collected by the clerk of said court and be by him paid monthly into the county treasury. The Judge of said County Court at Law shall receive an annual salary which shall be fixed by the Commissioners Court of Taylor County at an amount not less than the salary paid to the County Judge of Taylor County, and which shall be payable monthly, out of the county treasury of Taylor County.

Sec. 12 amended by Acts 1971, 62nd Leg., p. 1140, ch. 255, § 1, eff. May 17, 1971.

SMITH COUNTY

Art. 1970—348. County Court at Law of Smith County

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Sec. 2. (a) The County Court at Law of Smith County shall have jurisdiction in all matters, causes, and proceedings, civil, criminal and probate, original and appellate, and also including eminent domain proceedings, over which by the General Laws of this State county courts have jurisdiction, and jurisdiction of said County Court at Law shall be concurrent with that of the County Court of Smith County; but this provision shall not affect the jurisdiction of the Commissioners Court or the County Judge of Smith County as the presiding officer of the Commissioners Court.

(b) The Judge of the County Court at Law may sit in the absence of the County Judge of Smith County from the courtroom in all matters, causes, and proceedings without the necessity of transferring those matters, causes, and proceedings except matters coming under the jurisdiction of the Commissioners Court where the County Judge would be the presiding officer of that Court.

(c) The County Judge, if a duly licensed attorney, may sit in the absence of the Judge of the County Court at Law from the courtroom in all matters and causes without the necessity of transferring those matters and causes.

Sec. 2 amended by Acts 1965, 59th Leg., p. 1011, ch. 496, § 1, eff. June 16, 1965; Acts 1971, 62nd Leg., p. 24, ch. 10, § 1, eff. March 2, 1971.

Sec. 3. Nothing in this Act shall diminish the jurisdiction of the County Court of Smith County. The County Court of Smith County, or the Judge thereof, shall have the power to issue writs of injunction,

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mandamus, and all writs necessary to the enforcement of the jurisdiction of the court; and also to punish contempts under such provisions as are or may be provided by General Law governing county courts throughout the State. The County Judge of Smith County shall be the Judge of the County Court of Smith County. All ex officio duties of the County Judge shall be exercised by the Judge of the County Court of Smith County, except insofar as the same shall, by this Act, be committed to the Judge of the County Court at Law of Smith County.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 25, ch. 10, § 2, eff. March 2, 1971.

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Sec. 12. The County Court at Law of Smith County, or the Judge thereof, shall have the power to issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary to the enforcement of jurisdiction of the court, and to issue writs of habeas corpus in such cases where the offense charged is within the jurisdiction of said court or of any other court in the county of inferior jurisdiction to the County Court at Law. The County Court at Law or the Judge thereof shall also have the power to punish for contempt as prescribed by law for County Courts.

Sec. 12 amended by Acts 1971, 62nd Leg., p. 25, ch. 10, § 3, eff. March 2, 1971.

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ORANGE COUNTY

Art. 1970—349. County Court at Law of Orange County

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Court officials

Sec. 4.

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(b) The Judge of the County Court at Law shall appoint an official court reporter, who shall have the qualifications and duties provided by law. The official court reporter shall receive a salary, to be fixed by the Commissioners Court of Orange County, of not more than $9,000 per year.

Acts 1965, 59th Leg., p. 1012, ch. 498, eff. Aug. 30, 1965. Sec. 3(d) amended by Acts 1969, 61st Leg., p. 2126, ch. 730, § 1, eff. Sept. 1, 1969; Sec. 4(b) amended by Acts 1971, 62nd Leg., p. 1006, ch. 194, § 1, eff. May 13, 1971.

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Art. 1970—349A. County Court at Law of Orange County; jurisdiction concurrent with District and County Courts

Concurrent civil jurisdiction with District and County Courts in matters and causes involving domestic relations; writs

Section 1. In addition to the jurisdiction now conferred upon the County Court at Law of Orange County, by the Constitution and laws of the State of Texas, said court shall hereinafter have and exercise concurrent civil jurisdiction with the District Courts in Orange County, in suits, causes and matters involving adoptions, removal of disability of minority and coverture, wife and child desertion, delinquent, neglected or dependent child proceedings, Reciprocal Support Act and all jurisdic-

tion, powers and authority now or hereafter placed in the District or County Courts under the juvenile and child welfare laws of this State; and of all divorce and marriage annulment cases, including the adjustment of property rights and custody and support of minor children involved therein, alimony pending final hearing, and any and every other matter incident to divorce or annulment proceedings as well as independent actions involving child custody or support of minors, change of name of persons; and all other cases involving justiciable controversies and differences between spouses, or between parents, or between them, or one of them, and their minor children, or between any of these and third persons, corporations, trustees or other legal entities, which are now, or may hereafter be within the jurisdiction of the District or County Courts; all cases in which children are alleged or charged to be dependent and neglected children or delinquent children as provided by law, and said Court and the Judges thereof shall have power to issue writs of habeas corpus, mandamus, injunction, and all writs necessary to enforce their jurisdiction.

Transfer of cases

Sec. 2. After the effective date of this Act all cases of concurrent jurisdiction enumerated or included above may be instituted or transferred between the District Courts of Orange County and the County Court at Law of Orange County.

Absence of Judge; District Court Judge to act; special Judge

Sec. 3. Should the Judge be disqualified to try a particular case, or should the Judge by reason of illness or otherwise fail or refuse to hold court as needed, on matters pending in the County Court at Law of Orange County, such fact shall be brought to the attention of a Judge of the District Courts of Orange by any attorney, whereupon such matters as require attention shall be promptly acted upon by the said Judge of the District Courts of Orange County and disposed of in the manner as other matters or trials in the several District Courts. In the event it should ever become necessary to select a special Judge for the County Court at Law of Orange County, such special Judge shall be selected in the manner provided by law for the selection of a special Judge of the District Court.

District Courts; continued and concurrent jurisdiction

Sec. 4. Nothing in the Act shall diminish the jurisdiction of the District Courts of Orange County, but such Courts shall retain and continue to exercise such jurisdiction as is now or may be hereafter conferred by law. Such District Courts shall continue to exercise concurrent jurisdiction on all matters which by this Act are brought within the concurrent jurisdiction of the County Court at Law of Orange County and none of the District Courts of Orange County shall be relieved by the provisions of this Act of their several responsibilities for the handling and disposition of all matters which are by this Act brought within the concurrent jurisdiction of the County Court at Law of Orange County as time and the condition of the dockets of such District Courts will permit.

Jurisdiction concurrent with County Courts generally over civil and criminal matters and causes, original and appellate; exception

Sec. 5. The County Court at Law of Orange County shall retain concurrent jurisdiction with the County Court of Orange County in all matters and causes, civil and criminal, original and appellate, over which, by the general laws and the Constitution of this State County Courts have jurisdiction, and in addition thereto any additional jurisdic-

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tion which may hereafter be assigned to the County Courts at Law of the State of Texas as now constituted or as they may hereafter be constituted, except the executive functions of the County Judge as a member of the Commissioners Court, Board of Equalization, Budget Officer and other executive and administrative functions.

Eminent domain jurisdiction concurrent with County Court; effect upon jurisdiction of Commissioners Court

Sec. 6. The jurisdiction of the County Court at Law of Orange County shall extend to all matters of eminent domain of which jurisdiction has heretofore been vested in the County Courts of Orange County, but this provision shall not affect the jurisdiction of the Commissioners Court or of the County Judge of Orange County as the presiding officer of said Commissioners Court as to roads, bridges, public highways and matters of eminent domain which are now within the jurisdiction of the Commissioners Court or the presiding Judge thereof, including the right of the County Judge of Orange County to appoint commissioners in condemnation, receive the reports and enter judgments. It is the intention of this Section to vest in the County Court at Law of Orange County jurisdiction to hear any and all matters in condemnation, whether by commission or jury of view, appealed to the County Court at Law of Orange County or to the County Court only.

General jurisdiction of Probate Court concurrent with County Court; County Judge; duties

Sec. 7. The County Court at Law of Orange County shall also have the general jurisdiction of a Probate Court within the limits of Orange County, concurrent with the jurisdiction of the County Court of Orange County in such matters and proceedings. Said County Court at Law of Orange County shall have authority to probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons, the apprenticing of minors as provided by law and conduct lunacy proceedings.

The County Court at Law of Orange County shall have jurisdiction concurrent with the County Court of Orange County conferred upon County Courts or upon Probate Court specially created by the Legislature in Article 1970a—1, Revised Civil Statutes of Texas, as the same now stands or may hereafter be amended, and all other provisions of the law relating to Probate Courts whether specially created by the Legislature or otherwise, shall be and they are hereby made to apply concurrently in all their provisions insofar as they are applicable to the County Court at Law of Orange County and insofar as they are not inconsistent with this Act. It is the intention of the Legislature in this Act that the County Judge of Orange County shall be the Judge of the County Court of Orange County; all ex officio duties of the County Judge shall be exercised by the Judge of the County Court of Orange County and all duties and jurisdiction vested in the County Court of Orange County by this Act now being performed by the County Judge of Orange County, Texas, is and shall be concurrent.

Jurisdiction concurrent with County Court over civil, criminal and probate matters; dockets; judgments and orders; minutes; process; presiding judge

Sec. 8. With reference to all matters, civil, criminal and probate, over which the County Court at Law is given concurrent jurisdiction

with the County Court of Orange County, the Judge of the County Court at Law of Orange County shall use the same dockets as now provided by said County Clerk in accordance with law for the use of the Judge of the County Court and Probate Court of Orange County and the Judge of the County Court at Law of Orange County and County Judge shall have concurrent jurisdiction over all matters therein insofar as provided in this Act. All suits and other proceedings instituted in the County over which the County Court or Probate Court has jurisdiction shall be addressed to the County Court of the County. The Judge of either the County Court at Law of Orange County or the County Judge may hear and dispose of any suit or other proceeding on the civil, criminal and probate dockets of the County Court of Orange County without the necessity of transferring the suit or other proceeding, either civil, criminal or probate, from one court to the other. Every judgment and order shall be entered in the minutes of the County Court or Probate Court and the Clerk of the County Court in said County shall keep one set of minutes in which shall be recorded all the judgments and orders of the County Court at Law of Orange County and the County Court of Orange County. All citations and other process issued by the County Clerk and all notices, restraining orders and other process authorized to be issued by the Clerk of the County Court shall be returnable to the County Court of Orange County, and on the return of such process the hearing or trial may be presided over by the Judge of the County Court at Law of Orange County insofar as provided by this Act or the Judge of the County Court, and any and all such Acts thus performed by the County Court at Law of Orange County or the County Court of Orange County shall be valid and binding upon all parties to such cases, matters and proceedings.

Clerk of Court; adoption, custody, support and divorce cases; filing

Sec. 9. Immediately after this Act takes effect, the District Clerk of Orange County, who shall be the Clerk of the County Court at Law of Orange County in all matters wherein the County Court at Law of Orange County has concurrent jurisdiction with the District Courts of Orange County may file in the County Court at Law of Orange County any cases involving adoptions and independent actions involving child custody and support of minors, including cases under the Reciprocal Support Act, all applications to change the names of persons and all divorce cases. The County Clerk of Orange County shall be the Clerk of the County Court at Law of Orange County in all matters wherein the County Court at Law of Orange County has concurrent jurisdiction with the County Court.

Court of Record; seal; dockets, records and minutes

Sec. 10. The said County Court at Law of Orange County shall be a Court of Record, shall sit and hold court in the county seat of Orange County, shall have a seal and maintain all necessary dockets, records and minutes as herein provided. These dockets, records and minutes shall be separate from the dockets, records and minutes of the District Courts of Orange County and as provided hereinbefore with the County Court of Orange County, Texas.

Court officers

Sec. 11. It shall be the duty of the Probation Department, the Sheriff, Constables and other law enforcement agencies of the State of Texas and Orange County and the cities thereof as well as Welfare Agencies, to furnish said County Court at Law of Orange County such services in the line of their respective duties as shall be required by said Court and all Sheriffs and Constables within the State of Texas shall render the same services with reference to process and writs from the District Court, County Courts and Probate Courts.

Writs; contempt

Sec. 12. The said County Court at Law of Orange County and the Judge thereof shall have the power to issue writs of habeas corpus and mandamus, injunctions, restraining orders, orders of sale, executions, writs of possession and restitution and any and all other writs as now or hereafter may be issued under the laws of this State by District Courts and County Courts, when necessary or proper in cases or matters in which said County Court at Law of Orange County has jurisdiction. It shall also have power to punish for contempt.

Terms of Court

Sec. 13. The County Court at Law of Orange County as herein created shall have the same terms of Court as the District Courts of Orange County as are presently established or as they may hereinafter be changed.

Juvenile Board; judge as member; additional compensation

Sec. 14. The Judge of the County Court at Law of Orange County may be appointed a member of the Juvenile Board of Orange County and may be paid additional compensation therefor by the Commissioners Court of Orange County, not to exceed the amount paid by Orange County, to the District Judges and/or the County Judge of Orange County for acting as members of the Juvenile Board.

Appeals

Sec. 15. Appeals in all civil cases from judgments and orders of said Court shall be to the Court of Civil Appeals as is now or may be hereafter provided for appeals from District and County Courts and in all criminal cases shall be to the Court of Criminal Appeals.

Practice and procedure

Sec. 16. The practice and procedure, rules of evidence, the drawing of jury panels, selection of juries, issuance of process and all other matters pertaining to the conduct of trials and hearing in said Court shall be governed by provisions of this Act and the laws and rules pertaining to District Courts, general or special, as well as County Courts; provided that juries in all matters civil or criminal shall always be composed of twelve (12) members except that in misdemeanor criminal cases the juries shall be composed of six (6) members, as well as six (6) member juries in cases where this Court has concurrent jurisdiction with the County Court as herein provided.

Court reporter and interpreter; appointment and compensation

Sec. 17. The Judge of the County Court at Law of Orange County shall have authority to appoint a Court Reporter in such cases as may be required by law, and in such other cases as he shall deem it necessary to record and preserve the testimony. Such Court Reporter may be paid a salary out of the general fund of the County as may be fixed by the Commissioners Court, and shall not exceed the amount paid to reporters of the District Courts of Orange County. The Judge shall also have the power and authority to appoint a court interpreter, in such cases as may be necessary, who may be paid such fees and compensation out of the general fund of the County for such service as may be fixed by the Commissioners Court.

Practice of law prohibited

Sec. 18. The Judge of the County Court at Law of Orange County shall not appear as an attorney at law in any court of record in this State nor shall he appear and practice as an attorney at law in any Court or Justice Court over which he has original or appellate jurisdiction.

Salary of judge

Sec. 19. From and after the passage of this Act the Judge of the County Court at Law of Orange County shall receive an annual salary of not less than is presently being paid by the County of Orange to the Judge of the County Court at Law of Orange County nor more than that which is paid by the State of Texas to the Judges of the District Courts of Orange County, Texas, as set by the Commissioners Court to be paid out of the county treasury on the order of the Commissioners Court and said salary shall be paid monthly in equal installments.

District courts and County Court; concurrent jurisdiction

Sec. 20. Nothing in this Act shall diminish the jurisdiction of the several District Courts of Orange County and the County Court of Orange County and such courts shall retain and continue to exercise such jurisdiction as is now or may be hereafter conferred by law and the jurisdiction given herein is concurrent with the jurisdiction of said Courts. Acts 1971, 62nd Leg., p. 3060, ch. 1019, eff. June 15, 1971.

Historical Note

Title of Act:

An Act adding to the jurisdiction of the County Court at Law of Orange County; providing for jurisdiction of a court of domestic relations; providing that said Court shall have concurrent Jurisdiction with the District Courts of said County in certain enumerated matters, for the exchange of benches with the District Judges in said matters and the transferring of cases; providing a method of selecting a special Judge of said Court when the Judge of the County Court at Law of Orange County is disqualified or unable to serve; providing that nothing in this Act shall diminish the Jurisdiction of the District Courts of Orange County; providing as additional concurrent jurisdiction, the County Court at Law of Orange County shall have original and appellate concurrent jurisdiction with the County Court of Orange County in civil and criminal matters, eminent domain, and probate and certain exceptions to concurrent jurisdiction; providing for the filing of cases with the County Clerk, the docketing of said cases; providing the Clerks for said Court; providing for the filing of cases with the District Clerk of Orange County; that said Court shall be a Court of record, have a seal; providing the duties and functions of Sheriff and other departments in connection with said Court; providing certain powers for said Court; providing the terms of said Court; providing that the Judge of said Court shall be a member of the Juvenile Board of Orange County, Texas; providing for appeals; providing for rules of practice and procedure laws of evidence and juries, procedures in said Court for the appointment and salary of a Court Reporter; the use and compensation of interpreters; that said Judge may not practice law; providing for compensation for the Judge of the County Court at Law of Orange County; providing that jurisdiction of the present District and County Courts shall not be diminished; providing for repeal of inconsistent Act; providing for severance in case part of Act is found unconstitutional and declaring an emergency. Acts 1971, 62nd Leg., p. 3060, ch. 1019.

Sections 21 and 22 of the 1971 act provided:

"Sec. 21. Any law or laws of this State which are inconsistent with this Act are hereby expressly repealed; however, this Act is meant to be cumulated with existing laws and is meant to be reconciled with existing laws where possible.

"Sec. 22. If any of this Act is unconstitutional, or otherwise void, it is the intention of the Legislature that the remaining portions of this Act should remain in force and effect, unless such unconstitutional portion of this Act when severed from this Act should render the whole Act ineffective."

DENTON COUNTY [NEW]

Art. 1970—353. Parker County; jurisdiction of County Court diminished

Section 1. The County Court of Parker County shall have and exercise all jurisdiction now or hereafter prescribed by the constitution and general laws of this State for county courts, including, but not limited to, probate matters and causes, and appellate jurisdiction over both civil and criminal matters and causes. Neither the County Court of Parker County, nor the judge thereof, shall have any jurisdiction over matters of eminent domain, or other original civil jurisdiction or original criminal

jurisdiction of cases in which the punishment that may be assessed includes confinement in the county jail or with the Texas Department of Corrections.

Sec. 2. All civil causes, other than probate matters, and all criminal causes in which the punishment which may be assessed includes confinement in the county jail or with the Texas Department of Corrections, which were originally filed and docketed in the County Court of Parker County, and all writs and processes relating to such civil and criminal matters and causes included in the subject matter of the jurisdiction of the 43rd District Court, are returnable to the next term of the 43rd District Court. As to any civil case, other than a probate matter, which was originally filed and docketed in the County Court of Parker County, or as to any criminal case which was originally filed and docketed in the County Court of Parker County in which the punishment that may be assessed included confinement in the county jail or with the Texas Department of Corrections, currently on appeal from the county court, should a judgment be entered by the Court of Civil Appeals, the Court of Criminal Appeals, or the Supreme Court, remanding the case for a new trial or for further proceedings, the matter shall be remanded to the 43rd District Court, and all jurisdiction in respect to the case shall thereafter vest in the 43rd District Court.

Sec. 3. The county clerk of Parker County shall file, within 30 days after the effective date of this Act, with the clerk of the 43rd Judicial District, all original papers in cases herein transferred to the district court and all judge's dockets and certified copies of any interlocutory judgment or other order entered in the minutes of the county court in a case so transferred. The district clerk shall immediately docket all such cases on the docket of the 43rd District Court. All such cases shall stand on the docket of the district court in the same manner and place as each stands on the docket of the county court. It shall not be necessary that the district clerk refile any papers heretofore filed by the county court, but papers in the case bearing the file mark of the county clerk prior to the time of the transfer shall be held to have been filed in the case as of the date filed without being refiled by the district clerk. The county clerk in cases so transferred shall accompany the papers with a certified bill of cost and against all costs deposit, the county clerk shall charge accrued fees due him and the remainder of the deposit he shall pay to the district court as a deposit in the particular case for which the deposit was made. Credit shall be given all litigants for all jury fees paid in the county court.

Sec. 4. This article shall not be construed to affect any final judgment rendered by the County Court of Parker County prior to the effective date of this article. The county court shall retain jurisdiction to enforce the final judgments entered prior to the effective date of this article; and the county clerk shall issue all writs of execution and orders of sale and proceedings thereunder and his act in so doing shall be valid and binding.

Sec. 5. The duties of the county attorney of Parker County shall not be affected by this article. The county attorney of Parker County shall have and perform the same duties as were had and performed prior to the effective date of this article, including, but not limited to, the prosecution of all misdemeanor cases which come within the jurisdiction of either the 43rd District Court or the inferior courts within the county.

Added by Acts 1971, 62nd Leg., p. 1807, ch. 535, § 5, eff. Sept. 1, 1971.

Historical Note

Sections 6 to 8 of the 1971 act provided:

"Sec. 6. This Act shall take effect September 1, 1971.

"Sec. 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalid-

ity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

"Sec. 8. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict and in any and all cases of such conflict, the provisions of this Act shall prevail."

Art. 1970—354. County Court at Law of Hunt County

Creation

Section 1. There is hereby created a Court in Hunt County, to be called the County Court at Law of Hunt County.

Jurisdiction

Sec. 2. (a) The County Court at Law of Hunt County, Texas, is created.

(b) The court has the same jurisdiction over all causes and proceedings, civil and criminal, original and appellate, prescribed by law for county courts. However, this provision shall not affect the jurisdiction of the Commissioners Court or of the County Judge of Hunt County as the presiding officer of the commissioners court as to roads, bridges, and public highways, as are now within the jurisdiction of the commissioners court or the county judge as presiding officer.

(c) The jurisdiction of the County Court at Law of Hunt County extends to all matters of eminent domain and is concurrent with that of the County Court and Commissioners Court of Hunt County.

(d) The County Court at Law has the general jurisdiction of a probate court within the limits of Hunt County, and its jurisdiction is concurrent with that of the County Court of Hunt County in probate matters and proceedings.

(e) The County Court at Law of Hunt County and the judge thereof shall have concurrent jurisdiction with the County Court of Hunt County and the judge thereof in the trial of insanity cases and the restoration thereof, approval of applications for admission to state hospitals and special schools where admissions are by application, and the power to punish for contempt.

(f) The County Court at Law, or its judge, has the power to issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary for the enforcement of the jurisdiction of the court; and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court, or of any other court in the county of inferior jurisdiction. The court and judge also have the power to punish for contempt as prescribed by law for county courts. The judge of the County Court at Law has all other powers, duties, immunities, and privileges provided by law for county court judges, and he is a magistrate and conservator of the peace.

(g) The County Judge of Hunt County is the judge of the County Court of Hunt County. All ex officio duties of the county judge shall be exercised by the judge of the County Court of Hunt County except insofar as the same which are, specified by this Act, committed to the judge of the County Court at Law of Hunt County.

Terms of Court

Sec. 3. The terms of the County Court at Law of Hunt County are the same as those for the County Court of Hunt County, Texas.

Judge

Sec. 4. (a) At the next general election after the effective date of this Act there shall be elected a judge of the County Court at Law of Hunt County who must have been a duly licensed and practicing member of the

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State Bar of Texas for not less than two years, who must be well informed in the laws of this state, and who must have been a bona fide resident of Hunt County, Texas, and been actively engaged in the practice of law in Hunt County, Texas, for a period of not less than two years prior to his appointment initially, and after the initial appointment, for a period not less than two (2) years prior to the general election. The judge holds office for four years and until his successor has been duly elected and has qualified.

(b) When this Act becomes effective, the Commissioners Court of Hunt County, Texas, shall appoint a judge to the County Court at Law of Hunt County. The judge appointed must have the qualifications prescribed in Subsection (a) of this section and serves until the next general election and until his successor has been duly elected and has qualified. At the general election in 1974 and every fourth year thereafter, there shall be elected by the qualified voters of Hunt County a Judge of the County Court at Law of Hunt County for a regular term of four years to commence on the first day of January following his election. Any vacancy in the office shall be filled by the Commissioners Court of Hunt County until the next general election. The judge of the Hunt County Court at Law may be removed from office in the same manner and for the same causes as provided by the laws of this state for removal of county judges.

(c) The Judge of the County Court at Law of Hunt County shall execute a bond and take the oath of office prescribed by law for county judges. He may be removed from office in the same manner and for the same causes as a county judge.

(d) The Judge of the County Court at Law of Hunt County is entitled to receive the same salary, to be paid from the same fund and in the same manner, as the County Judge of Hunt County receives. The judge shall assess the fees prescribed by law for county judges, which shall be collected by the clerk of the court and paid into the county treasury, and which may not be paid to the judge.

(e) A special judge of the County Court at Law may be appointed or elected as provided by law for county courts. A special judge is entitled to receive $15.00 a day for each day he serves, to be paid out of the general fund of Hunt County by the commissioners court.

(f) If a judge of the County Court at Law is disqualified to try a case pending in his court, the parties or their attorneys may agree on the selection of a special judge for the case. The special judge selected is entitled to the compensation provided by Subsection (e) of this section.

(g) The Clerk of the County Court of Hunt County shall be the Clerk of the County Court at Law of Hunt County. The County Attorney of Hunt County shall represent the state in all prosecutions pending in the court, and he shall be entitled to the same fee as now prescribed by law for such prosecutions in the county courts. The Sheriff of Hunt County shall in person or by deputy attend the court when required by the judge; and the various sheriffs and constables of this state executing process issued out of the court shall receive the fees fixed by law for execution of process out of county courts.

Salary

Sec. 5. (a) The Judge of the County Court at Law of Hunt County shall assess the same fees as are or may be established by law relating to county judges, all of which shall be collected by the clerk of the court and be by him paid into the county treasury, no part of which shall be paid to the said Judge. The Judge of the County Court at Law shall receive an annual salary set by the commissioners court in the same manner as the other elected county officials who are on a salary basis.

(b) The seal of the court shall contain the words "County Court at Law of Hunt County," but in other respects is identical with the seal of the County Court of Hunt County.

Rules and practice

Sec. 6. The Judge of the County Court at Law of Hunt County shall have the power to make and publish rules as to the docketing and disposition of criminal and civil cases in the court not inconsistent with the laws of the State of Texas or the Texas Rules of Civil Procedure. Practice in the County Court at Law of Hunt County shall conform to that prescribed by law for the County Court of Hunt County, Texas.

Transfer of cases; exchange of benches

Sec. 7. (a) The judges of the county court and the County Court at Law may transfer cases to and from the dockets of their respective courts in order that the business may be equally distributed between them. However, no case may be transferred from one court to the other without the consent of the judge of the court to which it is transferred; and no case may be transferred to the County Court at Law of Hunt County unless it is within the jurisdiction of that court.

(b) The county judge and the judge of the County Court at Law may freely exchange benches and courtrooms with each other so that if one is ill, disqualified, or otherwise absent, the other may hold court for him without the necessity of transferring the cause or proceeding, civil, criminal, or probate, involved. Either judge may hear all or any part of a cause or proceeding pending in the county court or County Court at Law; and he may rule and enter orders on and continue, determine, or render judgment on all or any part of the cause or proceeding without the necessity of transferring it to his own docket. However, the judge of the County Court at Law may not sit or act in any cause or proceeding over which exclusive jurisdiction is vested by this Act in the Hunt County Court.

Expenses

Sec. 8. The Judge of the County Court at Law of Hunt County shall be entitled to traveling expenses and shall be entitled to necessary office expenses in the same manner as is allowed county judges.

Acts 1971, 62nd Leg., p. 1719, ch. 497, eff. May 28, 1971.

Historical Note

Title of Act:

An Act relating to the creation, jurisdiction, administration and procedures of the County Court at Law of Hunt County and the conforming of the jurisdiction and procedures of the County Court of Hunt County; and declaring an emergency. Acts 1971, 62nd Leg., p. 1719, ch. 497.

Art. 1970—355. County Court at Law of Angelina County

Section 1. (a) On the effective date of this Act, the County Court at Law of Angelina County is created.

(b) The county court at law has the same jurisdiction over all causes and proceedings, civil, criminal, and probate, original and appellate, including eminent domain proceedings, prescribed by law for county courts, and its jurisdiction is concurrent with that of the County Court of Angelina County.

(c) The county court at law, or its judge, may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary for the enforcement of the jurisdiction of the court. It may issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court, or of any other court of inferior jurisdiction in the county. The court and judge also have the power to punish for contempt as prescribed by law for county courts.

(d) The County Judge of Angelina County is the judge of the County Court of Angelina County. All ex officio duties of the county judge shall be exercised by the judge of the County Court of Angelina County unless by this Act committed to the judge of the county court at law.

Sec. 2. (a) The judge of either the County Court of Angelina County or the County Court at Law of Angelina County may, in his discretion,

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either in term-time or in vacation, on motion of any party or on agreement of the parties, or on his own motion, transfer any cause on his docket to the docket of the other court.

(b) The judges of the courts may, in their discretion, exchange benches from time to time. Whenever a judge of one of the courts is disqualified, he shall transfer the case from his court to the other court.

(c) Either judge may, in his own courtroom, try and determine any case or proceeding pending in either court without having the case transferred or may sit in the other court and there hear and determine any case there pending. Each judgment and order shall be entered in the minutes of the court in which the case is pending.

(d) In case of absence, sickness, or disqualification of either judge, the other judge may hold court for him. Either of the judges may hear any part of any case or proceeding pending in either of the courts and determine them or may hear and determine any question in any case, and either judge may complete the hearing and render judgment in the case.

(e) In cases transferred to either of the courts by order of the judge of the other court, all processes, writs, bonds, recognizances or other obligations issued or made in the cases shall be returned to and filed in the court to which transfer is made. All bonds executed and recognizances entered into in those cases shall bind the parties for their appearance or to fulfill the obligations of such bonds or recognizances at the terms of the court to which the cases are transferred to as are fixed by law.

(f) All processes issued or returned before transfer of the cases as well as all bonds and recognizances before taken in the cases shall be valid and binding as though originally issued out of the court to which the transfer is made.

Sec. 3. The Commissioners Court of Angelina County by order duly entered of record, shall prescribe not less than four terms each year for the County Court at Law of Angelina County.

Sec. 4. (a) At the next general election after the effective date of this Act there shall be elected a judge of the County Court at Law of Angelina County who must have been a duly licensed and practicing member of the State Bar of Texas, be well informed in the laws of this state, and who must have resided and been actively engaged in the practice of law in Angelina County for a period of not less than two years prior to the general election. The judge elected holds office for four years and until his successor has been duly elected and qualified.

(b) When this Act becomes effective, the Commissioners Court of Angelina County shall appoint a judge to the County Court at Law of Angelina County. The judge appointed must have the qualifications prescribed in Subsection (a) of this section and serves until January 1st of the year following the next general election and until his successor has been duly elected and qualified. Any vacancy occurring in the office of the judge of the county court at law may be filled in like manner by the commissioners court and the appointee holds office until January 1st of the year following the next general election and until his successor has been duly elected and qualified.

(c) The judge of the county court at law shall execute a bond and take the oath of office prescribed by law for county judges. He may be removed from office in the same manner and for the same causes as a county judge.

(d) The judge of the county court at law shall receive a salary of not less than $14,000 per year nor more than $18,000 per year. Such salary shall be paid in equal monthly installments out of the county treasury on order of the commissioners court. The judge of the county court at law shall assess the fees prescribed by law for county judges, which

shall be collected by the clerk of the court and paid into the county treasury, and which may not be paid to the judge.

(e) A special judge of the county court at law may be appointed in the manner provided by law for the appointment of a special county judge. A special judge must have the same qualifications, and is entitled to the same rate of compensation, as the regular judge.

Sec. 5. (a) The county attorney, county clerk, and sheriff of Angelina County, shall serve as county attorney, clerk, and sheriff, respectively, of the County Court at Law of Angelina County. The Commissioners Court of Angelina County may employ as many additional assistant county attorneys, deputy sheriffs and clerks as are necessary to serve the court created by this Act. Those serving shall perform the duties, and are entitled to the compensation, fees, and allowances, prescribed by law for their respective offices in Angelina County; provided that the county attorney shall receive a salary of not less than $2,000 per year less than the salary paid to the judge of the county court at law.

(b) The judge of the county court at law may appoint an official court reporter, who must meet the qualifications prescribed by law for that office and who is entitled to the compensation fixed by the Commissioners Court of Angelina County.

Sec. 6. Practice in the County Court at Law of Angelina County shall conform to that prescribed by law for the County Court of Angelina County.

Sec. 7. This Act becomes effective on January 8, 1972.

Acts 1971, 62nd Leg., p. 1169, ch. 274, eff. Jan. 8, 1972.

Historical Note

Title of Act:

An Act relating to the creation of the County Court at Law of Angelina County; relating to the duties and salaries of the county attorney, county clerk and sheriff of Angelina County; providing an effective date; providing for the appointment of the initial judge of the court; and declaring an emergency. Acts 1971, 62nd Leg., p. 1169, ch. 274.

Art. 1994. [2167–71] Suit and representation by next friend

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

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

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

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

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

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

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

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

Amended by Acts 1971, 62nd Leg., p. 1381, ch. 367, § 1, eff. Aug. 30, 1971.

CHAPTER SEVEN—THE JURY

1. JURIES IN CERTAIN COUNTIES

Art. 2094. [5151] Selecting names for jury wheel

* * * * * * * * * * *

(v) The provisions of Subsection (a) of this Article also apply to a county having a population of at least 22,000 but not more than 22,500.

(w) The provisions of Subsection (a) of this Article also apply to a county having a population of at least 7,500 but not more than 7,700.

(x) The provisions of Subsection (a) of this Article also apply to a county having a population of at least 22,200 but not more than 22,650.

Amended by Acts 1965, 59th Leg., p. 373, ch. 180, § 2, eff. July 1, 1965; Subsec. (j) added by Acts 1965, 59th Leg., p. 1095, ch. 527, § 1, eff. Aug. 30, 1965; Subsec. (e) amended by Acts 1967, 60th Leg., p. 524, ch. 228, § 1, eff. Aug. 28, 1967; Subsec. (k) added by Acts 1967, 60th Leg., p. 363, ch. 174, § 1, eff. Aug. 28, 1967; Acts 1967, 60th Leg., p. 452, ch. 205, § 1, eff. Aug. 28, 1967; Acts 1967, 60th Leg., p. 1218, ch. 548, § 1, eff. Aug. 28, 1967; Subsec. (m) added by Acts 1967, 60th Leg., p. 300, ch. 143, § 1, eff. Aug. 28, 1967; Subsec. (n) added by Acts 1967, 60th Leg., p. 1846, ch. 718, § 1, eff. Aug. 28, 1967; Subsec. (*o*) added by Acts 1969, 61st Leg., p. 705, ch. 244, § 1, eff. Sept. 1, 1969; Acts 1969, 61st Leg., p. 1593, ch. 487, § 1, eff. June 11, 1969; Subsecs. (p)–(u) added by Acts 1969, 61st Leg., p. 705, ch. 244, § 1, eff. Sept. 1, 1969; Subsec. (v) added by Acts 1971, 62nd Leg., p. 953, ch. 163, § 1, eff. May 11, 1971; Subsec. (w) added by Acts 1971, 62nd Leg., p. 1291, ch. 333, § 1, eff. May 24, 1971; Subsec. (x) added by Acts 1971, 62nd Leg., p. 948, ch. 159, § 1, eff. May 11, 1971.

For text as amended by Acts 1971, 62nd Leg., p. 2797, ch. 905, § 1, see article 2094, post.

Art. 2094. [5151] Selecting names for jury wheel

Text as amended by Acts 1971, 62nd Leg., p. 2797, ch. 905, § 1

Between the first and fifteenth days of August of each year, in each county in this State, the tax collector, sheriff, county clerk, and district clerk of the county, each in person or represented by one of his deputies, shall meet at the county courthouse and reconstitute the jury wheel, using as the sole and mandatory source, all names on the voter registration lists from all precincts in the county.

Amended by Acts 1965, 59th Leg., p. 373, ch. 180, § 2, eff. July 1, 1965; Acts 1965, 59th Leg., p. 1095, ch. 527, § 1, eff. Aug. 30, 1965; Acts 1967, 60th Leg., p. 300, ch. 143, § 1, eff. Aug. 28, 1967; Acts 1967, 60th Leg., p. 363, ch. 174, § 1, eff. Aug. 28, 1967; Acts 1967, 60th Leg., p. 452, ch. 205, § 1, eff. Aug. 28, 1967; Acts 1967, 60th Leg., p. 524, ch. 228, § 1, eff. Aug. 28, 1967; Acts 1967, 60th Leg., p. 1218, ch. 548, § 1, eff. Aug. 28, 1967; Acts 1967, 60th Leg., p. 1846, ch. 718, § 1, eff. Aug. 28, 1967; Acts 1969, 61st Leg., p. 705, ch. 244, § 1, eff. Sept. 1, 1969; Acts 1969, 61st Leg., p. 1593, ch. 487, § 1, eff. June 11, 1969; Acts 1971, 62nd Leg., p. 948, ch. 159, § 1, eff. May 11, 1971; Acts 1971, 62nd Leg., p. 953, ch. 163, § 1, eff. May 11, 1971; Acts 1971, 62nd Leg., p. 1291, ch. 333, § 1, eff. May 24, 1971; Acts 1971, 62nd Leg., p. 2797, ch. 905, § 1, eff. July 15, 1971.

For text as otherwise amended in 1971, see article 2094, ante.

Section 2 of Acts 1971, 62nd Leg., p. 948, ch. 159 provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

For Annotations and Historical Notes, see V.A.T.S.

Acts 1971, 62nd Leg., p. 2801, ch. 905, amending this article and various other articles of this chapter, in sections 13, 14, and 16 to 19 provided:

"Sec. 13. After proper alignment of parties, it shall be the duty of the court to equalize the number of peremptory challenges provided under Rule 233, Texas Rules of Civil Procedure, Annotated, in accordance with the ends of justice so that no party is given an unequal advantage because of the number of peremptory challenges allowed that party.

"Sec. 14. Once a prospective juror has been removed from a jury panel for cause, by peremptory challenge, or for any reason, he shall be immediately dismissed from jury service and shall not be placed on another jury panel until his name is returned to the jury wheel and drawn again as a prospective juror.

"Sec. 16. All statutes, rules of civil procedure, or case laws in conflict herewith are hereby repealed or modified to the extent of such conflict.

"Sec. 17. For all counties under 10,000 population not presently using the jury wheel system for selection of jurors, the district judge of the county or of the judicial district of which the county is a part, may determine whether the county should come under the provisions of this law or may choose to adopt the jury commissioners system for selection of jurors in that county. If the district judge should determine to adopt the jury commissioners system for selection of jurors in a particular county, he must do so by July 15, 1971, otherwise, the county will come under the provisions of this Act. If, pursuant to the passage of this Act, this section is held to be unconstitutional by a court of this State or of the United States, then the jury wheel system for selection of jurors as provided by this Act shall be applicable to all counties of the State.

"Sec. 18. The provisions of this Act shall become effective on July 15, 1971.

"Sec. 19. If any article, section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of the Act irrespective of the fact that any one or more portions be declared unconstitutional."

Art. 2095. [5152—3] Cards put in wheel; typists and expenses

Said officers shall write the names of all persons on said precinct lists, residing in their respective counties, on separate cards of uniform size and color, writing also on said cards, whenever possible, the post-office address of each juror so selected, except that in counties having a population of one hundred forty thousand (140,000) or more, according to the last preceding federal census, the Commissioners Court shall provide out of the jury fund a sum sufficient for the employment of typists and payment of other expenses. The typists, under the direction, control and supervision of the district clerk, shall type the names and addresses of qualified jurors upon the cards as herein described. The expenses so incurred shall be authorized, reported, paid and accounted for under the same laws, rules and regulations as govern the payment of other expenses of the office of the district clerk in such counties, except as otherwise herein specifically provided. The cards containing said names shall be deposited in a jury wheel, to be provided for such purpose by the Commissioners Court of the county. Said wheel shall be constructed of any durable material and shall be so constructed as to freely revolve on its axle; and may be equipped with a motor capable of revolving said wheel in such a manner as to thoroughly mix said cards; and shall be kept locked at all times, except when in use as hereinafter provided, by the use of two separate locks, so arranged that the key to one will not open the other lock; and said wheel, and the clasps thereto attached into which the locks shall be fitted, shall be so arranged that the wheel cannot be opened unless both of said locks are unlocked at the time the wheel is opened. The keys to such locks shall be kept, one by the sheriff and the other by the district clerk. The sheriff and the clerk shall not open such wheel, nor permit the same to be opened by any person, except at the time and in the manner and by the persons herein specified; but said sheriff and clerk shall keep such wheel, when not in use, in a safe and secure place, where the same cannot be tampered with.

Amended by Acts 1971, 62nd Leg., p. 2797, ch. 905, § 2, eff. July 15, 1971.

Art. 2096. [5154] Cards drawn from wheel

(a) Not less than 10 days prior to the first day of a term of court, the district clerk or one of his deputies, and the sheriff, or one of his deputies, in the presence and under the direction of the district judge, if the jurors are to be drawn for district court, or the clerk of the county court, or one of his deputies, and the sheriff, or one of his deputies, in the presence and under the direction of the county judge, if the jurors are to be drawn for the county court, shall draw from the wheel containing the names of the jurors, after the same has been well turned so that the cards therein are thoroughly mixed, one by one the names of those jurors where such judge has so directed to compose as many lists as the term of the district or county courts may require, and shall record the names upon as many lists as the judge shall deem necessary to insure an adequate number of jurors for each session of the court. At such drawing, no person other than those above named shall be permitted to be present, except as hereinafter provided. The officers attending such drawing shall not divulge the names of any person that may be drawn as a juror to any person. If at any time during the term it appears that the lists already drawn will be exhausted before the expiration of the term, additional jurors as are needed may be drawn in the same manner.

(b) Drawing of names observed. Upon the application in writing of any party to any suit pending upon the docket of a court for which a jury is required, said party, or his duly authorized representative, shall have the right to be present and observe the drawing of names from the jury wheel and the placement thereof upon the jury lists for the time period in which his case is set, provided, however, that the identity of the names so drawn and placed upon the lists at such time shall not be made known to such observer.

Amended by Acts 1971, 62nd Leg., p. 2800, ch. 905, § 7, eff. July 15, 1971.

Art. 2099. [5157] Cards to be used again

When the names are drawn for jury service, the cards containing such names shall be sealed in separate envelopes, indorsed, "Cards containing the names of jurors on List No. _____ of the petit jurors drawn on the _____ day of _____, 19__, for the _____ Court of _____ County," (filling in the blanks properly). Each envelope shall be retained securely by the clerk, unopened, until after the jury selected from the corresponding list has been impaneled; and after such jurors so impaneled have served four (4) or more days, the envelope containing the cards bearing the names of the jurors on that list shall then be opened by the clerk, or his deputy, and those cards bearing the names of persons who have not been impaneled and who have not served as many as four (4) days shall be immediately returned to the wheel by the clerk, or his deputy; and the cards bearing the names of the persons serving as many as four (4) days shall be put in a box provided for that purpose for the use of the officers who shall next select the jurors for the wheel; provided that in any county with a population greater than 100,000 according to the last preceding federal census, the clerk may withhold from the jury wheel all cards so selected, unless ordered by the judge to return such cards to the wheel. If any of the lists drawn for a term of court are not used, the clerk or his deputy shall open the envelopes containing the cards bearing the names on the unused lists immediately after the expiration of the term and return the cards to the wheel.

Amended by Acts 1971, 62nd Leg., p. 2830, ch. 925, § 1, eff. June 15, 1971.

Art. 2100. [5158] Loss of wheel

If the wheel containing the names of jurors be lost or destroyed, with the contents thereof, or if all the cards in said wheel be drawn out, such wheel shall immediately be refurnished, and cards bearing

the names of jurors shall be placed therein immediately in accordance with the laws of the State.
Amended by Acts 1971, 62nd Leg., p. 2798, ch. 905, § 3, eff. July 15, 1971.

Art. 2100a. Selection in counties with aid of mechanical or electronic means; adoption of plan

Text of section 1 as amended by Acts 1971, 62nd Leg., p. 1408, ch. 386, § 1

Section 1. (a) This Act applies to any county with at least one district court whose jurisdiction is limited to that county.

(b) In lieu of any other method of procedure now provided by law, the Commissioners Court of any such county may, upon recommendation of the judge of that court, or if there is more than one such court, a majority of the judges of these courts, by order entered upon its minutes, adopt a plan for the selection of persons for jury service with the aid of mechanical or electronic means.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 1408, ch. 386, § 1, eff. May 26, 1971.

For text of section 1 as amended by Acts 1971, 62nd Leg., p. 2799, ch. 905, § 5, see section 1, post.

Text of section 1 as amended by Acts 1971, 62nd Leg., p. 2799, ch. 905, § 5

Section 1. In lieu of any other procedure now provided by law, the Commissioners Court of any county in the State, upon recommendation of the district judge or a majority of the district judges of said courts, by order entered upon its minutes, may adopt a plan for the selection of persons for jury service with the aid of mechanical or electronic means.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 2799, ch. 905, § 5, eff. July 15, 1971.

For text of section 1 as amended by Acts 1971, 62nd Leg., p. 1408, ch. 386, § 1, see section 1, ante.

Sec. 2. Any such plan so adopted shall conform to the following requirements:

(a) It shall be proposed in writing to the Commissioners Court by a majority of the judges of the district courts in such county, including criminal district courts, at a meeting of the district judges called for that purpose.

(b) It shall specify that the sources from which names are to be taken for jury purposes are all voter registration lists from all precincts in the county.

(c) It shall provide a fair, impartial, and objective method of selecting persons for jury service with the aid of mechanical or electronic equipment.

(d) It shall designate the clerk of the district courts as the official to be in charge of the selection process and shall define his duties.

(e) It shall specify that a true and complete written list showing the names and addresses of the persons summoned to begin jury service on a particular date shall be filed of record with the county clerk at least 10 days prior to the date such persons are to begin such jury service.

Sec. 3. In any county where such a plan is adopted, as above provided, the laws relating to the selection of petit juries by jury wheel shall not apply.
Acts 1969, 61st Leg., p. 1666, ch. 529, eff. June 10, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1408, ch. 386, § 1, eff. May 26, 1971; Secs. 1–3 amended by Acts 1971, 62nd Leg., p. 2799, ch. 905, § 5, eff. July 15, 1971.

Art. 2101. Interchangeable juries

The provisions of this article shall be applicable only to such counties of this State as may now maintain three or more district courts, or in which three or more district courts may be hereafter established. A criminal court in any county with jurisdiction in felony cases shall be considered a district court within the meaning of this article. The "Interchangeable Jury Law" shall not apply to a selection of jurors in lunacy cases or in capital cases.

1. Jury Wheel Law governs.—The provisions of the statutes governing jury wheels shall remain in full force and effect, except as modified by the special provisions of this law.
Subsec. 1 amended by Acts 1971, 62nd Leg., p. 2798, ch. 905, § 4, eff. July 15, 1971.

* * * * * * * * * * *

3. Used interchangeably.—Said jurors, when impaneled shall constitute a general jury panel for service as jurors in all county and district courts in said county, and shall be used interchangeably in all of said courts. In the event of a deficiency of jurors at any given time to meet the requirement of all said courts, the judge having control of the said general panel shall order such additional jurors to be drawn from the wheel as may be sufficient to meet the emergency, but such jurors shall act only as special jurors and shall be discharged as soon as their services are no longer needed. Resort to the wheel shall be had in all cases to fill out the general panel.
Subsec. 3 amended by Acts 1971, 62nd Leg., p. 2798, ch. 905, § 4, eff. July 15, 1971.

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Art. 2103a. County Judges and Judges of County Courts-at-Law in certain counties; drawing additional jurors

In all counties having two or more County Courts-at-Law, when a panel of jurors shall not have been drawn by one of the district judges as directed by Article 2101, or when the number of jurors drawn shall be deemed insufficient by the county judge or either of the judges of the County Courts-at-Law, the county judge or judge of either County Court-at-Law may order the drawing of such additional jurors from the jury wheel for service in any of such courts for so long a period of time as the trials in such courts may reasonably require. Such jurors when drawn shall be available for service in either of such courts. All of the provisions of law now otherwise governing the drawing of jurors in the courts in such counties by the district judge shall govern so far as applicable, except as herein otherwise expressly provided. The county judge and the judge of any of the County Courts-at-Law shall concurrently have the same authority with respect to determining and remedying a deficiency in the number of jurors as is now conferred on the judge having control of the general jury panel by Section 3, Article 2101, Revised Civil Statutes of Texas, 1925, as amended.
Amended by Acts 1971, 62nd Leg., p. 2799, ch. 905, § 6, eff. July 1, 1971.

Art. 2103b. Repealed by Acts 1971, 62nd Leg., p. 2801, ch. 905, § 15, eff. July 15, 1971

Prior to repeal, this article was amended by Acts 1965, 59th Leg., p. 963, ch. 463, § 1.

2. JURY COMMISSIONERS

Arts. 2104 to 2116. Repealed by Acts 1971, 62nd Leg., p. 2801, ch. 905, § 15, eff. July 15, 1971

See, now, art. 2094 et seq.

Art. 2116c. Repealed by Acts 1971, 62nd Leg., p. 2801, ch. 905, § 15, eff. July 15, 1971

Art. 2116d. Summons to report for jury service; sufficiency; service

Text as amended by Acts 1971, 62nd Leg., p. 1676, ch. 475, § 1

(a) A summons to report for jury service shall be served on the jurors verbally, or if the judge drawing the jury so directs, by registered mail, return receipt requested, or by first class mail to the address shown on the source from which the names of the jurors were taken.

(b) The summons to report for jury service shall be sufficient if it states the time and place for the juror to report, the purpose for which he is to report, and the penalty for failure to report as required.

Amended by Acts 1971, 62nd Leg., p. 1676, ch. 475 § 1, eff. May 27, 1971.

For text as amended by Acts 1971, 62nd Leg., p. 2801, ch. 905, § 9, see article 2116d, post.

Art. 2116d. Notification by the sheriff

Text as amended by Acts 1971, 62nd Leg., p. 2801, ch. 905, § 9

The sheriff shall notify the several persons named for jury service by mailing notice thereof, which notice shall include the time and place at which said juror is to report, to the juror at the address shown by the card placed in the jury wheel, or the address shown by the last voter registration list in said county, and if said letter be received by some person authorized by the United States mail to receive said letter, said service shall be sufficient.

Amended by Acts 1971, 62nd Leg., p. 2801, ch. 905, § 9, eff. July 15, 1971.

For text as amended by Acts 1971, 62nd Leg., p. 1676, ch. 475, § 1, see article 2116d, ante.

Art. 2116e. Repealed by Acts 1971, 62nd Leg., p. 1676, ch. 475, § 2, eff. May 27, 1971; Acts 1971, 62nd Leg., p. 2801, ch. 905, § 15, eff. July 15, 1971

3. JURY FOR THE WEEK

Art. 2118. [5165–6–7–8–9] Selection of jurors

On any day when a jury has been summoned and there are jury trials the court shall select a sufficient number of qualified jurors, in his discretion, to serve as jurors. Such jurors shall be selected from the names included in the jury lists, if there be the requisite number of such in attendance who are not excused by the court, but if such number be not in attendance at any time, the court shall direct the sheriff to summon a sufficient number of qualified persons to make up the requisite number of jurors which is to be drawn from the jury wheel for jury trials in the district and county courts, under order of the court, to fill the panel. The names of such jurors to be summoned by the sheriff shall be drawn from the jury wheel as herein provided. All said extra jurors summoned shall be discharged when their services are no longer needed. The court

may adjourn the whole number of jurors or any part thereof, to any subsequent day of the term, but the jurors shall not be paid for the time they may stand adjourned.
Amended by Acts 1971, 62nd Leg., p. 2800, ch. 905, § 8, eff. July 15, 1971.

Art. 2119. Repealed by Acts 1971, 62nd Leg., p. 2801, ch. 905, § 15, eff. July 15, 1971

Art. 2120. [5171] [3185] [3057] Excuses of jurors

The court may hear any reasonable sworn excuse of a juror, and may release him entirely or until some other day of the term; provided, however, the court shall not excuse any juror for economic reasons unless all parties of record are present and approve such excuse."
Amended by Acts 1971, 62nd Leg., p. 2801, ch. 905, § 10, eff. July 15, 1971.

Art. 2121. [5172] [3186] [3058] Defaulting juror

Any juror lawfully notified who without reasonable excuse fails to be in attendance on the court in obedience to such notice or who files a false claim of exemption from jury service shall be fined not less than ten nor more than one hundred dollars."
Amended by Acts 1971, 62nd Leg., p. 1560, ch. 421, § 2, eff. May 26, 1971.

4. THE JURY IN COURT

Art. 2133. [5114–15–16] Qualifications

All persons both male and female over twenty-one (21) years of age are competent jurors, unless disqualified under some provision of this chapter. No person shall be qualified to serve as a juror who does not possess the following qualifications:

1. He must be a citizen of the State and of the county in which he is to serve and qualified under the Constitution and laws to vote in said county.

* * * * * * * * * * *

Amended by Acts 1969, 61st Leg., p. 1364, ch. 412, § 1, eff. Sept. 1, 1969; Subsec. 1 amended by Acts 1971, 62nd Leg., p. 2801, ch. 905, § 11, eff. July 15, 1971.

Art. 2135. [5118] [3142] [3013] Jury service

All competent jurors are liable to jury service, except the following persons:

1. All persons over sixty-five (65) years of age.
2. All females who have legal custody of a child or children under the age of ten (10) years.

Amended by Acts 1965, 59th Leg., p. 455, ch. 232, § 1, eff. Aug. 30, 1965; Acts 1967, 60th Leg., p. 2044, ch. 753, § 1, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 2801, ch. 905, § 12, eff. July 15, 1971.

Art. 2136. Repealed by Acts 1971, 62nd Leg., p. 2801, ch. 905, § 15, eff. July 15, 1971

Art. 2137. [5121] Filing of exemptions

Section 1. Any person summoned as a juror who is exempt by law from jury service may establish his exemption without appearing in person by filing a signed statement of the ground of his exemption with

the clerk of the court at any time before the date upon which he is summoned to appear.

* * * * * * * * * * *

Amended by Acts 1967, 60th Leg., p. 1107, ch. 489, § 1, eff. Aug. 28, 1967; Sec. 1 amended by Acts 1971, 62nd Leg., p. 1560, ch. 421, § 1, eff. May 26, 1971.

CHAPTER NINE—JUDGMENTS AND REMITTITUR

Art. 2226. [2178–9] Attorney's fees

Any person, corporation, partnership, or other legal entity having a valid claim against a person or corporation for services rendered, labor done, material furnished, over charges on freight or express, lost or damaged freight or express, or stock killed or injured or suits founded upon a sworn account or accounts, may present the same to such persons or corporation or to any duly authorized agent thereof; and if, at the expiration of 30 days thereafter, the claim has not been paid or satisfied, and he should finally obtain judgment for any amount thereof as presented for payment to such persons or corporation, he may, if represented by an attorney, also recover, in addition to his claim and costs, a reasonable amount as attorney's fees. The amount prescribed in the current State Bar Minimum Fee Schedule shall be prima facie evidence of reasonable attorney's fees. The court, in non-jury cases, may take judicial knowledge of such schedule and of the contents of the case file in determining the amount of attorney's fees without the necessity of hearing further evidence.

Amended by Acts 1971, 62nd Leg., p. 1073, ch. 225, § 1, eff. May 17, 1971.

CHAPTER THIRTEEN—GENERAL PROVISIONS

1. MISCELLANEOUS

1. MISCELLANEOUS

Art. 2292k. Bailiff in the 71st district court

Bailiff appointed by judge

Section 1. The judge of the 71st District Court shall appoint a person to serve his court as bailiff.

Evidence of appointment

Sec. 2. An order signed by the judge entered in the minutes of the court shall be evidence of appointment of the bailiff.

Qualifications

Sec. 3. To be eligible for appointment to the office of bailiff, a person must be a resident of Harrison County and at least 21 years old.

Term of office

Sec. 4. The bailiff holds office at the will of the judge.

Duties; may be deputized

Sec. 5. (a) A person appointed bailiff is an officer of the court. He shall perform in the 71st District Court all duties imposed on bailiffs under the general laws of Texas and shall perform other duties required by the judge of the court.

(b) The sheriff of Harrison County on the request of the judge, shall deputize the person who is bailiff of the district court, in addition to other deputies authorized by law.

Compensation

Sec. 6. The bailiff shall be paid out of the general fund of Harrison County a salary set by the judge and approved by the commissioners court.

Acts 1971, 62nd Leg., p. 1325, ch. 351, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the office of bailiff of the 71st District Court; and declaring an emergency. Acts 1971, 62nd Leg., p. 1325, ch. 351.

Art. 2292*l*. Bailiff in the 34th district court

Bailiff appointed by judge

Section 1. The judge of the 34th Judicial District may appoint a person to serve his court as bailiff.

Evidence of appointment; notification

Sec. 2. An order signed by the appointing judge entered upon the minutes of the court shall be evidence of appointment of a bailiff, and the judge shall notify in writing of the appointment, date of employment and compensation to be paid by each county in which the court sits.

Oath

Sec. 3. The following oath shall be administered by the appointing judge to each bailiff appointed under this Act: "You solemnly swear that you will faithfully and impartially perform all duties as may be required of you by law, so help you God."

Qualifications

Sec. 4. To be eligible for appointment to the office of bailiff, a person must be a resident of a county in which he serves the court and must be at least 21 years old.

Term of office

Sec. 5. A bailiff holds office at the will of the judge of the court served by the bailiff.

Duties; may be deputized

Sec. 6. (a) A bailiff is an officer of the court, and shall perform in each county in which the court sits all duties imposed upon bailiffs under the general laws of Texas, and shall perform other duties required by the judge of the court which he serves, and no other duties assigned by any other person.

(b) The sheriff of each county where the court sits shall, upon written notice from the judge, deputize the bailiff in addition to other deputies authorized by law.

Compensation

Sec. 7. Each county in which the court sits may compensate the bailiff out of the general fund in an amount set in writing by the judge, but not more than each county pays the chief deputy sheriff.
Acts 1971, 62nd Leg., p. 2494, ch. 817, eff. Aug. 30, 1971.

Title of Act:
An Act providing for the appointment of a bailiff by the judge of the 34th Judicial District; providing for his compensaton and duties; and declaring an emergency. Acts 1971, 62nd Leg., p. 2494, ch. 817.

Art. 2292—3. Anderson County; probation officer

The county judge of Anderson County may employ a probation officer to serve the county court. The duties and responsibilities of the probation officer shall be prescribed by the county judge. The probation officer shall receive a salary set by the commissioners court.
Acts 1971, 62nd Leg., p. 2678, ch. 875, eff. June 9, 1971.

Title of Act:
An Act relating to the employment of a probation officer in Anderson County; and declaring an emergency. Acts 1971, 62nd Leg., p. 2678, ch. 875.

3. OFFICIAL COURT REPORTER

Art. 2321. [1920–21] Appointment and examination

Repealer

Acts 1971, 62nd Leg., p. 2019, ch. 622, providing for the setting of compensation, expenses and allowances for certain county and precinct officials and employees by the commissioners courts effective January 1, 1972, provides in section 8 thereof that to the extent any local, special, or general law, including Acts of the 1971 Legislature, prescribes such compensation, expenses and allowances for any official or employee covered by this Act, that law is repealed. See article 3912k.

Art. 2326j—1. Appointment and compensation of reporters in 10th, 56th and 122nd judicial districts

The judges of the 10th, 56th, and 122nd Judicial Districts of Texas, composed entirely of the County of Galveston, shall each appoint an official shorthand reporter for his respective Judicial District in the manner now provided for district courts in this State; who shall have the same qualifications and whose duties shall in every respect be the same as now provided by law. Each of said official shorthand reporters shall receive an annual salary of not less than the amount paid such person annually on the effective date of this Act, nor more than Fourteen Thousand, Four Hundred Dollars ($14,400.00) per annum, said salary shall be in addition to transcript fees which shall not be more than thirty cents (30¢) per one hundred (100) words. Said salary when so fixed and determined by the district judges of said respective Judicial Districts shall be paid monthly out of the general funds or the jury fund, or out of any fund available for the purpose as may be determined by the County Commissioners Court. From and after the passage of this Act all provisions relating to official shorthand reporters and their duties in district courts shall in all respects govern except that the salary of the official shorthand reporters as provided for in this Act shall be fixed and determined by the district judges of said Judicial Districts and not otherwise; and the transcript fees shall be as provided for in this Act, and not otherwise.
Amended by Acts 1971, 62nd Leg., 1st C.S., p. 30, ch. 8, § 1, eff. Sept. 3, 1971.

Art. 2326j—2. Repealed by Acts 1971, 62nd Leg., p. 2394, ch. 748, § 5, eff. Aug. 30, 1971

See, now, art. 2326j—53a.

Art. 2326j—3a. Appointment and compensation of reporters for district courts of Travis County

The judges of the District Courts of Travis County shall each appoint an official shorthand reporter for his respective judicial district court or district court in the manner now provided for district courts in this state, who shall have the same qualifications and whose duties shall in every respect be the same as now provided by law, and whose salary shall be fixed and determined by the judges of the District Courts of Travis County, and shall be in addition to transcript fees, fees for statements of fact and all other fees. Said salary, when so fixed and determined by the district judges of said respective courts, shall be paid monthly out of the general fund or the jury fund, or out of any fund available for the purpose as may be determined by the Commissioners Court. From and after the effective date of this Act, all provisions relating to official shorthand reporters and their duties in district courts shall in all respects govern, except that the salary of the official shorthand reporters as provided for in this Act shall be fixed and determined by the judges of the District Courts, and not otherwise.

Amended by Acts 1971, 62nd Leg., p. 1909, ch. 572, § 1, eff. June 1, 1971.

Art. 2326j—3b. Appointment and compensation of reporters in Travis County

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

Acts 1971, 62nd Leg., p. 1799, ch. 532, eff. June 1, 1971.

Title of Act:

An Act relating to official shorthand reporters of the District Courts of Travis County, Texas; and declaring an emergency. Acts 1971, 62nd Leg., p. 1799, ch. 532.

Art. 2326j—8. Compensation of reporter of 49th Judicial District

The official court reporter of the 49th Judicial District of Texas shall receive a salary not to exceed $12,000 per annum, the amount to be determined by the judge of the 49th Judicial District Court, in addition to the compensation for transcription fees as provided by law. The salary shall be paid monthly upon approval of the judge of the 49th Judicial District Court, and shall be paid by the commissioners court of each of the counties comprising the 49th Judicial District of Texas. The salary shall be payable out of the general fund, officers salary fund, the jury fund, or any fund available for that purpose.

Acts 1971, 62nd Leg., p. 1447, ch. 403, eff. May 26, 1971.

Title of Act:

An Act providing for the compensation of the official court reporter of the 49th Judicial District Court of Texas; providing the manner of payment; and declaring an emergency. Acts 1971, 62nd Leg., p. 1447, ch. 403.

For Annotations and Historical Notes, see V.A.T.S.

Art. 2326j—9. Appointment and compensation of reporters for 72nd, 140th and 99th Judicial Districts

The Judges of the District Courts of the 72nd, 140th and 99th Judicial Districts of Texas, Lubbock County, Texas, with the approval of the Commissioners Court, shall each appoint an official shorthand reporter for his respective Judicial District in the manner now provided for District Courts in this State, who shall have the same qualifications and whose duties shall in every respect be the same as now provided by law. Said official shorthand reporters shall receive an annual salary of not more than $16,000, said salary to be fixed and determined by the Judges of the District Courts of the 72nd, 140th and 99th Judicial Districts of Texas, of Lubbock County, Texas, and shall be in addition to transcript fees, fees for statements of facts and all other fees. Said salary, when so fixed and determined by the District Judges of said respective courts, shall be paid monthly out of the general fund, or the jury fund, or out of any fund available for the purpose as may be determined by the County Commissioners Court. From and after passage of this Act all provisions relating to official shorthand reporters and their duties in District Courts shall in all respects govern, except that the salary of the official shorthand reporters as provided for in this Act shall be fixed and determined by the District Judges of the District Courts of the 72nd, 140th and 99th Judicial Districts of Texas, of Lubbock County, Texas, and not otherwise.
Amended by Acts 1971, 62nd Leg., p. 2592, ch. 850, § 1, eff. June 9, 1971.

Art. 2326j—10. Appointment and compensation of reporters in 70th and 161st judicial districts

The judges of the District Courts of the 70th and 161st Judicial Districts of Texas, and the Judge of the County Court At Law, Ector County, Texas, shall each appoint an Official Shorthand Reporter for his respective Judicial District or Court in the manner now provided for District Courts and County Courts At Law in this State, who shall have the same qualifications and whose duties shall in every respect be the same as now provided by law. Said Official Shorthand Reporters shall each receive a salary of not more than eleven thousand five hundred dollars ($11,500.-00) per annum, said salary to be fixed, determined set, and allowed by the Judge of the Court for which said reporter serves, and said salary shall be in addition to transcript fees, fees for statements of fact and all other fees. Said salary when so fixed and determined by the judges of said respective courts shall be paid monthly out of the general fund, or the jury fund, or out of any fund available for the purpose as may be determined by the County Commissioners Court. From and after passage of this Act all provisions relating to Official Shorthand Reporters and their duties in District Courts and County Courts At Law shall in all respects govern, except that the salary of the Official Shorthand Reporters as provided for in this Act shall be fixed and determined by the District Judges of the 70th and 161st District Courts, and the Judge of the County Court At Law, of Ector County, Texas, and not otherwise.
Amended by Acts 1971, 62nd Leg., p. 1608, ch. 441, § 1, eff. Aug. 30, 1971.

Art. 2326j—12. Appointment and compensation of reporter in 112th judicial district

Section 1. From and after the passage of this Act the official shorthand reporter for the 112th Judicial District of Texas, composed of the counties of Crockett, Pecos, Sutton, and Upton, shall receive a salary of not more than $11,500 per annum, which shall be determined, fixed, and set by the judge of said district; and from and after the time that said judge shall have entered an order in the minutes of the court, in each county of said district, which order shall be a public record and

open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with each commissioners court of the district, the salary so determined, fixed, and set shall be paid monthly, by and in the proportion for each county of the district as provided by law, out of the general fund, or out of the jury fund, or out of any fund available for the purpose.

Sec. 2. From and after the passage of this Act, all provisions of the law relating to the appointment, qualifications, and duties of official shorthand reporters in this state, and as to allowance to them of transcript fees and hotel and traveling expense, shall govern, save and except when the salary of the official shorthand reporter for the 112th Judicial District shall have been determined, fixed, and set by the judge of the said district, in the manner and within the amount limits as in this Act provided, said salary shall be paid to said official shorthand reporter as in this Act provided, and not otherwise.

Acts 1971, 62nd Leg., p. 1106, ch. 239, eff. May 17, 1971.

Title of Act:

An Act relating to and fixing maximum salary of the official shorthand reporter of the 112th Judicial District of Texas; providing a saving clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 1106, ch. 239.

Art. 2326j—16. Compensation of reporter for 142nd Judicial District

Section 1. From and after the passage of this Act the official shorthand reporter for the 142nd Judicial District of Texas, composed of Midland County, shall receive an annual salary of not more than $9,600, which shall be determined, fixed and set by the judge of said district; and from and after the time that said judge shall have entered an order in the minutes of the court, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with the Commissioners Court of Midland County, the salary so determined, fixed and set shall be paid monthly, by Midland County as provided by law, out of the General Fund, or out of the Jury Fund, or out of any fund available for the purpose.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1911, ch. 575, § 1, eff. Aug. 30, 1971.

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Separate provisions for compensation of the reporter for the 64th judicial district were enacted by Acts 1971, 62nd Leg., p. 1594, ch. 436, and were incorporated into art. 2326j—18a.

Art. 2326j—18a. Appointment and compensation of reporter for 64th Judicial District

Section 1. The judge of the 64th Judicial District of Texas, composed of the Counties of Hale, Swisher and Castro, shall appoint an official shorthand reporter for such District in the manner now provided for District Courts in this state who shall have the same qualifications and whose duties shall in every respect be the same as now provided by law. Said official shorthand reporter shall receive a salary of not more than Thirteen Thousand Dollars ($13,000.00) per annum, said salary to be fixed and determined by the District Judge of the 64th Judicial District, composed of the Counties of Hale, Swisher and Castro, with the approval of the Commissioners Courts, and said salary shall be in addition to the transcript fees, fees for statement of facts, and all other fees as now provided by law. Said salary when so fixed and determined by the District Judge of said Judicial District shall be paid monthly, out of the General Fund, or the Jury Fund, or out of any fund available for the purpose as may be determined by the Commissioners Courts, by the respective counties of the Judicial District in accordance with the proportion fixed, made

For Annotations and Historical Notes, see V.A.T.S.

and determined by the District Judge of said Judicial District as to the amount to be paid monthly by each county in the Judicial District.

Sec. 2. If any section, sentence, clause, phrase or part of this Act be held for any reason to be invalid, such invalidity shall not affect the remainder of this Act.

Sec. 3. Said reporter shall, in addition, receive allowances for his actual and necessary traveling and hotel expenses while actually engaged in the discharge of his duties, not to exceed Eight Dollars ($8.00) per day for the hotel bills, and not to exceed ten cents (10¢) a mile when traveling by private conveyance in going to and returning from the place where such duties are discharged, traveling the nearest practical route. Such expenses shall be paid by the respective counties of the Judicial District for which they are incurred, each county paying the expense incidental to its own regular or special term of court, and said expenses shall be paid to the official shorthand reporter by the Commissioners Court of the county, out of the General Fund of the county upon the sworn statement of the reporter approved by the judge, provided there shall not be paid to any such official shorthand reporter more than Seven Hundred Fifty Dollars ($750.00) in any one year under the provisions of this Act.

Sec. 4. From and after the passage of this Act all provisions relating to official shorthand reporters and their duties in district courts shall in all respects govern except that the salary of the official shorthand reporter as provided for in this Act shall be fixed and determined by the District Judge of said Judicial District and not otherwise; and the transcript fees and allowances for traveling and hotel expenses shall be as provided for in this Act, and not otherwise.

Acts 1971, 62nd Leg., p. 1594, ch. 436, eff. May 26, 1971.

Title of Act:

An Act providing for the appointment by the District Judge of the 64th Judicial District of Texas, composed of the Counties of Hale, Swisher and Castro, of an official shorthand reporter for such judicial district; providing his qualifications; providing that the salary of said official shorthand reporter shall be fixed and determined by the judge of said judicial district and not otherwise; providing for the manner of payment of said salary and out of what fund; providing for transcript fees and allowance for hotel and traveling expenses; providing a saving clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 1594, ch. 436.

Art. 2326j—24a. Compensation of reporters for 51st and 119th Judicial Districts

Section 1. From and after the passage of this Act, the official shorthand reporters for the 51st Judicial District of Texas, composed of the counties of Tom Green, Irion, Schleicher, Coke, and Sterling, and the 119th Judicial District of Texas, composed of the counties of Tom Green and Runnels, may each receive a salary of not more than $12,500 per annum, which shall be determined, fixed, and set by the presiding judge of each judicial district, except that the salary paid to any person affected by this Act shall not be set at a figure lower than that actually paid to that person on the effective date of this Act; and from and after the time that said judge shall have entered an order in the minutes of the court, in each county of said district, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with each commissioners court of the district, the salary so determined, fixed, and set shall be paid monthly, by and in the proportion for each county of the district as provided by law, out of the general fund, or out of the jury fund, or out of any fund available for the purpose.

Sec. 2. From and after the passage of this Act, all provisions of the law relating to the appointment, qualifications, and duties of official shorthand reporters in this state, and as to allowances to them of transcript fees and hotel and traveling expense, shall govern, save and except

that when the salary of the official shorthand reporter for the 51st Judicial District and the official shorthand reporter for the 119th Judicial District shall have been determined, fixed, and set by the judge of said district, in the manner and within the amount limits as in this Act provided, said salary shall be paid to said official shorthand reporter as in this Act provided, and not otherwise.
Acts 1971, 62nd Leg., p. 943, ch. 155, eff. May 11, 1971.

Title of Act:
An Act relating to and fixing the maximum salaries of the official shorthand reporters for the 51st and 119th Judicial Districts of Texas; and declaring an emergency. Acts 1971, 62nd Leg., p. 948, ch. 155.

Separate provisions for compensation of the reporter for the 111th judicial district were enacted by Acts 1971, 62nd Leg., p. 998, ch. 185, and incorporated into art. 2326j—25b.

Art. 2326j—25b. Compensation of reporter for 111th Judicial District

The Official Court Reporter of the 111th Judicial District of Texas shall receive a salary not to exceed $12,000 per annum, the amount to be determined by the Judge of the 111th Judicial District Court, in addition to the compensation for transcription fees as provided by law. The salary shall be paid monthly upon approval of the Judge of the 111th Judicial District Court, and shall be paid by the Commissioners Court of Webb County, Texas. The salary shall be payable out of the general fund, officers salary fund, the jury fund, or any fund available for that purpose.
Acts 1971, 62nd Leg., p. 998, ch. 185, eff. May 13, 1971.

Title of Act:
An Act providing for the compensation of the Official Court Reporter of the 111th Judicial District Court of Texas; providing the manner of payment; and declaring an emergency. Acts 1971, 62nd Leg., p. 998, ch. 185.

Art. 2326j—28. Compensation of reporter for 103rd, 107th and 138th Judicial Districts

Section 1. The official shorthand reporters of the 103rd, 107th, and 138th Judicial Districts of Texas are authorized to receive a salary of not more than Eight Thousand, Five Hundred Dollars ($8,500) per annum and all other compensation now provided by law to be paid official shorthand reporters, the specific amount of such salary to be fixed by the district judges of the judicial districts.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 1845, ch. 542, § 109, eff. Sept. 1, 1971.

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See, also, art. 2326j—72.

Art. 2326j—30. Compensation of reporter for 75th Judicial District

Section 1. The official shorthand reporter for the 75th Judicial District of Texas, composed of the Counties of Liberty and Chambers, shall receive a salary of not more than $13,000 per annum, which shall be determined, fixed and set by the Judge of said District, with the approval of the Commissioners Court of each of the counties comprising the 75th Judicial District, and from and after the time that said Judge shall have entered an order in the minutes of the Court, in each county of said District, which shall be a public record and open for inspection; stating specifically the amount of salary to be paid said reporter, and shall have filed a copy of said order with each Commissioners Court of the District, the salary so determined and approved, fixed and set, shall be paid monthly, by and in the proportion for each County of the District as pro-

vided by law, out of the General Fund, or out of the Jury Fund, or out of any fund available for the purpose.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 2435, ch. 783, § 1, eff. June 8, 1971.

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Art. 2326j—36. Compensation of reporters for 124th and 188th Judicial Districts

Section 1. The official shorthand reporters for the 124th and 188th Judicial Districts of Texas shall receive a salary of not more than $12,000 per annum, said salary to be fixed, determined, and set by the Judges of the 124th and 188th Judicial Districts respectively and shall be in addition to transcript fees, fees for statements of facts, and all other fees. From and after the time that said respective District Judges shall have entered an order in the minutes of said court, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporters, and shall have filed a copy of said order with the Commissioners Court of Gregg County, the salary so determined, fixed and set by majority vote of the Commissioners Court, shall be paid monthly out of the general fund or the jury fund or any fund available for the purpose.

Sec. 2. From and after the passage of this Act, all provisions of the law relating to the appointment, qualifications, and duties of official shorthand reporters in this State, and as to allowances to them of transcript fees and hotel and traveling expense, shall govern, except that when the salary of the official shorthand reporters for the District Courts of Gregg County shall have been determined in the manner and within the limits prescribed by this Act, said salary shall be paid to said official shorthand reporters as provided in this Act, and not otherwise.
Acts 1971, 62nd Leg., p. 927, ch. 141, eff. Aug. 30, 1971.

Title of Act:
An Act prescribing the maximum salary to be paid to the Official Shorthand Reporters for the 124th and 188th Judicial Districts; and declaring an emergency. Acts 1971, 62nd Leg., p. 927, ch. 141.

Art. 2326j—39. Appointment and compensation of reporter for 146th and 169th Judicial Districts

Section 1. The judge of the 146th and the judge of the 169th Judicial Districts of Texas, composed of Bell County, shall appoint an official shorthand reporter for his respective district in the manner now provided for district courts. The reporter shall have the qualifications and duties as provided by general law.

Sec. 2. (a) In addition to transcript fees, the official shorthand reporter shall receive an annual salary of not more than $14,000 as authorized by the district judge and with the approval of the Commissioners Court of Bell County.

(b) The salary shall be paid monthly out of the general fund, the jury fund, or any other fund available for the purpose as determined by the Commissioners Court of Bell County.
Amended by Acts 1971, 62nd Leg., p. 1814, ch. 539, § 2, eff. June 1, 1971.

Art. 2326j—41. Repealed by Acts 1971, 62nd Leg. p. 1296, ch. 337, § 3, eff. May 24, 1971

Art. 2326j—41a. Compensation of reporters for 2nd and 145th Judicial Districts

Section 1. From and after the passage of this Act, the official shorthand reporters for the 2nd and 145th Judicial Districts of Texas shall

each receive an annual salary of not more than $12,500, which salary shall be determined and fixed by the presiding judge of each such judicial district. The salary compensation shall be in addition to transcript fees or fees of any character now authorized by law to be paid to the official shorthand reporters. From and after the time that the judge enters an order in the minutes of the court, in each county of the district, stating specifically the amount of salary to be paid to the reporter and files a copy of the order with the commissioners court of each county within the district, the salary determined and fixed shall be paid monthly out of the general fund, jury fund, or any other fund available for that purpose, by the counties composing the judicial district, in accordance with the proportion that the population of each county bears to the total population of the judicial district, according to the last preceding federal census.

Sec. 2. From and after the passage of this Act, all provisions of law existing prior to the passage of this Act and relating to the appointment of the official shorthand reporters, their qualifications, and their duties in district courts shall in all respects govern, except that the salaries of the official shorthand reporters for the 2nd and 145th Judicial Districts of Texas shall be fixed and determined as provided in this Act. Acts 1971, 62nd Leg., p. 1295, ch. 337, §§ 1, 2, eff. May 24, 1971.

Art. 2326j—42. Compensation of reporters for 42nd and 104th Judicial Districts

(a) The judge of the 42nd Judicial District Court shall fix the total annual salary of the official shorthand reporter of the 42nd Judicial District at not more than $11,500. The allowance for actual and necessary expenses received by the official shorthand court reporter of the 42nd Judicial District may not exceed $400 a year.

(b) The judge of the 104th Judicial District Court shall fix the total annual salary of the official shorthand reporter of the 104th Judicial District at not more than $11,500. The allowance for actual and necessary expenses received by the official shorthand court reporter of the 104th Judicial District may not exceed $400 a year.

Subsecs. (a), (b) amended by Acts 1971, 62nd Leg., p. 2444, ch. 786, § 1, eff. Aug. 30, 1971.

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Art. 2326j—44. Compensation of reporter for 81st Judicial District

Section 1. From and after the passage of this Act the official shorthand reporter for the 81st Judicial District of Texas, composed of the Counties of Atascosa, Frio, Karnes, La Salle and Wilson, shall receive a salary of not more than Ten Thousand, Six Hundred Dollars ($10,600) per annum, which shall be determined, fixed and set by the judge of said district; and from and after the time that said judge shall have entered an order in the minutes of the court, in each county of said district, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with each Commissioners Court of the district, the salary so determined, fixed and set shall be paid monthly by the counties composing such judicial district in accordance with the proportion that the population of each county bears to the total population of the judicial district as shown by the last preceding Federal Census, out of the General Fund, or out of the Jury Fund, or out of any fund available for the purpose.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 703, ch. 68, § 1, eff. Aug. 30, 1971.

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For Annotations and Historical Notes, see V.A.T.S.

Art. 2326j—48. Repealed by Acts 1971, 62nd Leg., p. 1697, ch. 489, § 3, eff. May 27, 1971

Art. 2326j—48a. Compensation of reporters for 16th and 158th Judicial Districts

Section 1. From and after the passage of this Act, the official shorthand reporters for the 16th and 158th Judicial Districts of Texas shall receive an annual salary not to exceed $11,700. The salary shall be determined, fixed, and set by the judges of the respective districts. From and after the time that the judges enter an order in the minutes of the court in each county of the district, which order shall be a public record open for inspection, and stating specifically the amount of salary to be paid to the reporters, and enter a copy of the order with each commissioners court of the district, the salary so determined, fixed, and set shall be paid monthly, by and in the proportion for each county of the respective district as provided by law. The salary shall be paid out of the general fund, jury fund, or any other fund available for the purpose.

Sec. 2. From and after the passage of this Act, all provisions of the law relating to the appointment, qualifications, and duties of official shorthand reporters in this state and as to allowances to them for transcript fees and hotel and traveling expense shall govern, except that when the salary of the official shorthand reporters for the 16th and 158th Judicial Districts has been determined, fixed, and set by the judges of the districts, in the manner and within the limit provided by this Act, the salary shall be paid to the reporters as provided in this Act.

Acts 1971, 62nd Leg., p. 1696, ch. 489, §§ 1, 2, eff. May 27, 1971.

Art. 2326j—52. Appointment and compensation of reporters for 17th, 48th, 67th, 96th, 141st and 153rd Judicial District Courts, for Criminal District Courts Nos. 1 to 4, for County Court at Law, for County Criminal Courts Nos. 1 to 3, and for Courts of Domestic Relations Nos. 1 to 4, in Tarrant County

Section 1. The respective judges of the 17th, 48th, 67th, 96th, 141st and the 153rd Judicial District Courts; the respective judges of Criminal District Courts No. 1, No. 2, No. 3 and No. 4; the judge of the County Court at Law; and, the respective judges of the County Criminal Courts No. 1, No. 2 and No. 3, in Tarrant County, Texas, shall each appoint an official shorthand reporter for each of such courts. The judges of the Courts of Domestic Relations No. 1, No. 2, No. 3 and No. 4, in Tarrant County, Texas, shall appoint a total of three official shorthand reporters for such courts; if the said judges of the Courts of Domestic Relations fail to agree upon any appointment within 30 days after a vacancy occurs, the juvenile board shall have authority to appoint a court reporter for said Courts of Domestic Relations. A bailiff shall be designated by the sheriff of Tarrant County to serve the court as in other courts of the county. Such appointments shall be evidenced by an order entered on the minutes of each such court. Such appointment, when once made, shall continue in effect from year to year, unless otherwise ordered by the judge(s) of such court(s). The salary compensation of such reporter serving in each of said court(s) shall be not more than Sixteen Thousand, Five Hundred Dollars ($16,500.00) per annum, and the amount of such salary compensation shall be determined, fixed and the payment thereof authorized by the judge(s) of each respective court(s) within the maximum amount herein provided, and such salary compensation shall be paid semimonthly out of the General Fund, Officers Salary Fund, or

out of any appropriate fund available for such purpose, as shall be determined by the Commissioners Court of Tarrant County, Texas.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 879, ch. 112, § 1, eff. May 7, 1971.

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Art. 2326j—53. Repealed by Acts 1971, 62nd Leg., p. 2394, ch. 748, § 5, eff. Aug. 30, 1971

See, now, art. 2326j—53a.

Art. 2326j—53a. Appointment and compensation of reporter for 84th Judicial District

Section 1. The Judge of the 84th Judicial District of Texas, composed of the Counties of Hansford, Hutchinson and Ochiltree, shall appoint an official shorthand reporter for such District in the manner now provided for District Courts in this state who shall have the same qualifications and whose duties shall in every respect be the same as now provided by law. Said official shorthand reporter shall receive a salary of not more than Twelve Thousand Dollars ($12,000.00) per annum, said salary to be fixed and determined by the District Judge of the 84th Judicial District, composed of the Counties of Hansford, Hutchinson and Ochiltree, and said salary shall be in addition to the transcript fees, fees for statements of fact, and all other fees as now provided by law. Said salary when so fixed and determined by the District Judge of said Judicial District shall be paid monthly out of the General Fund, or the Jury Fund, or out of any fund available for the purpose as may be determined by the Commissioners Courts, by the respective counties of the Judicial District in accordance with the proportion fixed, made and determined by the District Judge of said Judicial District as to the amount to be paid monthly by each county in the Judicial District.

Sec. 2. If any section, sentence, clause, phrase or part of this Act be held for any reason to be invalid, such invalidity shall not affect the remainder of this Act.

Sec. 3. Said reporter shall, in addition, receive allowances for his actual and necessary traveling and hotel expenses while actually engaged in the discharge of his duties, not to exceed Eight Dollars ($8.00) per day for hotel bills, and not to exceed ten cents (10¢) a mile when traveling by private conveyance in going to and returning from the place where such duties are discharged, traveling the nearest practical route. Such expenses shall be paid by the respective counties of the Judicial District for which they are incurred, each county paying the expenses incidental to its own regular or special term of court, and said expenses shall be paid to the official shorthand reporter by the Commissioners Court of the county, out of the General Fund of the county upon the sworn statement of the reporter approved by the judge, provided there shall not be paid to any such official shorthand reporter more than Fifteen Hundred Dollars ($1,500.00) in any one year under the provisions of this Act.

Sec. 4. From and after the passage of this Act, all provisions relating to official shorthand reporters and their duties in district courts shall in all respects govern except that the salary of the official shorthand reporter as provided for in this Act shall be fixed and determined by the District Judge of said Judicial District and not otherwise; and the transcript fees and allowances for traveling and hotel expenses shall be as provided for in this Act, and not otherwise.
Acts 1971, 62nd Leg., p. 2393, ch. 748, §§ 1–4, eff. Aug. 30, 1971.

Art. 2326j—54. Appointment and compensation of reporter for 27th Judicial District

Section 1. The judge of the 27th Judicial District of Texas composed of Bell, Lampasas and Mills counties, shall appoint an official shorthand reporter for the district in the manner provided for district courts.

For Annotations and Historical Notes, see V.A.T.S.

Sec. 2. The reporter shall have the qualifications and duties provided by general law.

Sec. 3. The reporter is entitled to receive a salary of not more than $14,000 per annum; said salary to be fixed, determined and set by the judge of the 27th Judicial District and to be in addition to transcript fees, fees for statements of facts and all other fees. From and after the time that such judge shall have entered an order in the minutes of said court in each county of said district, which order shall be a public record, and open for inspection, stating specifically the amount of salary to be paid to said reporter and shall have filed a copy of said order with each Commissioners Court of the district, the salary so determined and fixed and set shall be paid monthly by and in the proportion for each county of the district as provided by law, out of the general fund or out of the jury fund, or out of any fund available for the purpose.

Amended by Acts 1971, 62nd Leg., p. 1814, ch. 539, § 1, eff. June 1, 1971.

Art. 2326j—55. Compensation of reporter for 43rd Judicial District

Section 1. From and after the passage of this Act the official shorthand reporter for the 43rd Judicial District shall receive a salary of not more than Twelve Thousand Dollars ($12,000) per annum, which shall be determined, fixed, and set by the judge of said district; and from and after the time that said judge shall have entered an order in the minutes of the court, in each county of said district, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with each Commissioners Court of the district, the salary so determined, fixed and set shall be paid monthly, by and in the proportion for each county of the district as provided by law, out of the General Fund, or out of the Jury Fund, or out of any fund available for the purpose.

Sec. 2. From and after the passage of this Act, all provisions of the law relating to the appointment, qualifications and duties of official shorthand reporters in this State, and as to allowances to them of transcript fees and hotel and traveling expense, shall govern, save and except that when the salary of the official shorthand reporter for the 43rd Judicial District of Texas shall have been determined, fixed and set by the judge of said district, in the manner and within the amount limits as in this Act provided, said salary shall be paid to said official shorthand reporter as in this Act provided, and not otherwise.

Acts 1971, 62nd Leg., p. 1385, ch. 371, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the salary of the official shorthand reporter for the 43rd Judicial District of Texas; and declaring an emergency. Acts 1971, 62nd Leg., p. 1385, ch. 371.

Art. 2326j—57. Compensation of reporter for 19th, 54th, 74th and 170th Judicial Districts

Section 1. The official shorthand reporters for the 19th, 54th, 74th, and 170th Judicial Districts shall each be hired by the judge of the respective court and shall receive a salary of not more than $9,600 a year, the amount of the salary to be fixed by the judge of the respective judicial district. When the salary is fixed by the district judge, the commissioners court of McLennan County shall enter an order in its minutes reflecting the amount of the salary to be paid and shall pay the salary in the manner provided by law.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1896, ch. 563, § 1, eff. June 1, 1971.

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Art. 2326j—59. Compensation of reporter for 156th Judicial District

Section 1. From and after the passage of this Act the official shorthand reporter for the 156th Judicial District of Texas, composed of the counties of Aransas, Bee, Live Oak, McMullen and San Patricio, shall receive a salary of not more than $9,600 per annum, which shall be determined, fixed, and set by the judge of said district; and from and after the time that said judge shall have entered an order in the minutes of the court, in each county of said district, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with each commissioners court of the district, the salary so determined, fixed, and set shall be paid monthly, by and in the proportion for each county of the district as provided by law, out of the General Fund, or out of the Jury Fund, or out of any fund available for the purpose.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1324, ch. 350, § 1, eff. May 24, 1971.

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Art. 2326j—61. Compensation of reporter for 32nd Judicial District

Section 1. From and after the passage of this Act the official shorthand reporter for the 32nd Judicial District of Texas shall receive a salary of not more than Twelve Thousand Dollars ($12,000) per annum, which shall be determined, fixed and set by the judge of said district with the consent of the commissioners court; and from and after the time that said judge shall have entered an order in the minutes of the court, in each county of said district, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with each commissioners court of the district, the salary so determined, fixed and set shall be paid monthly, by and in the proportion for each county of the district as provided by law, out of the general fund, or out of the jury fund, or out of any fund available for the purpose.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1971, ch. 609, § 1, eff. Aug. 30, 1971.

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Art. 2326j—64. Compensation of reporter for 155th Judicial District

Section 1. The official shorthand reporter for the 155th Judicial District of Texas, composed of Waller, Fayette, and Austin counties, shall receive a salary of not more than $11,500 per annum, which shall be determined, fixed, and set by the judge of the district; and from and after the time that the judge shall have entered an order in the minutes of the court, in each county of the district, which shall be a public record and open for inspection, stating specifically the amount of salary to be paid said reporter, and shall have filed a copy of the order with each commissioners court in the district, the salary so determined, fixed, and set, shall be paid monthly, by and in the proportion for each county of the district as provided by law, out of the general fund, or out of the jury fund, or out of any fund available for the purpose.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1642, ch. 458, § 1, eff. May 26, 1971.

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Art. 2326j—68. Compensation of reporter for 36th Judicial District

Section 1. From and after the passage of this Act, the official shorthand reporter for the 36th Judicial District of Texas, composed of the counties of Aransas, Bee, Live Oak, McMullen, and San Patricio, shall receive a salary of not more than $9,600 per annum, which shall be determined, fixed, and set by the judge of said district; and from and af-

For Annotations and Historical Notes, see V.A.T.S.

ter the time that said judge shall have entered an order in the minutes of the court, in each county of said district, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with each commissioners court of the district, the salary so determined, fixed, and set shall be paid monthly, by and in the proportion for each county of the district as provided by law, out of the General Fund, or out of the Jury Fund, or out of any fund available for the purpose.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1324, ch. 350, § 2, eff. May 24, 1971.

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Art. 2326j—73. Compensation of reporter for 4th Judicial District

Section 1. The official shorthand reporter for the 4th Judicial District shall receive a salary of not less than $4,800 nor more than $10,200 per annum, said salary to be fixed, determined, and set by the judge of the 4th District Court, and shall be in addition to transcript fees, fees for statements of facts, and all other fees. From and after the time that said judge shall have entered an order in the minutes of said court, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with the commissioners court of Rusk County, the salary so determined, fixed and set shall be paid monthly out of the general fund or the jury fund or any fund available for the purpose.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 52, ch. 28, § 1, eff. March 18, 1971.

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Art. 2326j—76. Compensation of reporters for 30th, 50th, 78th, 89th, 100th and 110th Judicial Districts

Section 1. From and after the passage of this Act the official shorthand reporters for the 30th, 50th, 78th, 89th, 100th, and 110th Judicial Districts of Texas shall each receive a salary of not more than $12,000 per annum, which shall be determined, fixed, and set by the judge of the district; and from and after the time that said judge shall have entered an order in the minutes of the court, in each county of the district, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with each Commissioners Court of the district, the salary so determined, fixed, and set shall be paid monthly, by and in the proportion for each county of the district as provided by law, out of the general fund, or out of the jury fund, or out of any fund available for the purpose.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 898, ch. 124, § 4, eff. May 10, 1971.

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Art. 2326j—77. Compensation of reporter for 97th Judicial District

Section 1. From and after the passage of this Act, the official shorthand reporter for the 97th Judicial District of Texas shall receive an annual salary of not more than $16,000, which salary shall be determined and fixed by the judge of the district. From and after the time that the judge enters an order in the minutes of the court in each county of the district, which order shall be a public record and open for inspection, and shall state specifically the amount of salary to be paid to the reporter, and files a copy of the order with each Commissioners Court of the district, the salary determined and fixed shall be paid monthly, by and in the proportion for each county of the district as provided by law, out of

the general fund, the jury fund, or any other fund available for the purpose.

Sec. 2. From and after the passage of this Act, all provisions of law relating to the appointment, qualifications, and duties of official shorthand reporters in this State, and as to allowances to them of transcript fees, shall govern, save and except that when the salary of the official shorthand reporter for the district is fixed and determined by the judge of the district, the salary shall be paid to the official shorthand reporter as provided by this Act, and not otherwise.

Sec. 3. The reporter shall receive, in lieu of the expenses provided for shorthand reporters in Chapter 56, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 2326a, Vernon's Texas Civil Statutes), in addition to the salary provided by this Act, an annual allowance to be determined and fixed by order of the district judge, not to exceed $1200, as per diem for actual and necessary expenses, including travel and hotel expenses, while engaged in the discharge of his duties. The allowance shall be paid in 12 equal monthly installments by the counties comprising the district in proportion to the population which each county bears to the population of the whole district, according to the last preceding Federal Census.

Acts 1971, 62nd Leg., p. 897, ch. 124, §§ 1–3, eff. May 10, 1971.

Art. 2326j—78. Appointment and compensation of reporters for county and district courts of Bexar County

The judges of the 37th, 45th, 57th, 73rd, 131st, 144th, 150th, 166th, 175th, 186th, and 187th Judicial Districts, and of County Courts at Law Nos. 1, 2, and 3 of Bexar County and County Civil Court at Law of Bexar County, shall each appoint an official shorthand reporter for such court or judicial district in the manner now provided for appointment of official shorthand reporters in this State. The appointment shall be evidenced by an order entered on the minutes of each court. The appointment when once made shall continue in effect from year to year unless otherwise ordered by the judge of the court in which such reporter serves. The compensation of the reporters shall be not more than $16,500 per annum; the compensation shall be determined, set, and allowed by the judge of the court or courts with the approval of the Commissioners Court within such maximum compensation authorized hereby, in addition to compensation for transcript fees as provided by law; such compensation shall be paid semimonthly out of the general fund, officers salary fund, or out of any other fund as may be available for the purpose, as may be determined by the Commissioners Court of Bexar County, in addition to compensation for transcript fees, fees for statements of facts, and other fees as provided by law.

Acts 1971, 62nd Leg., p. 1402, ch. 382, eff. Aug. 30, 1971.

Title of Act:

An Act relating to and authorizing a maximum salary for the official shorthand reporters of the 37th, 45th, 57th, 73rd, 131st, 144th, 150th, 166th, 175th, 186th, and 187th Judicial Districts, County Courts at Law Nos. 1, 2, and 3 of Bexar County, and County Civil Court at Law of Bexar County; providing the time, method, and manner of payment; repealing all laws in conflict; providing a saving clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 1402, ch. 382.

Art. 2326j—79. Appointment and compensation of reporter for 196th Judicial District

Section 1. The Judge of the 196th Judicial District of Texas, composed of the county of Hunt, shall appoint an official shorthand reporter for said judicial district in the manner now provided for appointment of official shorthand reporters in this state; who shall have the same qualifications and whose duties shall in every respect be the same as now pro-

For Annotations and Historical Notes, see V.A.T.S.

vided by law. Said official shorthand reporter shall receive a salary of not more than $10,600 per annum, and the amount of such salary shall be determined, fixed, and the payment thereof authorized by the Judge of the 196th Judicial District, composed of the county of Hunt, and said salary shall be in addition to transcript fees, and allowance for hotel and traveling expenses as now provided by general law. Said salary when so fixed and determined by the judge of said judicial district shall be paid monthly, out of the general fund, officers' salary fund, or out of any fund available for the purpose as may be determined by the commissioners court of Hunt County.

Sec. 2. If any section, sentence, clause, phrase, or part of this Act be held for any reason to be invalid, such invalidity shall not affect the remainder of this Act.

Sec. 3. From and after the passage of this Act all provisions of the law relating to the appointment, qualifications, and duties of official shorthand reporters in this state, and as to allowances to them of transcript fees and hotel and traveling expenses shall in all respects govern, save and except that the salary of the official shorthand reporter for the 196th Judicial District of Texas, as provided in this Act, shall be determined, fixed, and the payment thereof authorized by the judge of said judicial district, and not otherwise.

Acts 1971, 62nd Leg., p. 1575, ch. 425, eff. May 26, 1971.

Title of Act:

An Act relating to the salary of the official shorthand reporter for the 196th Judicial District; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 1575, ch. 425.

Art. 2326j—80. Compensation of reporter for 235th Judicial District

The annual salary of the official shorthand reporter for the 235th District Court shall be determined and fixed by the judge of the 235th District Court at a sum of not less than $6,000 nor more than $12,000.

Acts 1971, 62nd Leg., p. 1807, ch. 535, § 3, eff. Sept. 1, 1971.

Art. 2326j—81. Compensation of reporter for 149th Judicial District

Section 1. That the Official Shorthand Reporter of the 149th Judicial District of Texas, composed of the County of Brazoria, may receive a maximum salary of Sixteen Thousand Five Hundred Dollars ($16,500.00) per annum, in addition to all traveling expenses, transcript fees and all other compensation now provided by law to be paid to said Official Shorthand Reporter, the specific amount of said salary to be fixed by the District Judge of such Judicial District, and approved by the Commissioners Court of Brazoria County.

Sec. 2. The salary of the Official Shorthand Reporter as herein fixed shall be paid monthly by Brazoria County, Texas. Such salary shall be paid out of the general fund or out of the jury fund, or out of any fund available for the purpose.

Acts 1971, 62nd Leg., p. 2415, ch. 763, eff. Aug. 30, 1971.

Section 3 of the 1971 act was a severability provision and section 4 thereof repealed conflicting laws.

Title of Act:

An Act relating to the compensation of the Official Shorthand Reporter of the 149th Judicial District of Texas; providing for the manner of payment; providing that if any section, paragraph, sentence, clause, phrase or any part of this Act be invalid, such invalidity shall not affect the remainder thereof; repealing all laws and parts of laws in conflict to the extent of such conflict only; and declaring an emergency. Acts 1971, 62nd Leg., p. 2415, ch. 763.

Art. 2326o. Shorthand reporters in counties of 1,500,000 or more; appointment and compensation

Section 1. In all counties in the State of Texas having a population of 1,500,000 or more, according to the last preceding federal census, the

judge of each district court, and the judge of each county court at law, civil or criminal, shall appoint an official shorthand reporter for such court. The compensation of such reporters shall be fixed by the judge of the court in which such reporter serves at not less than Eight Thousand Five Hundred Dollars ($8,500.00) per annum and not more than Sixteen Thousand Five Hundred Dollars ($16,500.00) per annum, in addition to compensation for transcripts, statement of facts and other fees. The appointment of each such court reporter and his annual salary as fixed by the judge of the court in which such court reporter serves, shall be evidenced by an order entered in the minutes of each such court, which appointment and the salary so fixed shall continue in effect from year to year unless and until changed by order of the judge of the court in which such court reporter serves.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1851, ch. 542, § 134, eff. Sept. 1, 1971.

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Art. 2327d. Shorthand reporters for county judges and for certain judges of probate court

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Sec. 1A. For the purpose of preserving a record of all hearings had before the County Judge or any Judge of a Probate Court in counties having a population of not less than one million five hundred thousand (1,500,000) according to the last preceding federal census, or any future federal census, the County Judge or any Judge of a Probate Court in such counties may elect to appoint an official shorthand reporter in any case pending before any of such courts. The official shorthand reporter so appointed shall be well skilled in his profession, shall be a sworn officer of the Court and shall hold office for the duration of the case in which he was appointed to serve. The County Judge or the Judge of the Probate Courts of such counties shall set the compensation to be paid to the official shorthand reporter appointed in such courts, and such compensation shall be in addition to compensation for transcript fees as provided by law, and shall be paid out of the General Fund of such counties.

Sec. 1A amended by Acts 1971, 62nd Leg., p. 1842, ch. 542, § 102, eff. Sept. 1, 1971.

TITLE 43—COURTS—JUVENILE

Art. 2338—3. Court of Domestic Relations; Potter County

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Juvenile board

Sec. 5. There shall be a Juvenile Board of Potter County composed of the several District Judges of the District Courts of Potter County and the County Judge of Potter County, Texas. The members composing such Juvenile Board shall be paid additional compensation not to exceed One Thousand, Five Hundred Dollars ($1,500) per annum, to be determined by the Commissioners Court and to be paid in twelve (12) equal monthly installments out of the General Fund of such County by the Commissioners Court. The compensation shall be in addition to all other compensation provided or allowed by law for County and District Judges.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 1288, ch. 330, § 1, eff. Aug. 30, 1971.

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Art. 2338—10. Court of Domestic Relations for Nueces County

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Judge; election; qualifications and term; salary

Sec. 2. There shall be elected in Nueces County by the qualified voters thereof a Judge of the Court of Domestic Relations of Nueces County, who shall be a qualified voter in said county, a resident of said county, and a regularly licensed attorney at law in this State, and who shall have been actively engaged in the practice of law for a period of not less than five (5) years next preceding the election to select such Judge. The Judge of the Court of Domestic Relations of Nueces County shall hold office for a term of four years, and until his successor shall have been elected and qualified. The Judge of the Court of Domestic Relations shall receive a salary of Eighteen Thousand Dollars per annum, to be paid out of the County Treasury by order of the commissioners court, and said salary shall be paid monthly in equal installments. The Judge of the Court of Domestic Relations shall be a member of the Juvenile Board of Nueces County, and for this additional work as a member of the Juvenile Board he shall be allowed compensation in like manner as other members of said Juvenile Board, such compensation to be in addition to the salary herein provided.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 3054, ch. 1014, § 4, eff. June 15, 1971.

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Art. 2338—13. Court of Domestic Relations for Gregg County

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Jurisdiction

Sec. 2. The Court of Domestic Relations for Gregg County shall have the jurisdiction concurrent with the District Courts in Gregg County of all cases involving adoptions, removal of disability of minority and coverture, wife and child desertion, delinquent, neglected or dependent child proceedings, Reciprocal Support Act and all jurisdiction, powers

and authority now or hereafter placed in the District or County Courts under the juvenile and child welfare laws of this State; and of all divorce and marriage annulment cases, including the adjustment of property rights and custody and support of minor children involved therein, alimony pending final hearing, and any and every other matter incident to divorce or annulment proceedings as well as independent actions involving child custody or support of minors, change of name of persons; and all other cases involving justiciable controversies and differences between spouses, or between parents, or between them, or one of them and their minor children, or between any of these and third persons, corporations, trustees or other legal entities, which are now, or may hereafter be, within the jurisdiction of the District or County Courts; all cases in which children are alleged or charged to be dependent and neglected children or delinquent children as provided by law; of all suits for trial of title to land and for the enforcement of liens thereon, of all suits for trial of the right of property; all criminal cases involving crimes against children, including wife and child desertion, contributing to the delinquency of a minor, enticing a minor from legal custody as provided in Articles 602, 534, and 535, Penal Code of Texas, 1925, as amended, and Chapter 500, Acts of the 51st Legislature, Regular Session, 1949 (Article 534a, Vernon's Texas Penal Code), and all cases enumerated above may be instituted in or transferred to said court; and said Court and the Judges thereof shall have power to issue writs of habeas corpus, mandamus, injunction, and all writs necessary to enforce their jurisdiction.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 936, ch. 147, § 1, eff. May 10, 1971.

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Art. 2338—15c. Court of Domestic Relations No. 4 for Tarrant County

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Court reporters

Sec. 11. Repealed by Acts 1971, 62nd Leg., p. 880, ch. 112, § 2, eff. May 7, 1971.

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Art. 2338—17. Court of Domestic Relations for Taylor County

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Judge; additional compensation

Sec. 5b. The Judge of the 42nd District Court and the Judge of the 104th District Court shall each receive as additional compensation for acting as a member of the Juvenile Board the sum of One Thousand, Five Hundred Dollars ($1,500) per year. The additional salary shall be paid monthly out of the General Fund of Taylor County on the order of the Commissioners Court.

Sec. 5b added by Acts 1971, 62nd Leg., p. 1854, ch. 542, § 142, eff. Sept. 1, 1971.

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Art. 2338—19. Court of Domestic Relations for Brazoria County

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Qualifications of judge; salary

Sec. 2. The Judge of the Brazoria County Court of Domestic Relations shall have the qualifications provided by the Constitution and laws of this State for District Judges. He may be paid by the Commissioners Court of Brazoria County no more than the salary paid to the District Judge by the State of Texas, same to be paid out of the General Fund of the County in twelve (12) equal monthly installments.

For Annotations and Historical Notes, see V.A.T.S.

Sec. 2 amended by Acts 971, 62nd Leg., p. 1001, ch. 188, § 1, eff. May 13, 1971.

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Art. 2338—21. Court of Domestic Relations for El Paso County

Creation of court

Section 1. There is hereby created a Court of Domestic Relations in and for El Paso County, Texas.

Qualifications of judge; salary; member of juvenile board

Sec. 2. The Judge of the Court of Domestic Relations shall be at least twenty-five (25) years of age and licensed to practice law in this State and shall have been a practicing attorney or a judge of a court for four (4) years and a resident of El Paso County for two (2) years next before his election or appointment. He shall reside in El Paso County during his term of office. He shall be paid a salary which shall be equal to the total salary paid by the County of El Paso and the State of Texas to any one judge of a District Court of El Paso County, Texas. His salary shall be paid out of the General Fund of El Paso County in twelve (12) equal monthly installments. He shall be a member of the Juvenile Board of El Paso County, which Juvenile Board shall be authorized to designate the Court of Domestic Relations as the Juvenile Court of El Paso County; Judges of the District Courts of El Paso County shall continue to receive such compensation for all judicial and administrative services required of them including services as members of the Juvenile Board and otherwise from county funds as they are now entitled to receive or may hereafter be authorized to receive under general or special law.

Jurisdiction

Sec. 3. The Court of Domestic Relations shall have jurisdiction within the limits of El Paso County, concurrent with the District Courts sitting in said county, of all cases involving adoptions, birth records, removal of disability of minority and coverture, change of name of persons, delinquent child proceedings, neglected or dependent child proceedings, and all jurisdiction, powers and authority now or hereafter placed in the District Courts or Courts of Domestic Relations under the juvenile and child welfare laws of this State; and all divorce and marriage annulment cases, including the adjustment of property rights and custody, visitation and support of minor children involved therein, alimony pending final hearing and any and every other matter incident to divorce or annulment proceedings as well as independent actions involving child custody, visitation, support, or reciprocal support cases, contempt actions arising out of failure to pay child support and all other cases involving justiciable controversies and difference between spouses, or between parents, or between them or one of them, and their minor children, which are now, or may hereafter be, within the jurisdiction of the District Courts of El Paso County; and all cases in which children are alleged or charged to be dependent, neglected or delinquent children as provided by law. All cases enumerated or included above may be instituted in or transferred to said Court.

Transfer of cases from district courts

Sec. 4. The District Courts of El Paso County may transfer to said Court of Domestic Relations any and all cases in their respective courts of which cases said Court of Domestic Relations is hereby given jurisdiction, including all filed papers, reports, records, and certified copies of all orders theretofore entered in said cases.

Return of writs and process; valid and binding effect

Sec. 5. All writs and process issued by or out of a District Court prior to the time any case is transferred by said Court to the Court of Domestic

Relations shall be returned and filed in the Court of Domestic Relations and shall be as valid and binding upon the parties to such transferred cases as though such writ or process had been issued out of the Court of Domestic Relations, and all waivers of process and other instruments executed prior to the transfer of any case shall also be as valid and binding as though executed after such transfer.

Court of record; seal; clerk of court

Sec. 6. The Court of Domestic Relations shall be a court of record, shall sit and hold court at the county seat of El Paso County, shall have a seal and maintain all necessary dockets, records and minutes therein. The District Clerk of El Paso County shall serve as the clerk of said Court. He shall keep a fair record of all acts done and proceedings had in said Court and shall perform all such duties as are required generally of District Clerks insofar as the same may be applicable in this Court. The seal of said Court shall have a star of five points with the words "Court of Domestic Relations, El Paso County, Texas" engraved thereon.

Appointment of judge; removal; vacancies

Sec. 7. The Governor shall nominate the first Judge of the Court of Domestic Relations of El Paso County who shall be appointed by and with the advice and consent of the Senate to serve until the next general election or until his successor is qualified. Thereafter, the Judge of the Court of Domestic Relations of El Paso County shall be elected in accordance with the terms of Section 65, Article XVI, Constitution of the State of Texas. He shall be subject to removal for the same reasons and in the same manner as is provided by the Constitution and laws of this State for removal of District Judges. Vacancies in the office shall be filled by appointment by the Governor.

Juvenile board; counsel and advice to judge

Sec. 8. The Juvenile Board and its members shall give counsel and advice to the Judge of the Court of Domestic Relations when deemed necessary or when sought by him, and shall cooperate with him in the administration of the affairs of said Court, and shall provide for the filing of any or all cases within the jurisdiction of the Court of Domestic Relations in the Court of Domestic Relations, or in any one or more of the District Courts of El Paso County.

Transfer of cases to district courts; presiding judge; disqualification of judge; special judge

Sec. 9. All cases, applications, complaints, and all other matters over which the Court of Domestic Relations is herein given jurisdiction may be transferred to or instituted in said Court; said Court and the Judge thereof may transfer any such cases, complaints, or other matters to any District Court of El Paso County having jurisdiction thereof under the laws of the State of Texas, with the consent of the Judge of such Court, and the Judge of such District Court may try all such cases, complaints, or other matters which may be so transferred. Any Judge of a District Court of El Paso County may preside as Judge of the Juvenile Court and of the Court of Domestic Relations and hear and determine all such cases, complaints, or other matters over which the Judge of such District Courts has jurisdiction under the laws of the State of Texas, with the same authority to act as presiding Judge over all such cases, complaints, or other matters for all purposes, and to the same extent as the Judge of the Court of Domestic Relations; and such Judge of a District Court of El Paso County, Texas, may sit in his own courtroom, the Juvenile Courtroom, the courtroom of any other District Court or Court of Domestic Relations within the county, or the Court of Domestic Relations and hear and determine any case, complaint, or matter pending in the Court of

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Domestic Relations. In the event of disqualification of the Judge of the Court of Domestic Relations to try a particular case or because of illness, inability, failure or refusal of said Judge to hold court at any time, the Juvenile Board may select a special judge who shall hold the court and proceed with the business thereof, or said Juvenile Board may request the presiding judge of the Sixth Administrative Judicial District of Texas to assign a judge to handle the business of said Court pursuant to the provisions of Chapter 156, Acts of the 40th Legislature, 1927 (Article 200a, Vernon's Texas Civil Statutes), and said judge so selected by the board or assigned by the presiding judge shall be paid for his services in the same manner as provided by the Constitution and laws of this State for the payment of District Judges assigned to sit for other District Judges. The Judge of such Court of Domestic Relations may, in any case, matter or proceeding pending in any District Court or Court of Domestic Relations of El Paso County, of which case, matter or proceeding said Court of Domestic Relations would have potential jurisdiction, in the courtroom of such Court of Domestic Relations or in the Juvenile Courtroom, or in the courtroom of any District Court or Court of Domestic Relations of El Paso County, sit and hear and determine any such case, matter or proceeding pending therein, and enter any order or judgment, or do any other thing, which the Judge of such District Court or Court of Domestic Relations would have authority under law to do.

Probation officers, sheriffs, etc.; duty to furnish services; process and writs

Sec. 10. It shall be the duty of all officers, agents, and employees of the Probation Department, Child Welfare Board, County Welfare Office, County Health Officer and Sheriff and Constables of El Paso County to furnish to said court such services in the line of their respective duties as shall be required by said Court, and all sheriffs and constables within the State of Texas shall render the same services and perform the same duties with reference to process and writs from said Court of Domestic Relations as is required of them by law with reference to process and writs from District Courts.

Court reporter; compensation, payment; bailiff

Sec. 11. The Judge of the Court of Domestic Relations shall have authority to appoint a court reporter necessary for the operations of the Court of Domestic Relations, who shall receive the same compensation as provided by law for court reporters of District Courts in El Paso County and the court reporter's salary shall be paid by the Commissioners Court of El Paso County from appropriate county funds. A bailiff shall be designated by the Sheriff of El Paso County to serve the court as in other courts of the county.

Child custody cases; investigation

Sec. 12. In all suits for divorce where it appears from the petition or otherwise that the parties to such suit have a child or children under the age of eighteen (18) years, and in any other cases involving the custody of any child or children, the said Court or Judge thereof, in its or his discretion, may require such juvenile officer or investigator to make a thorough and complete investigation as to the necessities, environment and surroundings of the child or children and of the disposition that should be made of such child or children, and to make report thereof to the court, and if desired by the court, to produce such evidence on any hearing in such case as may have been developed in connection with such investigation.

Writs and orders; contempt

Sec. 13. The said Court and the Judge thereof shall have the power to issue writs of habeas corpus and mandamus, injunctions, temporary in-

junctions, restraining orders, orders of sale, execution, writs of possession and restitution, and any and all other writs as now or hereafter may be issued under the laws of this State by District Courts, when necessary or proper in cases or matters in which said Court of Domestic Relations has jurisdiction, and also shall have power to punish for contempt.

Term of court

Sec. 14. The first term of such Court of Domestic Relations shall begin when the Judge thereof is duly selected and qualified, and remain in session until the first day of the following September; and its term shall thereafter begin on the first day of September of each year and remain in session continuously to and including the thirty-first day of August of the next year.

Appeals

Sec. 15. Appeals in all civil cases from judgments and orders of said Court shall be to the Court of Civil Appeals of the Eighth Supreme Judicial District as now or hereafter provided for appeals from District and County Courts and in all criminal cases appeals shall be to the Court of Criminal Appeals.

Practice and procedure

Sec. 16. The practice and procedure, rules of evidence, selection of juries, issuance of process and all other matters pertaining to the conduct of trials and hearings in said Court shall be governed by provisions of this Act and the laws and rules pertaining to District Court; provided that juries shall be composed of twelve (12) members.

Acts 1971, 62nd Leg., p. 2576, ch. 844, eff. June 9, 1971.

Title of Act:

An Act creating a Court of Domestic Relations for El Paso County, Texas; fixing its jurisdiction; conforming the jurisdiction of other courts thereto; fixing its term; providing the qualifications, manner of selection, tenure and compensation of the Judge and other officers of the Court; providing for transfer of cases; providing the manner of and grounds for removal of the Judge of said Court; providing for the selection of a special judge; providing for the membership of the Judge of said Court on the Juvenile Board of El Paso; providing the powers of the Court; providing for appeals to higher courts; providing for the procedures of said Court; providing for the services of certain county and district officers to said Court; containing a saving clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 2576, ch. 844.

TITLE 44—COURTS—COMMISSIONERS

1. COMMISSIONERS COURT

Art. 2350*o*. Allowance for traveling expenses and automobile depreciation

* * * * * * * * * * *

Sec. 3. In any county of this State having a population in excess of 124,000, according to the last preceding or any future federal census, the Commissioners Court is hereby authorized to allow each member of the Commissioners Court the sum of not exceeding $300.00 per month for traveling expenses and depreciation on his automobile while on official business within the county. Each member of such Commissioners Court shall pay all expenses in the operation of such automobile and keep same in repair free of any other charge to the County.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 2489, ch. 811, § 1, eff. June 8, 1971.

Sec. 4. Repealed by Acts 1971, 62nd Leg., p. 2489, ch. 811, § 2, eff. June 8, 1971.

* * * * * * * * * * *

Section 3 of the 1971 amendatory act repealed conflicting laws.

Art. 2350p. Allowance for traveling expenses and automobile depreciation in counties of 73,000 to 75,750 and 11,870 to 12,000

Section 1. In any county having a population of not less than 73,000 nor more than 75,750 according to the last preceding federal census, the commissioners court may allow each member of the commissioners court not more than $150 per month for traveling expenses and depreciation on his automobile while on official business within the county. Each member of the commissioners court shall pay all expenses in the operation of his automobile and keep it in repair free of any other charge to the county.

Sec. 2. As used in this Act, "members of the commissioners court" means the county commissioners and the county judge.

Sec. 3. This Act applies only to counties not furnishing an automobile or truck or by other means providing for the traveling expenses of members of their commissioners courts while on official business within the county.

Sec. 4. In any county in this state having a population of not less than 11,870 and not more than 12,000 according to the last preceding federal census, the commissioners court is hereby authorized to allow each member of the court the sum of not exceeding $125 per month for traveling expenses and depreciation on his automobile while on official business within the county. Each member of the court shall pay all expenses

in the operation of such automobile and keep the automobile in repair free of any other charge to the county.

Sec. 5. As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Acts 1971, 62nd Leg., p. 1927, ch. 583, eff. June 1, 1971.

Title of Act:

An Act relating to the allowance for traveling expenses and automobile depreciation for county judges and county commissioners in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1927, ch. 583.

2. POWERS AND DUTIES

Art. 2351g—2. Repealed by Acts 1971, 62nd Leg., p. 1763, ch. 516, § 22, eff. Aug. 30, 1971

See, now, art. 4477—8.

Art. 2368a. Requirements governing advertising for bids by counties and cities

Saved From Repeal

Acts 1971, 62nd Leg., p. 2824, ch. 923, enacting the Certificate of Obligation Act (Article 2368a.1), provided in section 10 that nothing herein shall be construed as repealing the Bond and Warrant Law of 1931. See article 2368a.1, § 10.

Art. 2368a.1. Certificate of Obligation Act

Citation of Act

Section 1. This Act shall be known and may be cited as "The Certificate of Obligation Act of 1971.

Definitions

Sec. 2. When used in this Act, unless otherwise apparent from the context:

(a) "Bond funds" shall mean money received from the sale of bonds by the issuer.

(b) "Certificate" means a certificate of obligation authorized to be issued under the terms of this Act.

(c) "City" means any incorporated municipality of this State incorporated under the provisions of (i) any general or special law provided the municipality has the power to levy an ad valorem tax of not less than $1.50 on each $100 valuation of taxable property therein, or (ii) the home rule amendment to the Constitution.

(d) "Contractual obligation" shall mean any contract entered by an issuer through its governing body executed pursuant to Section 6 or Section 7 of this Act. No such contract shall be required to be in writing where (i) work is to be done by the regular salaried employees of an issuer, (ii) the work is to be paid for as the work progresses, and (iii) legal services.

(e) "County" means a political subdivision of the State of Texas created and established under Article IX, Section 1, of the Constitution of Texas which, according to the Federal Census then preceding has a population of less than 350,000.

(f) "Current funds" shall mean money in the treasury, taxes in the process of collection during the then current budget year of the issuer,

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and all other revenues which may be anticipated with reasonable certainty during such budget year.

(g) "Governing body" shall mean the board, council, commission, court or other body or group which is authorized to issue bonds for or on behalf of an issuer.

(h) "Issuer" means a city or county.

Certificates authorized; amount, public works construction

Sec. 3. (a) The governing body of an issuer may authorize certificates for the purpose of paying any contractual obligation to be incurred for the construction of any public work or for the purchase of materials, supplies, equipment, machinery, the purchase of land and rights-of-way for authorized needs and purposes, or for the payment of contractual obligations for professional services (including tax appraisal engineers, engineering, architectural, attorneys, mapping, auditing, financial advisors, fiscal agent) or for any one or more of such purposes.

(b) Certificates may be authorized in an amount not in excess of 25% of any contractual obligation incurred for construction of public works in order to provide for change orders as work progresses (as contemplated by Section 6) but only such amount of certificates as required to discharge contractual obligation after execution of such change orders shall be delivered by an issuer.

Claims and accounts; funding or exchange

Sec. 4. The governing body of an issuer may provide that claims and accounts may thereafter be incurred for such authorized purposes to represent an undivided interest in certificates simultaneously authorized and may provide for the funding or exchange of such claims and accounts for a like total principal amount of such certificates with any amount in excess of the principal amount of certificates delivered at any one time may be paid in cash or carried forward to a subsequent exchange of claims and accounts for certificates. While the authorization of certificates (and the indebtedness thereby evidenced) may precede the execution of the contract or contracts under the provisions of this section, nothing in this section shall be construed as an exception to the requirement for the receipt of competitive bids under Section 6.

Notice to bidders

Sec. 5. No certificates of indebtedness may be authorized by any issuer unless the notice to bidders (where the same is required) states (i) the successful bidder or bidders will be required to accept such certificates in payment of all or a portion of the contract price or (ii) that the governing body of any issuer has made provision for the contractor to sell and assign such certificates to another and that each bidder is required (at the time of the receipt of bids) to elect whether he will accept such certificates in payment of all or a part of the contract price or assign such certificates in accordance with such arrangements.

Competitive bids; notice, publication; change orders, payment of added cost; rejection of bids; performance bond

Sec. 6. (a) Except as provided herein, the governing body of an issuer shall hereafter make no contract calling for or requiring the expenditure or payment or creating or imposing an obligation or liability of any nature upon such city, county, or subdivision of the county in excess of $2,000 without first submitting such proposed contract to competitive bids.

(b) Notice of the time, place, when and where such contract shall be let shall be given in accordance with the provisions of (i) Section 2, or Section 2(a) of the Bond and Warrant Law of 1931, as amended [1] or (ii) the home rule charter of an issuer or (iii) this Act. If such notice is

given under the provisions of this Act, it shall be published once a week for two consecutive weeks in a newspaper as defined in Chapter 84, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 28a, Vernon's Texas Civil Statutes), of general circulation in the city or county which is to receive bids, the date of the first publication to be 14 days prior to the date set for the receipt of bids, and shall specify that plans and specifications for the work to be done or specifications for machinery, supplies, equipment or materials to be purchased are on file with a designated official of the issuer where they may be examined without charge. All contracts for the construction of public works, the purchase of materials, equipment, supplies, or machinery let under the provisions of this Act shall be let to the lowest responsible bidder and may be let on a lump sum basis or on a unit price basis, as the governing body shall determine. In the event a contract is to be let on a unit price basis, the information furnished bidders shall specify the approximate quantities estimated upon the best available information, but the compensation paid the contractor shall be based upon the actual quantities constructed or supplied.

(c) After performance of a construction contract has been commenced, if it becomes necessary to (i) make changes in the plans or specifications or (ii) decrease or increase the quantity of work to be performed or materials, equipment or supplies to be furnished, the governing body shall be authorized to approve change orders effecting such changes but the total contract price shall not be increased thereby unless due provision has been made to provide for the payment of such added cost either by appropriating current or bond funds for that purpose, by authorizing the issuance of certificates, or by any one or more such procedures, but the original contract price may not be increased by more than twenty-five per cent (25%) or decreased more than twenty-five per cent (25%) without the consent of the contractor to such decrease.

(d) The governing body shall have the right to reject any and all bids, and if the contract is for the construction of public works and is for or requires the expenditure of $2,000 or more, then the successful bidder shall be required to give a good and sufficient payment and performance bond each in the full amount of the contract price, executed by some surety company authorized to do business in this State in accordance with the provisions of Article 5160,[1] Revised Civil Statutes of Texas, 1925, as amended.

[1] Article 2368a.

Advertisements for bids, exceptions; sale of certificates; use of proceeds; registration, etc.; legal investments and security for deposits

Sec. 7. The provisions of Section 6 of this Act relating to advertisement for competitive bids shall not apply in the following instances:

(1) in case of a public calamity where it becomes necessary to act at once to relieve the necessity of the citizens or to preserve the property of such city or county; or

(2) where it is necessary to preserve or protect the public health of the citizens of such city or county; or

(3) in the case of unforeseen damage to public property, machinery or equipment; or

(4) contracts for personal or professional services; or

(5) work done by employees of the issuer and paid for as such work progresses; or

(6) the purchase of land, buildings, existing utility systems or rights-of-way for authorized needs and purposes; or

(7) expenditures for or relating to improvements to a city water system, sewer system, streets or drainage (any one or all) where the cost of at least one-third (⅓) of which is to be paid by special assessments levied against properties to be benefited thereby; or

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(8) where the entire contractual obligation is to be paid from bond funds or current funds, or where an advertisement for bids has previously been published (in the manner authorized or permitted in Section 6) but the current funds or bond funds are not adequate to permit the awarding of a contract and the certificates are to be issued to provide the deficiency; or

(9) the sale of any public security as such term is defined in Chapter 3, Acts of the 61st Legislature, Regular Session, 1969, as amended by Chapter 3, Acts of the 61st Legislature, 2nd Called Session, 1969 [1].

Certificates authorized to be issued for the purpose or purposes specified in this section, in the discretion of the governing body of the issuer, may be sold for cash and the proceeds thereof shall be used only for the purpose or purposes for which the same were authorized; provided, (i) accrued interest received, if any, shall be deposited in the interest and sinking fund established for the payment of such certificates and (ii) no certificate may be sold for cash to pay for work done by employees of the issuer and paid for as such work progresses and (iii) a certified copy of the proceedings relating to the authorization of such certificates shall be submitted to the Attorney General of Texas and be approved by such officer as having been authorized in accordance with the provisions of this Act. It shall be the duty of the Attorney General of Texas to examine the proceedings relating to the authorization of such certificates and the provisions of Article 709 through Article 716, inclusive, of Title 22 of the Revised Civil Statutes of Texas, 1925, as amended, and Chapter 204, Acts of the 57th Legislature, Regular Session, 1961, as amended by Chapter 290, Acts of the 60th Legislature, Regular Session, 1967,[2] shall apply to and govern the execution, approval, registration, and validity of such certificates. From and after the registration of such certificates by the Comptroller of Public Accounts, the same shall be incontestable for any cause.

Certificates approved by the Attorney General 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 guardians, and for any sinking funds of cities, towns, villages, counties, school districts and other political corporations or subdivisions of the State of Texas. Such certificates 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 and other political corporations or subdivisions of the State of Texas, and shall be lawful and sufficient security for said deposits at their face value when accompanied by all unmatured coupons, if any, appurtenant thereto.

[1] Article 717k—2.
[2] Article 717j—1.

Certificates as debt and security

Sec. 8. Certificates shall be a debt of the issuer within the meaning of Article XI, Sections 5 and 7 of the Constitution of Texas, and when delivered shall be deemed and construed (i) to be a "Security" within the meaning of Chapter 8, Investment Securities, Uniform Commercial Code (Chapter 785, Acts of the 60th Legislature, Regular Session, 1967) [1] and (ii) to be a general obligation of the issuer within the meaning of Chapter 784, Acts of the 61st Legislature, Regular Session, 1969.[2]

[1] V.T.C.A. Bus. & C. § 8.101 et seq.
[2] Article 717k—3.

Authorization of certificates; payment; options for redemption; maturity; interest

Sec. 9. Certificates may be authorized by (i) an order duly passed and adopted by the governing body of a county (upon compliance with Article 2343 and Article 2354, Revised Civil Statutes of Texas, 1925, as

amended) or (ii) an ordinance adopted by the governing body of a city. Certificates shall be payable at such times, be in such form and denomination or denominations, either in coupon form or registered as to principal and interest, or both, may contain such options for redemption prior to scheduled maturity, and be payable at such place or places and contain such other provisions as the governing body of the issuer may determine, but in no event shall any certificate mature over a period in excess of 40 years from the date thereof, or bear interest at a rate in excess of that prescribed by Chapter 3, Acts of the 61st Legislature, 1969, as amended by Chapter 3, Acts of the 61st Legislature, 2nd Called Session, 1969.[1]

[1] Article 717k—2.

Cumulative effect; purpose; conflict

Sec. 10. The provisions of this Act shall be cumulative of other laws and nothing herein shall be construed as repealing the Bond and Warrant Law of 1931, as amended.

It is the purpose and intent of this Act to (i) provide an alternate procedure with respect to certain financing which is now subject to being accomplished under the said Bond and Warrant Law of 1931 which is not so cumbersome and (ii) provide a new class of securities which may be issued and delivered within the financial capabilities of an issuer upon compliance with the procedures herein set forth.

In the event of conflict between the provisions of this Act and the Bond and Warrant Law of 1931, an issuer may proceed under either of such procedures and it shall not be necessary for the governing body to designate the statute under which action is being taken.

Construction; alternative procedure; severability

Sec. 11. Nothing in this Act shall be construed to violate any provision of the Federal or State Constitutions and all acts done hereunder shall be done in such manner as may conform thereto whether herein expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such Constitutions, the issuer shall have the power by resolution to provide an alternative procedure conformable to such Constitutions. If any provision of the Act shall be invalid, such fact shall not affect the validity of any other provision of this Act, and the Legislature hereby declares that it would have enacted the valid provisions of this Act notwithstanding the invalidity of any other provision or provisions hereof.

Acts 1971, 62nd Leg., p. 2824, ch. 923, eff. June 15, 1971.

Title of Act:

An Act to be known as The Certificate of Obligation Act of 1971; providing for and regulating the authorization, issuance and delivery of such certificates by certain cities and counties for the payment of contractual obligations; providing for the submission of the proceedings relating to the authorization of certificates to the Attorney General of Texas when the same are sold for cash and providing for the registration thereof by the Comptroller of Public Accounts; prescribing the character and characteristics of certificates; declaring legislative intention with respect to such obligations; providing a severability clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 2824, ch. 923.

Art. 2368a—12. Validation of contracts, warrants, assessments, acts and proceedings, etc. of certain counties, cities and towns

Contracts for construction, etc., scrip or time warrants issued and related proceedings

Section 1. In every instance where the Commissioners Court of a county or the governing board of a city (including Home Rule cities) or town in this State has entered into contracts for the construction of public works or improvements, the purchase of land or interests in land, or for the purchase of materials, supplies, equipment, labor, supervision, wages, salaries, or professional or personal services, and has heretofore adopted

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orders or ordinances to authorize the issuance of scrip or time warrants to pay or evidence the indebtedness of such county or city (including Home Rule cities) or town for the cost of such public works or improvements, land, material, supplies, equipment, labor, supervision, wages, salaries, or professional or personal services, all such contracts, scrip and time warrants and the proceedings adopted by the Commissioners Court or governing body, as the case may be, relating thereto, are hereby in all things validated, ratified, confirmed and approved. All scrip warrants and time warrants heretofore issued by the Commissioners Court or governing body, as the case may be, in payment of work done by such county or city (including Home Rule cities) or town and paid for by the day as the work progressed, and for materials and supplies purchased in connection with such work and for professional or personal services rendered to the county, city or town, and each of these are hereby in all things validated, ratified, confirmed and approved and all such warrants shall be payable in accordance with their respective terms. In all instances where such city or county has entered into contract with or paid the State of Texas for the construction of drainage improvements through the issuance and delivery of time warrants authorized for the purpose of acquiring and purchasing lands necessary for rights-of-way and to defray all expenses incidental thereto, and the governing body of such city or county has determined and found that the construction of drainage improvements for which the contract was entered or payment made was essential to the acquisition of rights-of-way for State or federal highways (which may or may not also be classed as city streets), all such contracts or payments and the delivery of time warrants therefor are hereby in all things validated, ratified and confirmed as are such findings made by such governing body.

Proceedings, governmental acts, orders, etc. authorizing issuance of refunding bonds

Sec. 2. All proceedings, governmental acts, orders, ordinances, resolutions and other instruments heretofore adopted or executed by a Commissioners Court or governing body of a city (including Home Rule cities) or town, and of all officers and officials thereof authorizing the issuance of or pertaining to refunding bonds for the purpose of refunding scrip or time warrants issued by any county or city (including Home Rule cities) or town and all such warrants and all refunding bonds, heretofore issued for such purpose, and each of these are hereby in all things validated, ratified, approved and confirmed.

Bond elections and proceedings

Sec. 3. In every instance where the governing body of a city (including Home Rule cities) or a town or a county has heretofore provided for the calling and holding of an election for the authorization of bonds or has authorized the issuance of refunding bonds to refund time warrants or other obligations, all such election proceedings and proceedings for the authorization of such bonds and refunding bonds are hereby in all things validated, ratified and confirmed.

Leases and attempted leases of nursing homes or interests therein by counties

Sec. 4. In every instance where the County Court or Commissioners Court in any county of this State acting as such court has leased or attempted to lease a nursing home or an interest therein belonging to said county to any person, firm, or corporation, and where the County Court or Commissioners Court has made, executed, and delivered to any such person, firm, or corporation an instrument purporting to lease such nursing home, and where the lessee or his successors has enlarged or developed the facility, then all such leases or attempted leases are hereby validated, ratified, confirmed, and approved.

Form of government change by cities of 950 to 1,100

Sec. 4a. The adoption of an ordinance to change the form of government of a general law city with a population between 950 and 1,100 from commission to aldermanic is hereby in all respects validated as of the date of such proceedings.

Acquisitions of property by counties and conveyances to University of Texas

Sec. 5. All actions of a Commissioners Court of any county in this State in acquiring property and the subsequent conveyance of such property by deeds of record in any county in this State to the Board of Regents of The University of Texas, as trustees, for the use and benefit of The University of Texas are hereby ratified and confirmed and in all things approved.

Assessments by cities for street or highway improvements and liens and liabilities thereby created

Sec. 6. All assessments and reassessments for street or highway improvements and the liens and liabilities created thereby heretofore levied or purported to be levied by any and all cities in the State against properties abutting their streets or highways and against the owners of such properties, and all proceedings of the governing bodies of such cities levying or purporting to levy such assessments or reassessments are in all respects validated and shall have the force and effect provided by the provisions of Chapter 106 of the 40th Legislature, 1st Called Session, 1927, as amended,[1] except that nothing herein shall be construed to validate or to legalize any assessment lien levied or attempted to be levied against any property or interest in property exempt at the time the improvements were ordered from the lien of special assessment for street improvements.

[1] Article 1105b.

Assignable certificates of special assessment

Sec. 7. All assignable certificates of special assessment issued in evidence of such assessments or reassessments are hereby validated according to their terms. Any city which has not yet issued assignable certificates of special assessment to evidence such assessments may issue same and such certificates shall be valid and legal.

Assessments for street improvements subject to pending litigation; exception

Sec. 8. This Act is not intended to validate, nor does it apply to any assessments or reassessments for street improvements, which are the subject matter of any litigation pending on the effective date of this Act, in any court of competent jurisdiction in this State in which the validity thereof is being challenged, if such litigation is ultimately determined against the validity of same.

Proceedings, governmental acts, orders, resolutions and bonds of counties in excess of 350,000 or subject to litigation; inapplicability

Sec. 9. This Act shall neither apply to nor validate, ratify or confirm any proceedings, governmental acts, orders, resolutions or other instruments, or bonds executed, adopted or issued by any county with a population in excess of three hundred fifty thousand (350,000), according to the last preceding Federal Census, or any proceedings, governmental acts, orders, ordinances, resolutions or other instruments, or bonds, the validity of which is directly involved as a party in litigation at the time this Act becomes effective.

Acts 1971, 62nd Leg., p. 2564, ch. 841, eff. June 9, 1971.

Section 10 of the 1971 act provided: "If any section, subsection, paragraph, sentence, clause, phrase or word in this Act, or application thereof to any person or cir-

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cumstance is held invalid, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares it would have passed such remaining portions despite such invalidity."

Title of Act:

An Act validating, ratifying, confirming and approving contracts, scrip warrants and time warrants and refunding bonds authorized by counties or cities (including Home Rule cities) or towns; validating, ratifying, confirming and approving bonds and all proceedings, elections, governmental acts, orders, ordinances, resolutions and other instruments relating to the issuance of bonds by counties, cities (including Home Rule cities) and towns; validating certain leases of County Courts or Commissioners Courts, ordinances changing the form of government of certain cities, certain acquisitions and conveyances of property by Commissioners Courts, and certain assessments and certificates of assessment; providing that this Act shall not apply to any governmental acts, orders, resolutions or other instruments by any county with a population in excess of three hundred fifty thousand ($350,000), according to the last preceding Federal Census, or governmental acts, orders, ordinances, resolutions or other instruments, or bonds, the validity of which is now involved in litigation; providing a savings clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 2564, ch. 841.

Art. 2368b—1. Validating notes, taxes, etc. in certain counties

Section 1. All notes heretofore authorized to be issued and sold for cash, or attempted to be issued and sold for cash, by any county in the State whose Commissioners Court has by official determination declared that such cash is necessary and essential to the continued current operations of the county for its public purposes are in all respects hereby validated.

Sec. 2. All orders of the Commissioners Court of such counties authorizing such notes or attempting to authorize the same, or any of the same, and the sales and attempted sales thereof for cash for the par or principal amount thereof, plus accrued interest to the date of delivery thereof, if said date shall be other than the date of the notes, are in all respects hereby validated.

Sec. 3. All orders of said Commissioners Courts of said counties levying and directing the levying and assessing of taxes to provide for the payment of the interest on and principal of such notes, as they respectively mature, are in all respects hereby validated.

Sec. 4. The sale of all notes validated by this Act may be consummated by the delivery thereof to and the payment therefor by the purchasers and the same may be refunded into bonds at any time after the effective date of this Act upon proper authorization thereof by duly adopted bond order of the Commissioners Court of any such county in any manner now permitted by law with respect to the refunding of other indebtedness of any such county.

Sec. 5. This Act shall not be applicable to any county having an excess of 350,000 population according to the latest preceding federal census.

Sec. 6. This Act is not intended to validate nor does it apply to any notes which are on the effective date hereof the subject matter of any litigation pending in any court in this State in which the validity thereof is being challenged.

Acts 1971, 62nd Leg., p. 2863, ch. 941, eff. June 15, 1971.

Title of Act:

An Act validating notes heretofore authorized to be issued and sold for cash, or attempted to be issued and sold for cash by all counties in the State whose Commissioners Court has by order declared that such funds are necessary to the continued operations of the county for its public purposes; and validating all orders of the Commissioners Courts of such counties pertaining to such notes and all orders by such Commissioners Courts levying and assessing taxes to provide for the payment of interest and principal of such notes; authorizing the consummation of sale by delivery of the notes herein validated to the purchasers thereof; authorizing the refunding of the same by duly adopted bond order; providing a no-litigation clause; providing that this Act shall not apply to counties whose population is 350,000 or more according to the latest federal census; and declaring an emergency. Acts 1971, 62nd Leg., p. 2863, ch. 941.

Art. 2370b—1. Branch courthouses; counties of 47,500 to 49,000 and 24,500 to 25,000

Section 1. In counties which have a population of not less than 47,500 nor more than 49,000, or less than 24,500 nor more than 25,000, according to the last preceding federal census, the Commissioners Court may provide for, operate, and maintain one or more branch courthouses outside the county seat for any length of time the Commissioners Court considers necessary.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1828, ch. 542, § 50, eff. Sept. 1, 1971.

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Art. 2372f. Pickup trucks, purchasing and maintaining in certain counties

Repealer

Acts 1971, 62nd Leg., p. 2019, ch. 622, providing for the setting of compensation, expenses and allowances for certain county and precinct officials and employees by the commissioners courts effective January 1, 1972, provides in section 8 thereof that to the extent any local, special, or general law, including Acts of the 1971 Legislature, prescribes such compensation, expenses and allowances for any official or employee covered by this Act, that law is repealed. See article 3912k.

Art. 2372f—1. Automobiles, purchasing for each commissioner; counties of 97,500 to 100,000

In any county in this State having a population of not less than 97,500 and not more than 100,000 according to the last preceding federal census the Commissioners Court is hereby authorized to allow each commissioner to purchase an automobile to be used in each respective precinct on official business, to be paid for out of county funds and each commissioner shall make under oath an account of his expenditures for such purpose.

Amended by Acts 1971, 62nd Leg., p. 1821, ch. 542, § 22, eff. Sept. 1, 1971.

Art. 2372f—2. Motor vehicles; allowance for each member; counties of 150,000 to 170,000

Section 1. In any county having a population in excess of one hundred fifty thousand (150,000) but not in excess of one hundred seventy thousand (170,000) according to the last preceding or any future federal census, the Commissioners Court is hereby authorized to furnish each member of the Commissioners Court an adequate motor vehicle, including all expenses incidental to the upkeep and operation of such motor vehicle, for use on official business.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1837, ch. 542, § 85, eff. Sept. 1, 1971.

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Art. 2372f—3. Automobile or pickup; furnishing each commissioner; counties of 36,800 to 37,500

Section 1. This Act applies to every county in this State which has a population of not less than 36,800 nor more than 37,500, according to the last preceding federal census.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1831, ch. 542, § 60, eff. Sept. 1, 1971.

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For Annotations and Historical Notes, see V.A.T.S.

Art. 2372f—4. Automobile; furnishing each commissioner; counties of 20,300 to 20,500

Section 1. This Act applies to every county within a judicial district of this State comprised of four counties, one of which counties has a population of not less than twenty thousand, three hundred (20,300) and not more than twenty thousand, five hundred (20,500).

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1829, ch. 542, § 54, eff. Sept. 1, 1971.

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Art. 2372f—5. Two-way radios for county vehicles; counties of 36,800 to 37,500

Section 1. The Commissioners Court of all counties having a population of not less than 36,800 nor more than 37,500 according to the last preceding federal census may purchase two-way radios for county vehicles.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1830, ch. 542, § 57, eff. Sept. 1, 1971.

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Art. 2372f—6. Automobile; furnishing each commissioner; counties of 75,700 to 80,000 and 69,000 to 71,100

Section 1. This Act applies to any county having a population of not less than 75,700 nor more than 80,000, or not less than 69,000 nor more than 71,100, according to the last preceding federal census.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1828, ch. 542, § 49, eff. Sept. 1, 1971.

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Art. 2372f—7. Automobile for each commissioner in counties of 71,100 to 71,200

Section 1. This Act applies to any county having a population of not less than 71,100 nor more than 71,200, according to the last preceding Federal Census.

Sec. 2. The Commissioners Court may furnish each county commissioner an automobile for use in official business and the cost of the automobile may be paid out of county funds, and the expenses of operating the automobile and keeping it in repair may be paid out of county funds.

Amended by Acts 1971, 62nd Leg., p. 1405, ch. 384, § 1, eff. May 26, 1971; Sec. 1 amended by Acts 1971, 62nd Leg., p. 1847, ch. 542, § 121, eff. Sept. 1, 1971.

Art. 2372f—8. Traveling expenses and automobile depreciation; counties of 35,000 to 36,000

In any county having a population of not less than 35,000 nor more than 36,000, according to the last preceding federal census, the Commissioners Court may allow each county commissioner an amount of not more than $150 a month to pay the commissioner's traveling expenses and automobile depreciation while he is engaged in official business within the county. Each county commissioner shall pay any expenses in the operation of his automobile and shall keep the automobile repaired without charge to the county.

Amended by Acts 1971, 62nd Leg., p. 1838, ch. 542, § 89, eff. Sept. 1, 1971.

Art. 2372h—3. Vacations, holidays and sick pay for employees of counties of 34,000 to 34,120

The Commissioners Court of any county having a population of more than 34,000 and less than 34,120, according to the last preceding federal census, may provide for vacations, holidays fixed by State law, sick leaves without deduction or loss of pay, and deductions for absences from work of all county employees whether paid a fixed salary or an hourly or daily wage.

Amended by Acts 1971, 62nd Leg., p. 1842, ch. 542, § 103, eff. Sept. 1, 1971.

Art. 2372h—5. Travel expenses of county officers or employees

The Commissioners Court of any county may authorize the payment of reasonable travel expenses incurred by any officer, agent, or employee of the county, or by any board or committee member appointed by the Commissioners Court, in the event that the travel expenses were incurred by the officer, agent, employee, or board or committee member while performing any county business authorized by the Commissioners Court.

Acts 1971, 62nd Leg., p. 1085, ch. 234, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the authority of the Commissioners Court of any county to pay the travel expenses of certain persons performing county business; and declaring an emergency. Acts 1971, 62nd Leg., p. 1085, ch. 234.

Art. 2372h—6. Civil service system in counties of 300,000 or more

Definitions

Section 1. In this Act, unless the context requires a different definition:

(1) "Commission" means the county civil service commission.

(2) "Chairman" means the chairman of the county civil service commission.

(3) "Employee" means any person who obtains his position by appointment and who is not authorized by statute to perform governmental functions in his own right involving some exercise of discretion, but does not include a holder of an office the term of which is limited by the Constitution of the State of Texas.

(4) "Department" means any county, district, or precinct office or other agency of the county which has jurisdiction and control of the activities of the employees' official duties.

Establishment of civil service

Sec. 2. Any county having a population of 300,000 or more inhabitants according to the last preceding federal census may establish a county civil service system under the provisions of this Act to cover all employees of the county.

Methods for creation of a county civil service system

Sec. 3. Before a county civil service system may be created under the provisions of this Act, the system must be approved either by an order adopted by a majority of the members of the Commissioners Court or by a majority vote of the qualified electors of the county voting at an election called for that purpose.

Creation by order

Sec. 4. If the civil service system is created by order of the county commissioners, a copy of the order shall be placed in the minutes of the Commissioners Court and shall be available for public inspection.

Creation by election

Sec. 5. (a) On its own motion, the Commissioners Court may order an election to be held to approve the creation of a county civil service system. The election must be held within the 60-day period immediately following the date of the order of election.

(b) The order calling the election shall specify the time and place, or places, of holding the election, the form of the ballots, and the presiding judge for each voting place.

(c) The Commissioners Court shall publish a substantial copy of the election order in a newspaper of general circulation in the county once a week for two consecutive weeks before the election. The first notice must be published before the 14-day period immediately preceding the day of the election.

(d) The presiding judge of each voting place shall supervise the counting of all votes cast and shall certify the results to the Commissioners Court within 24 hours after the election. A copy of the results is to be filed with the county clerk and become of public record.

(e) At the election, the qualified electors shall vote on the proposition of whether or not a county civil service system is to be created. To create the system, a majority of the qualified electors voting in the election must approve the proposition.

(f) The ballots shall be printed to allow for voting for or against the proposition: "Creation of a county civil service system."

(g) If the proposition is approved, the Commissioners Court shall declare the results and order the civil service system created. A copy of this order shall be placed in the minutes of the Commissioners Court.

Creation of the civil service commission

Sec. 6. (a) After a civil service system is approved under the provisions of this Act, the Commissioners Court shall appoint a civil service commission consisting of three members to administer the system. The Commissioners Court shall designate one of the members as chairman of the commission.

(b) Each member of the commission holds office for a term of two years and until his successor is appointed and has qualified. Any vacancy on the commission shall be filled by appointment of the Commissioners Court for the unexpired term of the member whose position has been vacated.

(c) To qualify for appointment to the commission, a person must:

(1) be at least 25 years of age; and

(2) have been a resident of the county for the three-year period immediately preceding the beginning of his term of office.

Compensation; expenses; staff; etc.

Sec. 7. The members of the commission serve without compensation, but the Commissioners Court shall reimburse them for expenses necessarily incurred in performing their duties. The Commissioners Court shall provide the commission with adequate office space and with enough money to employ an adequate staff and to purchase necessary supplies and equipment.

Powers of commission

Sec. 8. (a) The commission shall make, publish, and enforce rules, consistent with the purposes of this Act, relating to:

(1) selection and classification of county employees;

(2) competitive examinations;

(3) promotions, seniority, and tenure;

(4) layoffs and dismissals;

(5) disciplinary actions;

(6) grievance procedures and other procedural and substantive rights of employees; and

(7) other matters having to do with selection of employees and their advancement, rights, benefits, and working conditions.

(b) The commission may adopt or use as a guide any civil service laws, rules, or regulations of the United States or of this State or any political subdivision or municipal corporation in this State to the extent that they promote the purposes of this Act and are consistent with the necessities and circumstances of the county.

Appeals

Sec. 9. (a) Any employee who, under a final decision of the commission, is demoted, suspended, or removed from his position, may appeal the decision by filing a petition in a district court of the county within 30 days after the date of the decision.

(b) Appeals under this section shall be tried de novo.

(c) If the district court renders judgment for the petitioner, it may order reinstatement, back pay, and any other appropriate relief.

(d) Suits instituted under this section have precedence over other civil cases, and the judgment of the district court is appealable as in other civil cases.

Exemptions

Sec. 10. (a) Any person who is an employee of a county covered by this Act on the effective date of this Act shall not be required to take any competitive examination or perform any other act to maintain his present employment.

(b) Nothing in this Act applies to:

(1) assistant district attorneys, investigators, or other employees of the district attorney, except all investigators and employees of the Criminal District Attorney of Tarrant County who are not licensed to practice law in this State;

(2) the official shorthand reporter of any district or criminal district court.

Dissolution of system

Sec. 11. (a) In any county in which the provisions of this Act have been in effect for one year, on being petitioned by at least 10 percent of the qualified electors of the county, the Commissioners Court shall call an election to determine whether or not the county civil service should be dissolved.

(b) The provisions of Section 5 of this Act shall apply to holding an election under the provisions of this section.

(c) The ballots shall be printed to allow for voting for or against the proposition: "Dissolution of the civil service system."

(d) If the proposition is approved, the Commissioners Court shall declare the results and order the civil service system dissolved. A copy of this order shall be placed in the minutes of the Commissioners Court.

Limitation on elections

Sec. 12. After an election is held in accordance with Section 5 or Section 11 of this Act, a two-year period of time must elapse prior to the calling of another election under either Section 5 or Section 11.

Severability

Sec. 13. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect

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other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 1151, ch. 262, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the creation, establishment, operation, and dissolution of a county civil service system in certain counties; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 1151, ch. 262.

Art. 2372*l*—1. Zoning of portion of Val Verde County surrounding Amistad recreation area

Legislative Finding

Section 1. The Legislature finds as a matter of fact that a portion of Val Verde County surrounding Amistad recreation area is frequented for recreational purposes by citizens from every part of the state and that the orderly development and utilization of this area is a matter of concern to the entire state. The Legislature further finds as a matter of fact that buildings in this area which are frequented for resort or recreation purposes tend to become congested and to be put to uses which interfere with the proper use of the area as a place of recreation, to the detriment of the health, safety, morals, and the general welfare of the public.

Authority of Commissioners Court

Sec. 2. For the purpose of promoting health, safety, peace, morals, and the general welfare of the community, including the recreational use of county land, the Commissioners Court of Val Verde County may regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence, or other purposes, and regulate the placing of water, sewerage, park, and other public requirements for those areas of the county which would be on the lakeward side of the following described boundaries:

BEGINNING at a point on the South side of the Del Rio-Rocksprings Highway near or at the Northeast corner of Survey 38, Block AZ, GC&SF. RY.CO.

THENCE in a Southwesterly direction across Surveys 38, 24, 25, 2, 1, 5 and 65 Block AZ, GC&SF.RY.CO., to the Northeast corner of Survey 15, Block 3, GS&SF.RY.CO.;

THENCE in a Southerly direction with the East lines of Surveys 15, 14, 7, 5 and across Survey 2, Block 3, GC&SF.RY.CO., to a point being the North corner of Survey 579, Kinney County School Land;

THENCE in a Southwesterly direction across Surveys 579, 536 and 575 to the South corner of Survey 575, Kinney County School land;

THENCE in a Southerly direction along the East lines of Surveys 863, 740 and 487 to the Southeast corner of Survey 487 CCSD&RGNG.RY.CO.

THENCE Westerly direction to the Northeast corner of Survey 30, Block 5, GC&SF.RY.CO.:

THENCE Southerly direction with the East lines of Survey 28, Block 5, GC&SF.RY.CO., Survey 30, Block 5, and across Surveys 7 and 4, in Block 1, GC&SF.RY.CO., and across Survey 920 EL & RR Ry. Co., to the South line of Survey 920, E.L.&R.R.RY.CO.;

THENCE in a Westerly direction with the South lines of Surveys 920, 919 E.L.&R.R.RY.CO. and Survey 876 C. E. Stroude, and the South lines of Survey 7, 8, 9, 18 and 16 in Block 5, GC&SF.RY.CO. to a point on the Southeast line of Survey 31 Block 12, I&G.N.RY.CO.;

THENCE in a Southwesterly direction with the Southeast line of said Survey 31, Block 12, to the bank of the Rio Grande River;

THENCE in a Northerly and Northwesterly direction with the bank of the Rio Grande River and the Reservoir of the Amistad Lake to a point on the North Bank of the Rio Grande River near Langtry at a point in the South line of Survey 619 Torres I. & M. Company;

THENCE in a Northerly direction with the East line of the townsite of the town of Langtry as shown by plat of record in Vol. 1 page 70 Map Records of Val Verde County, Texas, to a point about ¾ mile to the South line of U. S. Highway 90;

THENCE in a Southwesterly direction with the South line of U. S. Highway 90 to the Northwest corner of the Langtry townsite;

THENCE in a Southerly direction with the West line of the Langtry townsite to the Rio Grande River;

THENCE in a westerly direction with the Rio Grande River to a point being the Southwest corner of Survey 47, Block S–3 E.L.&R.R.RY.CO.;

THENCE in a Northerly direction with the West line of Survey 47 Block S–3, and the West lines of 124, 125, 126, 95, 94, 71, 54 and 53m, Block D–8 E.L.&R.R.CO., to the South line of the Southern Pacific Railroad;

THENCE in a Southeasterly direction with the South line of the Southern Pacific Railroad to the East line of Survey 84, Block S–2 EL & R.R. Ry. Co.;

THENCE in a Northerly direction with the East lines of Surveys 84, 83, 76 and 75 to the Northwest corner of Survey 77, Block S–2;

THENCE in a Easterly direction with the North lines of Surveys 77, 78, 80, 45 and across Surveys 34, 35, 36, 37, 38 and 39, all in Block S–2, E.L. & R.R. Ry. Co., and across the Pecos River with the North lines of Survey 8 and 34, in Block EG, GC&SF.RY.CO. to the Northeast corner of said Survey 34;

THENCE in the Southerly direction with the East line of Survey 34, and across Surveys 36, 46, 44 Block EG, GC&SF.RY.CO., and across Surveys 4, 3, 2, 1, Block EM, GCSD&RGNG.RY.CO., to the North Line of the Southern Pacific Railroad;

THENCE in an Easterly and Southeasterly direction with the North line of the Southern Pacific Railroad to a point in the West line of Survey 84, Block N, G.H.&S.A.RAILWAY CO.;

THENCE in a Southerly direction with the West lines of Surveys 84 and 83 in Block N, to the Southwest corner of Survey 83;

THENCE in an Easterly direction with the South line of said Survey 83, and continuing Easterly across Blocks N, V–21 and 1, to the Northeast corner of Survey 50½, at a point on the West bank of the Devil's River;

THENCE in an Easterly Northeasterly direction across Devil's River to the place of beginning.

Districts

Sec. 3. For any or all of the purposes set forth in Section 2 of this Act, the commissioners court may divide the area into zoned districts of such number, shape, and area as it may consider best suited to carry out the purposes of this Act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

Purposes in View

Sec. 4. These regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets and roads; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, parks, and other public requirements, and to assist in developing said area into

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parks, playgrounds and places of recreation for the inhabitants of the State of Texas, and other states and nations. In making these regulations the commissioners court shall give reasonable consideration to the character of the district and its peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the area. However, this Act shall not enable the commissioners court to require the removal or destruction of property existing at the time the commissioners court implements the provisions of this Act, nor may the commissioners court limit or otherwise restrict the right of a landowner acting in his own behalf to construct improvements to be used for agricultural purposes, or otherwise use his land for agricultural purposes. However, the commissioners court may limit, restrict, or prohibit any commercial agricultural enterprise such as feed lots.

Zoning Commission

Sec. 5. (a) The commissioners court shall appoint a zoning commission, to be composed of five members, to recommend the boundaries of the various original zoned districts, and appropriate regulations to be enforced therein. The commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the commissioners court shall not hold its public hearings or take action until it has received the final report of the commission. Written notice of all public hearings on proposed changes in classification shall be sent to all owners of property, or to the person rendering the same for county taxes, affected by such proposed changes of classification, and to all owners of property, or to the person rendering the same for county taxes, located within 200 feet of any property affected thereby, within not less than 10 days before any such hearing is held. This notice may be served by depositing a letter, properly addressed and postage paid, containing all necessary information, in the post office.

(b) The zoning commission consists of an ex officio chairman and four additional members. The chairman shall be a public official in Val Verde County, and shall be appointed by the Commissioners Court of Val Verde County to hold a term of office of two years. Initial appointment of the four additional members of the zoning commission shall be made by the commissioners court with members to be assigned terms of one, two, three, and four years. Thereafter, in the event of resignation, end of term, or vacancy occurring in the membership, new members shall be selected by the commissioners court. A vacancy in the office of ex officio chairman shall be filled by appointment of the commissioners court.

(c) The zoning commission may employ a secretary, and an acting secretary, and other technical and clerical help to be paid not in excess of an amount determined by prior order of the commissioners court.

(d) Members of the commission shall receive compensation in the amount of $10 per month, and may also be entitled to expenses actually incurred while serving on the commission in accordance with the provisions of any order entered by the commissioners court to that effect. However, the chairman shall not receive compensation under this subsection if he receives compensation in his capacity as a public official in Val Verde County.

(e) No person may be appointed to, or serve on, the commission after his 70th birthday.

Method of Procedure

Sec. 6. (a) No preliminary report, or proposed order, rule, or regulation of the zoning commission is effective until it has been approved and adopted by the commissioners court.

(b) The commissioners court shall hold a public hearing before adopting any preliminary report or proposed order, rule, or regulation of the zoning commission, and it shall publish public notice of the hearing at least 15 days in advance of the hearing in a newspaper of general circulation in Val Verde County.

(c) A preliminary report, or proposed order, rule, or regulation of the zoning commission may be amended, supplemented, altered, modified, or rejected by a majority vote of the commissioners court. However, in the event of a protest against any such change, signed by the owners of 20 percent or more either of the lots included in the change, or of those immediately adjacent in the rear thereof extending 200 feet therefrom, or from the street frontage of these opposite lots, the change shall not become effective except upon favorable vote of three-fourths of all the members of the commissioners court. The commissioners court shall hold a public hearing after receiving such a protest, and the provisions of public notice set forth in Subsection (b) of this section shall apply to the hearing.

Appeals

Sec. 7. (a) Any person aggrieved, or any officer, department, board, or bureau of Val Verde County, or of any municipality in Val Verde County, may petition the commissioners court for a special exception to any final report, order, rule, or regulation adopted by the commissioners court. The commissioners court shall hold a public hearing on the petition and shall publish public notice of the hearing at least 15 days in advance of the hearing in a newspaper of general circulation in Val Verde County.

(b) The commissioners court may grant any petition for a special exception by majority vote; however, in the event of a protest against the special exception presented at the hearing and signed by the owners of 20 percent or more either of the lots included in the change, or of those immediately adjacent in the rear thereof extending 200 feet therefrom, or or from the street frontage of these opposite lots, the change shall not become effective except upon favorable vote of three-fourths of all the members of the commissioners court.

Enforcement and Remedies

Sec. 8. (a) The commissioners court may provide by order for the enforcement of this Act and of any order or regulation made thereunder. Any person who violates any provision of this Act, or any rule or regulation made pursuant to this Act by the commissioners court, is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $500 nor more than $1,000. Each day that a violation occurs constitutes a separate offense. Trial of offenses under this section shall be in the district court.

(b) In the event any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this Act or any order or other regulation made pursuant to the authority conferred on the commissioners court by this Act, the proper authorities of the county may, in addition to other remedies, institute an appropriate action or proceeding to prevent the unlawful action or use, to restrain, correct, or abate the violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct of business, or other use in or about the premises.

Conflict With Other Laws

Sec. 9. (a) Whenever the regulations made by the commissioners court pursuant to the authority granted in this Act require a greater

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width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards than are required in any other statute or local order or regulation, the provisions of the regulations made pursuant to this Act shall govern.

(b) Wherever the provisions of any other statute or local order or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the regulations made pursuant to this Act, the provisions of the statute or other local order or regulation shall govern.

Inapplicability to Telephone Systems

Sec. 10. The provisions of this Act or of any orders, regulations, or restrictions made or entered under the authority of this Act, shall not apply to the location, construction, maintenance, or use of central office buildings of corporations, firms, or individuals engaged in the furnishing of telephone service to the public, or to the location, construction, maintenance, or use of any equipment in connection with such buildings or as a part of such telephone systems, necessary in the furnishing of telephone service to the public.

Acts 1971, 62nd Leg., p.1125, ch. 250, eff. May 17, 1971.

Title of Act:

An Act relating to zoning and building regulations for certain portions of Val Verde County frequented by citizens from all parts of this state; providing for enforcement and remedies; and declaring an emergency. Acts 1971, 62nd Leg., p. 1125, ch. 250.

Art. 2372p—1. Furnishing counsel and investigative services for indigents accused of crime; counties over 1,500,000

Authority to contract

Section 1. For the purpose of providing timely and effective assistance of counsel to those persons accused of crime and who are financially unable to employ counsel on their own, the Commissioners Court of any county in this State having a population of more than 1,500,000, according to the last preceding federal census, may contract with some already established bar association, nonprofit corporation, nonprofit trust association or any other nonprofit entity (which has for its purpose the providing of timely effective assistance of counsel for the indigent accused of crime) to assist the courts in providing the timely and effective assistance of counsel.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1836, ch. 542, § 81, eff. Sept. 1, 1971.

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Art. 2372r—1. Counties of 100,000 to 120,000; construction, restoration, preservation and maintenance of historical landmarks and buildings

Section 1. This Act applies to any county of this State having a population of not less than 100,000 nor more than 120,000, according to the last preceding federal census.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1820, ch. 542, § 18, eff. Sept. 1, 1971; Acts 1971, 62nd Leg., p. 2374, ch. 735, § 1, eff. Sept. 1, 1971.

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Section 2 of Acts 1971, 62nd Leg., p. 2374, ch. 735, provided that this act takes effect September 1, 1971.

Art. 2372s—1. Regulation of parking in certain courthouse parking lots

Section 1. This Act shall apply in every county having a population of not less than 12,500 nor more than 13,000, and in every county having a population of not less than 14,000 nor more than 14,000, and in every county having a population of not less than 15,000 nor more than 15,340, and in every county having a population of not less than 18,093 nor more than 18,099, and in every county having a population of not less than 27,800 nor more than 28,000, and in every county having a population of not less than 140,000 nor more than 180,000, according to the last preceding federal census.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1844, ch. 542, § 108, eff. Sept. 1, 1971.

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Art. 2372t. Emergency ambulance service in counties of 9,800 to 10,150

Section 1. The commissioners court of any county with a population in excess of 9,800 inhabitants but less than 10,150, according to the last preceding federal census, may provide within the county for emergency ambulance service, including all necessary equipment, personnel, and maintenance for the service.

Sec. 2. In providing for the service required by Section 1 of this Act, a commissioners court may enter into agreements with any city or town, hospital district, sheriff's office or fire department, private ambulance service, or any other agency or entity which the commissioners court finds to be suitably organized to provide efficient emergency ambulance service within the county.

Sec. 3. Any agreement to provide emergency ambulance service within a city, town, or hospital district entered into under Section 2 of this Act shall have the approval of the governing body of the city, town, or hospital district within which the service is to be rendered.

Sec. 4. A commissioners court operating under this Act may expend county funds to defray the expense of the establishment, operation, and maintenance of emergency ambulance service within the county, whether such service is provided directly by the county or by agreement with some other governmental agency or private entity.

Sec. 5. A commissioners court providing for emergency ambulance service under this Act shall establish reasonable fees for the service. The charging and collection of fees established may be done either by the commissioners court or by any other agency or entity performing the service. Special provision may be made for the rendering of emergency ambulance service to indigent persons.

Acts 1971, 62nd Leg., p. 2417, ch. 766, eff. June 8, 1971.

Title of Act:

An Act relating to allowing the commissioners courts of certain counties to provide for emergency ambulance service within those counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 2417, ch. 766.

TITLE 45—COURTS—JUSTICE

CHAPTER ONE—JUSTICES AND JUSTICE COURTS

Art. 2386. [2293-4-5-7] Other powers

Justices of the peace shall also have power:

1. To issue writs of attachment, garnishment and sequestration within their jurisdiction, the same as judges and clerks of the district and county courts.

3. To proceed with all unfinished business of his office in like manenumerated that are or may be cognizable before a justice of the peace under any law of this State.

3. To proceed with all unfinished business of his office in like manner as if such business had been originally commenced before him.

Amended by Acts 1971, 62nd Leg., p. 2535, ch. 831, § 4, eff. Aug. 30, 1971.

TITLE 46—CREDIT ORGANIZATIONS

1. CREDIT UNIONS [NEW]

Art. 2461—30. Supervision fees

(a) Not later than January 31, 1972, each credit union shall pay to the Credit Union Commissioner, for the preceding calendar year, a supervision fee based upon its assets as of December 31 of each preceding year.

(b) The Credit Union Commissioner, after securing approval of the Credit Union Commission, shall before December 31 of each year, notify each credit union of the amount of supervision fee due not later than January 31 of the succeeding year. The amount of the supervision fees collected and the amount of the total fees collected shall not be in excess of the amount determined by the Credit Union Commission as necessary for the operation of the Credit Union Department for the succeeding year.

Acts 1969, 61st Leg., p. 540, ch. 186, eff. May 13, 1969. Amended by Acts 1971, 62nd Leg., p. 1070, ch. 223, § 1, eff. May 17, 1971.

Art. 2461—32. Examinations

* * * * * * * * * * *

(c) For the purpose of such examinations each credit union shall pay an examination fee based upon the cost of performing the examination and to bear a proportionate share of the expenses of the Credit Union Department, in accordance with schedules adopted by the Credit Union Commissioner after approval has been secured from the Credit Union Commission.

Acts 1969, 61st Leg., p. 540, ch. 186, eff. May 13, 1969. Subd. (c) amended by Acts 1971, 62nd Leg., p. 1070, ch. 223, § 2, eff. May 17, 1971.

TITLE 47—DEPOSITORIES

CHAPTER ONE—STATE DEPOSITORIES

Art. 2526. 2418 Notice to banks

The Treasurer on the second Tuesday in September of each odd numbered year shall mail to each private, State, and National Bank doing business in this state, a circular letter, stating the conditions to be complied with by applicants for designation as a state depository. The Treasurer shall keep on file in his office for the inspection of any person desiring to see the same a list of the banks to which letters have been sent. Designation of depositories shall be for a period of two years' time. If it develops that more depositories are required at any time, the Board may send out notices to all private, State, and National Banks notifying them that further application for funds for the unexpired term will be accepted, or additional funds allotted to existing depositories upon application therefor. Said additional depositories shall comply with the same rules and conditions regarding all other depositories.
Amended by Acts 1971, 62nd Leg., p. 3057, ch. 1017, § 1, eff. June 15, 1971.

Art. 2527. 2419 Application for deposits

The application of the bank applying for State funds shall state its amount of paid up capital stock and permanent surplus, or in the instance of a private bank, the amount of net proprietorship, and the maximum of State funds it will accept, accompanying same with a statement of the Bank's condition at the date of said application. Such application shall contain a provision that the books and accounts of such bank, if designated as a State Depository, shall be open at all times to the inspection of the Board, any member or any accredited representative thereof. All such applications shall be mailed to the Treasurer at Austin in time to reach his office on or before noon of the fifteenth day of October next succeeding. Applications received after said date may be considered at the option of the Board.
Amended by Acts 1971, 62nd Leg., p. 3057, ch. 1017, § 2, eff. June 15, 1971.

Art. 2528. 2420 Acceptance

When the Treasurer receives such application, he shall endorse thereupon the date of its receipt, and shall in November prepare three (3) lists giving the names of all applicants for funds and the amount applied for. One list shall be furnished each member of the Board. The Board shall meet on the first Monday in November thereafter, and consider said applications, giving approval to those applicants that are acceptable, and having the power to reject those whose management or condition, in the opinion of the Board, does not warrant the placing of State funds in their possession. Any private, State, or National Bank doing business in this state may be accepted. No application for State funds shall be granted to any bank whose liabilities for borrowed money are in excess of its capital stock, but the Board may in its discretion, waive this provision.
Amended by Acts 1971, 62nd Leg., p. 3058, ch. 1017, § 3, eff. June 15, 1971.

Art. 2543c. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Prior to repeal, this article was amended by Acts 1967, 60th Leg., p. 1092, ch. 481, § 1.

For Annotations and Historical Notes, see V.A.T.S.

CHAPTER TWO—COUNTY DEPOSITORIES

Art. 2546a. Political subdivisions; designation of outstate depository; prohibition

No governing body of a political subdivision of the State of Texas, including counties, municipalities, school districts, and other districts, may designate a financial institution located outside the State as a depository for funds under its jurisdiction; however, any institution selected as a paying agent for specific bonds or obligations shall not be considered a depository as set forth herein.

Acts 1971, 62nd Leg., p. 1240, ch. 305, eff. May 24, 1971.

Title of Act:

An Act prohibiting the governing bodies of political subdivisions of the State of Texas from designating financial institutions located outside the State as depositories for funds under their jurisdiction; exempting paying agents from this prohibition; and declaring an emergency. Acts 1971, 62nd Leg., p. 1240, ch. 305.

CHAPTER THREE—CITY DEPOSITORIES

Art. 2559. 2454 Council to take applications for depository

The governing body of every city, town and village in the State of Texas, incorporated under either the General or Special Laws, including those operating under special charter or amendments of charter adopted pursuant to the 'Home Rule' provisions of the Constitution, is authorized to receive applications for the custody of city funds from any banking corporation, association or individual banker that may desire to be selected as a depository of the city, town or village. The school funds, from whatever source derived of incorporated cities, is part of the city funds and is subject to the provisions of this Act. Notice that such applications will be received shall be published by the City Secretary not less than one (1) nor more than four (4) weeks before said meeting in some newspaper published in that city. Any banking corporation, association or individual banker desiring to apply to be designated as a depository of the funds of such city, town, or village shall deliver to the city secretary on/or before the day of such meeting designated by such published notice, its application for such funds, provided, however, that if any city has two or more banking institutions doing business within the city, the city shall consider bids and applications from only those institutions.

Amended by Acts 1971, 62nd Leg., p. 3047, ch. 1008, § 1, eff. Aug. 30, 1971.

TITLE 49—EDUCATION—PUBLIC

CHAPTER ONE—UNIVERSITY OF TEXAS

1. BOARD OF REGENTS

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2584 to 2585d. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Art. 2585e. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of section 1 of art. 2585e relating to the general powers and duties of the board of regents, enacted by Acts 1971, 62nd Leg., p. 3408, (Sec. 1, H.B. No. 474) ch. 1040, § 1, eff. Aug. 30, 1971, were incorporated in V.T.C.A. Education Code, § 65.31 by Acts 1971, 62nd Leg., p. 3360, ch. 1024, art. 2, § 37.

The provisions of section 2 of art. 2585e relating to the operation of the University of Texas at Arlington, enacted by Acts 1971, 62nd Leg., p. 3408, (Sec. 2, H.B. No. 474) ch. 1040, § 2, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3360, ch. 1024, art. 2, § 38, as V.T.C.A. Education Code, § 68.03.

The provisions of section 3 of art. 2585e relating to an instructional program in marine science at the University of Texas Marine Science Institute at Port Aransas, enacted by Acts 1971, 62nd Leg., p. 3408, (Sec. 3, H.B. No. 474) ch. 1040, § 3, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3361, ch. 1024, art. 2, § 39, as V.T.C.A. Education Code, § 67.62.

The provisions of section 4 of art. 2585e relating to an instructional program in astronomy at the University of Texas McDonald Observatory at Mount Locke, enacted by Acts 1971, 62nd Leg., p. 3408, (Sec. 4, H.B. No. 474) ch. 1040, § 4, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3361, ch. 1024, art. 2, § 40, as V.T.C.A. Education Code, § 67.52.

Art. 2586. Repealed by Acts 1971, 62nd Leg., p. 3320, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Arts. 2588 to 2589f. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

2. FUNDS AND PROPERTIES

Arts. 2590 to 2591a. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Art. 2591b. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2591b requiring reports on investments and income from the Permanent University Fund, enacted by Acts 1971, 62nd Leg., p. 1609, (H.B. No. 1198) ch. 442, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3347, ch. 1024, art. 2, § 20, as V.T.C.A. Education Code, § 66.05.

Arts. 2592 to 2603b—1. Repealed by Acts 1971, 62nd Leg., p. 3320, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Repealed article 2593a was renumbered as article 5348a by Acts 1971, 62nd Leg., p. 3007, ch. 994, § 16(b).

Art. 2603b—3. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2603b—4. Conveyance of tract to political subdivisions in El Paso County; special events center and related facilities; joint use; easements

Section 1. (a) The Board of Regents of The University of Texas System is hereby authorized to enter into a contract with any political subdivision of the State of Texas located in El Paso County for the conveyance to the political subdivision of a tract or tracts of land owned by The University of Texas at El Paso, a component institution of The University of Texas System, for the purpose of construction by the political subdivision at its own expense of a special events center and related facilities, including parking areas and access roads.

(b) The conveyance shall provide that title to the tract of land shall revert to the Board of Regents of The University of Texas System if the special events center and related facilities are abandoned permanently, and the conveyance shall contain such other consideration as may be mutually agreeable to the Board of Regents of The University of Texas System and the political subdivision.

Sec. 2. The Board of Regents of The University of Texas System is further authorized to contract with the political subdivision for the joint use of the special events center and related facilities by The University of Texas at El Paso and the political subdivision under terms and for considerations as may be mutually agreeable to the parties. The Board of Regents of The University of Texas System is further authorized to grant easements for rights-of-way to provide adequate ingress and egress by the public in using the special events center and related facilities.

Sec. 3. The Board of Regents of The University of Texas System and the political subdivision with whom the Board of Regents of The

University of Texas System may contract are hereby authorized to execute and deliver all instruments, including a deed of conveyance and a contract of use, and do all things necessary to carry out the purpose and intent of this Act.

Acts 1967, 60th Leg., p. 1224, ch. 553, eff. Aug. 28, 1967. Amended by Acts 1971, 62nd Leg., p. 883, ch. 114, § 1, eff. May 7, 1971.

Sections 2 and 3 of the 1971 amendatory act provided:

"Sec. 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

"Sec. 3. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only."

Art. 2603c. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Arts. 2603d to 2603f—2. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Art. 2603f—2.1. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2603f–2.1 authorizing the establishment of a Division of Communicative Disorders, enacted by Acts 1971, 62nd Leg., p. 2861, (S.B.No. 918) ch. 939, eff. June 15, 1971, were codified by Acts 1971, 62nd Leg., p. 3351, ch. 1024, art. 2, § 26, as V.T.C.A. Education Code, § 73.157.

Art. 2603f—3. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2603f—4. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2603f–4 authorizing an environmental science park, enacted by Acts 1971, 62nd Leg., p. 104, (S.B.No. 278) ch. 55, eff. April 12, 1971, were codified by Acts 1971, 62nd Leg., p. 3336, ch. 1024, art. 2, § 2, as V.T.C.A. Education Code, § 65.40.

Arts. 2603g, 2603h. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

3. GENERAL PROVISIONS

Arts. 2604. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2606. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Arts. 2606b to 2606c—2.1. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Art. 2606c—2.2. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2606c–2.2 authorizing the establishment of the University of Texas Nursing School (System-Wide), enacted by Acts 1971, 62nd Leg., p. 1645, (S.B.No.337) ch. 461, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3346, ch. 1024, art. 2, § 19, as V.T.C.A. Education Code, §§ 74.401 to 74.404.

Arts. 2606c—3 to 2606d. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

CHAPTER TWO—TEXAS A & M UNIVERSITY

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2607 to 2613a—9. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Arts. 2613a—11 to 2615c. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Article 2615b was amended by Acts 1971, 62nd Leg., p. 2865, ch. 943, § 1, eff. Aug. 30, 1971, which act was repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48. The amendment was codified by Acts 1971, 62nd Leg., p. 3348, ch. 1024, art. 2, § 22, as V.T.C.A. Education Code, § 87.206.

Art. 2615d. Repealed by Acts 1971, 62nd Leg., p. 1905, ch. 570, § 2, eff. Sept. 1, 1971; Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2615d—1. Kimble County Adjunct; transfer to Texas Tech University

The Kimble County Adjunct of Texas A & M University, the land on which it is located, and its buildings, equipment, and facilities are transferred to Texas Tech University for use in connection with the educational activities of Texas Tech University as determined by its board of regents, provided, however, that Texas A & M University shall have the right and duty to complete its current pecan research on the property being transferred.

Acts 1971, 62nd Leg., p. 1905, ch. 570, § 1, eff. Sept. 1, 1971.

Section 2 of the 1971 act repealed article 2615d and section 3 provided that this act takes effect on September 1, 1971.

Art. 2615e. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2615e—1. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2615e–1 establishing a Real Estate Research Center, enacted by Acts 1971, 62nd Leg., p. 1140, (S.B. No.338) ch. 256, §§ 1 to 5, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3342, ch. 1024, art. 2, § 12, as V.T.C.A. Education Code, §§ 86.51 to 86.55.

Art. 2615f. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2615f.1. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2615f.1 authorizing student center complex fees, enacted by Acts 1971, 62nd Leg., p. 819, (S.B.No. 573) ch. 88, eff. April 28, 1971, were codified by Acts 1971, 62nd Leg., p. 3337, ch. 1024, art. 2, § 4, as V.T.C.A. Education Code, § 86.23.

Articles 2615f—1 to 2615f—1b. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

ARTICLE 2615f–1a

The 1971 amendatory act was repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, which amendment was incorporated in V.T.C.A. Education Code, § 135.02(a), (c) by Acts 1971, 62nd Leg., p. 3341, ch. 1024, art. 2, § 10.

For Annotations and Historical Notes, see V.A.T.S.

CHAPTER TWO A—UNIVERSITY OF HOUSTON

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Art. 2615g. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2615h. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2615h establishing the University of Houston at Clear Lake City, enacted by Acts 1971, 62nd Leg., p. 2339, (H.B.No.199) ch. 708, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3348, ch. 1024, art. 2, § 23, as V.T.C.A. Education Code, §§ 111.81 to 111.85.

CHAPTER THREE—TARLETON STATE COLLEGE

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2616 to 2619. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

CHAPTER THREE A—PAN AMERICAN UNIVERSITY

Art.
2619b. Change of name [New].

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the repealed subject matter of this chapter, see the Table following V.T.C.A. Education Code.

Art. 2619a. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2619b. Change of name

Section 1. Repealed by Acts 1971, 62nd Leg., p. 3321, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971.

Sec. 2. Wherever the name Pan American College or any reference thereto appears in the Constitution or Statutes of this State, such name and such reference shall hereafter mean and apply to Pan American University in order to conform to the new name of the university as provided in Section 1 hereof. All appropriations and benefits to Pan American College shall be available to and apply to Pan American University, and all contracts, bonds, or other debentures effected under its old name shall be likewise applicable to such university under its new name.
Acts 1971, 62nd Leg., p. 3, ch. 3, eff. Feb. 18, 1971.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing section 1 of this article, enacts Title 3 of the Texas Education Code.
Section 1 of this article provided: "The name of Pan American College, located at Edinburg, Texas, is hereby changed to Pan American University."

Title of Act:
An Act changing the name of Pan American College to Pan American University; and declaring an emergency. Acts 1971, 62nd Leg., p. 3, ch. 3.

CHAPTER FOUR—THE UNIVERSITY OF TEXAS AT ARLINGTON

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2620 to 2623a. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

CHAPTER FOUR A—THE UNIVERSITY OF TEXAS DENTAL BRANCH AT HOUSTON

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2623b—1 to 2623b—6. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

CHAPTER FOUR B—MIDWESTERN UNIVERSITY AT WICHITA FALLS

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2623c—1 to 2623c—9. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

CHAPTER FIVE—TEXAS WOMAN'S UNIVERSITY AND TEXAS A & I UNIVERSITY

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Articles 2624 to 2628e. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles enacts Title 3 of the Texas Education Code.

Art. 2628f. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2628f establishing Texas A & I University at Corpus Christi enacted by Acts 1971, 62nd Leg., p. 2706 (H.B. No. 275) ch. 882, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3349, ch. 1024, art. 2, § 24, as V.T.C.A. Education Code, §§ 104.91 to 104.93.

CHAPTER SIX—TEXAS TECH UNIVERSITY

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2629 to 2632e. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Arts. 2632g to 2632i. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

CHAPTER SEVEN—THE UNIVERSITY OF TEXAS AT EL PASO

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2633 to 2637. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

CHAPTER SEVEN A—LAMAR UNIVERSITY

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2637a to 2637h. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Prior to repeal, article 2637a was amended by Acts 1971, 62nd Leg., p. 865, ch. 105, eff. Aug. 23, 1971, which added sections 1a and 1b reading as follows: "Section 1a. The name of Lamar State College of Technology is changed to Lamar University.

"Section 1b. The Board of Regents is authorized at its discretion to adopt an official seal."

Art. 2637h—1. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2637h–1 authorizing a student center fee, enacted by Acts 1971, 62nd Leg., p. 952 (H.B. No. 787) ch. 162, eff. May 11, 1971, were codified by Acts 1971, 62nd Leg., p. 3344, ch. 1024, art. 2, § 14, as V.T.C.A. Education Code, § 108.-37.

Arts. 2637i, 2637j. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

For Annotations and Historical Notes, see V.A.T.S.

Art. 2637k. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2637k authorizing an educational center at Lamar University, enacted by Acts 1971, 62nd Leg., p. 1164 (H.B. No. 130) ch. 269, eff. May 19, 1971, were codified by Acts 1971, 62nd Leg., p. 3340, ch. 1024, art. 2, § 9, as V.T.C.A. Education Code, § 108.36.

CHAPTER EIGHT—TEXAS SOUTHERN UNIVERSITY AND THE PRAIRIE VIEW AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2638 to 2643. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Arts. 2643b to 2643f—1. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Art. 2643g—1. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

CHAPTER NINE—STATE COLLEGES AND UNIVERSITIES

1. GENERAL PROVISIONS

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2644 to 2647b. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Art. 2647b—1. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2647b–1 authorizing campus street closings, enacted by Acts 1971, 62nd Leg., p. 674 (S.B. No. 318) ch. 60, eff. April 14, 1971, were codified by Acts 1971, 62nd Leg., p. 3338, ch. 1024, art. 2, § 5, as V.T.C.A. Education Code, § 51.904.

Arts. 2647c to 2647i. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

ARTICLE 2647c-2

This repealed article related to faculty development leaves of absence, and was derived from Acts 1967, 60th Leg., p. 876, ch. 380; Acts 1969, 61st Leg., p. 506, ch. 172, § 1; and Acts 1971, 62nd Leg., p. 2918, (Sec. 1, H.B. No. 514) ch. 968, § 1, eff. June 15, 1971.

The 1971 amendatory act was repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, which amendment was incorporated in V.T.C.A. Education Code, § 55.105 by Acts 1971, 62nd Leg., p. 3351, ch. 1024, art. 2, § 27.

Sections 2 and 3 of Acts 1971, 62nd Leg., p. 2918, (Secs. 2 and 3, H.B. No. 514) ch. 968 were codified by Acts 1971, 62nd Leg., p. 3352, ch. 1024, art. 2, § 28, as V.T.C.A. Education Code, § 51.108.

2. SAM HOUSTON STATE UNIVERSITY

Arts. 2648 to 2649. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Arts. 2650a, 2650b. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

3. NORTH TEXAS STATE UNIVERSITY

Arts. 2651 to 2651b. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Article 2651a was amended by Acts 1971, 62nd Leg., p. 1259 (S.B. No. 772) ch. 317, § 1, eff. May 24, 1971, which act was repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48. The amendment was incorporated in V.T.C.A. Education Code, § 105.13 by Acts 1971, 62nd Leg., p. 3345, ch. 1024, art. 2, § 17.

Arts. 2653, 2653a. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Art. 2653b. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2653b authorizing a student union fee, enacted by Acts 1971, 62nd Leg., p. 904, (H.B. No. 214) ch. 130, eff. May 10, 1971, were codified by Acts 1971, 62nd Leg., p. 3336, ch. 1024, art. 2, § 3, as V.T.C.A. Education Code, § 105.43.

4. SOUTHWEST TEXAS STATE UNIVERSITY

Arts. 2654, 2654.1. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024 repealing these articles, enacts Title 3 of the Texas Education Code.

For Annotations and Historical Notes, see V.A.T.S.

5. ANGELO STATE UNIVERSITY

Arts. 2654.2, 2654.3. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

6. TYLER STATE COLLEGE

Art. 2654.4. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2654.4 establishing Tyler State College, enacted by Acts 1971, 62nd Leg., p. 2702, (S.B. No. 419) ch. 880, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3358, ch. 1024, art. 2, § 36, as V.T.C.A. Education Code, §§ 113.01 to 113.36.

CHAPTER NINE A—TUITION AND CONTROL OF FUNDS OF STATE INSTITUTIONS

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2654a to 2654b—1. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Art. 2654b—2. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2654b–2 exempting firemen enrolled in fire science courses from fees, enacted by Acts 1971, 62nd Leg., p. 1375, (H.B. No. 398) ch. 362, eff. May 25, 1971, were codified by Acts 1971, 62nd Leg., p. 3345, ch. 1024, art. 2, § 16, as V.T.C.A. Education Code, § 54.208.

Arts. 2654c to 2654f—3. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024 repealing these articles, enacts Title 3 of the Texas Education Code.

ARTICLE 2654c

Acts 1971, 62nd Leg., p. 2898, ch. 958, § 2. Acts 1971, 62nd Leg., p. 1745 (Secs. 1–4, H.B.No.43) ch. 511, §§ 1–4, eff. Aug. 15, 1971, was repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, which by art. 2, § 29, incorporated the amendments of chapter 511 into V.T.C.A. Education Code, §§ 54.051, 54.054, 54.057 and 54.101.

As amended by Acts 1971, 62nd Leg., p. 2898, ch. 958, § 2, eff. Aug. 15, 1971, subsections (a) (1) and (7) of section 1 of this article read:

"(1) Tuition for resident students, except as otherwise hereinafter provided, is Four Dollars ($4) per semester credit hour, but the total of such charge shall be not less than Fifty Dollars ($50) per semester or twelve (12) week summer session, and not less than Twenty-five Dollars ($25) per six (6) week summer term.

"(7) Tuition for students who are citizens of any country other than the United States of America is Fourteen Dollars ($14) per semester credit hour, but the total of such charge shall be not less than Two Hundred Dollars ($200) per semester or twelve (12) week summer session, and not less than One Hundred Dollars ($100) per six (6) week summer term."

Art. 2654f—4. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2654f–4 exempting children of prisoners of war or persons missing in action from tuition and fees, enacted by Acts 1971, 62nd Leg., p. 2405, (H.B.No.548) ch. 755, eff. June 8, 1971, were codified by Acts 1971, 62nd Leg., p. 3356, ch. 1024, art. 2, § 33, as V.T.C.A. Education Code, § 54.209.

Art. 2654g. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The 1971 amendatory act was repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, which amendment was incorporated into V.T.C.A. Education Code, §§ 52.35, 52.38 and 52.54 by Acts 1971, 62nd Leg., p. 3339, art. 2, § 7.

Art. 2654h. Tuition equalization grants for students of certain private colleges and universities

Authorization

Section 1. In order to provide the maximum possible utilization of existing educational resources and facilities within this State, both public and private, the Coordinating Board, Texas College and University System, is authorized to provide tuition equalization grants to Texas residents enrolled in any approved private Texas college or university, based on student financial need, but not to exceed a grant amount of more than that specified in the appropriation by the Legislature.

Approval of institutions; regulations; application of appropriation riders

Sec. 2. (a) The coordinating board shall approve only such private or independent colleges, universities, associations, agencies, institutions, and facilities as are located within this State, which meet program standards and accreditation comparable to public institutions as determined by the board.

(b) The coordinating board shall make such regulations as may be necessary to insure compliance with the Civil Rights Act of 1964, Title VI (Public Law 88–352) [1] in regard to nondiscrimination in admissions or employment.

(c) Those riders in the General Appropriations Act that apply to expenditure of state funds at state-supported colleges and universities shall also apply to expenditure of State funds at any college or university which any student receiving aid under this Act may attend.

1 42 U.S.C.A. § 2000a et seq.

Eligibility

Sec. 3. To be eligible for a tuition equalization grant, a person must:

(a) be a Texas resident as defined by the coordinating board; provided, however, the person must meet, at a minimum, the resident requirements as defined by law for Texas resident tuition in fully state-supported institutions of higher education;

(b) be enrolled as a full time student in an approved college or university;

(c) be required to pay more tuition than is required at a public college or university;

(d) establish financial need in accordance with procedures and regulations of the coordinating board;

(e) not be a recipient of any form of athletic scholarship;

(f) have complied with other requirements adopted by the coordinating board under this Act.

Benefiting institutions subject to laws

Sec. 4. Any college or university receiving any benefit under the provisions of this Act, either directly or indirectly, shall be subject to all present or future laws enacted by the Legislature.

For Annotations and Historical Notes, see V.A.T.S.

Amount of grant; certification; payment

Sec. 5. On receipt of a student application, enrollment report, and certification of the amount of financial need from an approved institution, the coordinating board shall certify the amount of the tuition equalization grant based on financial need but not to exceed a grant amount of more than that specified in the appropriation by the Legislature, or more than the difference between the tuition at the private institution attended and the tuition at public colleges and universities. The proper amount of the tuition grant shall be paid to the student through the college or university in which he is enrolled. In no event shall a tuition equalization grant paid pursuant to this Act exceed the sum of six hundred dollars ($600) in behalf of any student during any one fiscal year.

Application to students

Sec. 6. This Act applies to freshmen (first year) students beginning in the fall semester of 1971; to freshmen and sophomores in 1972; to freshmen, sophomores, and juniors in 1973; and to all students attending approved private institutions in 1974 and thereafter.

Regulations; distribution of copies

Sec. 7. (a) The coordinating board may make reasonable regulations, consistent with the purposes and policies of this Act, to enforce the requirements, conditions, and limitations expressed in this Act.

(b) The coordinating board shall make such regulations as may be necessary to comply with the provisions of Article I, Section 7, Article III, Section 51, and other parts of the Texas Constitution.

(c) The coordinating board shall distribute copies of all regulations adopted pursuant to this Act to each eligible institution.

Severability

Sec. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the valid provision or application, and to this end the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 2529, ch. 828, eff. Aug. 30, 1971.

Title of Act:

An Act relating to tuition equalization grants for students of certain private colleges and universities in Texas; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 2529, ch. 828.

CHAPTER NINE B—ADMINISTRATION OF PUBLIC FREE SCHOOLS

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Art. 2654—1d to 2654—1f. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

Article 2654-1d provided that English shall be the basic language and authorized bilingual instruction, and was derived from Acts 1969, 61st Leg., p. 871, ch. 289. See, now, V.T.C.A. Education Code, § 21.109.

Art. 2654—1g. Advisory council for study of problems of children with learning disabilities

* * * * * * * * * * *

Sec. 3.

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(h) The Council shall report to the 63rd Legislature its findings and recommendations concerning the establishing of diagnostic and treatment facilities for children with learning disabilities throughout the State of Texas.

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Sec. 4.

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(b) The Agency, with the advice and consent of the Council, shall establish experimental diagnostic facilities in school districts capable of operating such facilities.

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(d) The Agency may make the necessary agreements and contracts to establish the experimental diagnostic facilities in (b) of this section.

* * * * * * * * * * *

Sec. 5. The commissioner shall transmit to the 63rd Legislature projections of the money required to support the recommendations of the Council in Section 3, Subsection (h) of this Act.

Sec. 6. The Council created by this Act ceases to exist at midnight August 31, 1974.

Acts 1969, 61st Leg., 2nd C.S., p. 187, ch. 30, eff. Sept. 19, 1969; Sec. 3(h) amended by Acts 1971, 62nd Leg., p. 2500, ch. 821, § 1, eff. June 8, 1971; Secs. 4(b), (d), 5, 6 amended by Acts 1971, 62nd Leg., p. 2500, ch. 821, §§ 2, 3, 4, 5 eff. June 8, 1971.

Art. 2654—3f. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54 (2), eff. May 26, 1971

Art. 2654—8. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54 (2), eff. May 26, 1971

CHAPTER TEN—STATE DEPARTMENT OF EDUCATION

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

1. STATE SUPERINTENDENT

Art. 2663. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(1), eff. Aug. 30, 1971

Arts. 2663b—1, 2663b—2. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these Articles, enacts Title 3 of the Texas Education Code.

2. STATE BOARD

Art. 2670. Renumbered as art. 709d by Acts 1971, 62nd Leg., p. 3007, ch. 994, § 16(a), eff. Aug. 30, 1971

Art. 2675b—7. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17 (3), eff. Aug. 30, 1971

5. REHABILITATION

Arts. 2675*l* to 2675n. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

For Annotations and Historical Notes, see V.A.T.S.

CHAPTER ELEVEN—COUNTY SCHOOLS

1. TRUSTEES

2. SUPERINTENDENT

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

1. TRUSTEES

Art. 2676a. Election of county board of school trustees in counties of 100,000 to 200,000

Section 1. From and after the effective date of this Act in any county in this State having a population of not less than one hundred thousand (100,000) and not more than one hundred twenty thousand (120,000), according to the last preceding federal census, the general management and control of the public free schools and high schools in each county unless otherwise provided by law shall be vested in five (5) county school trustees elected from the county, one of whom shall be elected from the county at large by the qualified voters of the county and one from each commissioners precinct by the qualified voters of each commissioners precinct, who shall hold office for a term of two (2) years. The time for such election shall be the first Saturday in April of each year; the order for the election of county school trustees to be made by the County Judge at least thirty (30) days prior to the date of said election, and which order shall designate as voting places or places at which votes are cast for the district trustees of said common and independent school districts, respectively. The election officers appointed to hold the election for district trustees in each of said school districts, respectively, shall hold this election for county school trustees.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1833, ch. 542, § 71, eff. Sept. 1, 1971.

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Art. 2676b. Election of county-wide district trustees in counties of 4,400 to 4,675

This Act applies to a county-wide school district in a county having a population of more than 4,400 and less than 4,675 according to the last preceding federal census. The Board of Trustees may order that the trustees of the district shall run at large in the county. If the Board orders that its members shall run at large, each position shall be filled by election from the county at large upon expiration of the current term of office.
Acts 1965, 59th Leg., p. 456, ch. 233, eff. Aug. 30, 1965. Amended by Acts 1971, 62nd Leg., p. 1818, ch. 542, § 8, eff. Sept. 1, 1971.

Art. 2676c. Election of county school trustees in counties of 1,500,000, or more

Elections for county school trustees in certain counties

Section 1. This Act applies to the elections for county school trustees in all counties having a population of 1,500,000 or more, according to the last preceding federal census.

Acts 1965, 59th Leg., p. 1291, ch. 595, eff. Aug. 30, 1965. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1817, ch. 542, § 3, eff. Sept. 1, 1971.

* * * * * * * * * * *

Art. 2687e. Compensation of trustees; counties of 97,500 to 100,000

In all counties in Texas having a population of not less than 97,500 and not more than 100,000, according to the last preceding federal census, each trustee shall be paid $12 per day, but not to exceed $720 in any one year, in the same manner and for the same purposes as trustees are paid under Section 17.09, Texas Education Code.
Acts 1971, 62nd Leg., p. 1847, ch. 542, § 122, eff. Sept. 1, 1971.

Art. 2687f. Compensation of trustees; counties of 20,500 to 20,800

In all counties in Texas having a population of not less than 20,500 nor more than 20,800, according to the last preceding federal census, each trustee shall be paid $15 per day but not to exceed $225 in any one year, in the same manner and for the same purposes as trustees are paid under Section 17.09, Texas Education Code.
Acts 1971, 62nd Leg., p. 1848, ch. 542, § 123, eff. Sept. 1, 1971.

2. SUPERINTENDENT

Art. 2688f. Counties of 60,000 to 66,000; county superintendent; abolition of office; transfer of duties

Section 1. No county having a population of more than 60,000 and less than 66,000 according to the last preceding federal census shall have an office of county superintendent. The duties formerly performed by a county superintendent in any such county shall be performed by the County Judges of such counties.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 1825, ch. 542, § 37, eff. Sept. 1, 1971.

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For Annotations and Historical Notes, see V.A.T.S.

Art. 2688h. Counties of 110,000 to 124,000 and 150,000 to 170,000; county superintendent and board of trustees; abolition of offices; transfer of duties; assistants to county judge

(a) From and after May 1, 1962, 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 a population of not less than one hundred ten thousand (110,000) and not more than one hundred twenty-four thousand (124,000) according to the last preceding federal census which has not more than one (1) common school district and whose county ad valorem evaluation is in excess of One Hundred Forty Million Dollars ($140,000,000); provided, however, that the county superintendents in such counties who have been heretofore elected or appointed to the office of county superintendent shall serve until the expiration of the term for which they were elected or appointed. The duties now performed by the board of school trustees and county superintendents in such counties shall be performed by the County Judges of such counties; provided further, that said County Judges shall not be entitled to nor receive any additional compensation as a result of these additional duties.

(b) From and after May 1, 1962, 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 a population of not less than one hundred fifty thousand (150,000) and not more than one hundred seventy thousand (170,000) according to the last preceding federal census which has no common school district and whose county ad valorem evaluation is in excess of Two Hundred Fifty Million Dollars ($250,000,000); provided, however, that the county superintendents in such counties who have been heretofore elected or appointed to the office of county superintendent shall serve until the expiration of the term for which they were elected or appointed. The duties now performed by the board of school trustees and county superintendents in such counties shall be performed by the County Judges of such counties; provided further, that said County Judges may receive additional compensation as a result of these additional duties from county funds, but in any event not to exceed Two Thousand Six Hundred Fifty Dollars ($2,650) per annum.

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Subsec. (c) added by Acts 1969, 61st Leg., p. 2461, ch. 826, § 1, eff. Sept. 1, 1969; Subsecs. (a), (b), amended by Acts 1971, 62nd Leg., p. 1840, ch. 542, § 98, eff. Sept. 1, 1971.

Art. 2688h—1. Counties of 11,800 to 11,875; county superintendent and board of trustees; abolition of offices; transfer of duties

Section 1. No county having a population of more than 11,800 and less than 11,875 according to the last preceding federal census shall have the offices of county board of school trustees and county superintendent.

Sec. 2. (a) All duties and functions, except as hereinafter provided, that were formerly required by law of the office of the county school superintendent shall be performed by the superintendents of the independent school districts; and all the duties that were formerly required by law of the county board of school trustees shall be performed by the elected Boards of Trustees of the independent school districts.

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Acts 1967, 60th Leg., p. 109, ch. 54, eff. Aug. 28, 1967. Secs. 1, 2(a) amended by Acts 1971, 62nd Leg., p. 1824, ch. 542, § 33, eff. Sept. 1, 1971.

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Art. 2688i. Counties of 300,000 to 500,000; county superintendent and school board; abolition of offices; transfer of duties

Section 1. The duties formerly performed by county superintendents and county school boards in all counties in this State having a population of not less than three hundred thousand (300,000) nor more than five hundred thousand (500,000), according to the last preceding federal census, shall be performed by the County Judges of such counties, and the offices of county superintendent and county school board, as such, shall not exist.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1834, ch. 542, § 74, eff. Sept. 1, 1971.

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Art. 2688i—1. County superintendents, ex officio county superintendents and county boards of education; abolition of offices in certain counties; transfer of duties

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Sec. 5. The provisions of this Act shall not apply to counties having a population of not less than 4,600 and not more than 4,690 and to counties having a population of not less than 18,093 and not more than 18,099 according to the last preceding federal census.

Sec. 6. No county having a population of more than 22,720 and less than 23,000 according to the last preceding federal census, shall have the offices of county school superintendent, ex officio county school superintendent, and county board of education.

All duties and functions, except as hereafter provided, that are otherwise required by law of the office of county school superintendent or ex officio county school superintendent governed by this section shall be performed by the superintendents of the independent and rural high school districts, and all duties that may otherwise be required by law of the county board of education governed by this section shall be performed by the elected Board of Trustees of such independent and rural high school districts, except that the County Judge shall, without pay from the State of Texas, continue to approve or disapprove application for school transfers. The Commissioners Court of such county shall hereafter receive, hear and pass upon all petitions for the calling of elections for the creation, change or abolishment of county school districts and all authorized appeals from the independent school Board of Trustees shall be made directly to the State Board of Education or to the courts as provided by law.

All school records of the original independent and/or common school district governed by this section, shall be transferred to the control and custody of the independent school district office, located at the county seat, save and except the original financial records which shall be retained by the county treasurer, and thereafter the County Judge shall be required to make no records or reports but said reports shall be made by the superintendent of such independent or rural school district; that as soon as practicable after the effective date of this Act, all remaining State funds in the hands of the county board of education shall be transferred by the county treasurer and the County Judge to the independent

and rural high school districts in proportion to the number of scholastics enrolled in such districts.

Acts 1965, 59th Leg., p. 1641, ch. 706, eff. Aug. 30, 1965. Sec. 5 amended by Acts 1971, 62nd Leg., p. 1849, ch. 542, § 126, eff. Sept. 1, 1971; Sec. 6 amended by Acts 1971, 62nd Leg., p. 1835, ch. 542, § 79, eff. Sept. 1, 1971.

Art. 2688j. Counties of 15,800 to 16,000; county superintendent; abolition of office; transfer of duties

(a) No county having a population of more than fifteen thousand, eight hundred (15,800) and less than sixteen thousand (16,000) according to the last preceding federal census shall have an office of county superintendent. The duties of such office shall be performed by the County Judge as ex officio county superintendent. The County Judge may be compensated for performing such duties in an amount not to exceed Six Hundred Dollars ($600) per annum as determined by the county board of school trustees, in accordance with the general laws of the State of Texas affecting the same. Such board may provide for an assistant to the ex officio county superintendent at a yearly salary not to exceed Three Thousand, Seven Hundred and Twenty Dollars ($3,720). Such additional compensation and expenses, if any, paid the ex officio county superintendent or the salary paid the assistant herein authorized shall be paid out of the State Available School Fund.

Subsec. (a) amended by Acts 1967, 60th Leg., p. 1208, ch. 543, § 1, eff. June 14, 1967; Acts 1971, 62nd Leg., p. 1824, ch. 542, § 30, eff. Sept. 1, 1971.

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Art. 2688k—1. Counties of 18,300 to 18,600; county superintendent; abolition of office; transfer of duties

Office of county superintendent abolished in certain counties

Section 1. No county having a population of not less than 18,300 nor more than 18,600, according to the last preceding federal census, shall have an office of county superintendent, and the duties of the office shall be performed by the County Judge as ex officio county superintendent.

Acts 1967, 60th Leg., p. 565, ch. 253, eff. May 22, 1967. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1829, ch. 542, § 55, eff. Sept. 1, 1971.

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Art. 2688*l*. Counties of 22,000 to 22,500 and 3,180 to 3,230; county superintendent; abolition of office; transfer of duties

Counties of 22,000 to 22,500

Section 1. (a) The office of county superintendent in all counties having a population of not less than 22,000 nor more than 22,500, according to the last preceding federal census, is abolished and the duties of the office shall be performed by the County Judge as ex officio county superintendent and by an ex officio assistant superintendent.

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Counties of 3,180 to 3,230

Sec. 2. No county having a population of more than 3,180 and less than 3,230 according to the last preceding federal census shall have an office of county superintendent. The duties of the office shall be performed by the County Judge as ex officio county superintendent and by an ex officio assistant superintendent. The County Judge shall receive and is entitled to $1,200 a year for being ex officio county superintendent.

The ex officio assistant county superintendent is entitled to $2,400 per year. Money paid under this section shall be paid from the State Available School Fund.

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Acts 1965, 59th Leg., p. 416, ch. 204, eff. Aug. 30, 1965. Sec. 1(a) amended by Acts 1971, 62nd Leg., p. 1835, ch. 542, § 78, eff. Sept. 1, 1971; Sec. 2 amended by Acts 1971, 62nd Leg., p. 1824, ch. 542, § 34, eff. Sept. 1, 1971.

Art. 2688m. Counties of 15,500 to 15,700; ex officio county superintendent and school board; transfer of duties; compensation of judge

This Act applies in all counties having a population of more than 15,500 but less than 15,700, according to the last preceding federal census. No county to which this Act applies shall have a separate office of ex officio county superintendent or a county school board. The duties of these offices still required by law shall be duties of the office of County Judge of the county, and the County Judge shall receive and retain in addition to all other compensation provided by law, not more than $2,600 per year, as the Commissioners Court of the county may provide. Such amount may be paid in the manner specified in Chapter 49, Acts of the 41st Legislature, 4th Called Session, 1930,[1] and in Chapter 175, Acts of the 42nd Legislature, Regular Session, 1931.[2]

Acts 1965, 59th Leg., p. 1021, ch. 506, eff. Aug. 30, 1965. Amended by Acts 1971, 62nd Leg., p. 1845, ch. 542, § 110, eff. Sept. 1, 1971.

[1] Article 2700d—1, repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17.

[2] Article 2827a, repealed by Acts 1969, 61st Leg., p. 3024, ch. 889, § 2.

Art. 2688n—1. Counties of 37,500 to 43,000; county superintendent; abolition of office; transfer of duties

No county having a population of more than 37,500 and less than 43,000 according to the last preceding federal census shall have an office of county superintendent. The duties of the office shall be performed by the County Judge as ex officio county superintendent.

Acts 1967, 60th Leg., p. 51, ch. 26, § 1, eff. March 23, 1967; Acts 1971, 62nd Leg., p. 1824, ch. 542, § 31, eff. Sept. 1, 1971.

Art. 2688o. Counties of 36,500 to 37,000; county superintendent; abolition of office; transfer of duties

Section 1. No county having a population of more than 36,500 inhabitants and less than 37,000 inhabitants, according to the last preceding federal census, shall have an office of county superintendent. The duties of the office of county school superintendent shall be performed by the County Judge as ex officio county school superintendent

Sec. 2. In all counties governed by the provisions of Section 1 of this Act, the county judges as ex officio county school superintendents may receive and retain for their services in performing the duties of county school superintendent compensation of not more than One Thousand, Five Hundred Dollars ($1,500) per year, payable in equal monthly installments. Said compensation shall be fixed and determined by the county board of school trustees.

Sec. 3. County judges governed by the provisions of Section 1 of this Act are authorized, with the consent of the county board of school trustees, to appoint one clerical assistant. Said assistant shall be paid a salary not to exceed Two Thousand Dollars ($2,000) per year, payable in twelve equal monthly installments. Said compensation shall be fixed and determined by the county board of school trustees.

For Annotations and Historical Notes, see V.A.T.S.

Sec. 4. The county board of school trustees in counties governed by the provisions of this Act is hereby authorized to provide for office and traveling expenses of the county judge when performing the duties as ex officio county school superintendent; provided, however, that such office and traveling expenses shall never exceed the sum of Eight Hundred Dollars ($800) in any one year.

Sec. 5. All expenditures made pursuant to the provisions of this Act shall be paid from the State Available School Fund in the manner provided by law.

Sec. 6. No provision of this Act shall affect the term of office of the county superintendents of schools holding such office on the effective date of this Act, and such county school superintendents shall serve until the expiration of the terms for which they were elected. Provided, however, if a vacancy occurs in the office of county school superintendent, said office shall immediately cease to exist and the duties of said office shall be performed by the county judge of said county, as ex officio county school superintendent.

Acts 1965, 59th Leg., p. 1645, ch. 709, eff. Aug. 30, 1965. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1830, ch. 542, § 56, eff. Sept. 1, 1971.

Art. 2688p. Counties of 33,300 to 33,700; county superintendent; abolition of office; transfer of duties

Office of county superintendent abolished in certain counties

Section 1. No county having a population of more than 33,300 and less than 33,700 according to the last preceding federal census shall have an office of county superintendent. The duties of the office shall be performed by the County Judge as ex officio county superintendent.

Acts 1967, 60th Leg., p. 302, ch. 145, eff. Sept. 1, 1967. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1824, ch. 542, § 32, eff. Sept. 1, 1971.

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Art. 2688q. Counties of 6,500 to 6,650; county superintendent and board of trustees; abolition of offices; transfer of duties

Section 1. No county having a population of more than 6,500 and less than 6,650 according to the last preceding federal census shall have the offices of county school board or county superintendent.

Sec. 2. All duties and functions, except as hereafter provided, that were formerly required by law of the office of ex officio county school superintendent, shall be performed by the superintendent of the independent school district, and all duties that were formerly required of the county school board shall be performed by the elected Board of Trustees of such independent school district. The Commissioners Court of such counties shall hereafter receive, hear, and pass upon all petitions for the calling of elections for the creation, change, or abolishment of county school districts and all authorized appeals from the independent school board of trustees shall be made directly to the State Board of Education or to the courts as provided by law.

Acts 1969, 61st Leg., p. 982, ch. 311, eff. May 23, 1969. Secs. 1, 2 amended by Acts 1971, 62nd Leg., p. 1825, ch. 542, § 35, eff. Sept. 1, 1971.

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Art. 2688r. Counties of 19,680 to 19,800; county superintendent; abolition of office; transfer of duties

Section 1. (a) The office of county superintendent in all counties having a population of not less than 19,680 nor more than 19,800, according to the last preceding federal census is abolished, and the duties of the office shall be performed by the County Judge as ex officio county superintendent.

(b) The county judge acting as ex officio superintendent is entitled to compensation as provided in Subsection (e), Section 17.51, Texas Education Code.

(c) The county judge is entitled to an office budget as provided in Section 17.53, Texas Education Code.

Acts 1969, 61st Leg., p. 983, ch. 312, eff. Sept. 1, 1969. Secs. 1(b), (c) amended by Acts 1971, 62nd Leg., p. 1398, ch. 378, § 1, eff. May 26, 1971; Sec. 1(a) amended by Acts 1971, 62nd Leg., p. 1849, ch. 542, § 127, eff. Sept. 1, 1971.

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Art. 2688s. Counties of 50,000 to 53,000; county superintendent; abolition of office; transfer of duties

Section 1. No county having a population of more than 50,000 and less than 53,000 persons according to the last preceding federal census shall have an office of county superintendent. The duties of the office shall be performed by the County Judge as ex officio county superintendent.

Acts 1969, 61st Leg., p. 984, ch. 313, eff. Sept. 1, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1834, ch. 542, § 76, eff. Sept. 1, 1971.

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Art. 2688t. Counties of 24,150 to 24,400; county superintendent; abolition of office; transfer of duties

Office of county superintendent abolished in certain counties

Section 1. No county having a population of more than 24,150 and less than 24,400 according to the last preceding federal census shall have the office of county superintendent, and the duties of the office shall be performed by the County Judge as ex officio county superintendent.

Acts 1969, 61st Leg., p. 997, ch. 322, eff. Dec. 31, 1970. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1825, ch. 542, § 36, eff. Sept. 1, 1971.

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Art. 2688u. Counties of 17,640 to 17,700; county superintendent; abolition of office; transfer of duties

Text of section effective December 31, 1974

Section 1. In all counties having a population of not less than 17,640 nor more than 17,700, according to the last preceding federal census, the office of county superintendent is abolished. The duties of the office shall be performed by the County Judge as ex officio county superintendent.

Sec. 2. This Act takes effect December 31, 1974.

Acts 1969, 61st Leg., p. 1075, ch. 352, eff. Dec. 31, 1974. Amended by Acts 1971, 62nd Leg., p. 1834, ch. 542, § 75.

For Annotations and Historical Notes, see V.A.T.S.

Art. 2688v. Counties of 21,000 to 22,000; county superintendents and school board; abolition of office

Text of section effective September 1, 1972

In all counties having a population of not less than 21,000 nor more than 22,000, according to the last preceding federal census, the offices of county superintendent and ex officio county superintendent, and the county school board are abolished effective September 1, 1972.

Acts 1971, 62nd Leg., p. 957, ch. 167, § 1, eff. Sept. 1, 1972.

Section 2 of the 1971 Act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act abolishing the offices of county superintendent and ex officio county superintendent and the county school board in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 957, ch. 167.

Art. 2688w. Counties of 17,400 to 17,640; county superintendent; abolition of office

Text of section effective December 31, 1974

Section 1. In all counties having a population of not less than 17,400 nor more than 17,640, according to the last preceding federal census, the office of county superintendent is abolished.

Sec. 2. This Act takes effect December 31, 1974.

Acts 1971, 62nd Leg., p. 1037, ch. 204, eff. Dec. 31, 1974.

Title of Act:

An Act relating to the abolition of the office of county superintendent in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1037, ch. 204.

Art. 2688x. Counties of 53,800 to 55,000; county superintendent; abolition of office; transfer of duties

In all counties having a population of not less than 53,800 nor more than 55,000, according to the last preceding federal census, the office of county superintendent of schools is abolished. The duties of the office shall be performed by the county judge as ex officio county superintendent.

Acts 1971, 62nd Leg., p. 1175, ch. 278, § 1, eff. Aug. 30, 1971.

Title of Act:

An Act relating to abolishing the office of county superintendent of schools in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1175, ch. 278.

Art. 2688y. Counties of 27,800 to 28,800; county superintendent; abolition of office; transfer of duties

The office of county superintendent is abolished in all counties having a population of not less than 27,800 nor more than 28,800 according to the last preceding federal census. In each of these counties, the county judge shall be the ex officio county superintendent and may receive no additional compensation for these additional duties.

Acts 1971, 62nd Leg., p. 1186, ch. 285, § 1, eff. May 19, 1971.

Section 2 of the 1971 Act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An act abolishing the office of county superintendent in certain counties and transferring the duties to the county judge; and declaring an emergency. Acts 1971, 62nd Leg., p. 1186, ch. 285.

Art. 2688z. Counties of 27,500 to 27,660; offices of county superintendent and board of trustees abolished; transfer of duties; additional compensation and expenses

In any county having a population of not less than 27,500 nor more than 27,660, according to the last preceding federal census, in which the abolition of the offices of county school superintendent and the county board of school trustees has been approved by the voters, the duties of the offices shall be performed by the county judge as ex officio county superintendent. For the performance of the additional duties, the county judge is entitled to compensation not to exceed $2,600 per year and office and travel expenses not to exceed $1,050 per year, as determined by the commissioners court. The commissioners court may also appoint an assistant ex officio county superintendent at a salary not to exceed $2,600 per year. The additional compensation and expenses shall be paid from the state available school fund.

Acts 1971, 62nd Leg., p. 1296, ch. 338, eff. May 24, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the office of ex officio county school superintendent in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1296, ch. 338.

Art. 2688aa. Counties of 34,103 to 35,310 and 24,400 to 24,600; county superintendent; abolition of office; transfer of duties

In all counties having a population of not less than 34,103 nor more than 35,310, and all counties having a population of not less than 24,400 nor more than 24,600, according to the last preceding federal census, the office of county superintendent of schools is abolished. The duties of the office shall be performed by the county judge as ex officio county superintendent.

Acts 1971, 62nd Leg., p. 1554, ch. 415, eff. Dec. 31, 1971.

Sections 2 and 3 of the 1971 act provided: "Sec. 2. As used in this Act, 'the last preceding Federal Census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

"Sec. 3. The effective date of this Act shall be December 31, 1971."

Title of Act:

An Act relating to abolishing the office of county superintendent of schools in certain counties. Acts 1971, 62nd Leg., p. 1554, ch. 415.

Art. 2688bb. Counties of 9,100 to 9,200; county superintendent; abolition of office; transfer of duties

Section 1. In all counties having a population of not less than 9,100 and not more than 9,200, the office of county superintendent of schools is abolished. A county superintendent holding office in any such county on the effective date of this Act shall serve until the expiration of the term to which he was elected. However, if a vacancy occurs before the expiration of the term, by resignation of the incumbent or otherwise, the office shall cease to exist.

Sec. 2. All duties and functions of the abolished office shall be performed by the superintendents of the independent school districts located in the county. All prior records and documents of the abolished office shall be transferred to the control and custody of the county clerk.

Acts 1971, 62nd Leg., p. 1626, ch. 453, eff. Aug. 30, 1971.

Title of Act:

An Act relating to abolishing the office of county school superintendent in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1626, ch. 453.

For Annotations and Historical Notes, see V.A.T.S.

Art. 2696a. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

The repealed article provided for annual transfers of children from resident districts, and was derived from Acts 1969, 61st Leg., p. 510, ch. 175, and Acts 1971, 62nd Leg., p. 1002, ch. 190, § 1, eff. May 13, 1971.

The 1971 amendatory act was repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, which amendment was incorporated into V.T.C.A. Education Code, § 21.062 by Acts 1971, 62nd Leg., p. 3340, ch. 1024, art. 2, § 8.

Art. 2700d—1. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17 (3), eff. Aug. 30, 1971

Art. 2700e—1. Salaries of assistants in counties of 24,160 to 24,200; 47,600 to 48,000 and 44,000 to 45,000

(a) The first assistant to the county school superintendent is entitled to receive an annual salary of not more than $6,000 in counties having a population, according to the last preceding federal census of more than 24,160 but less than 24,200, and more than 47,600 but less than 48,000, and more than 44,000 but less than 45,000.

Acts 1967, 60th Leg., p. 135, ch. 69, § 1, eff. Aug. 28, 1967. Amended by Acts 1969, 61st Leg., p. 1800, ch. 603, § 1, eff. June 12, 1969; Subsec. (a) amended by Acts 1971, 62nd Leg., p. 1850, ch. 542, § 129, eff. Sept. 1, 1971.

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Art. 2700e—2. Salaries of assistants in certain counties

Section 1. (a) The first assistant to the county school superintendent is entitled to receive an annual salary of not more than $5,500 in counties having a population, according to the last preceding federal census, of:

(1) more than 24,500 but less than 24,700;
(2) more than 29,980 but less than 30,000;
(3) more than 32,000 but less than 32,100;
(4) more than 27,700 but less than 27,800;
(5) more than 12,400 but less than 12,500;
(6) more than 11,100 but less than 11,150; and
(7) more than 17,850 but less than 17,870.

(b) The aggregate annual salaries of all assistants to the county school superintendent shall not exceed $7,200.

Sec. 2. (a) The first assistant to the county school superintendent is entitled to receive an annual salary of not more than $5,800 in counties having a population, according to the last preceding federal census, of more than 250,000 but less than 300,000.

(b) The aggregate annual salaries of all assistants to the county school superintendent under this Section shall not exceed $7,500.

Sec. 3. (a) The first assistant to the county school superintendent is entitled to receive an annual salary of not more than $5,500 in counties having a population, according to the last preceding federal census, of:

(1) more than 18,095 but less than 18,125;
(2) more than 19,600 but less than 19,680; and
(3) more than 22,650 but less than 22,720.

(b) The aggregate annual salaries of all assistants to the county school superintendent shall not exceed $8,800.

Acts 1967, 60th Leg., p. 759, ch. 314, eff. Aug. 28, 1967. Amended by Acts 1971, 62nd Leg., p. 1851, ch. 542, § 133, eff. Sept. 1, 1971.

Art. 2700e—3. Salaries of assistants in counties of 25,000 to 26,000

In any county having a population of not less than 25,000 nor more than 26,000, according to the last preceding federal census, the first assistant to the county school superintendent is entitled to receive an annual salary of not more than $5,500. The aggregate annual salaries of all assistants to the county school superintendent shall not be more than $8,800.
Acts 1969, 61st Leg., p. 985, ch. 314, § 1, eff. May 23, 1969. Amended by Acts 1971, 62nd Leg., p. 1827, ch. 542, § 43, eff. Sept. 1, 1971.

Art. 2700e—4. Salaries of assistants in counties of 20,400 to 20,900

Section 1. In counties having a population of not less than 20,400 nor more than 20,900, according to the last preceding federal census, the first assistant to the county school superintendent is entitled to receive an annual salary of not more than $6,000.
Acts 1969, 61st Leg., p. 996, ch. 320, eff. Sept. 1, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1818, ch. 542, § 6, eff. Sept. 1, 1971.

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Art. 2700e—5. Salaries of assistants in counties of 37,000 to 37,500 and 28,000 to 29,000

(a) The first assistant to the county school superintendent is entitled to receive an annual salary of not more than $6,000 in counties having a population, according to the last preceding federal census, of more than 37,000 but less than 37,500.

(b) The aggregate annual salaries of all assistants to the county school superintendent shall not exceed $8,800.

(c) In counties having a population of more than 28,000 and less than 29,000, according to the last preceding federal census, the first assistant to the county school superintendent shall receive a salary not to exceed $6,500. The aggregate annual salaries of all assistants to the county school superintendent shall not exceed $13,000.
Acts 1969, 61st Leg., p. 1603, ch. 495, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1850, ch. 542, § 130, eff. Sept. 1, 1971.

Art. 2700e—6. Salaries of assistants in counties of 16,650 to 17,000 and 17,850 to 17,900

In counties having a population of more than 16,650 and less than 17,000, and in counties having a population of more than 17,850 and less than 17,900, according to the last preceding federal census, the first assistant to the county superintendent of public instruction is entitled to receive an annual salary of not more than $4,400. However, the aggregate salaries of all assistants to the county superintendents may not exceed $8,800 a year.
Acts 1969, 61st Leg., p. 1653, ch. 517, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1850, ch. 542, § 131, eff. Sept. 1, 1971.

Art. 2700e—7. Salaries of assistants in counties of 18,000 to 18,093

The first assistant to the county school superintendent is entitled to receive an annual salary of not more than $5,500 in counties having a population, according to the last preceding federal census, of more than 18,000 but less than 18,093.
Acts 1969, 61st Leg., p. 1740, ch. 573, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1827, ch. 542, § 44, eff. Sept. 1, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Art. 2700e—8. Salaries of assistants in counties of 74,000 to 75,800

In any county having a population of not less than 74,000 nor more than 75,800, according to the last preceding federal census, the first assistant to the county school superintendent is entitled to receive an annual salary of not more than $5,600. The aggregate annual salaries of all assistants to the county school superintendent shall not be more than $7,200.

Acts 1969, 61st Leg., p. 1798, ch. 601, § 1, eff. June 11, 1969. Amended by Acts 1971, 62nd Leg., p. 1818, ch. 542, § 9, eff. Sept. 1, 1971.

Art. 2700e—9. Salaries of assistants in certain counties

(a) The first assistant to the county school superintendent is entitled to receive an annual salary of not more than $5,500 in counties having a population, according to the last preceding federal census, of:

(1) more than 7,100 but less than 7,190;
(2) more than 7,800 but less than 8,000;
(3) more than 11,600 but less than 11,700;
(4) more than 14,400 but less than 15,000;
(5) more than 26,000 but less than 26,800;
(6) more than 36,200 but less than 36,500;
(7) more than 31,000 but less than 31,500; and
(8) more than 49,000 but less than 49,400.

(b) The aggregate annual salaries of all assistants to the county school superintendent shall not exceed $7,200.

Acts 1969, 61st Leg., p. 2455, ch. 822, § 1, eff. June 16, 1969. Subsec. (a) amended by Acts 1971, 62nd Leg., p. 1850, ch. 542, § 132, eff. Sept. 1, 1971.

Art. 2700e—10. Salaries of assistants in counties of 8,600 to 8,800, 14,350 to 14,440 and 40,000 to 45,000

Section 1. In counties having a population of not less than 8,600 nor more than 8,800, or not less than 40,000 nor more than 45,000, and in counties of not less than 14,350 nor more than 14,440 population, according to the last preceding federal census, the first assistant to the county school superintendent is entitled to receive an annual salary of not more than $6,000.

Sec. 2. The aggregate annual salaries of all assistants to the county school superintendent shall not exceed $8,800.

Acts 1971, 62nd Leg., p. 830, ch. 93, eff. Aug. 30, 1971.

Title of Act:

An Act relating to compensation for assistants to the county superintendent in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 830, ch. 93.

Art. 2700e—11. Salaries of assistants in counties of 10,000 to 10,300 and 15,600 to 15,800

In counties having a population of not less than 10,000 nor more than 10,300 and in counties having a population of not less than 15,600 nor more than 15,800, according to the last preceding federal census, the assistant to the county school superintendent is entitled to receive an annual salary of not more than $6,000.

Acts 1971, 62nd Leg., p. 830, ch. 94, eff. April 28, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding Federal Census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the annual salary of the assistant to the county superintendent in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 830, ch. 94.

Art. 2700e—12. Salaries of assistants in counties of 46,000 to 47,000

Section 1. In counties having a population of not less than 46,000 nor more than 47,000, according to the last preceding federal census, the first assistant to the county school superintendent is entitled to receive an annual salary of not more than $6,000.

Sec. 2. The aggregate annual salaries of all assistants to the county school superintendent shall not exceed $8,800.

Acts 1971, 62nd Leg., p. 941, ch. 153, eff. May 11, 1971.

Title of Act:

An Act relating to compensation for assistants to the county superintendent in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 941, ch. 153.

Art. 2700e—13. Salaries of assistants in counties of 71,100 to 72,500

In all counties having a population of not less than 71,100 nor more than 72,500, according to the last preceding federal census, the first assistant to the county school superintendent is entitled to receive an annual salary of not more than $5,500, and the aggregate annual salaries of all assistants to the county school superintendent may not exceed $7,200.

Acts 1971, 62nd Leg., p. 1010, ch. 196, eff. May 13, 1971.

Section 2 of the 1971 Act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature denying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the annual salaries of assistants to the county school superintendent in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1010, ch. 196.

Art. 2700e—14. Salaries of assistants in counties of 260,000 to 325,000

The first assistant to the county school superintendent is entitled to receive an annual salary of not more than $6,500 in counties having a population, according to the last preceding federal census, of more than 260,000 but less than 325,000. The aggregate annual salaries of all assistants to the county school superintendent shall not exceed $8,300.

Acts 1971, 62nd Leg., p. 1027, ch. 201, eff. May 13, 1971.

Section 2 of the 1971 Act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness or the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the salaries of assistants to the county school superintendent in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1027, ch. 201.

Art. 2700e—15. Salaries of assistants in counties of 80,000 to 84,000; 66,000 to 67,000; 47,500 to 49,000 and 22,600 to 22,720

In any county having a population of not less than 80,000 nor more than 84,000, or not less than 66,000 nor more than 67,000, or not less than 47,500 nor more than 49,000, or not less than 22,600 nor more than 22,720, according to the last preceding federal census, the first assistant to the county school superintendent is entitled to receive an annual salary of not more than $5,000. The aggregate annual salaries of all assistants to the county school superintendent shall not be more than $9,000.

Acts 1971, 62nd Leg., p. 1538, ch. 408, eff. May 26, 1971.

Section 2 of the 1971 Act provided: "Sec. 2. As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This

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is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the annual salaries of assistants to the county school superintendent in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1538, ch. 408.

Art. 2700e—16. Salaries of assistants in counties of 19,500 to 19,680 and 36,100 to 36,700

In all counties having a population of not less than 19,500 nor more than 19,680 or not less than 36,100 nor more than 36,700, according to the last preceding federal census, the first assistant to the county school superintendent is entitled to receive an annual salary of not more than $11,000.

Acts 1971, 62nd Leg., p. 1694, ch. 487, eff. Aug. 30, 1971.

Section 2 of the 1971 Act provided: "Sec. 2. As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the salaries of the assistants to the county school superintendent in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1694, ch. 487.

Art. 2700e—17. Salaries of assistants in certain counties

(a) The first assistant to the county school superintendent is entitled to receive an annual salary of not more than $5,500 in counties having a population, according to the last preceding federal census, of:

(1) more than 27,750 but less than 27,850;
(2) more than 31,950 but less than 32,050;
(3) more than 29,950 but less than 30,050;
(4) more than 26,400 but less than 26,500;
(5) more than 24,650 but less than 24,750;
(6) more than 31,100 but less than 31,200;
(7) more than 11,600 but less than 11,700;
(8) more than 14,400 but less than 14,500;
(9) more than 7,150 but less than 7,190;
(10) more than 7,800 but less than 7,900; and
(11) more than 12,400 but less than 12,500.

(b) The aggregate annual salaries of all assistants to the county school superintendent in such counties shall not exceed $7,200.

Acts 1971, 62nd Leg., p. 2813, ch. 914, eff. Aug. 30, 1971.

Section 2 of the 1971 Act provided: "Sec. 2. As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the salaries of assistants to the county school superintendent in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 2813, ch. 914.

CHAPTER THIRTEEN—SCHOOL DISTRICTS

3. INDEPENDENT DISTRICTS IN CITIES

1. COMMON SCHOOL DISTRICTS

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Art. 2742a. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(3), eff. Aug. 30, 1971

Art. 2742f—2. Detachment of territory; approval of trustees of certain independent districts in counties of 110,000 to 124,000

Section 1. This Act shall apply to any independent school district having an assessed valuation of less than $5,000,000 located in any county having a population of not less than 110,000 and not more than 124,000, according to the last preceding federal census.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1831, ch. 542, § 61, eff. Sept. 1, 1971.

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Art. 2756d. Appointment of tax assessor-collector and board of equalization in certain common school districts

Section 1. In all common school districts in this State having an average daily attendance for the 1969–1970 school year of seventy (70) or more but less than one hundred forty-nine (149) and an assessed valuation of One Million, Seven Hundred Thousand Dollars ($1,700,000) or more but less than One Million, Eight Hundred Twenty-five Thousand Dollars ($1,825,000) and located in a county having a total population of more than ninety-seven thousand, five hundred (97,500) but less than one hundred thousand (100,000) according to the last preceding federal census, and in all common school districts in this State having an assessed valuation in excess of One Million Dollars ($1,000,000) and located in a county having a population of more than five thousand, eight hundred

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(5,800) but less than six thousand (6,000) according to the last preceding federal census, the Board of Trustees, shall be authorized, by a majority vote of the qualified property tax-paying voters in the district, at a regular election in the district or at a special election called for that purpose, to appoint a tax assessor-collector and a board of equalization for the district.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1848, ch. 542, § 124, eff. Sept. 1, 1971.

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2. INDEPENDENT DISTRICTS IN TOWNS

Art. 2766c. Change of boundaries; independent districts in counties of 36,500 to 37,000

In all counties in this State having a population of not less than 36,500 and not more than 37,000, according to the last preceding federal census, the territory of any independent school district therein having an assessed valuation of more than $15 million or having an assessed valuation of less than $14 million but more than $2 million shall not be changed without the consent of its Board of Trustees. Such consent shall be evidenced by an appropriate resolution of the Board of Trustees of such district properly certified by its secretary, and filed with the County Clerk of the county in which such school district is situated. Such resolution shall be recorded in the "Record of School Districts," or in the Deed Records of said county, as may be appropriate.

Amended by Acts 1971, 62nd Leg., p. 1817, ch. 542, § 1, eff. Sept. 1, 1971.

3. INDEPENDENT DISTRICTS IN CITIES

Art. 2774c—1. Districts converted from common school districts; alternative method of electing trustees

Districts which may adopt this act

Section 1. An independent school district may adopt the provisions of this Act if it

(1) has converted from a common school district;

(2) had more than 120 scholastics in daily attendance at the time of conversion;

(3) is located in a county with a population of more than 75,800 but less than 76,000 persons or in a county with a population of more than 15,800 but less than 16,000 persons.

Acts 1965, 59th Leg., p. 104, ch. 39, eff. March 18, 1965. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1852, ch. 542, § 137, eff. Sept. 1, 1971.

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Art. 2775a—3. Election of trustees by separate positions in independent districts within counties of 6,355 to 6,360 and 10,300 to 10,373

Section 1. This Act shall apply to all independent school districts which are situated in counties having a population of more than six thousand, three hundred fifty-five (6,355) but less than six thousand, three hundred sixty (6,360), 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 to all independent school districts which are situated in counties having a population of more than ten thousand, three hundred (10,300) but less than ten thousand, three hundred seventy-three (10,373), according to the last preceding federal census, and having a district valuation of not less than One Hundred Thirty Million Dollars ($130,000,000).

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1849, ch. 542, § 128, eff. Sept. 1, 1971.

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Art. 2775a—5. Election of trustees in districts within counties of 11,800 to 11,880

Section 1. The Board of Trustees of an independent school district in a county having a population larger than 11,800 but smaller than 11,880 according to the last preceding federal census, may order that each trustee position be designated by number and that each candidate be designated on the official ballot by the number of the position sought.

Acts 1965, 59th Leg., p. 917, ch. 452, eff. Aug. 30, 1965. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1819, ch. 542, § 13, eff. Sept. 1, 1971.

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Art. 2775a—6. Election of trustees in districts within counties of 27,650 to 27,750

Section 1. The Board of Trustees of an independent school district in a county having a population larger than 27,650 but smaller than 27,750 according to the last preceding federal census, may order that each trustee position be designated by number and that each candidate be designated on the official ballot by the number of the position sought.

Acts 1965, 59th Leg., p. 1501, ch. 652, eff. Aug. 30, 1965. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1832, ch. 542, § 66, eff. Sept. 1, 1971.

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Art. 2775a—7. Election of trustees in districts within counties of 110,000 to 124,000

Section 1. This Act shall apply to any independent school district having an assessed valuation of less than $4,125,000 located in any county having a population of not less than 110,000 and not more than 124,000 according to the last preceding federal census.

Acts 1965, 59th Leg., p. 1635, ch. 702, eff. June 18, 1965. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1832, ch. 542, § 65, eff. Sept. 1, 1971.

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Art. 2775a—8. Election of trustees in districts within counties of 150,000 to 170,000 population

Section 1. This Act applies to all independent school districts, whether created by general law or special act, in counties having a population of more than 150,000 and less than 170,000 according to the last preceding federal census; provided, however, that this Act does not apply to any district unless and until the Board of Trustees thereof adopts by majority vote an order or resolution adopting the provisions thereof. The Board of Trustees of an independent district may adopt an order or resolution adopting all or any one or more of the provisions hereof, then thereafter for a period of three successive years all trustee elections in such district shall be held and governed by the terms and provisions thereof.

Acts 1967, 60th Leg., p. 840, ch. 351, eff. Aug. 28, 1967. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1819, ch. 542, § 11, eff. Sept. 1, 1971.

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Art. 2775d. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(3), eff. Aug. 30, 1971

See, now V.T.C.A. Education Code, § 23.021.

Art. 2775e. Election of trustees of consolidated independent districts within counties of 100,000 to 120,000

In all counties with a population of not less than one hundred thousand (100,000) and not more than one hundred twenty thousand (120,000), according to the last preceding federal census, where two independent

school districts of more than five hundred (500) scholastics have been consolidated, the seven (7) member Board of Trustees of said consolidated district as provided by law shall be elected by position.

Candidates for Positions 1, 3, and 5 shall be residents of an area of which was at the time of consolidation, a part of the larger district and candidates for Positions 2 and 4 shall be residents of an area which was at the time of consolidation a part of the smaller district. Candidates for Positions 6 and 7 may live in any area of the consolidated district.

Terms of office for Positions 1 and 2 of said Board shall apply to those trustees elected in 1961, and their successors in office, terms of office for Positions 3 and 4 would apply to those trustees elected in 1962, and their successors in office and terms of office for Positions 5, 6, and 7 would apply to those trustees elected in 1963, and their successors in office.

The Board of Trustees of such consolidated district, shall at the next meeting after the effective date of this Act, designate in the minutes of said meeting the names of Board members who then fill each of said positions.

'Nothing herein contained is to conflict with the powers, duties, terms of office and responsibilities of trustees of independent school districts
Amended by Acts 1971, 62nd Leg., p. 1833, ch. 542, § 72, eff. Sept. 1, 1972.

Art. 2775e—1. Election of trustees of consolidated independent districts in counties of 17,600 to 17,640

Section 1. This Act applies to consolidated independent school districts in any county having a population of not less than 17,600 nor more than 17,640 according to the last preceding federal census.

Acts 1969, 61st Leg., p. 20, ch. 9, eff. March 5, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1828, ch. 542, § 46, eff. Sept. 1, 1971.

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Art. 2775e—2. Election of trustees of independent districts in counties of 8,000 to 8,030

Section 1. The Board of Trustees of an independent school district in a county having a population of more than 8,000 but less than 8,030, according to the last preceding federal census, and having a total assessed property valuation of more than $50 million within the county, shall order that each trustee position be designated by number and that each candidate be designated on the official ballot by the number of the position sought.

Acts 1969, 61st Leg., p. 1484, ch. 443, eff. Sept. 1, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1833, ch. 542, § 70, eff. Sept. 1, 1971.

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Art. 2775e—3. Election of trustees of independent districts in counties of 19,675 to 20,020

Section 1. This Act applies to all independent school districts which are located in a county having a population of not less than 19,675 nor more than 20,020, according to the last preceding federal census, which have a gross average daily attendance of 1,000 or more for the preceding school year, and which do not contain within the district the county seat of the county. However, this Act does not apply to any district unless and until the board of trustees adopts by majority vote an order or resolution adopting the provisions of this Act. The board of trustees of an independent district may adopt an order or resolution adopting all or any one or more of the provisions of this Act, then thereafter for a period of three successive years all trustee elections in that district shall be held and governed by the terms and provisions of this Act.

Sec. 2. The board of trustees of any independent school district coming within the purview of Section 1 may adopt an order or resolution providing for the election of trustees by majority vote in accordance with the following provisions:

(1) The order or resolution providing for the election of trustees by majority vote shall be adopted and made public at least 60 days prior to the election date.

(2) The results of the first election shall be canvassed by the board of trustees within five days after the election. In the event no candidate in a position received a majority of the votes cast therein, the board of trustees shall order a special election to be held not less than 10 days nor more than 30 days from the date of the first election and shall cause the names of the two candidates receiving the highest number of votes in any position in which no candidate received a majority to be placed on the ballot as candidates for that position. The election shall be held and conducted in the manner prescribed by law for regular trustee elections.

Acts 1971, 62nd Leg., p. 1280, ch. 324, eff. May 24, 1971.

Section 3 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes."

Title of Act:

An Act relating to the election of trustees in certain independent school districts; and declaring an emergency. Acts 1971, 62nd Leg., p. 1280, ch. 324.

Art. 2775f. Election of trustees of certain independent districts in counties of 53,700 to 53,800

Section 1. This Act applies to each independent school district created under general or special law:

(1) if the largest portion of the area of the school district is inside the boundaries of a county having a population of more than 53,700 and less than 53,800, according to the last preceding federal census; and

(2) if the district has, until March 18, 1965, elected four trustees for two-year terms in even-numbered years, and elected three trustees for two-year terms in odd-numbered years.

Acts 1965, 59th Leg., p. 100, ch. 36, eff. March 18, 1965. Sec. 2 amended by Acts 1967, 60th Leg., p. 46, ch. 24, § 1, eff. March 21, 1967; Sec. 4A added by Acts 1967, 60th Leg., p. 46, ch. 24, § 2, eff. March 21, 1967; Sec. 1 amended by Acts 1971, 62nd Leg., p. 1832, ch. 542, § 67, eff. Sept. 1, 1971.

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Art. 2775f—1. Election of trustees of certain independent districts in counties of 145,000 to 160,000

Section 1. This Act applies to each independent school district, created under general or special law,

(1) if the largest portion of the area of the school district is inside the boundaries of a county having a population of more than 145,000 and less than 160,000, according to the last preceding federal census; and

(2) if the district has, until August 28, 1967, elected four trustees for two-year terms in even-numbered years, and elected three trustees for two-year terms in odd numbered years.

Acts 1967, 60th Leg., p. 59, ch. 34, eff. Aug. 28, 1967. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1831, ch. 542, § 63, eff. Sept. 1, 1971.

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Art. 2776a. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(3), eff. Aug. 30, 1971

For Annotations and Historical Notes, see V.A.T.S.

Art. 2777f. Terms of trustees in certain districts containing city of 8,000 to 8,150; elections

Application of law

Section 1. This Act shall apply in all independent school districts, whether created under the General Laws or by special Act of the Legislature and having a board of seven (7) trustees and where the greatest geographic portion of any such independent school district is situated within the boundaries of a city having a population in excess of eight thousand (8,000) and not more than eight thousand, one hundred fifty (8,150), as shown by the last preceding federal census, and where before August 28, 1961, four (4) trustees were elected for two (2) year terms on the first Saturday in April in even-numbered years and three (3) trustees were elected for two (2) year terms in odd-numbered years.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1852, ch. 542, § 136, eff. Sept. 1, 1971.

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Art. 2780a. Professional employees; adoption of policies specifying duties of each position; liability

Section 1. The board of trustees of each school district within this State shall adopt policies specifying the duties of each of its professional positions of employment. The board of trustees shall assign positions of employment earned under the minimum foundation program to meet the specific needs of the district.

Sec. 2. No professional employee of any school district within this State shall be personally liable for any act incident to or within the scope of the duties of his position of employment, and which act involves the exercise of judgment or discretion on the part of the employee, except in circumstances where professional employees use excessive force in the discipline of students or negligence resulting in bodily injury to students.

This section shall not be applicable to the operation, use or maintenance of any motor vehicle.

Sec. 3. "Professional employee" as used herein shall include superintendents, principals, classroom teachers, supervisors, counselors, and any other person whose employment requires certification and an exercise of discretion.

Acts 1971, 62nd Leg., p. 2534, ch. 830, eff. June 9, 1971.

Title of Act:

An Act providing that Boards of Trustees of all school districts shall adopt policies specifying the duties of each of its positions of employment; providing that boards of trustees assign certain positions; providing that no employee of a school district shall be liable for certain acts incident to or within the scope of the duties of his position of employment; defining certain terms used in this Act; and declaring an emergency. Acts 1971, 62nd Leg., p. 2534, ch. 830.

Art. 2783d. Separation from municipal control of extended municipal school district having city of 290,000 or more

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Taxation

Sec. 7. The Board of Education or Board of Trustees of such independent school district may provide for the taxes of said independent school district to be assessed and collected by the Assessor and Collector of Taxes of the city of which such school district was formerly a part, if the governing body of such city shall consent thereto, in which event the assessed value of property for school taxes shall not be restricted by or limited to the value for which such property is assessed for taxing purposes by said city. Said city shall be paid compensation as may be agreed upon between said city and said independent school district. Or, the

Board of Education or Board of Trustees of said independent school district may, from year to year, if it so elects, provide for the assessment and collection of school taxes in any other manner as may be permitted or authorized by the general laws relating to independent school districts.

Sec. 7 amended by Acts 1971, 62nd Leg., p. 705, ch. 70, § 1, eff. April 26, 1971.

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Art. 2783d—1. Combined occupancy structures in certain independent school districts; construction; taxation; bonds; notice

Section 1. (a) The Board of Trustees of any independent school district having an average daily attendance of more than 100,000 according to the last preceding scholastic census may enter into an agreement with any person, association of persons, firm, or corporation, for the purpose of constructing a combined occupancy structure over any existing or proposed independent school district improvement.

(b) The Board of Trustees may sell or lease the air rights, condominium property rights or interest, horizontal or vertical stratification rights or interest, or any other possessory right or interest or any combination of such rights or interests, in relation to the existing or proposed improvement.

(c) The Board of Trustees may require any person, association of persons, firm, or corporation that enters into an agreement with the Board of Trustees pursuant to this Act to construct or cause to be constructed any portion of the combined occupancy structure, including that portion which is to be occupied by the independent school district. The portion constructed or caused to be constructed by such person, association of persons, firm, or corporation, shall be constructed in compliance with all terms, conditions, and restrictions imposed by the Board of Trustees. For the purposes of this Act, only the Board of Trustees may determine whether the portion of the combined occupancy structure not intended for the occupancy of the independent school district is being constructed or has been constructed in compliance with the terms, conditions, and restrictions imposed.

(d) If the agreement calls for the Board of Trustees of the independent school district to construct the combined occupancy structure, Section 21.901, Texas Education Code, and all other applicable laws shall apply to such construction.

Sec. 2. (a) Any portion of the combined occupancy structure which is owned or leased by any person, association of persons, firm, or corporation shall be subject to all applicable State and local taxes, and shall not for any purpose be considered the property of the independent school district.

(b) Notwithstanding any other provision of this Act, the portion of the combined occupancy structure which is occupied and used by the independent school district shall for all purposes be considered the property of the district.

Sec. 3. The Board of Trustees may call an election to authorize the issuance of bonds for the purpose of providing funds to finance the construction of portion of the combined occupancy structure which the independent school district is obligated by agreement to construct. The Board may allocate the income from the sale or lease of property rights as authorized by this Act to retire the bonds authorized by this Section. The bond election and the issuance and sale of the bonds shall be governed by all laws applicable thereto.

Sec. 4. The Board of Trustees shall publish notice of a public hearing concerning the construction of a proposed combined occupancy structure

before entering into any agreement for the construction of such structure. Notice of the hearing shall be published not less than ten days nor more than twenty days before the hearing in two newspapers having general circulation in the independent school district. The notice of the hearing shall contain a summary of the proposed action of the Board of Trustees. Acts 1971, 62nd Leg., p. 2870, ch. 945, eff. Aug. 30, 1971.

Title of Act:

An Act authorzing the sale or lease of property rights by the Board of Trustees of certain independent school districts in relation to existing or proposed independent school district improvement; providing conditions for such sale or lease and the construction of a combined occupancy structure; providing for taxation of nonindependent school district portions of the combined occupancy structure; providing for the waiving of the requirement to take bids; providing that the independent school district may issue bonds for the independent school district portion of combined occupancy structure; providing for public notice before the authorization of any arrangement entered into under this Act; and declaring an emergency. Acts 1971, 62nd Leg., p. 2870, ch. 945.

4. TAXES AND BONDS

Art. 2784e—3. Additional tax for common school districts in counties of 90,000 to 91,000

Section 1. The Commissioners Court for the common school districts in all counties having a population of not less than ninety thousand (90,000) persons nor more than ninety-one thousand (91,000), according to the last preceding federal census, may levy and cause to be collected a tax, in addition to that authorized under Section 1, Chapter 304, Acts of the 49th Legislature, 1945, as amended (compiled as Article 2784e of Vernon's Annotated Revised Civil Statutes), not to exceed One Dollar ($1) on the One Hundred Dollar ($100) valuation of taxable property of the district for the maintenance and use of the schools therein. The limitation imposed by Subsection 3, Section 1, Chapter 304, Acts of the 49th Legislature, 1945, as amended (compiled as Section 3, Article 2784e of Vernon's Annotated Revised Civil Statutes of Texas), shall not apply to the additional tax provided for in this section and the tax provided for in this section shall be in addition to that limit.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1832, ch. 542, § 68, eff. Sept. 1, 1971.

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Art. 2784e—6. Additional tax for certain common or independent school districts in counties of 26,000 to 26,600

Section 1. The Commissioners Court for any common or independent school district having a scholastic population of five hundred (500) or less, according to the last preceding scholastic census, and lying with a county having a population of twenty-six thousand (26,000) or more but less than twenty-six thousand, six hundred (26,600), according to the last preceding federal census, may levy and cause to be collected a tax, in addition to that authorized under Section 1, Chapter 304, Acts of the 49th Legislature, 1945, as amended (compiled as Article 2784e of Vernon's Annotated Revised Civil Statutes), not to exceed twenty-five cents (25¢) on the One Hundred Dollar ($100) valuation of taxable property of the district for the maintenance and use of the schools therein. The limitation imposed by Subsection 3, Section 1, Chapter 304, Acts of the 49th Legislature, 1945, as amended (compiled as Section 3, Article 2784e of Vernon's Annotated Revised Civil Statutes of Texas), shall not apply to the additional tax provided for in this section and the tax provided for in this section shall be in addition to that limit.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1827, ch. 542, § 42, eff. Sept. 1, 1971.

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Art. 2784e—8. Additional tax for certain rural high school districts in a county of 18,600 to 18,690 population, or county-line consolidated common school districts located partly in such a county

Section 1. The Board of Trustees of any rural high school district having a scholastic population of 200 or less, according to the last preceding scholastic census, and lying within a county having a population of not less than 18,600 nor more than 18,690 according to the last preceding federal census, or the Board of Trustees of any county-line consolidated common school district located partly in such a county, may levy and cause to be collected a tax, in addition to that authorized under Section 1, Chapter 304, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 2784e, Vernon's Texas Civil Statutes), or authorized under Section 1, Chapter 528, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 2784e—1, Vernon's Texas Civil Statutes), not to exceed Two Dollars on the $100 valuation of taxable property for the district for the maintenance and use of the schools therein. The limitation imposed by Subsection 3, Section 1, Chapter 304, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 2784e, Vernon's Texas Civil Statutes), shall not apply to the additional tax provided for in this section and the tax provided for in this section shall be in addition to that limit.

Acts 1967, 60th Leg., p. 118, ch. 63, eff. Aug. 28, 1967. Sec. 1 amended by Acts 1971, 62nd Leg., p. 82, ch. 45, § 1, eff. April 1, 1971.

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Section 2 of the amendatory act of 1971 provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Art. 2784e—9. Additional tax for county-line common school districts in counties of 24,600 to 25,000 and 49,000 to 49,400

Section 1. The Board of Trustees of any county-line common school district lying within a county having a population of not less than 24,600 nor more than 25,000 persons, and in a county having a population of not less than 49,000 nor more than 49,400, according to the last preceding federal census, may levy and cause to be collected a tax, in addition to that authorized under Section 1, Chapter 304, Acts of the 49th Legislature, 1945, as amended (Article 2784e, Vernon's Texas Civil Statutes), or authorized under Section 1, Chapter 528, Acts of the 54th Legislature, 1955, as amended (Article 2784e—1, Vernon's Texas Civil Statutes), not to exceed 50 cents on the $100 valuation of taxable property for the district for the maintenance and use of the schools therein. The limitation imposed by Subsection 3, Section 1, Chapter 304, Acts of the 49th Legislature, 1945, as amended (Article 2784e, Vernon's Texas Civil Statutes), shall not apply to the additional tax provided for in this section and the tax provided for in this section shall be in addition to that limit.

Acts 1967, 60th Leg., p. 527, ch. 231, eff. Aug. 28, 1967. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1844, ch. 542, § 106, eff. Sept. 1, 1971.

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Art. 2784e—10. Additional tax for common school districts in counties of 13,900 to 14,100 population

Section 1. (a) The commissioners court for the common school districts in all counties having a population of not less than 13,900 nor

more than 14,100, according to the last preceding Federal Census, may levy and collect a tax, in addition to that authorized under Sections 20.01 through 20.04, Texas Education Code, not to exceed $4.50 on the $100 valuation of taxable property for the district for the maintenance and use of the schools in the district.

(b) The limitation imposed by Subsection (d), Section 20.04, Texas Education Code, does not apply to the additional tax authorized by Subsection (a) of this section.

Acts 1967, 60th Leg., p. 1846, ch. 719, eff. June 17, 1967. Sec. 1(a) amended by Acts 1971, 62nd Leg., p. 1832, ch. 542, § 69, eff. Sept. 1, 1971; Acts 1971, 62nd Leg., p. 2462, ch. 801, § 1, eff. June 8, 1971.

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Section 2 of Acts 1971, 62nd Leg., p. 2462, ch. 801, provided: "As used in this Act, 'the last preceding Federal Census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Art. 2784e—11. Maintenance tax for school districts in counties of 20,400 to 20,900

Section 1. The Board of Trustees of any school district in any county having a population of not less than 20,400 nor more than 20,900, according to the last preceding federal census, may levy and collect a tax, not to exceed $2.50 per $100 of valuation of taxable property, for the maintenance and use of the schools in the district.

Acts 1969, 61st Leg., p. 676, ch. 229, eff. May 16, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1818, ch. 542, § 7, eff. Sept. 1, 1971.

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Art. 2784e—12. Maintenance tax for common school districts in counties of 80,000 to 90,000

Section 1. In any county having a population of not less than 80,000 nor more than 90,000, according to the last preceding federal census, the Commissioners Court, for and on behalf of any common school district under its jurisdiction, may levy and collect a tax, not to exceed $2.50 per $100 assessed valuation, on all taxable property in the district for the maintenance and use of the schools in the district.

Acts 1969, 61st Leg., p. 2162, ch. 748, eff. June 12, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1819, ch. 542, § 12, eff. Sept. 1, 1971.

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Art. 2784e—13. Additional maintenance tax for independent school districts in counties of 11,700 to 11,850

Section 1. (a) The board of trustees of any independent school district having a gross average daily attendance of less than 2,000 students for the preceding school year and located wholly or partly in a county having a population of not less than 11,700 nor more than 11,850, according to the last preceding federal census, may levy and collect a tax, in addition to that authorized under Sections 20.01 through 20.04, Texas Education Code, not to exceed 75 cents on the $100 valuation of all taxable property situated within the district and subject to district taxation for the maintenance and use of the schools in the district.

(b) The limitation imposed by Subsection (d), Section 20.04, Texas Education Code, does not apply to the additional tax authorized by Subsection (a) of this section.

Sec. 2. No tax may be levied, collected, or increased under the provisions of this Act until that action has been authorized at an election held in the district for that purpose.

Sec. 3. As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Acts 1971, 62nd Leg., p. 930, ch. 144, eff. May 10, 1971.

Title of Act:

An Act relating to an increased maintenance tax in certain school districts; and declaring an emergency. Acts 1971, 62nd Leg., p. 930, ch. 144.

Art. 2784e—14. Additional maintenance tax for common school districts in counties of 17,870 to 18,050

Section 1. (a) The commissioners court acting for and on behalf of any common school district located in a county having a population of not less than 17,870 nor more than 18,050, according to the last preceding federal census, may levy and collect a tax, in addition to that authorized under Sections 20.01 through 20.04, Texas Education Code, not to exceed $1 on the $100 valuation of taxable property for the district for the maintenance and use of the schools in the district.

(b) The limitation imposed by Subsection (d), Section 20.04, Texas Education Code, does not apply to the additional tax authorized by Subsection (a) of this section.

Sec. 2. No tax may be levied, collected, or increased under the provisions of this Act until that action has been authorized at an election held in the district for that purpose.

Acts 1971, 62nd Leg., p. 1039, ch. 206, eff. May 13, 1971.

Section 3 of the 1971 Act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to an increased maintenance tax in certain common school districts; and declaring an emergency. Acts 1971, 62nd Leg., p. 1038, ch. 206.

Art. 2784e—15. Maintenance tax for common school districts in counties of 19,500 to 19,680, etc.

Section 1. In all common school districts in this state having a scholastic population, according to the last preceding scholastic census, of 40 or more but less than 200 and an assessed valuation of $100,000 or more but less than $355,000 and located in a county having a population of not less than 19,500 nor more than 19,680 according to the last preceding federal census, the board of trustees may at a regular meeting in the district appoint a tax assessor-collector and a board of equalization for the district, to assess and collect for maintenance purpose a tax not to exceed the state maximum per hundred dollars of assessed valuation, as provided in Subsection (d), Section 20.04, Texas Education Code.

Sec. 2. The board of trustees of each district to which Section 1 of this Act applies and which adopts the provisions of this Act may appoint whatever person it deems qualified to be assessor-collector of taxes, who shall assess the taxable property within the limits of the district within the time and manner provided by existing laws, insofar as they are applicable and collect the taxes. However, the value of the property in the district need not be assessed on the same basis as that used for state and county purposes. He shall receive whatever compensation for his services the board of trustees may allow. The assessor-collector shall give bond, to be executed by a surety company authorized to do business in the State

of Texas, in an amount to be determined by the board of trustees which amount will in the opinion of the board be sufficient to adequately protect the funds of the school district. The bond shall be payable to the president of the board of trustees of the district, approved by the board, and conditioned on the assessor-collector's depositing in the county depository to the credit of the common school district all funds coming into his hands by virtue of his office, and shall also be conditioned on the faithful discharge of his duties. In all matters regarding the assessment and collection of taxes by common school districts adopting the provisions of this Act, the laws relating to the assessment and collection of taxes in independent school districts shall govern insofar as they are not inconsistent with the provisions of this Act.

Sec. 3. The board of equalization of a common school district which adopts the provisions of this Act shall be composed of three members appointed by the board of trustees. It shall be composed of legally qualified property taxpaying voters residing in the district and shall have the same power and authority and be subject to the same restrictions that now govern boards of equalization in independent school districts.

Acts 1971, 62nd Leg., p. 1695, ch. 488, eff. May 27, 1971.

Title of Act:

An Act relating to the levying, assessment, equalization, and collection of maintenance taxes in certain common school districts; and declaring an emergency. Acts 1971, 62nd Leg., p. 1695, ch. 488.

Section 4 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Art. 2784e—16. Maintenance tax for common school districts located partly in four certain counties

Section 1. In any common school district located partly in four counties having populations of not less than 3,250 nor more than 3,350, not less than 8,100 nor more than 8,400, not less than 16,000 nor more than 16,200, and not less than 97,500 nor more than 105,000, respectively, according to the last preceding federal census, the board of trustees shall be authorized, by a majority vote of the qualified property taxpaying voters in the district, at a regular election in the district or at a special election called for that purpose, to appoint a tax assessor-collector and a board of equalization for the district and levy, assess, and collect for maintenance purposes a tax not to exceed $2.50 per hundred dollars of assessed valuation.

Sec. 2. The board of trustees of each of these districts may appoint whatever person they deem qualified to be assessor-collector of taxes, who shall assess the taxable property within the limits of the district within the time and manner provided by existing laws, insofar as they are applicable, and collect the tax. He shall receive whatever compensation for his services the board of trustees may allow. The assessor-collector shall give bond, to be executed by a surety company authorized to do business in the State of Texas, in an amount to be determined by the board of trustees which will in the opinion of the board be sufficient to adequately protect the funds of the school district. The bond shall be payable to the president of the board of trustees of the district, approved by the board, and conditioned on the assessor-collector's depositing in the county depository to the credit of the common school district all funds coming into his hands by virtue of his office, and shall also be conditioned on the faithful discharge of his duties. In all matters regarding the assessment and collection of taxes by common school districts adopting the provisions of this Act, the laws relating to the assessment and collection of taxes in independent school districts shall govern insofar as they are not inconsistent with the provisions of this Act.

Sec. 3. The board of equalization of these common school districts shall be composed of three members appointed by the board of trustees. It shall be composed of legally qualified property taxpaying voters residing in the district and shall have the same power and authority and be subject to the same restrictions that now govern these boards in independent school districts.

Acts 1971, 62nd Leg., p. 1968, ch. 606, eff. June 2, 1971.

Title of Act:

An Act relating to levy, assessment, and collection of taxes in certain common school districts; and declaring an emergency. Acts 1971, 62nd Leg., p. 1968, ch. 606.

Section 4 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Art. 2784e—17. Additional maintenance tax for school districts in counties of 10,530 to 10,800

Section 1. (a) The board of trustees of any school district located in a county having a population of not less than 10,530 nor more than 10,800, according to the last preceding federal census, may levy and collect a tax, in addition to that authorized under Sections 20.01 through 20.04, Texas Education Code, not to exceed $1 on the $100 valuation of taxable property for the district for the maintenance and use of the schools in the district.

(b) The limitation imposed by Subsection (d), Section 20.04, Texas Education Code, does not apply to the additional tax authorized by Subsection (a) of this section.

Sec. 2. No tax may be levied, collected, or increased under the provisions of this Act until that action has been authorized at an election held in the district for that purpose.

Acts 1971, 62nd Leg., p. 2361, ch. 724, eff. June 8, 1971.

Section 3 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes."

Title of Act:

An Act relating to an increased maintenance tax in certain school districts; and declaring an emergency. Acts 1971, 62nd Leg., p. 2361, ch. 724.

Art. 2784e—18. Additional maintenance tax for common school districts in counties of 53,700 to 53,800

(a) The commissioners court acting for and on behalf of any common school district having a scholastic population of 200 or less, according to the last preceding scholastic census, and lying wholly or partly within a county having a population of not less than 53,700 nor more than 53,800, according to the last preceding federal census, may levy and collect a tax, in addition to that authorized under Sections 20.01 through 20.04, Texas Education Code, not to exceed $1 on the $100 valuation of taxable property for the district for the maintenance and use of the schools in the district.

(b) The limitation imposed by Subsection (d), Section 20.04, Texas Education Code, does not apply to the additional tax authorized by Subsection (a) of this section.

(c) No tax may be levied, collected, or increased under the provisions of this Act until that action has been authorized at an election held in the district for that purpose.

Acts 1971, 62nd Leg., p. 2432, ch. 779, eff. June 8, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

For Annotations and Historical Notes, see V.A.T.S.

Title of Act:

An Act relating to an increased maintenance tax in certain school districts; and declaring an emergency. Acts 1971, 62nd Leg., p. 2432, ch. 779.

Art. 2784e—19. Additional maintenance tax for nonrural common school districts in counties of 141,000 to 161,000

Section 1. (a) The commissioners court acting for and on behalf of any common school district which is not a rural high school district and which is located in a county having a population of not less than 141,000 nor more than 161,000, according to the last preceding federal census, may levy and collect a tax, in addition to that authorized under Sections 20.01 through 20.04, Texas Education Code, not to exceed 50 cents on the $100 valuation of taxable property for the district for the maintenance and use of the schools in the district.

(b) The limitation imposed by Subsection (d), Section 20.04, Texas Education Code, does not apply to the additional tax authorized by Subsection (a) of this section.

Sec. 2. No tax may be levied, collected, or increased under the provisions of this Act until that action has been requested by a petition signed by 15 percent of the qualified property taxpaying electors of the district and has been authorized at an election held in the district for that purpose.

Acts 1971, 62nd Leg., p. 2466, ch. 805, eff. June 8, 1971.

Section 3 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to an increased maintenance tax in certain common school districts; and declaring an emergency. Acts 1971, 62nd Leg., p. 2466, ch. 805.

Art. 2784f. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(3), eff. Aug. 30, 1971

See, now, V.T.C.A. Education Code, § 18.31.

Art. 2784g—1. Bond and maintenance tax in certain independent districts in counties of 100,000 to 120,000

Section 1. Any independent school district having an assessed valuation for school tax purposes of Twenty Million Dollars ($20,000,000) or more but less than Thirty-five Million Dollars ($35,000,000), and lying within a county having a population of one hundred thousand (100,000) or more but less than one hundred twenty thousand (120,000), according to the last preceding federal census, shall have the power, when authorized by an election held for that purpose, to levy, assess and collect an ad valorem tax not to exceed Two Dollars ($2) per One Hundred Dollar ($100) valuation of all taxable property located in such school district or having its taxable situs therein in order to pay the current interest and maturities of bonds issued and to be issued by the district and for the further maintenance of the public free schools therein.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1835, ch. 542, § 77, eff. Sept. 1, 1971.

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Art. 2784g—2. Certificates of indebtedness; issuance by school and junior college districts in counties of 200,000 or more

Authorization; purpose; definition

Section 1. Any school district, including a junior college district, situated in a county containing a population of two hundred thousand or more, according to the last preceding federal census, may issue interest bearing Certificates of Indebtedness for the purpose of (1) providing funds for the erection and equipment of school buildings within the boundaries of the district or (2) refinancing outstanding certificates as herein provided. The term certificates, as used in this Act, shall include all obligations authorized to be issued hereunder and the term shall include interest thereon, unless clearly indicated by the context that another meaning is intended.

Payment of certificates; appropriation and pledge of local school funds; maintenance tax

Sec. 2. The governing body of the district shall make provision for the payment of the certificates issued under the authority of this Act by the appropriation and pledge of local school funds derived and to be derived from maintenance taxes levied and assessed or to be levied and assessed under authority of Section 1, Chapter 304, Acts of the 49th Legislature, 1945, as amended (Article 2784e, Vernon's Texas Civil Statutes), Chapter 528, Acts of the 54th Legislature, 1955, as amended (Article 2784e—1, Vernon's Texas Civil Statutes), Chapter 273, Acts of the 53rd Legislature, 1953, as amended (Article 2784g, Vernon's Texas Civil Statutes), and Chapter 37, Special Laws, Acts of the 46th Legislature, 1939, as amended (Article 2815h, Vernon's Texas Civil Statutes), or other similar law now in existence or hereinafter enacted which limits the amount of tax which may be levied for maintenance (as distinguished from bond requirements) purposes. Such appropriation and pledge may be (1) in the nature of a continuing irrevocable pledge to apply the first moneys collected or to be collected annually from such tax levy to the payment of the obligations or (2) by the irrevocable present levy and appropriation of such amount of said maintenance tax as required to meet the annual debt service requirements of the obligations, in which event the governing body shall covenant to annually set aside such amount in the annual tax levy, showing the same is a portion of the maintenance tax. The governing body shall annually budget the amount required to pay the debt service requirements (principal and interest) of the obligations which may be scheduled to become due in any fiscal year. Nothing herein shall be construed as permitting the levy of a maintenance tax in excess of the amount approved by the resident qualified property taxpaying voters of the district.

Limits and restrictions

Sec. 3. (a) No district at any one time shall have certificates outstanding and unpaid in principal amount in excess of $250,000.00 unless (1) such excessive amount becomes the obligation of the district by assumption as contemplated by Section 7 or (2) the new certificates are being issued to refund or refinance outstanding obligations as contemplated by Section 5.

(b) The principal amount of certificates which may be authorized at any one time (and the scheduling of their principal maturity) shall be further restricted as hereinafter set forth:

(1) Where assessed valuation more than One Million Dollars and less than Fifteen Million Dollars—the limiting factor is 25 cents.

(2) Where assessed valuation of Fifteen Million Dollars or more but less than Thirty-Five Million—the limiting factor is 15 cents.

(3) Where assessed valuation of Thirty-Five Million Dollars or more—the limiting factor is 5 cents.

For Annotations and Historical Notes, see V.A.T.S.

(c) Assessed valuation means the valuation for school district purposes on the tax rolls of the district last approved prior to the authorization of the certificates. Limiting factor for a particular district (as set forth in the foregoing schedule) shall be multiplied by the assessed valuation of the district and the product shall be the maximum amount of debt service requirements on the certificates which may be scheduled to become due in any fiscal year on a cumulative basis. No district which has an assessed valuation less than One Million Dollars may issue certificates under this Act.

Form, denominations and provisions of certificates; maturity and interest rate; sale; deposit of proceeds; certificates as securities

Sec. 4. (a) Certificates authorized to be issued hereunder shall be payable at such times, be in such form and denomination or denominations either in coupon form or registered as to principal and interest, either or both, and may contain such options for redemption prior to the scheduled maturity, and be payable at such place or places and contain such other provisions as the governing body of the district may determine, but in no event shall any certificate mature over a period in excess of 25 years from the date thereof, or bear interest at a rate in excess of 7% per annum.

(b) Except where issued in exchange for certificates outstanding (under the provisions of Section 5), certificates shall be sold for cash at not less than the face or par value (plus accrued interest) and the proceeds applied for the purpose for which the same were issued, provided, however, that all accrued interest and premium received, if any, shall be deposited in the Interest and Sinking Fund established for the payment of such obligations. The cost of issuing the obligations (including attorneys' fees, printing and fiscal fees) may be paid from the proceeds received from the sale thereof, except where such certificates are sold under the provisions of Section 5.

(c) Certificates (including interest thereon whether issued in coupon or registered form) shall be deemed and construed to be a "Security" within the meaning of Article 8, dealing with "Investment Securities" of the Uniform Commercial Code, Chapter 785, Acts of the 60th Legislature, Regular Session, 1967 [1]; and the provisions shall be applicable thereto from and after their approval by the Attorney General of Texas and registration by the Comptroller of Public Accounts.

[1] See V.T.C.A. Bus. & C. § 8.101 et seq.

Refunding or refinancing of outstanding certificates

Sec. 5. Each governing body shall be authorized to refund or refinance outstanding certificates by the issuance of new interest bearing certificates within the limitations and conditions provided herein provided any such new certificates shall be issued and delivered in lieu of and upon surrender to the Comptroller of Public Accounts of Texas and the cancellation of the obligations being refunded thereby and the Comptroller shall register the new certificates and deliver them in accordance with the order authorizing their issuance. Said new certificates may be issued and delivered in accordance with the provisions of Article 717k, Revised Civil Statutes of Texas, 1925, as amended.

Approval of attorney general; registration of certificates; incontestability

Sec. 6. A certified copy of all proceedings relating to the authorization of the certificates shall be submitted to the Attorney General of Texas and if he shall find the same to have been authorized in accordance with the provisions of this Act, he shall execute a certificate or opinion to that effect which shall be filed in the office of the Comptroller of Public Accounts who shall register the certificates which shall thereafter be incontestable for any cause.

Indebtedness of issuing district; funds pledged as security for payment; change of boundaries; adjustment or assumption

Sec. 7. Certificates issued under provisions of this Act shall be an indebtedness of the school district issuing them, but the holder thereof shall not have the right to demand payment thereof out of any fund or funds other than those pledged to its payment. In the event the boundary lines of any issuing district are changed while such certificates remain outstanding, such indebtedness shall be adjusted or assumed as provided under general law for the adjustment of bond indebtedness payable from taxation.

Certificates as legal investments and security for deposits

Sec. 8. All certificates issued under this Act 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 guardians, and for any sinking funds of cities, towns, villages, counties, school districts and other political corporations or subdivisions of the State of Texas. Such certificates 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 and other political corporations or subdivisions of the State of Texas, and shall be lawful and sufficient security for said deposits at their face value when accompanied by all unmatured coupons, if any, appurtenant thereto.

Governing bodies of districts

Sec. 9. For the purpose of this Act, the governing body of a common school district shall be the Commissioners Court of the county having administrative jurisdiction. The governing body of an independent school district, a rural high school district or a junior college district shall be its duly elected Board of Trustees, and the governing body of a municipality controlled school district shall be the city or town council or commission. Certificates shall be authorized by order of the governing body of the district.

Cumulative effect

Sec. 10. The provisions of this Act shall be cumulative of existing laws relating to the financing of the cost of erecting and equipping school buildings by school districts, it being the legislative intent that this Act shall be complete authority for the issuance, sale and delivery of certificates by school districts.

Severability

Sec. 11. Nothing in this Act shall be construed to violate any provision of the federal or State constitutions and all acts done hereunder shall be done in such manner as may conform thereto whether herein expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such constitutions, the district shall have the power by resolution to provide an alternative procedure conformable to such constitutions. If any provision of the Act shall be invalid, such fact shall not affect the validity of any other provision of this Act, and the Legislature hereby declares that it would have enacted the valid provisions of this Act notwithstanding the invalidity of any other provision or provisions hereof.

Acts 1971, 62nd Leg., p. 2567, ch. 842, eff. June 9, 1971.

Title of Act:

An Act prescribing procedures whereby certain school districts may issue and deliver Certificates of Indebtedness for certain school building or refunding purposes; limiting the application of the law and the amount of certificates which may be issued or be outstanding against a particular district; requiring such certificates to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts and prescribing the effect thereof; enacting other provisions incident and related to the purpose; providing a severance clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 2567, ch. 842.

For Annotations and Historical Notes, see V.A.T.S.

Art. 2790d—10. Time warrants of independent districts in counties of 5,250 to 5,290

Section 1. This Act shall apply to all independent school districts in counties having a population of not more than 5,290 and not less than 5,250 according to the last preceding federal census and having an approved tax roll assessment for the school year of 1964–65 of not less than $23,000,000.00 and not more than $24,500,000.00. If during the scholastic year the Board of Trustees of any such independent school district determines that there will be insufficient funds to properly maintain and operate the school in said district during the remainder of such scholastic year, said Board is hereby authorized to issue time warrants for the purpose of obtaining funds with which to maintain and operate the schools in said district during the remainder of such scholastic year. Said Board shall authorize the issuance of said time warrants by appropriate order and a tax shall be levied for the payment of the interest on and principal of such warrants. Said order shall further create an interest and sinking fund into which there shall be deposited, out of each year's taxes while said warrants are unpaid and in existence, a sufficient amount of money to pay the principal and interest on said warrants when the same becomes due and payable. Said warrants shall be payable serially and annually for a period of years not to exceed eight (8), and shall bear interest at a rate not to exceed five percent (5%) per annum. Nothing herein shall prevent the Board from paying the interest on said warrants semi-annually if it so desires. Said warrants shall be signed by the president of the Board of Trustees and countersigned by the secretary; provided, however, that their facsimile signatures may be printed or lithographed on any coupon, if any, attached to said warrants. Said warrants shall not be sold for less than par and accrued interest. Monies placed in said interest and sinking fund shall be paid out only to pay the interest and principal requirements on said warrants. However the aggregate amount of time warrants that may be issued in any one scholastic year shall not exceed $175,000.00.

Acts 1965, 59th Leg., p. 197, ch. 82, eff. April 13, 1965. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1825, ch. 542, § 38, eff. Sept. 1, 1971.

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Art. 2790d—12. Time warrants of independent districts in counties of 5,300 to 5,400

Section 1. (a) This Act applies in independent school districts with an assessed valuation of not less than $16 million nor more than $18 million, in counties with a population of not less than 5,300 nor more than 5,400 according to the last preceding federal census.

Acts 1967, 60th Leg., p. 120, ch. 65, eff. Aug. 28, 1967. Sec. 1(a) amended by Acts 1971, 62nd Leg., p. 1826, ch. 542, § 39, eff. Sept. 1, 1971.

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Art. 2790d—13. Time warrants of independent districts in counties of 9,900 to 10,100

(a) This Act applies to independent school districts with assessed valuations of $10 million or more in counties with a population of not less than 9,900 nor more than 10,100 according to the last preceding federal census.

Acts 1969, 61st Leg., p. 150, ch. 53, emerg. eff. April 3, 1969. Subsec. (a) amended by Acts 1971, 62nd Leg., p. 1827, ch. 542, § 45, eff. Sept. 1, 1971.

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Art. 2790d—15. Time warrants of independent districts in counties of 18,600 to 18,690

Section 1. This Act shall apply to all independent school districts situated in counties having a population of not less than 18,600 and not more than 18,690 and containing a city within such district boundaries having a population of not less than 2,400 and not more than 2,500 according to the last preceding federal census, and having an approved tax roll assessment for said school district for the year 1968 of not less than $12,500,000 and not more than $14,375,000, and having a scholastic population of not less than 750 and not more than 850. If during the scholastic year the Board of Trustees of any such independent school district determines a need to repair or renovate school buildings; purchase school buildings; cause to be constructed new school buildings; purchase school furniture, furnishings, or equipment; equip school properties with necessary heating, water, sanitation, lunchroom, and electrical facilities; and said school district is financially unable out of available funds to make such repairs, renovations, purchases, or equip such school properties with said facilities, said Board is hereby authorized to issue time warrants for the purpose of obtaining funds with which to repair or renovate school buildings; purchase school buildings; cause to be constructed new school buildings; purchase school furniture, furnishings, or equipment; equip school properties with necessary heating, water, sanitation, lunchroom, and electrical facilities. Said Board shall authorize the issuance of said time warrants by appropriate order which order shall further create an interest and sinking fund into which there shall be deposited, out of each year's taxes while said warrants are unpaid and in existence, a sufficient amount of money to pay the principal and interest on said warrants when the same become due and payable, and a tax, within the limits otherwise provided by law, shall be levied for the payment of the interest on and principal of such warrants. Said warrants shall be payable serially and annually for a period of years not to exceed five (5) and shall bear interest at a rate not to exceed six percent (6%) per annum, with the option to call any part of all of said warrants for payment on any interest installment or paying date, and may provide for the payment of interest on a quarterly or semiannual basis. Said warrants shall be signed by the president of the Board of Trustees and countersigned by the secretary; provided, however, that their facsimile signatures may be printed or lithographed on any coupon, if any, attached to said warrants. Said warrants shall not be sold for less than par and accrued interest. Moneys placed in said interest and sinking fund shall be paid out only to pay the interest and principal requirements on said warrants. The aggregate amount of time warrants that may be outstanding as to unpaid principal shall never exceed $80,000.

Acts 1969, 61st Leg., p. 1742, ch. 575, eff. June 11, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1848, ch. 542, § 125, eff. Sept. 1, 1971.

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Art. 2790d—16. Time warrants of independent districts in counties of 6,705 to 6,790

(a) This Act applies to independent school districts, located partly in three (3) or more counties, the supervision of said schools being located in counties having a population of not less than 6,705 nor more than 6,790 as shown by the last preceding federal census.

Acts 1969, 61st Leg., p. 2464, ch. 828, § 1, eff. June 16, 1969. Subsec. (a) amended by Acts 1971, 62nd Leg., p. 1817, ch. 542, § 4, eff. Sept. 1, 1971.

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For Annotations and Historical Notes, see V.A.T.S.

Art. 2790d—17. Time warrants of independent districts containing city of 6,360 to 6,400

(a) This Act applies to any independent school district having within its district boundaries a city having a population of not less than 6,360 nor more than 6,400 according to the last preceding federal census.

Acts 1969, 61st Leg., 2nd C.S., p. 158, ch. 46, § 1, eff. Sept. 19, 1969. Subsec. (a) amended by Acts 1971, 62nd Leg., p. 1831, ch. 542, § 64, eff. Sept. 1, 1971.

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Art. 2790d—18. Time warrants in certain independent districts

Section 1. This Act applies to independent school districts having approved current tax roll assessments of more than $25,000,000 and having more than 4,000 students in average daily attendance and having no cafeteria or lunchroom facilities in any of its schools.

Sec. 2. If the board of trustees of an independent school district designated in Section 1 determines that there is a need for a cafeteria system which it can obtain with the help of federal funds and other funds then available and the funds to be procured hereunder, and that the school district is otherwise financially unable out of available funds to obtain complete cafeteria facilities, the board may issue time warrants by appropriate order. The board shall further order the creation of an interest and sinking fund into which there shall be deposited, out of each year's taxes while the warrants are unpaid and in existence, a sufficient amount of money to pay the principal and interest on the warrants as they become due and payable. The warrants shall be payable serially and annually for a period of years not to exceed 10 and shall bear interest at a rate not to exceed eight percent per annum, with the option to call any part or all of the warrants for payments on any interest installment or paying date, and may provide for the payment of interest on a quarterly or semiannual basis. The warrants shall be signed by the president of the board of trustees and countersigned by the secretary; provided, however, that their facsimile signatures may be printed or lithographed on any coupon, if any, attached to the warrants. The warrants shall not be sold for less than par and accrued interest. Moneys placed in the interest and sinking fund shall be paid out only for the interest and principal requirements on the warrants. The aggregate amount of time warrants that may be outstanding as to unpaid principal shall never exceed $250,000 or one percent of the value on its approved tax roll, whichever is less.

Sec. 3. The interest and principal requirements which shall mature during the district's fiscal year shall be reflected in the district's budget for that fiscal year.

Sec. 4. No warrants authorized to be issued or executed under this Act shall be issued or executed after September 1, 1971.

Sec. 5. Upon the issuance of any warrants provided for in this Act the affidavit of the president and secretary of the board of trustees that the warrants have been issued in conformity with the Act, and the statement on the face of each warrant so issued or executed that they are issued in compliance with and under the authority of this Act, shall be prima facie evidence of the validity of the warrants.

Sec. 6. This Act shall not be construed as repealing any laws now in existence authorizing the issuance of interest-bearing time warrants, but this Act shall be cumulative of all existing laws.

Acts 1971, 62nd Leg., p. 964, ch. 170, eff. May 11, 1971.

Title of Act:

An Act relating to the issuance of interest-bearing time warrants by certain independent school districts; and declaring an emergency. Acts 1971, 62nd Leg., p. 964, ch. 170.

Art. 2790d—19. Time warrants of independent districts containing city of 322,000 to 328,000

Section 1. (a) This Act applies to any independent school district within the State of Texas, whether created by general law or special Act of the Legislature, which is entitled on January 1, 1971, to payments for maintenance and operation of schools under the Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as amended [1], and which has within or partly within its district boundaries a city having a population of not less than 322,000 and not more than 328,000 according to the last preceding Federal Census.

(b) The board of trustees of an independent school district described in Subsection (a) of this section, may, upon a determination that there are insufficient funds to properly operate and maintain the district's schools, make and enter an order in their minutes directing

(1) the issuing of time warrants sufficient to obtain funds for operation and maintenance of the district's schools and payment of existing accounts already obligated for these purposes;

(2) the levying of a tax sufficient to pay the principal and interest on said warrants; and

(3) the creation of an interest and sinking fund.

(c) The board shall deposit in the sinking fund, created by the order in Subsection (b) of this section, an amount from each year's taxes sufficient to pay the principal and interest on outstanding warrants when they become due and payable, and the funds may only be used to pay the principal and interest on the warrants.

(d) Said warrants shall be payable serially and annually for a period of years not to exceed eight, and shall bear interest at a rate not to exceed six percent per annum, with the option to call any part or all of said warrants for payment on any interest installment or paying date, and may provide for the payment of interest on a quarterly or semiannual basis.

(e) The president of the board shall sign the warrants and the secretary shall countersign them.

(f) The board may not sell the warrants for less than par value and accrued interest.

(g) The board may not issue time warrants exceeding the amount to which any such independent school district was entitled on January 1, 1971, to receive as payments for maintenance and operation of schools under the Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as amended, plus any anticipated payments for maintenance and operation of schools to which such independent school district would be entitled through the expiration of the fiscal year of the United States Government which commences July 1, 1972, in accordance with the pertinent provisions of the aforesaid Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as it existed on January 1, 1971.

(h) The board may not issue or execute a warrant after the expiration of four years from June 1, 1971.

Sec. 2. Upon the issuance of any warrants provided for in this Act the affidavit of the president and secretary of the said board of trustees that said warrants have been issued in conformity with this Act, and the statement on the face of each such warrant so issued or executed that same are made in compliance with and under the authority of this Act, shall be prima facie evidence of the validity of said warrants.

For Annotations and Historical Notes, see V.A.T.S.

Sec. 3. This Act shall not be construed as repealing any laws now in existence authorizing the issuance of interest-bearing time warrants, but this Act shall be cumulative of all said existing laws and Acts. Acts 1971, 62nd Leg., p. 2832, ch. 927, eff. June 15, 1971.

[1] 20 U.S.C.A. § 236 et seq.

Title of Act:

An Act relating to the issuance of time warrants by certain independent school districts having within or partly within their boundaries a city having a population of not less than 322,000 and not more than 328,000; and declaring an emergency. Acts 1971, 62nd Leg., p. 2832, ch. 927.

Art. 2792b. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(3), eff. Aug. 30, 1971

Art. 2792c. Assessor-collector of taxes; board of equalization; common school districts in counties of 71,000 to 71,100

Section 1. In all common school districts in this State located in a county having a total population of 71,000 or more but less than 71,100 according to the last preceding federal census, the Board of Trustees may, by a majority vote of the qualified property taxpaying electors in the district, at a regular election in the district or at a special election called for that purpose, appoint a tax assessor-collector and a board of equalization for the district.

Acts 1969, 61st Leg., p. 493, ch. 160, eff. May 8, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1840, ch. 542, § 96, eff. Sept. 1, 1971.

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Art. 2792d. Assessor-collector of taxes; board of equalization; common school districts in counties of 16,000 to 16,200

Section 1. In all common school districts in this State located in a county having a total population of 16,000 or more but less than 16,200, according to the last preceding federal census, the Board of Trustees shall be authorized, by a majority vote of the qualified property taxpaying voters in the district, at a regular election in the district or at a special election called for that purpose, to appoint a tax assessor-collector and a board of equalization for the district and levy, assess, and collect for maintenance purposes a tax not to exceed $2.50 per hundred dollars of assessed valuation.

Acts 1969, 61st Leg., p. 496, ch. 162, eff. May 8, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1840, ch. 542, § 97, eff. Sept. 1, 1971.

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Art. 2802i—26. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(3), eff. Aug. 30, 1971

Art. 2802i—29. Tax rate in common school districts in counties less than 3,250 and in certain districts of 900 or less

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Sec. 1A. If a common school district is located in a county lying North of the 33rd degree of latitude North and having a population of nine hundred (900) or less, according to the last preceding federal census, the district may levy, assess, and collect taxes not to exceed the following rates: For maintenance purposes, Two Dollars and Fifty Cents ($2.50) per hundred dollars of assessed valuation; for bond interest and sinking fund purposes, seventy-five cents (75¢) per hundred dollars of assessed valuation; but the combined tax for both purposes shall never exceed

Two Dollars and Fifty Cents ($2.50) per hundred dollars of assessed valuation. Such taxes shall be assessed, levied, and collected pursuant to the provisions of this Act and of the general law applicable to such districts.

Sec. 1A added by Acts 1967, 60th Leg., p. 470, ch. 214, § 1, eff. May 19, 1967. Amended by Acts 1971, 62nd Leg., p. 1831, ch. 542, § 62, eff. Sept. 1, 1971.

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5. ADDITIONS AND CONSOLIDATIONS

Art. 2803e. Independent districts in counties of 6,705 to 6,785; consolidation and dissolution

(a) This Act applies to independent school districts, located partly in three or more counties, the supervisory office for those schools being located in counties having a population of not less than 6,705 nor more than 6,785 as shown by and according to the last preceding Federal Census.

(b) Any independent school district described in Subsection (a) of this section may subdivide itself according to county lines, except for nine or more square miles of continuous territory in which the school facility is located, and be consolidated with contiguous independent school districts by the procedure established in this Act.

(c) Any independent school district described in Subsection (a) of this section that retains nine or more square miles of continuous territory in which the school facility is located may consolidate this portion of the district to any contiguous independent school district where a free accredited public school will be maintained at that facility. The consolidation shall be accomplished as provided in this Act.

(d) Territory in the several counties of any independent school district described in Subsection (a) of this section may be consolidated with any contiguous independent school district constituting as a whole one continuous territory.

(e) On the petition of either 20 or a majority of legally qualified voters of any independent school district described in Subsection (a) of this section and of each of several contiguous independent school districts constituting as a whole one continuous territory, addressed to the respective county judges of the respective counties in which such districts respectively lie, each county judge shall order an election for the district or districts in his county on the same day, on the issue of consolidation. The Commissioners Courts of the respective counties shall canvass the returns and declare the results of the elections in the district or districts in their respective counties.

(f) If a majority of the votes cast in all elections described in Subsection (e) of this section favors consolidation, the boundaries of the respective school districts shall be reapportioned by the county judges of the respective counties. After the reapportionment, the independent school district described in Subsection (a) of this section ceases to include that portion of the district in which the election was held. The indebtedness, bonded or otherwise, of the independent school district described in Subsection (a) of this section shall be borne proportionately by the respective contiguous independent school districts according to territory described in Subsection (d) of this section; and the dissolution of the district described in Subsection (a) of this section under the terms of this Act does not relieve any one of the school districts receiving territory from assuming and bearing their pro rata part of the total indebtedness according to territory of the independent school district described in Subsection (a) of this section.

For Annotations and Historical Notes, see V.A.T.S.

(g) All employees of independent school districts described in Subsection (a) of this section shall automatically attain continuing contract status for a minimum of three years forward from the school year consolidation proceedings are initiated and when consolidation is effected, all employees shall be accepted, proportionately by territory received, by the independent school districts described in Subsection (d) of this section, and each such employee may have a choice of at least two districts to be assigned and shall be assigned duties in the same area as performed in the independent school district described in Subsection (a) of this section; and such employee shall receive the same salary schedule and fringe benefits as though he were employed in independent school districts described in Subsection (a) of this section; and any contiguous independent school district receiving territory from the independent school district described in Subsection (a) of this section in which the school facility is located shall assign the school ground, administration building, gymnasium, and fire truck storage to a political subdivision of the city or community within which it lies; and shall keep these buildings and its supporting utilities such as the water system in usable repair in future years.

(h) This Act will permit any contiguous independent school district receiving territory from the independent school districts described in Subsection (a) of this section to receive incentive aid payments without regard to the number of scholastics as described in Chapter 361, Acts of the 58th Legislature, 1963, as amended (Article 2815—4, Vernon's Texas Civil Statutes).[1]

Acts 1971, 62nd Leg., p. 1251, ch. 312, eff. Aug. 30, 1971.

[1] Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(3).

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding Federal Census' means the 1970 census or any future decennial Federal Census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes."

Title of Act:

An Act relating to consolidation and dissolution of all or parts of certain independent school districts; and declaring an emergency. Acts 1971, 62nd Leg., p. 1251, ch. 312.

Arts. 2815—3, 2815—4. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(3), eff. Aug. 30, 1971

Prior to repeal, art. 2815–4 was amended by Acts 1965, 59th Leg., p. 105, ch. 40, § 1, and by Acts 1971, 62nd Leg., p. 1190, ch. 289, eff. May 19, 1971.

The 1971 amendatory act added a subsection E to section 1 of article 2815–4 which was repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, and which amendment was codified by Acts 1971, 62nd Leg., p. 3344, ch. 1024, art. 2, § 15, as V.T.C.A. Education Code, § 23.999.

6. DISTRICTS IN LARGE COUNTIES

Art. 2815a—1. Voting places for elections held by independent districts in counties of more than 1,500,000

In all counties in this State which have a population of more than 1,500,000 people, according to the last preceding federal census, every election held for any purpose by an independent school district which has an average daily attendance of more than 3,000 pupils, but less than 3,500 pupils, according to the last preceding scholastic census, and which has two or more county voting precincts within its boundaries, shall be held in each of the voting precincts at the places used in the General Elections of this State.

Amended by Acts 1971, 62nd Leg., p. 1826, ch. 542, § 40, eff. Sept. 1, 1971.

Arts. 2815b to 2815g. Repealed. Acts 1965, 59th Leg., p. 1538, ch. 673, § 1. Eff. Aug. 30, 1965

Art. 2815g—1c. Election of trustees in districts of more than 1,500,000

Section 1. This Act shall apply to any school district, whether created by general law or special act, having all or the major portion of its territory situated within a county having a population of more than one million, five hundred thousand (1,500,000), according to the last preceding federal census, except those independent districts having a scholastic population of one hundred seventy-five thousand (175,000), according to the last preceding scholastic census, and which were created by special act of the Legislature and which operate under the provisions of that Act; provided, however, that this Act shall not apply to any district unless and until the Board of Trustees thereof adopts by majority vote an order or resolution adopting the provisions thereof. The Board of Trustees of said independent districts may adopt an order or resolution, adopting all or any one or more of the provisions hereof, then thereafter for a period of three (3) successive years all trustee elections in such district shall be held and governed by the terms and provisions thereof.

Sec. 1 amended by Acts 1965, 59th Leg., p. 522, ch. 268, § 1, eff. Aug. 30, 1965; Acts 1971, 62nd Leg., p. 1826, ch. 542, § 41, eff. Sept. 1, 1971.

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Art. 2815g—61. Validation of districts, boundary lines, resolutions, orders and ordinances for separation from municipal control; bonds; exceptions

Section 1. All school districts of every kind and type, whatsoever, including all types of junior and regional college districts, for the creation of which an election was held and at which a majority of the persons voting thereat voted in favor of such creation, are hereby validated in all respects as though they had been duly and legally created, established, and/or organized in the first instance, and the boundary lines and names of all such school districts are likewise validated. Without in any manner limiting the foregoing and in addition thereto, all resolutions, orders, ordinances, and other acts or attempted acts of all county boards of school trustees and county boards of education, commissioners courts, and county judges, in calling elections, declaring such districts created and/or declaring other matters relating to the proceedings in connection with such creations and/or elections, or in changing or attempting to change the boundaries of any school district of any kind or type whatsoever, including all types of junior and regional college districts, whether by rearrangement of boundaries or correction of boundary lines, by subdividing or detachment, by annexation or consolidation of all or part of one or more such school districts to or with all or part of one or more other such school districts, by grouping of such school districts, or otherwise, or in creating or attempting to create any such school district, or in abolishing or attempting to abolish any such school district, or in converting or attempting to convert any such school district into any other type of school district, are hereby validated in all respects, and all such boundary changes, creations, abolitions, and annexations, or attempts thereat, shall be valid as though they had been duly and legally accomplished in the first instance. The election of all members of the board of trustees of such school districts who have received favorable votes of a majority of the qualified electors voting at an election heretofore held is hereby in all things validated.

Sec. 2. All resolutions, orders, ordinances, and other acts or attempted acts of all governing bodies of all municipalities and of all gov-

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erning bodies of all municipally controlled or assumed school districts and extended municipal school districts, in separating or divorcing or attempting to separate or divorce such schools or school districts from municipal control, jurisdiction, or authority, and/or of the governing bodies of all municipalities in annexing or attempting to annex any territory to any such municipally controlled, assumed, or extended school districts, are hereby validated in all respects, and all such separations or divorcements, and annexations, or attempts thereat, shall be valid as though they had been duly and legally accomplished in the first instance.

Sec. 3. All bonds, including both tax and revenue bonds, and including voted or authorized but undelivered bonds as well as outstanding bonds, and all voted bond taxes and voted maintenance taxes, of and in all school districts of every kind and type whatsoever, including all types of junior and regional college districts, and all bond, maintenance tax, and bond assumption elections heretofore held in all such school districts, together with all proceedings, resolutions, orders, ordinances, and other acts or attempted acts of the governing bodies or bond-issuing authorities of all such school districts, pertaining to, or attempting to issue or authorize, any such bonds, bond taxes, maintenance taxes, and bond assumptions, be and are hereby validated in all respects, and all such bonds, bond taxes, maintenance taxes, and bond assumptions shall be valid as though they had been duly and legally issued, authorized, or accomplished in the first instance.

Sec. 4. Nothing in this Act shall be construed as validating any boundary change made or attempted to be made by any ex parte order, resolution, or other act of the board of trustees of any school district, and this Act shall have no application to litigation pending in any court of competent jurisdiction in this state on the effective date hereof questioning the validity of any matters hereby validated if such litigation is ultimately determined against the validity of the same. Nor shall this Act apply to proceedings pending before the county boards of trustees, the State Commissioner of Education, or the State Board of Education on the effective date hereof questioning the validity of any matters hereby validated if such proceedings are ultimately determined against the validity of the same. Nor shall this Act apply to any district which has heretofore been declared invalid by a court of competent jurisdiction in this state or which may have been established and which was later returned to its original status. Nor shall this Act apply to any district involved in pending litigation.

Acts 1971, 62nd Leg., p. 958, ch. 168, eff. May 11, 1971.

Title of Act:

An Act validating all school districts, including all types of junior and regional college districts, together with the boundaries and names thereof; validating the creation, abolition, and conversion of all such school districts, and all changes in boundaries in all such school districts; validating the election of certain members to boards of trustees; validating the annexation of territory and the divorcement or separation from municipal control in all municipally controlled school districts; validating all bonds, bond taxes, maintenance taxes, and bond assumptions and the elections authorizing same, of and in all school districts, including all types of junior and regional college districts; providing this Act shall not be construed as validating any boundary change made or attempted to be made by any ex parte order, resolution, or other act of the board of trustees of any school district; providing that this Act shall have no application to litigation now pending questioning the validity of matters hereby validated, or to proceedings now pending before the county boards of trustees, State Commissioner of Education, or the State Board of Education, or to any district which has heretofore been declared invalid by certain courts, or to districts which may have been established and later returned to original status, providing such litigation or proceedings are ultimately determined against the validity of matters hereby validated; providing a saving clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 958, ch. 168.

7. JUNIOR COLLEGES

Art. 2815h—1. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of art. 2815h.1 relating to the change of name of junior colleges or districts to community colleges or districts, enacted by Acts 1971, 62nd Leg., p. 1253 (S.B.No.683) ch. 313, §§ 1, 2, effective Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3344, ch. 1024, art. 2, § 13, as V.T.C.A. Education Code, § 130.005.

Art. 2815h—1b. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2815h—2a. Establishment of junior college districts by school districts in counties of 1,500,000 or more

Establishment

Section 1. A school district having an assessed valuation of more than $4 billion and located in a county having a population of 1,500,000 or more according to the last preceding federal census, may establish a junior college district as provided by this Act.

Acts 1969, 61st Leg., p. 2462, ch. 827, eff. Sept. 1, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1818, ch. 542, § 5, eff. Sept. 1, 1971.

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Art. 2815m. Repealed by Acts 1969, 61st Leg., p. 3024, ch. 889, § 2; Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2815m—2. Trustees of certain junior college districts; date for election

Section 1. This Act applies to any junior college district [8], all or a part of which is located in a county having a population of more than 1,500,000 according to the last preceding federal census.

Acts 1965, 59th Leg., p. 386, ch. 188, eff. Aug. 30, 1965. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1817, ch. 542, § 2, eff. Sept. 1, 1971.

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Art. 2815m—4. Election of trustees of certain junior college districts; division into trustee election districts; authorization; adoption of act; elections; terms of office

Adoption of act by trustees

Section 1. In any public junior college district which was originally organized or created as a county junior college district and which contains territory in three (3) or more counties, the governing board of trustees of such public junior college district is hereby authorized and

For Annotations and Historical Notes, see V.A.T.S.

empowered to adopt the provisions of this Act with respect to election of trustees of such public junior college district [1] by resolution passed by a majority vote of all trustees of the district duly entered upon the minutes thereof. Once the provisions of this Act have been adopted such action shall not thereafter be rescinded.

Adoption of act by petition and election; procedures

Sec. 2. In the event the governing board of trustees of any such junior college district shall not have adopted the provisions of this Act, it shall be the duty of such board of trustees when presented with a petition requesting such action, signed by ten per cent (10%) or more of the qualified electors residing within such public junior college district, to call an election within such junior college district at which there shall be submitted to the qualified voters of the public junior college district the proposition whether such public junior college district shall adopt the provisions of this Act with respect to the election of trustees, which election shall be held not less than thirty (30) nor more than sixty (60) days thereafter on the first Saturday of some month within such period of time, notice of which election shall be given by publication one time in at least one newspaper of general circulation in each county in which said public junior college district has territory not more than thirty (30) days nor less than ten (10) days prior to such election. The returns of such election shall be made to such board of trustees, which shall canvass the returns and declare the results thereof. In the event a majority of those voting in such election vote in favor of the proposition to adopt the provisions of this Act, then the board of trustees of such public junior college [1] shall proceed as hereinafter provided in the same manner as though the governing board of trustees of such junior college district had by resolution of the trustees elected to adopt the provisions of this Act. If the provisions of this Act are adopted at such an election such action shall not thereafter be rescinded.

Number of trustees; term of office; staggered elections

Sec. 3. After adoption of the provisions of this Act the governing board of trustees of such public junior college district shall consist of nine (9) trustees, who shall serve basic terms of office of six (6) years, one-third of whom shall be elected at the regular elections held on the first Saturday in April in each even-numbered year as provided in Section 51.072, Texas Education Code, except as herein provided.

Division of district into nine (9) trustee election districts; boundaries; redistricting; assignment of trustee position numbers

Sec. 4. Promptly after the adoption of the provisions of this Act the trustees of the junior college district shall by order duly entered upon the minutes thereof divide said junior college district into nine (9) trustee election districts, each of which shall contain approximately the same area and same number of persons as each other trustee election district. Such order shall clearly define the boundaries of each trustee election district and shall also assign to each trustee election district a different trustee position number from one to nine, which numbers shall be assigned by drawing lots. Thereafter the boundaries of such trustee election districts may be changed by the trustees of the junior college district only to equalize numbers of people in and the area of trustee election districts caused by enlargement of the junior college district or by substantial changes in population.

Certification of establishment of election districts; order of first election; applicability of Education Code

Sec. 5. Within five (5) days after the trustees of any junior college district have established the trustee election districts provided by Section 4 of this Act said trustees shall certify such action to the Commissioners Court of the county in which the principal buildings and administrative

offices of such junior college district are located, transmitting therewith copies of all resolutions and orders pertaining to the adoption of the provisions of this Act and proceedings thereunder. At its next meeting following the receipt of such certification the Commissioners Court shall order an election to be held in such junior college district, such election to be held not later than thirty (30) nor more than sixty (60) days thereafter on the first Saturday of some month within said period of time. Except as herein provided said election shall be held as prescribed by Section 51.072 of the Texas Education Code.

Conduct of first election; expenses

Sec. 6. The first election of trustees required by Section 5 of this Act shall be ordered by the Commissioners Court of the county as provided in Section 5 of this Act. Such Commissioners Court shall determine the date of such election, appoint election officials, provide for giving of notices, make provision for ballots and other election supplies, determine location of polling places, and make other necessary preparations, and after such election has been held said Commissioners Court shall canvass the returns and declare the results of such election. All expenses of such election shall be paid by the junior college district.

Staggered terms of service of trustees elected to positions at first election

Sec. 7. At the first election required by Section 5 of this Act the trustees elected to Positions 1, 2 and 3 shall serve until the time for the next regular election of trustees; trustees elected to Positions 4, 5 and 6 shall serve until such election and two additional years; and trustees elected to Positions 7, 8 and 9 shall serve until such election and four additional years. At each regular election of trustees thereafter three trustees shall be elected to serve for terms of six years.

Residency requirement

Sec. 8. Candidates for any trustee position must reside in the trustee election district to which such position is assigned to be eligible for election, and failure to so reside will render such candidate ineligible for election. Failure of a trustee to continue to reside in the trustee election district to which he has been elected shall automatically vacate the office of trustee for that election district.

Qualifications of voters

Sec. 9. Only qualified voters residing in a trustee election district established under the provisions of this Act shall be eligible to vote for the trustee to be elected to the trustee position assigned to such trustee election district.

Applicability of Education Code after first election

Sec. 10. Except as herein provided, after the first election provided by Section 5 of this Act, the governing board of trustees of any public junior college adopting the provisions of this Act shall be constituted, chosen and governed by the provisions of Section 51.072 of the Texas Education Code, insofar as same may be applicable.

Acts 1971, 62nd Leg., p. 85, ch. 48, §§ 1–10, eff. April 5, 1971.

Title of Act:

An Act authorizing governing boards of public junior colleges originally created as county junior college districts which contain territory in three (3) or more counties to divide such junior college districts into nine (9) separate election districts and provide for election of one trustee from each district by qualified voters of that district; providing that such boards shall call an election, upon petition, to determine whether such public junior college district shall adopt the provisions of this Act; providing for terms of office and procedures of elections; providing a severability clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 85, ch. 48.

For Annotations and Historical Notes, see V.A.T.S.

Art. 2815o—1c. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2815s—2. Annexation of territory by eligible junior college districts; procedures; trustees, election and compensation

Section 1. As used in this Act the term "Eligible Junior College District" is defined as and means any public junior college district which

(a) was originally created as a County Junior College District; and

(b) subsequently has extended its boundaries into three or more counties; and

(c) accepts enrollment of students who reside outside such junior college district but who are residents of the county in which such junior college district is located.

Sec. 2. The governing board of an Eligible Junior College District is authorized to change the boundaries of such junior college district by annexing all of the territory contained in any or all of the counties or any part thereof in which such junior college district is located save and except territory which is already included within the boundaries of another public junior college district.

Sec. 3. Annexations authorized by the provisions of this Act shall be made in accordance with the following procedures:

(a) The Eligible Junior College District desiring to change or extend its boundaries by annexing other territory shall file with the Coordinating Board, Texas College and University System, an application for approval of such proposed annexation by said Board, which shall contain the following:

(1) The amount of tuition paid by students residing in said junior college district during the year in which the election hereinafter provided to authorize the proposed annexation is to be held.

(2) Assurance that free transportation or free dormitory space will be provided for all students who reside in the junior college district.

(3) Assurances that off-campus centers will be established in the county seat in each county in the junior college district except the county in which the junior college is located, with all taxes received from property subject to taxation in the school district in which the county seat is located or 50 percent of tax from the territory taken in in which the off-campus center is located to be used to assist in financing the operation of such center. The above choice must be made by the governing board before any election is called and will not be subject to change.

(4) Proposals for the provision of evening college classes in the off-campus center established under the provisions of the preceding paragraph not to exceed twenty-four semester hours for any one student for work for which credit may be transferred to another institution.

(5) Proposals to provide vocational courses for classes with beginning minimums of eighteen (18) freshmen students or twelve (12) sophomore students.

(6) Proposals to provide vocational courses for eleventh (11th) and twelfth (12th) grades in high school according to the State Plan for Vocational Education.

(7) Proposals for conduct of Adult Basic Education according to the State Plan established by Texas Education Agency.

(8) Proposed names for the enlarged junior college district, the college, and off-campus centers.

(b) If the application of the Eligible Junior College District be approved by the Coordinating Board, Texas College and University System, the governing board of such junior college district is authorized to order separate elections to be held on the same day, one in the area of the Eligible Junior College District and another in each county in the territory proposed for annexation to the Eligible Junior College District.

Except as herein provided, elections shall be held in accordance with the Texas Election Code and all resident, qualified electors residing in the territory of the Eligible Junior College District and in the territories proposed to be annexed to such Eligible Junior College District shall be permitted to vote. Proposition to be submitted at such elections shall be whether the territory proposed to be annexed to such Eligible Junior College District shall be so annexed. The governing board of such Eligible Junior College District shall be authorized to determine the date of such elections, the polling place or places within the said junior college district and within each other county, the election officials, and such other matters as may be deemed necessary or advisable by such governing board. Notice of such elections shall be given by publishing a substantial copy of the election order in at least one newspaper of general circulation in each county in which the Eligible Junior College District is located and in which such elections are to be held not more than thirty (30) nor less than ten (10) days prior to the election. All expenses of such election shall be paid by such Eligible Junior College District.

(c) After such elections the governing board of such Eligible Junior College District shall receive and canvass the returns of said elections and declare the results thereof. If a majority of the electors voting in the Eligible Junior College District vote in favor of the proposition to annex the territory to such Eligible Junior College District, and if a majority of the electors voting the territory proposed to be annexed to such Eligible Junior College District vote in favor of the proposed annexation, then in such event the governing board of the Eligible Junior College District shall pass an order annexing all of the territory included in the propositions voted on at such elections to the Eligible Junior College District, which order shall be recorded in full in the minutes of said governing board and a certified copy of which shall be filed for record in the Deed Records of each county in which the Eligible Junior College District has territory. When such order has been passed same shall operate to change and extend the boundaries of the Eligible Junior College District to include the annexed territory.

Sec. 4. Any Eligible Junior College District which annexes territory and whose boundaries are changed and extended by such annexation of territory under the provisions of this Act shall be deemed to be the same junior college district which existed prior to such annexation of territory. Such junior college district shall have title to all of the property belonging to the Eligible Junior College District prior to such annexation of territory, shall possess all rights and privileges belonging to such Eligible Junior College District, and shall be subject to all liabilities of such Eligible Junior College District. The governing board of the Eligible Junior College District shall continue as the governing board of the junior college district as enlarged and extended by such annexation.

Sec. 5. If the Eligible Junior College District prior to the annexation election provided by the terms of this Act elected its trustees under the provisions of any law providing for such election of such trustees from designated election districts within such Eligible Junior College District, then it shall be the duty of the governing board of such junior college district to promptly redistrict the territory of the junior college district as enlarged and extended by such annexations into the requisite number of districts for election of trustees under the provisions of such

For Annotations and Historical Notes, see V.A.T.S.

law providing for election of trustees from election districts, but such redistricting shall not serve or operate to deprive any trustee of his office prior to the end of the term to which he was elected, but at the election of trustees at which a successor to any of such trustees would be elected, then trustees shall be elected in accordance with the provisions of the law under which trustees had previously been elected. In the event that trustees of the Eligible Junior College District had previously been elected at large from such junior college district, then those trustees holding office at the time of such annexation shall continue to hold office until the expiration of their term of office, at which time their successors shall be elected in accordance with the provisions of the law under which trustees had previously been elected or which may thereafter be applicable.

Sec. 6. Members of the governing board of trustees of any public junior college district enlarged by annexation under the provisions of this Act shall be paid Fifteen Dollars ($15) per meeting for the time spent in attending meetings of the governing board of trustees of such public junior college district not to exceed twelve (12) meetings in any one year, and shall in addition be paid the sum of ten cents (10¢) per mile for each mile traveled in going from their homes to the place of such meetings and return, measured by the usual and customary route traveled, not to exceed twelve (12) meetings in any one year.

Acts 1971, 62nd Leg., p. 3040, ch. 1004, eff. Aug. 30, 1971.

Section 7 of the 1971 act was a severability provision.

Title of Act:

An Act defining the term "Eligible Junior College District"; authorizing the annexation of territory by Eligible Junior College Districts under certain circumstances; prescribing procedures for such annexations; providing for elections of trustees; providing for compensation of trustees; providing a severability clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 3040, ch. 1004.

CHAPTER FIFTEEN—SCHOOL FUNDS

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Art. 2827b—1. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17 (3), eff. Aug. 30, 1971

Art. 2827d. Treatment of emotionally disturbed children in counties of 750,000 to 1,000,000; expenditures

Section 1. In addition to all other powers granted or authorized by law, the Board of Trustees of any independent school district located in a county having a population of between seven hundred fifty thousand (750,000) and one million (1,000,000) according to the last preceding federal census shall have power and authority to make expenditures from local school funds of the district for the purpose of obtaining evaluation, counseling and/or treatment of emotionally disturbed children. The words "emotionally disturbed children" as used in this article will be construed to include any child of educable mind whose ineffective adjustment to life's problems has resulted in abnormal behavior and/or learning capacity so impaired as: to prevent the adequate and full education of such child; to burden the teacher of such child with unusual disciplinary, administrative, or educational duties; or to create physical, educational or emotional dangers for the pupils associated with such child. The Board of Trustees shall have power and authority to make such expenditures for salaries of doctors, counselors and/or therapists employed by the

school system and/or for services rendered by nonprofit corporations on any basis determined to be appropriate by such Board of Trustees.

Acts 1965, 59th Leg., p. 174, ch. 68, eff. Aug. 30, 1965. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1834, ch. 542, § 73, eff. Sept. 1, 1971.

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Art. 2827e. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(3), eff. Aug. 30, 1971

Art. 2832. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(1), eff. Aug. 30, 1971

CHAPTER SEVENTEEN—TEACHERS' CERTIFICATES, SALARIES AND CONTRACTS

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

2. CLASSES OF CERTIFICATES

Art. 2885a. Repealed by Acts 1971, 62nd Leg., p. 3025 ch. 994, § 17(3), eff. Aug. 30, 1971

2A. CERTIFICATION OF TEACHERS

Art. 2891d. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

Art. 2891e. Issuance of certificates to out-of-state applicants

The Commissioner of Education shall issue appropriate Texas teacher's certificates to and upon request of persons holding valid teaching certificates of other states who desire to teach in Texas, provided the college or university in which the teacher completed the requirements for his certificate is accredited by a recognized accrediting agency as an approved teacher training institution. Provided however that the out of state applicants take all required courses in Texas History that a Texas Teachers Certificate requires and shall complete such course within twelve months of issuance of certificate; otherwise, the certificate will be revoked.

Acts 1971, 62nd Leg., p. 2361, ch. 723, eff. Aug. 30, 1971.

Title of Act:

An Act requiring the Commissioner of Education, under certain conditions, to issue a Texas teacher's certificate upon request to persons holding valid teaching certificates of other states; and declaring an emergency. Acts 1971, 62nd Leg., p. 2361, ch. 723.

CHAPTER SEVENTEEN A—TEACHERS' PROFESSIONAL PRACTICES [NEW]

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2891—101 to 2891—107. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

CHAPTER NINETEEN—MISCELLANEOUS PROVISIONS

Acts 1971, 62nd Leg., p. 3072, ch. 1024, enacts Title 3 of the Texas Education Code, and also repeals enumerated existing Articles of the Texas Civil Statutes, effective September 1, 1971.

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Art. 2899b. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2904b. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(3), eff. Aug. 30, 1971

Art. 2906a. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

Art. 2907. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2909a. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2909a—1. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2909a–1 relating to the use of certain state-owned museum buildings on certain campuses, enacted by Acts 1971, 62nd Leg., p. 2731, (S.B.No.1021) ch. 891, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3361, ch. 1024, art. 2, § 42, as V.T.C.A. Education Code, § 51.905.

Arts. 2909c to 2909c—3. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Art. 2909c—4. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2909c–4 authorizing the issuance of revenue bonds by certain institutions, enacted by Acts 1971,

62nd Leg., p. 54, (H.B.No.278) ch. 30, §§ 3 to 5, eff. March 18, 1971, were codified by Acts 1971, 62nd Leg., p. 3335, ch. 1024, art. 2, § 1, as V.T.C.A. Education Code, § 55.17(e) to (g).

Art. 2909d. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2914. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2919c. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Arts. 2919d, 2919d—1. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(3), eff. Aug. 30, 1971

Arts. 2919e—1 to 2919e—2.1. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

Art. 2919e—2.2. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2919e—2.2 authorizing contracts with the Texas College of Osteopathic Medicine, enacted by Acts 1971, 62nd Leg., p. 1054, (S.B.No.160) ch. 215, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3338, ch. 1024, art. 2, § 6, as V.T.C.A. Education Code, §§ 61.201 to 61.204.

Art. 2919e—2.3. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2919e—2.3 authorizing contracts with the U. S. government for a medical school, enacted by Acts 1971, 62nd Leg., p. 3388, (S.B.No.1028) ch. 1035, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3362, ch. 1024, art. 2, § 43, as V.T.C.A. Education Code, § 61.071.

Art. 2919e—3. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Art. 2919g—1. Audit of records of funds handled by departments of education in counties of 1,500,000 or more

Section 1. In any counties having a population of one million, five hundred thousand (1,500,000) or more according to the last preceding federal census, the county auditor is hereby authorized and required to

For Annotations and Historical Notes, see V.A.T.S.

audit all books, accounts, reports, vouchers and other records relating to all funds handled by the county department of education. The results of such audit shall be made public by the county auditor.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 1846, ch. 542, § 113, eff. Sept. 1, 1971.

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Art. 2919j. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

CHAPTER NINETEEN A—RURAL HIGH SCHOOLS

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Art. 2922*l*(3.1). Division of districts comprising ten original school districts into five areas

Section 1. This Act shall apply only to rural high school districts and consolidated independent school districts composed of the territory formerly comprising ten (10) original school districts, one of which shall have been an independent district, each original school district having a scholastic population of less than two hundred (200), in counties with a total population of not less than fifty-two thousand (52,000) and not more than fifty-three thousand (53,000), according to the last preceding federal census.

It is immaterial whether such rural high school district or consolidated independent school district shall have been established, or shall be established, by consolidation, or by annexation, or by grouping the original school districts.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 1818, ch. 542, § 10, eff. Sept. 1, 1971.

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CHAPTER TWENTY—TEACHERS' RETIREMENT

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Arts. 2922—1j, 2922—1k. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

Arts. 2922—1.01 to 2922—10.01. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2) (4), eff. May 26, 1971

CHAPTER TWENTY-TWO—FOUNDATION SCHOOL PROGRAM

Art.
2922—29. Available school fund use for countywide special education school in counties of 19,500 to 19,680 [New].

For disposition of the subject matter of the repealed articles of this chapter, see the Table following V.T.C.A. Education Code.

Art. 2922—11a. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

Arts. 2922—11b, 2922—11c. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(3), eff. May 26, 1971

Art. 2922—14d. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

Art. 2922—15a. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

Art. 2922—16b. Repealed by Acts 1971, 62nd Leg., p. 3025, ch. 994, § 17, eff. Aug. 30, 1971

Art. 2922—16f. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

Art. 2922—25a. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

Art. 2922—27. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

Art. 2922—28. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 2922—28 authorizing recognition of administrative personnel as classroom teachers, enacted by Acts 1971, 62nd Leg., p. 2374, (S.B.No.990) ch. 736, eff. Aug. 30, 1971, were codified by Acts 1971, 62nd Leg., p. 3362, ch. 1024, art. 2, § 44, as V.T.C.A. Education Code, § 16.22.

Art. 2922—29. Available school fund use for countywide special education school in counties of 19,500 to 19,680

A county that has a countywide special education unit established, available to all scholastics of the county, which has a population of not less than 19,500 nor more than 19,680, according to the last preceding federal census, and which does not have an area vocational school program, shall employ its annual county available school fund apportionment, if any, in the operation of a countywide special education school or in financing facilities, or both. Any such school district shall not be held accountable for or charged with county available school funds in the determination of eligibility for minimum foundation school program funds. When a vocational school is established within such a county, its county available fund may be employed to finance and operate the program.

Acts 1971, 62nd Leg., p. 3416, ch. 1044, eff. June 8, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the use of the county available school fund and eligibility for minimum foundation school program funds in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 3416, ch. 1044.

ELECTION CODE

CHAPTER ONE—MISCELLANEOUS PROVISIONS

Art. 1.05—1. Eligibility of candidates for city office

No person shall be ineligible to be a candidate for any elected public office of any city, regardless of its class, by virtue of his age or length of residency within the city, who is above the age of twenty-one (21), is a qualified elector, and has resided twelve (12) months next preceding the election within the city limits of such city.
Acts 1971, 62nd Leg., p. 2453, ch. 793, eff. Aug. 30, 1971.

Article 1.05–1 was not enacted as part of the Election Code of 1951.

Section 2 of the 1971 act provided: "If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Title of Act:
An Act relating to eligibility of candidates for all elected public offices of cities of any class; repealing all laws and parts of laws in conflict with the provisions of this Act to the extent of the conflict; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 2453, ch. 793.

CHAPTER TWO—TIME AND PLACE

Art. 2.04a. County election precinct maps furnished to Secretary of State

Subdivision 1. Between September 1, 1971, and January 1, 1972, each county clerk in the State shall furnish to the Secretary of State a map of his county showing the boundaries of the county election precincts as they exist under the most recent orders of the County Commissioners Court, if such a map is available. The map may be in multiple sections. It shall show roads, streets, streams, city boundaries, and other natural or artificial landmarks which are used as boundary lines for the precincts, in sufficient detail and with sufficient designation by number, name, or other means of identification to depict the precinct boundaries in an accurate and understandable manner.

Subdivision 2. When the Commissioners Court makes any changes in the county election precincts by order entered on or after September 1, 1971, within four months after the entry of the order the county clerk shall furnish to the Secretary of State a map depicting the changes in the manner described in Subdivision 1 of this section, where such a map is available.

Subdivision 3. The Secretary of State shall file and preserve as a public record each map received under the provisions of this section for a period of 10 years from the date on which it is filed, after which time it may be transferred to the records management division of the State Library for further retention for a period of 20 years. At the expiration of 30 years from the date of filing by the Secretary of State, the State Librarian may dispose of the maps in accordance with the

procedure outlined in Chapter 494, Acts of the 56th Legislature, Regular Session, 1959.
Acts 1951, 52nd Leg., p. 1097, ch. 492, § 12a, added by Acts 1971, 62nd Leg., p. 46, c. 24, § 1, eff. March 18, 1971.

Art. 2.06. Where to vote

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to Chapter Five following article 5.23.

CHAPTER FIVE—SUFFRAGE

Art.
5.11c. Supplemental registration period for the 1971 voting year [New].

Art. 5.05 Absentee voting

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Subdivision 2c. Comparison of signatures.

For contingent enactment of subdivision 2c of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

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Subdivision 14a. Branch offices for absentee voting by personal appearance in counties having a population of more than 1,500,000. (a) Upon authorization of the Commissioners Court of a county having a population of more than 1,500,000, the county clerk of such county shall conduct absentee voting by personal appearance at a suitable location in each justice precinct in the county in elections in which the county clerk is the officer for conducting the absentee voting. This subdivision does not apply to elections in which the absentee voting is conducted by any officer other than the county clerk. Notwithstanding the provisions of Subdivision 14 of this section, if suboffices are established under this Subdivision 14–a, the county clerk shall not conduct absentee voting at any location other than his main office and the suboffices authorized by this subdivision. Such voting in each election suboffice shall be for the full period of time, and for the same hours, for which absentee voting is conducted at the main office.

(b) Any voter who is eligible to vote absentee by personal appearance in the main office of the county clerk shall be eligible to vote absentee by personal appearance either in the main office of the county clerk or in the election suboffice of the county clerk in the justice precinct in which is located the election precinct of the voter's residence.

(c) The list of voters who vote absentee in each election suboffice each day shall be posted the next day both in the election suboffice in which the voter voted and in the main office, with the list of each election suboffice being posted in the main office separate and apart from the lists of the other election suboffices. Each such list of voters shall be compiled in accordance with statutory requirements.

(d) All applications and all records of persons who have voted absentee both in all election suboffices and in the main office each day shall be available for public inspection the next day in the main office.

(e) Except as otherwise provided herein, the voting in each election suboffice shall be subject to the same statutes, rules, and regulations as the voting in the main office.
Subd. 14a added by Acts 1971, 62nd Leg., p. 1382, ch. 368, § 1, eff. May 26, 1971.

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Art. 5.08 Rules for determining residence

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(m) The residence of a person under 21 years of age who is not married or has not been married or has not had the disabilities of minority removed through a proceeding in a court of competent jurisdiction is at the place of residence of the parent or parents, or other person standing in loco parentis, having custody of the minor. The residence of a person under 21 years of age who is married or has been married or has been emancipated from the disabilities of minority by court order is determined in accordance with the rules applying to persons of full age.
Amended by Acts 1967, 60th Leg., p. 1879, ch. 723, § 21, eff. Aug. 28, 1967; Subsec. (m) added by Acts 1971, 62nd Leg., p. 2528, ch. 827, § 25, eff. Aug. 30, 1971.

Art. 5.10a. Persons entitled to register

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.11a Annual registration; period for registration; period for which registration is effective

For contingent amendments of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, §§ 3, 24, see the Appendix to this chapter following article 5.23.

Art. 5.11c. Supplemental registration period for the 1971 voting year

Subdivision 1. A supplemental registration period for the 1971 voting year shall begin on the first day of February, 1971, and end on the last day of February, 1971. Any person eligible to register during the regular period may register during the supplemental period. Except as provided in Subdivision 3 of this section, a registration during the month of February does not become effective before the first day of April following the registration, and the registrant becomes eligible to vote on the first day of April or on the date on which he fulfills the age and residence requirements for voting, whichever is later. The registrar shall enter on each voter's registration certificate the date on which he will become eligible to vote.

Subd. 2. In making up a supplemental list of registered voters for an election, as required by Section 51a of this code, the registrar shall not place the name of any person registering under the provisions of this section onto a list which is prepared for any election held before the first day of April following the registration.

Subd. 3. This section does not supersede Sections 44a and 44b of this code.[1] A person entitled to register under either of those sections who registers during the month of February becomes eligible to vote in accordance with the applicable provision under which he registers.
Acts 1951, 52nd Leg., p. 1097, ch. 492, § 43c, added by Acts 1971, 62nd Leg., p. 2, ch. 2, § 1, eff. Feb. 5, 1971.

[1] Articles 5.12a and 5.12b.

Title of Act:
An Act relating to the period for voter registration for the 1971 voting year; amending the Texas Election Code by adding Section 43c, providing for a supplemental registration period; and declaring an emergency. Acts 1971, 62nd Leg., p. 2, ch. 2.

Art. 5.12a Registration by former aliens, new residents, and persons reaching voting age

For suspension and contingent repeal of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, §§ 21, 23, respectively, see the Appendix to this chapter following article 5.23.

Art. 5.12b Registration by persons in military service or recently discharged therefrom, etc.

For suspension and contingent repeal of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, §§ 21, 23, respectively, see the Appendix to this chapter following article 5.23.

Art. 5.13a Mode of applying for registration

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.13b. Information required on application

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.14a. Registration certificate books; form of certificate

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.15a Information required on certificate

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.16a. Correction of errors on certificates; lost certificates

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.16b. Abolition of precinct or alteration of boundary

For contingent enactment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.18a Removal to another county or election precinct

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.18b. Extension or renewal of registration by voting or by request for renewal; cancellation for failure to renew

For contingent enactment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.18c. Cancellation of registration upon death or judicial determination of disqualification

For contingent enactment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.18d. Change of name

For contingent enactment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.19a List of registered voters

For contingent amendment of subsection (1) of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

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(4) In addition to the copies of the lists of registered voters which the registrar is required to furnish under Subsections (1), (2), and (3) of this section, he shall furnish a copy to any person requesting it, for which he shall make a reasonable charge. In any county where the voter registration lists are recorded on magnetic tape, the registrar shall furnish a copy of the tape to any person requesting it, for which he shall make a reasonable charge. The registrar shall exact a uniform charge against all persons to whom he furnishes copies of the lists other than the copies which he is required to furnish under Subsections (1), (2), and (3) of this section, and he shall exact a uniform charge against all persons to whom he furnishes copies of the tape. The charge shall not be greater than an amount deemed sufficient to reasonably reimburse the registrar for his actual expense in furnishing the copy. Costs incurred in registering the voters or in making up the certified lists from which the copy is taken shall not be included in the charge. All money collected under this section shall be accounted for as official fees of office.
Subsec. (4) added by Acts 1971, p. 48, c. 25, § 1, eff. March 18, 1971.

(5) Where the lists of registered voters for a county are prepared by a computer service company or other private business entity under a contract with the county, one of the terms of the contract shall be that the company will supply copies of the lists to the registrar in the number ordered, and also copies of the tape in the number ordered where the lists are made up on magnetic tape, within 15 days from the date on which the company receives the order or from the date on which the company completes the preparation of the lists, whichever is the later.
Subsec. (5) added by Acts 1971, p. 49, c. 25, § 1, eff. March 18, 1971.

Art. 5.19b. Reimbursement of county by state

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, §§ 13, 24, see the Appendix to this chapter following article 5.23.

Art. 5.20a. Deputy registrars

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.21a. Statement of registrations

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.22c. Penalty for misdemeanor offenses

For contingent enactment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to this chapter following article 5.23.

Art. 5.23. Repealed by Acts 1971, 62nd Leg., p. 2526, ch. 827, § 21, eff. March 1, 1972

APPENDIX TO CHAPTER FIVE

ELECTIONS—VOTER REGISTRATION—CONTINGENT AMENDMENTS

CHAPTER 827

S. B. No. 51

An Act providing for suspension of present laws and enactment of a system of voter registration entitling registrants to vote for a period of three years, with provisions for extension or renewal of registration for successive periods of three years; also providing certain rules and procedures for voting; containing penal provisions; amending the Texas Election Code as follows: amending Sections 14, 42a, 43a, 45a, 45b, 46a, 47a, and 48a (Articles 2.06, 5.10a, 5.11a, 5.13a, 5.13b, 5.14a, 5.15a, and 5.16a, Vernon's Texas Election Code); adding Section 48b; amending Section 50a (Article 5.18a); adding Sections 50b, 50c, and 50d; amending Subsection 1 of Section 51a (Article 5.19a); amending Sections 51b, 52a, and 53a (Articles 5.19b, 5.20a, and 5.21a); adding Section 54c; amending Sections 90 and 93 (Articles 8.08 and 8.11); amending Section 37 (Article 5.05) by adding Subdivision 2c; amending Subsections (4), (5), and (6) of Section 179a (Article 13.01a); suspending Sections 44a and 44b (Articles 5.12a and 5.12b); and repealing Section 55 (Article 5.23); making the enactment permanent upon the happening of either of certain stated contingencies, but providing for expiration of the enactment and reinstatement of the present law, with modifications, if neither contingency occurs; conditionally amending Sections 43a and 51b, Texas Election Code (Articles 5.11a and 5.19b, Vernon's Texas Election Code), and repealing Sections 44a and 44b, Texas Election Code (Articles 5.12a and 5.12b, Vernon's Texas Election Code); amending Section 40, Texas Election Code (Article 5.08, Vernon's Texas Election Code), by adding Subsection (m); and declaring an emergency.

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

Section 1. Section 14, Texas Election Code (Article 2.06, Vernon's Texas Election Code), is amended [1] to read as follows:

14. Where to vote

Except as permitted in Sections 48a and 50a of this code,[2] all voters shall vote in the election precinct in which they reside.

[1] V.A.T.S. Election Code, art. 2.06.
[2] V.A.T.S. Election Code, arts. 5.16a and 5.18a.

Sec. 2. Section 42a, Texas Election Code (Article 5.10a, Vernon's Texas Election Code), is amended [1] to read as follows:

42a. Persons entitled to register

A person is entitled to register as a voter in the precinct in which he has his legal residence (i. e., domicile), as defined in Section 40 of this code, if:

(1) on the date of applying for registration he is a citizen of the United States and is subject to none of the disqualifications, other than nonage, stated in Section 33 of this code [2] ; and

(2) within 30 days after applying for registration he will be 18 years of age or older and will have resided in the State for one year.

However, no person may vote at any election unless he fulfills all the qualifications of an elector for that election.

[1] V.A.T.S. Election Code, art. 5.10a.
[2] V.A.T.S. Election Code, art. 5.01.

Sec. 3. Section 43a, Texas Election Code (Article 5.11a, Vernon's Texas Election Code), is amended [1] to read as follows:

43a. Period for registration; period for which registration is effective

Subdivision 1. A "voting year" is a period of one year beginning on March 1 of each calendar year. Normally, a registration is effective for three successive voting years, as more fully stated in Subdivisions 2 and 3 of this section, subject to extension or renewal as provided in Section 50b of this code.[2]

Subdivision 2. The first voting year under this law begins on March 1, 1972. An initial registration period under this law begins on October 1, 1971, and continues through January 31, 1972. Notwithstanding the provisions of Section 42a of this code [3], a person may register at any time during this period if he has already attained the qualifications required by Section 42a or will attain them before April 1, 1972. A registration during this period becomes effective on March 1, 1972, and continues in effect for the 1972, 1973, and 1974 voting years, subject to extension or renewal as provided in Section 50b of this code. On applications mailed to the registrar on or before January 31 but not received by the registrar until after that date, the registrar shall treat each application as having been made in accordance with Subdivision 3 of this section, with registration to become effective on the 31st day following its receipt.

Subdivision 3. Beginning on February 1 after the close of the registration period provided for in Subdivision 2 of this section, registration shall be conducted at all times that the registrar's office is open for business. A registration on or after that date becomes effective on the 31st day following and is effective for the voting year in which that date falls and the succeeding two voting years, except that a registration on or after the first day of October and more than 30 days before the end of the voting year is effective for the remainder of that voting year and for the succeeding three voting years. Each registration is subject to extension or renewal as provided in Section 50b of this code. A person is deemed to have registered on the date that his application is received by the registrar.

Subdivision 4. This subdivision states an exception to the rule stated in Subdivision 3 of this section in regard to the effective date of a registration. Any person who, at the time of applying for registration, comes within a category of persons eligible to vote by absentee ballot without regular registration through use of the federal post card application for absentee ballot, as provided in Subdivision 2a of Section 37 of this code,[4] or who came within such a category at any time within six months before the date of his application, may register at any time, and the registration becomes effective for voting on the fifth day following issuance of the registration certificate if the registrant is otherwise qualified to vote on that date.

[1] V.A.T.S. Election Code, art. 5.11a.
[2] V.A.T.S. Election Code, art. 5.18b, added by Section 11 of this chapter.
[3] V.A.T.S. Election Code, art. 5.10a.
[4] V.A.T.S. Election Code, art. 5.05.

Sec. 4. Section 45a, Texas Election Code, as amended (Article 5.13a, Vernon's Texas Election Code), is amended [1] to read as follows:

45a. Mode of applying for registration

Subdivision 1. A person may apply for registration in person or by mail. Each applicant shall submit to the registrar of the county in which he resides a written application which supplies all the information required by Section 45b of this code [2]. The Secretary of State shall prescribe the application form. He may prescribe one or more forms for use in counties using electronic data processing methods for issuing voter registration certificates and a different form for use in counties not using

those methods, but the registrar in each county shall accept any application made upon any form prescribed by the Secretary of State which supplies all the necessary information for registration. In addition to other requirements, the application form shall contain the following statement: "I understand that the giving of false information to procure the registration of a voter is a felony." It shall also contain a space for recording the number of the voter's registration certificate.

Subdivision 2. The application shall be signed by the applicant or his agent. However, if the person making the application is unable to sign his name either because of physical disability or illiteracy, he shall affix his mark, if able to do so, which shall be attested by a witness, whose signature and address shall be shown on the application. If a person making the application is physically unable to make a mark, the witness shall so state on the application.

Subdivision 3. When a properly executed application is received by the registrar, he shall make out a registration certificate and shall either deliver the original certificate to the voter or his agent in person or shall mail it to the voter at his permanent address; or if the voter is temporarily living outside the county and requests that the certificate be mailed to the temporary address, the registrar shall mail it to the temporary address. When application is made in person, the registrar may make out and deliver the certificate immediately or he may defer preparation of the certificate until a later time, to be mailed to the voter or held for delivery in person if the applicant so directs. If the certificate is mailed to the voter, the registrar shall mail it in time for the voter to receive it before the date on which it becomes effective for voting.

Subdivision 4. The husband, wife, father, mother, son, or daughter of a person entitled to register may act as agent for such person in applying for registration, without the necessity of written authorization therefor, may sign for the applicant, and may receive the registration certificate. However, none of these persons may act as agent unless he is a qualified elector of the county. No person other than those mentioned in this subdivision may act as agent for a person in applying for registration. Except as permitted in this subdivision, a person who wilfully acts as agent for another in applying for registration or in obtaining a registration certificate is guilty of a misdemeanor.

Subdivision 5. A registrar of voters who knowingly issues a registration certificate to a person other than the applicant or his lawful agent, or who knowingly mails or delivers a registration certificate to a person other than the applicant or his lawful agent, is guilty of a misdemeanor."

[1] V.A.T.S. Election Code, art. 5.13a.

Sec. 5. Section 45b, Texas Election Code, as amended (Article 5.13b, Vernon's Texas Election Code), is amended [1] to read as follows:

45b. Information required on application

An application for a voter registration certificate shall show the following information:

1. The applicant's name, sex, and post-office address (or if living in an incorporated city or town, his street address).

2. A statement of the applicant's age. If the applicant has not attained 21 years of age, the application shall show his date of birth by month, day and year. If the applicant has already attained the age of 21 years, it is sufficient for the applicant to state that he is over that age. In lieu of showing the applicant's age in terms of a number of years, age may be shown by stating the date of birth; and in case that form of statement is called for on the application, it is sufficient for an applicant who has attained 21 years of age to state the year of his birth without giving the month and day, or to state that he was born prior to a certain year which shows him to be over that age.

3. If the applicant is under 21 years of age, whether the applicant is or has been married or has had the disabilities of minority removed by court action; and if not, the name and address of the applicant's parents or other person standing in loco parentis.

4. The applicant's occupation. The application form shall also contain a space for the applicant to check the appropriate item of information if he is in active military service or is enrolled as a student in a school, college, or university.

5. A statement that the applicant has resided in the State more than one year, in the county more than six months, and in the city or town (if a resident of an incorporated city or town) more than six months immediately preceding the date of application; or if not a resident for such length of time, a statement of the date on which he became a resident of the State, county, or city, as the case may be.

6. A statement that the applicant is a citizen of the United States.

7. If the applicant was registered in any other county of this State within the preceding three years, the name of the county in which he was registered and his last residence address in that county.

8. If the application is made by an agent, a statement of the agent's relationship to the applicant.

The application form shall contain a space for showing the address to which the certificate is to be mailed, if it is to be mailed to a temporary address. It shall also contain a space for showing the election precinct in which the applicant resides, but an application shall not be deficient for failure to list the number or name of the precinct or for listing an incorrect number or name where the applicant's correct address is given. It may also contain a space for the applicant's social security number and telephone number, but an application shall not be deficient for failure to list these numbers.

[1] V.A.T.S. Election Code, art. 5.13b.

Sec. 6. Section 46a, Texas Election Code (Article 5.14a, Vernon's Texas Election Code), is amended [1] to read as follows:

46a. Registration certificate forms; information required on certificate

Subdivision 1. Upon receiving the application of a voter who is entitled to register, the registrar shall prepare a voter registration certificate for the voter on a form prescribed by the Secretary of State. The Secretary of State may prescribe one or more forms for use in counties using electronic data processing methods for issuing certificates and a different form for use in counties not using those methods. The form shall be prepared in duplicate. The original shall be issued to the voter and the duplicate copy shall be retained by the registrar for his use in making up the list of registered voters and in maintaining a numerical record of the certificates issued.

Subdivision 2. The registration certificates for each county shall be serially numbered, beginning with No. 1 for registrations for each voting year, and the numbers shall be preceded by a letter or combination of letters to indicate the voting year, beginning with the letter A and proing shall begin with No. A–1 for the first year, with No. B–1 for the second ceeding in alphabetical order for each new voting year (i. e., the number-year, No. AA–1 for the 27th year, and so on). The date on which the certificate is issued shall be shown on the certificate, but no date indicating the duration of its effectiveness shall be shown.

Subdivision 3. Each certificate shall show the voter's name, age, address, election precinct number, a place for the voter's signature, and the date on which the certificate is issued. The certificate may also show other information which is furnished on the application, at the option of the registrar. It shall contain or be accompanied by a written instruction

to the voter that the certificate is to be signed by the voter personally immediately upon receipt, if the voter is able to write his name.

Subdivision 4. At the time he prepares the registration certificate, the registrar shall enter the registration certificate number in the appropriate space on the voter's application for registration.

Subdivision 5. When under any provision of this code the registrar is directed to make a change or correction on a registration certificate, in his discretion he may issue a replacement certificate to the voter instead of making the change or correction on the existing certificate.

[1] V.A.T.S. Election Code, art. 5.14a.

Sec. 7. Section 47a, Texas Election Code, as amended (Article 5.15a, Vernon's Texas Election Code), is amended [1] to read as follows:

47a. Registration record sheets; registration files

Subdivision 1. As soon as practicable after a registration certificate is issued, the registrar shall make up for the voter a registration record sheet, on a form prescribed by the Secretary of State. The record sheet shall bear the same serial number as the registration certificate and shall show the voter's name, permanent residence address, and election precinct number, and optionally the voter's social security number and telephone number. It shall also show the voter's temporary address if one is shown on his application. The form shall contain suitable space for recording change of residence, transfer of registration to another election precinct, a record of the elections at which the voter votes, and information pertinent to cancellation of registration.

Subdivision 2. (a) As they are made up, the registration record sheets shall be filed alphabetically by election precincts in an active registration record file, and they shall remain in that file as long as the registration continues in effect.

(b) The registrar shall also maintain an inactive registration record file, which shall be arranged in alphabetical order for the entire county. The registrar shall place into this file the record sheet for each voter whose registration is cancelled. When a registration is cancelled, the registrar shall enter on the record sheet the date of cancellation and the reason. The record sheet shall be kept in the inactive file for a period of two years from the date of cancellation, after which it may be destroyed.

Subdivision 3. (a) The applications on which registration certificates are issued shall be filed alphabetically for the entire county in an active application file and shall remain in that file as long as the registration continues in effect.

(b) The registrar shall also maintain an inactive application file, which shall be arranged in alphabetical order for the entire county. The registrar shall place into this file all applications which are rejected. He shall also transfer to the inactive file the application of each voter whose registration is cancelled. The registrar shall enter on the application form the date on which the registration is rejected or the date on which the registration is cancelled before filing an application in the inactive file. The application shall be kept in the inactive file for a period of two years from the date of rejection or cancellation, after which it may be destroyed.

Subdivision 4. (a) After the registrar adds a voter's name to the list of registered voters from the duplicate registration certificate, he shall file the duplicate in an active duplicate registration certificate file. An active file for each voting year shall be maintained in numerical order for the entire county.

(b) When a registration is cancelled, the registrar shall enter the date of cancellation on the duplicate certificate and shall transfer it to an inactive file arranged numerically for each voting year. The duplicate

shall be kept in the inactive file for a period of two years from the date of cancellation, after which it may be destroyed.

Subdivision 5. Applications and duplicate registration certificates may be removed from the registrar's office temporarily, under proper safeguards, for use in preparing registration certificates, lists of registered voters, and other registration papers by electronic data processing methods, but they may not be removed for any other purpose. Except as permitted in the preceding sentence, the applications, the duplicate registration certificates, and the registration record sheets shall be kept in the registrar's office at all times in a place and in such a manner as to be properly safeguarded. The files shall be open to public inspection at all times during regular office hours of the registrar, subject to reasonable regulations and to proper safeguards against alteration, mutilation, or removal.

[1] V.A.T.S. Election Code, art. 5.15a.

Sec. 8. Section 48a, Texas Election Code (Article 5.16a, Vernon's Texas Election Code), is amended [1] to read as follows:

48a. Correction of errors on certificates; lost certificates

Subdivision 1. Correction of error. When after issuance of a registration certificate it is discovered that an error has been made in filling out the blanks on the certificate through mistake of the registrar or through mistake of the voter in supplying the information, the voter may present the certificate to the registrar for correction and the registrar shall correct the information on the original certificate and on the registration records on file in his office.

Subdivision 2. Error in election precinct. Except as permitted in Section 50a of this code [2], no person is entitled to vote in a precinct of which he is not a resident and an election officer shall not knowingly permit a voter to do so. However, where a voter is erroneously registered in a precinct in which he does not reside and the election officer permits him to vote without knowing of the erroneous registration, in an election contest a ballot cast in that precinct shall be given effect as to any offices or propositions on which the voter would have been entitled to vote in the precinct in which he resides unless it is proved that the voter intentionally gave false information to procure his registration in the wrong precinct, in which event the ballot is void for all purposes.

If an error in the election precinct has not been corrected on the certificate at the time the voter offers to vote at an election, he may vote in the precinct of his residence, if otherwise qualified, by making and leaving with the presiding judge of the election an affidavit that he is a bona fide resident of that precinct and qualified to vote at that election, and that the error on the certificate was not caused by an intentional misrepresentation on his part.

Subdivision 3. Name omitted from list of registered voters. Where a voter's name is not shown on the precinct list of registered voters but the voter presents his registration certificate showing him to be registered in that precinct, the election officers shall permit him to vote and shall add his name, address, and registration certificate number to the list.

Subdivision 4. Challenge of voter. Where a voter who does not present his registration certificate to the election officers claims to be registered in the precinct where he offers to vote, or claims to be erroneously registered in some other precinct, the presiding judge, if not satisfied as to his right to vote, may refuse to accept him unless he complies with the provisions of this code relative to challenge of a voter at the polling place. Where a voter claiming to be registered in the precinct is accepted, the presiding judge shall add the voter's name and address

to the list of registered voters, with the notation that he voted on an affidavit of a lost certificate.

Subdivision 5. Correction of registration records. Within 10 days after the election, the officer to whom the list of registered voters is returned shall notify the registrar of any additions which the election officers made to the list of registered voters. Within the same period, the officer to whom the affidavit of erroneous election precinct is returned shall notify the registrar of the names and other information contained on the affidavits used in the election. The registrar shall take the necessary steps to verify and correct the registration records, including a recall of the original registration certificates for correction where necessary. If the registrar finds that a person who voted is not registered, he shall report the matter to the prosecuting attorney.

Subdivision 6. Replacement of lost certificate. If a voter to whom a registration certificate has been issued presents to the registrar his affidavit that the certificate has been lost or destroyed, the registrar shall issue to the voter a replacement certificate as a single-copy document, showing the same registration number and the same information as shown on the original certificate. The registrar shall make a notation on the face of the certificate showing it to be a replacement. He shall attach the affidavit to the voter's application.

A person who makes an affidavit that a registration certificate has been lost or destroyed, knowing the affidavit to be false, is guilty of a misdemeanor.

Subdivision 7. Voting on affidavit of lost certificate. Notwithstanding Subdivision 6 of this section, a voter whose registration certificate has been lost or destroyed may vote without obtaining a replacement, upon making and leaving with the election officers an affidavit of loss as provided elsewhere in this code.

[1] V.A.T.S. Election Code, art. 5.16a.

[2] V.A.T.S. Election Code, art. 5.18a.

Sec. 9. The Texas Election Code is amended by adding [1] Section 48b, to read as follows:

48b. Abolition of precinct or alteration of boundary

In the event the precinct in which a registered voter resides is abolished or has its boundary altered, the registrar shall change the voter's registration records to show him to be registered in the proper precinct and shall mail a notice of the change to each voter affected, instructing him to make the change on his registration certificate. If the registrar is unable to determine the proper precinct of a voter from the information on the application, he shall mail a request to the voter for such additional information as will enable him to determine the proper precinct, and until the information is received he shall not place the voter's name on the list of registered voters for any precinct.

[1] V.A.T.S. Election Code, art. 5.16b.

Sec. 10. Section 50a, Texas Election Code, as amended (Article 5.18a, Vernon's Texas Election Code), is amended [1] to read as follows:

50a. Change of residence; cancellation or transfer or registration

Subdivision 1. Change of residence within precinct. A registered voter who changes his place of residence within the election precinct shall give written notice to the registrar of the change of address and present his registration certificate to the registrar. The registrar shall make the necessary change on the certificate and on the registration records in his office and shall return the certificate to the voter. He shall attach the notice to the voter's application, and shall change the address on the list of registered voters when he prepares the next annual list.

Subdivision 2. Change of residence to another precinct within county. A registered voter who changes his residence to another election precinct within the county may vote in the precinct of his former residence, if otherwise qualified, during the first 30 days after the removal, but not thereafter, in any election other than an election which is subject to Section 35 of this code [2]. If he obtains a transfer of his registration to the precinct of his new residence during the 30-day period, he may vote only in the precinct of his new residence after the fourth day following the transfer. He may not vote in the precinct of his new residence before the fifth day following the transfer.

To obtain a transfer of his registration, the voter shall present his registration certificate to the registrar with a written, signed request that his registration be transferred to the precinct of his new residence. Upon receiving a request for transfer, the registrar shall make the necessary changes on the registration certificate and on the registration records in his office and shall return the certificate to the voter. He shall attach the request to the application and shall transfer the registration record sheet to the file for the precinct of the voter's new residence.

Subdivision 3. Change of residence to another county. A registered voter who moves from one county to another within the State must reregister in the county of his new residence in the same manner as an initial registrant. However, during the first six months after removal the voter may vote a limited ballot, as provided in Section 37c of this code [3], by either presenting a current registration certificate issued in the county of his former residence or making an affidavit that it has been lost or misplaced.

Subdivision 4. Notification to registrar in county of former residence. Between March 1, 1972, and February 28, 1975, when the registrar receives an application for registration of a voter who was registered in some other county for any period of time after March 1, 1972, he shall notify the registrar of that county, giving him the voter's name, former residence address, and present residence address. Thereafter, when the registrar receives an application of a voter who was registered in some other county within the preceding three years, he shall notify the registrar of that county. Upon receipt of the notice, the registrar of the county wherein the voter was formerly registered shall cancel the registration in that county.

Subdivision 5. (a) Before March 1, 1972, the registrar in each county shall take the necessary steps to have each postmaster in his county furnish him with the residential change-of-address information service available to election boards and registration commissions under United States Post Office Department regulations. The registrar shall request the information on all residential mail patrons within the county, retroactive to the date which the registrar deems suitable, but not earlier than October 1, 1971, to enable him to correct the registration records on voters who have moved after registering for the voting period which begins on March 1, 1972. He shall request that the information thereafter be furnished on a monthly basis, and from time to time he shall take whatever action is necessary to keep the request for this service in an active status at all times. Immediately after this section takes effect, the Secretary of State shall issue instructions to each registrar on how to proceed to obtain the service.

(b) Except as provided in Paragraph (c) of this subdivision, the registrar and his employees may not use or permit any other person to use the information received from the post office for any purpose other than correcting the registration records and lists of registered voters maintained in his office. A violation of this provision is a misdemeanor.

(c) Where a post office serves patrons living in more than one county, the postmaster and the registrars of the different counties shall agree upon an arrangement for furnishing all the change-of-address cards to one or the other of the registrars or for separating the cards and furnishing them to the several registrars in accordance with a stipulated plan. Within 30 days after a registrar receives the cards from the post office, he shall transcribe the information with respect to each person who resides in a different county onto a form prescribed by the Secretary of State, or shall duplicate or reproduce the information in some other manner agreeable to the postmaster and approved by the Secretary of State, and shall forward it to the registrar of the county in which the person resides. Each registrar shall assemble the necessary data to enable him to determine with reasonable accuracy in which county a person lives from his street address or rural route address. Where the patron was receiving his mail at a post-office box, the registrar receiving the information initially shall check his files to identify the patron as a registered voter insofar as he is able to do so, and shall forward the change-of-address information on all unidentified patrons to the registrar of the other county. He shall also follow this procedure in other doubtful cases.

(d) If a person requesting a permanent change of address is registered as a voter, or where the change of address is requested for an entire family, if any other person having the same surname and address is registered, the registrar shall send a notice to each such person at the address on the registration record and at the new address furnished on the change-of-address form, requesting him to verify his current residence address and informing him of the necessity for changing the registration records if there has been a change in his legal residence. The notice shall state that the voter's registration will be cancelled if the registrar does not receive a reply within 30 days from the date on which the notice is mailed. If the voter replies to the notice, the registrar shall take the appropriate action indicated by the reply. If no reply is received, the registrar shall cancel the registration and shall notify the voter of the cancellation by registered or certified mail at the address given on the change-of-address form with a return receipt requested. The registrar shall reinstate the registration if within 30 days after the cancellation the voter furnishes information showing that he is still eligible for registration in that county. The notice of cancellation shall inform the voter of this right to reinstatement.

(e) Where a postal patron was receiving his mail at a post-office box rather than a street address or a rural route address, the registrar shall undertake to identify the patron as a registered voter by checking the alphabetical precinct or county files for the same or a similar name. Where more than one person of the same or similar name is registered, the registrar shall use his discretion in pursuing his effort to identify the patron.

(f) The Secretary of State shall keep the registrars informed of any changes in postal regulations which affect the procedures for utilizing the change-of-address service as a means for updating the registration records. If a change in postal regulations makes any of the procedures outlined in this subdivision impracticable, the Secretary of State is authorized to devise new procedures and to issue directives putting them into effect, with a view to utilizing the service in the most effective manner to obtain the full benefit of the information furnished.

Subdivision 6. The Secretary of State shall prescribe forms for the various documents required by this section. However, the registrar may

also accept and use forms other than those prescribed by the Secretary of State.

[1] V.A.T.S. Election Code, art. 5.18a.
[2] V.A.T.S. Election Code, art. 5.03.
[3] V.A.T.S. Election Code, art. 5.05c.

Sec. 11. The Texas Election Code is amended by adding [1] Sections 50b, 50c, and 50d, to read as follows:

50b. Extension or renewal of registration by voting or by request for renewal; cancellation for failure to renew

Subdivision 1. Beginning with the elections held during the 1972 voting year, whenever a registered voter votes in a primary or general election for nomination or election of State and county officers, his registration is automatically extended or renewed for the succeeding three voting years unless, prior to the beginning of the first succeeding year, the registration is cancelled under some provision of this code.

Within 30 days after each second (runoff) primary for nomination of State and county officers, the presiding officer of the county committee, board, or other body which is responsible for furnishing supplies for the primary elections of each political party shall deliver to the registrar the lists of registered voters used at the party's general primary and runoff primary in each election precinct in the county, marked to show the names of persons who voted at the election as provided elsewhere in this code. Within 30 days after the date of each general election for State and county officers, the county clerk shall deliver to the registrar the lists of registered voters used at the general election, marked to show the names of persons who voted at the election. From these lists, the registrar shall make a record on the registration record sheets of the voters who voted at these elections and shall extend or renew their registrations for the succeeding three voting years. The registrar shall preserve the lists for a period of four years following the close of the voting year in which the election occurred.

Subdivision 2. Before the first day of January each year, the registrar shall examine the registration records to determine which registrations expire at the end of that voting year. Not earlier than November 15 and not later than January 15, he shall mail to each person whose registration is expiring, at the permanent address shown on the registration record and also at the temporary address if one is shown, a notice that it will be necessary for him to reregister if he wishes to vote at elections to be held on or after the following March 1, but that he may reregister for the succeeding three voting years by returning the notice to the registrar, with his signed statement thereon that he is still a qualified elector of the county, together with any change of address or other information necessary to bring his registration record up-to-date. The Secretary of State shall prescribe the form of the notices and request for reregistration referred to in this section.

Subdivision 3. The notice referred to in Subdivision 2 of this section shall be marked with a direction to the postal authorities not to forward it to any other address and to return it to the registrar if the addressee is no longer at that address, with the reason for nondelivery and address correction information to be furnished to the registrar. The registrar may make whatever arrangements with the postal authorities which he deems suitable for handling the payment for the address correction service. When a notice is returned undelivered, with information that the voter has moved to a new address, the registrar shall send the registrant another notice by nonforwardable mail to the new address, if it is within the county, informing him that he may reregister by returning the notice, as stated in Subdivision 2 of this section. If the new address is outside the county, the registrar shall send the registrant another notice by nonforwardable mail to the new address, informing him that his registration

will be cancelled unless he furnishes the registrar with information showing that he is still entitled to registration in the county but that he may reregister by returning the notice if he is still entitled to registration in the county.

Subdivision 4. If the registrar receives a request for reregistration on or before the 31st day preceding the beginning of the succeeding voting year, he shall renew the registration effective on March 1 for the succeeding three voting years. On requests received after that date, the reregistration becomes effective on the 31st day after receipt. The registrar shall make a notation of the reregistration on the voter's registration record sheet and shall attach the request to the voter's application.

Subdivision 5. Immediately after the 31st day preceding the end of each voting year, the registrar shall place into a suspense file the applications and registration record sheets of the voters whose registration expires at the end of that year and who have not returned a request for reregistration. Where a request is received after that date, the registrar shall return the application and record sheet to the active file. During the month of January in the following year, the registrar shall close out the suspense file. He shall cancel the registration of each person whose records are in the file and shall send him a notice of the cancellation.

Subdivision 6. Except where reinstatement of a cancelled registration is expressly provided for, a voter whose registration is cancelled must reregister in the same manner as an initial registrant.

50c. Cancellation of registration upon death or judicial determination of disqualification

Subdivision 1. Not later than the 10th day of each month, each local registrar of deaths in this State shall furnish to the registrar of voters of the county of residence of the decedent an abstract of the death certificate of each decedent over the minimum voting age who was a resident of this State at the time of his death. The abstract shall show the name, age, sex, place of residence, and date and place of death of the decedent. Upon receipt of an abstract, the registrar of voters shall determine if the decedent was a registered voter and, if so, shall cancel his registration.

Subdivision 2. Not later than the 10th day of each month, the clerk of each county court or probate court in this State shall furnish to the registrar of voters of the county of residence of the person so adjudged, an abstract of each final judgment adjudging a person over the minimum voting age and resident within this State to be mentally incompetent or to be mentally competent. The abstract shall show the person's name and permanent address and any other available information which will assist in identifying the person in the voter registration files. Upon receipt of an abstract of an adjudgment of mental incompetence, the registrar shall determine if the person is a registered voter and, if so, shall cancel his registration. Upon receipt of an abstract of an adjudgment of mental competence, the registrar shall examine the extant cancelled registration files to ascertain whether the person was previously registered and whether his registration would still be current except for the cancellation upon his being adjudged incompetent, and if so, the registrar shall reinstate the registration.

Subdivision 3. Not later than the 10th day of each month, the clerk of each court having jurisdiction of the trial of felony crimes shall furnish to the registrar an abstract of each unappealed conviction for a felony crime and of each final conviction in appealed cases. The registrar shall determine if the person convicted is a registered voter and, if so, shall cancel his registration.

Subdivision 4. The reports required under Subdivisions 1, 2, and 3 of this section apply to deaths occurring, judgments of mental competency or incompetency entered, and felony convictions returned on and after October 1, 1972. The Secretary of State shall prescribe the forms for the abstracts required by Subdivisions 1, 2, and 3 of this section. The registrar of voters shall keep a supply of the forms on hand and upon request shall furnish blank forms to the officers in his county who are required to use them.

Subdivision 5. Upon receipt of a certified copy of a final judgment in an election contest proceeding adjudging a registrant not to be a qualified voter, the registrar shall cancel his registration.

Subdivision 6. Whenever a registration is cancelled under Subdivision 2, 3, or 5 of this section, the registrar shall immediately mail a notice of the cancellation to the registrant at the permanent address shown on his registration record and also at the temporary address if one is shown. If subsequent to the cancellation of a registration under any provision of this section it is ascertained that the registration should not have been cancelled, the registrar shall reinstate it.

50d. Change of name

Subdivision 1. A registered voter who changes his name through marriage or judgment of a court shall present his registration certificate to the registrar, with a signed request that his name be changed on the registration records. The registrar shall issue a new certificate to the voter under his new name and shall transfer the duplicate of the old certificate to the inactive file. He shall change the registration record sheet to show the new name and certificate number and shall file it under the new name. He shall attach the request to the voter's application and enter the number of the new certificate on the application, and shall file both documents under the new name. He shall make a notation of the former name on the duplicate certificate and shall delete it from the list of registered voters when he adds the new name.

Subdivision 2. If otherwise qualified, a voter whose name is changed is eligible to vote under the new registration at any election held more than four days after the registrar makes the change on the registration records. He may vote under the former registration at any election held within four days after the new registration, upon making an affidavit that his certificate of registration under the former name has been surrendered to the registrar. The voter shall sign the form for the affidavit of a lost certificate, and the election officer shall add a notation in explanation of the circumstances.

[1] V.A.T.S. Election Code, arts. 5.18b–5.18d.

Sec. 12. Subsection (1), Section 51a, Texas Election Code, as amended (Article 5.19a, Vernon's Texas Election Code), is amended [1] to read as follows:

(1) Before the first day of March each year, the registrar shall prepare for each election precinct of the county a certified list of registered voters who, as of the 31st day before March 1 (as of January 31, 1972, for the list prepared in 1972), are entitled to registration for the voting year in which March 1 falls. Each precinct list shall be prepared in two parts, each arranged alphabetically by the names of the voters and showing each voter's name, age, address, and registration number, and optionally his telephone number. On the first part of the original list shall be shown the names of voters who are qualified to vote in all elections as of March 1. On the second part shall be shown the names of voters who are not yet

qualified to vote in all elections as of March 1. This list shall contain four columns, headed as follows:

Not eligible to vote before date shown			
U.S. Repre-	State Elections		
sentative	Statewide	County	City

For the various types of elections in which the voter is not yet eligible to vote, the registrar shall show the date on which he will become eligible. The registrar shall deliver to each board, executive committee, or other authority having the duty of furnishing supplies for any general, special, or primary election to be held within the county during the voting year for which the list is prepared, one set of such lists for all precincts in the county if any election which may be held by such authority is countywide, and one set of such lists for all precincts wholly or partially within the boundaries of the particular political subdivision if all elections which may be held by such authority are less than countywide. The registrar shall also furnish to each such authority, not less than 20 days before each election, an updated consolidated list of the voters in each precinct who will have been registered for 30 days on the day of the election and whose names do not appear on the original list. When a runoff election is held, before the first day of absentee voting in the runoff election the registrar shall prepare a consolidated list of the voters who will have been registered for 30 days on the day of the election and whose names do not appear on the original list or the supplemental list prepared for the first election. Between the fourth day before the election and election day in each election, he shall furnish a separate list of the voters who transfer their registration more than four days before the election and who are not included in a previous list. The supplemental lists shall be prepared in two parts, in the same form as the original lists. With each supplemental list the registrar shall also furnish a list of persons whose registration has been cancelled or transferred to another precinct since preparation of the last set of lists. The authority shall furnish to the presiding judge in each precinct the original and supplemental lists of voters in his precinct at the time it furnishes other election supplies. Prior to the opening of the polls, the presiding judge shall strike from the registration list the names of persons whose registration has been cancelled or transferred to another precinct.

[1] V.A.T.S. Election Code, art. 5.19a, subsec. (1).

Sec. 13. Section 51b, Texas Election Code (Article 5.19b, Vernon's Texas Election Code), is amended[1] to read as follows:

51b. Reimbursement of county by State

Subdivision 1. Before April 1 of each year, the registrar shall submit to the Comptroller of Public Accounts a certified statement of the total number of registered voters shown on the precinct registration lists as of March 1 of that year, together with the total number of registration certificates which were issued during the 12-month period ending January 31 of the year in which the statement is submitted.

Subdivision 2. Before June 1 of the year in which the statement is submitted, the Comptroller shall issue a warrant to each county in the aggregate of the following amounts:

(1) 40 cents multiplied by the total number of new certificates, and

(2) 20 cents multiplied by the difference between the total number of registered voters and the total number of new certificates issued, as shown by the certified statement required by Subdivision 1 of this section. However, before issuing a warrant the Comptroller may require additional proof to substantiate the statement.

Subdivision 3. The disbursements prescribed by this section shall be made from the general revenue fund as provided by legislative appropriations. All money received by a county under this section shall be deposited in the county treasury in a special fund to be used for defraying expenses of the registrar's office in the registration of voters. None of the money shall be deemed to be fees of office or be retained by the registrar as fees in counties where the registrar is compensated on a fee basis.

[1] V.A.T.S. Election Code, art. 5.19b.

Sec. 14. Section 52a, Texas Election Code (Article 5.20a, Vernon's Texas Election Code), is amended [1] to read as follows:

52a. Deputy registrars

Subdivision 1. The registrar may have such number of duly authorized and sworn deputies as he deems necessary to assist in the registration of voters. However, no deputy may be paid for his services except with the approval of the Commissioners Court. An unpaid deputy shall not be required to give a bond in connection with his services.

Subdivision 2. It is the intent of the Legislature that the registrar shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

Subdivision 3. Where the performance of the services is not contrary to some other provision of law, the head of any department of the State government, with the approval of the governing board where one exists, any county officer, and the head of any department of a city, town, or village, with the approval of the municipal governing board, may permit any of the officers and employees under his control to become deputy registrars of voters and to register persons on any premises and facilities under his control during the regular working hours of the deputized officer or employee.

Subdivision 4. It is also the intent of the Legislature that the registrar, in order to promote and encourage voter registrations, shall enlist the support and cooperation of interested citizens and organizations, and shall deputize as registrars qualified citizens in such a way as to cover most effectively every section of the county. The persons so deputized shall be permitted to register voters anywhere within the county and to secure registrations at the places of residence of the persons to be registered, and the registrar shall not deny deputy registrars the right to register voters in accordance with this authorization.

Subdivision 5. No voter registrar shall refuse to deputize any person to register voters because of race, creed, color, or national origin or ancestry. No bona fide resident of the county of good moral character shall be excluded from serving as deputy by the registrar.

[1] V.A.T.S. Election Code, art. 5.20a.

Sec. 15. Section 53a, Texas Election Code (Article 5.21a, Vernon's Texas Election Code), is amended [1] to read as follows:

53a. Statement of registrations

On or before March 5 of each year, the registrar shall make a statement to the Secretary of State and to the county clerk of the number of registered voters in each precinct as shown by the list of registered voters on March 1. The statement shall become a record of the officer to whom the statement is made.

[1] V.A.T.S. Election Code, art. 5.21a.

Sec. 16. The Texas Election Code is amended by adding[1] Section 54c, to read as follows:

54c. Penalty for misdemeanor offenses

Unless some other penalty is expressly stated, each offense which is declared to be a misdemeanor by any provision of this chapter is punishable by a fine of not more than $1,000.

[1] V.A.T.S. Election Code, art. 5.22c.

Sec. 17. Section 90, Texas Election Code (Article 8.08, Vernon's Texas Election Code), is amended [1] to read as follows:

90. Procedure for accepting voter; signature roster

Subdivision 1. An election officer shall receive from the voter his registration certificate, when he presents himself to vote. If the voter has lost or mislaid his certificate or left it at home, he shall make an affidavit of that fact. The election officer shall announce the voter's name in an audible voice and shall ascertain that his name appears on the list of registered voters or shall satisfy himself, in the manner stated in Section 48a of this code [2] , that the voter is a registered voter and is entitled to vote in that precinct. He shall then require the voter to sign the signature roster provided for in Subdivision 3 of this section. If the voter has presented his registration certificate, the election officer shall compare the signature on the roster with the signature on the certificate to see that it is the same. If he finds that the signatures do not correspond, he shall not allow the voter to vote unless the voter complies with the procedure prescribed in Section 91 of this code [3] for acceptance of a challenged voter.

Subdivision 2. When a voter is accepted for voting, the election officer shall place a notation on the list of registered voters showing that he has voted and shall enter the voter's name on the poll list. The names on the poll list shall be entered in the same order as the names on the signature roster. The officer shall return the registration certificate to the voter and shall allow him to select his ballot. The voter shall then immediately retire to a voting booth or a place prepared for voting by the election officers, and there prepare his ballot in the manner provided by law.

Subdivision 3. There shall be kept at each polling place a signature roster of persons offering to vote at the election. Each person offering to vote shall sign the roster if he is able to do so. If a voter is unable to sign his name, an election officer shall enter the voter's name on the roster and shall make a notation of whether the voter is unable to sign because of physical disability, blindness, or illiteracy. If a person is rejected for voting after signing the roster, the presiding judge shall make a notation of that fact by the person's name, stating the reason for the rejection. After the election is over, the signature roster shall be returned with the copy of the poll list which is intended for public inspection and shall be preserved under the same rules as the poll list.

[1] V.A.T.S. Election Code, art. 8.08.
[2] V.A.T.S. Election Code, art. 5.16a.
[3] V.A.T.S. Election Code, art. 8.09.

Sec. 18. Section 93, Texas Election Code, as amended (Article 8.11, Vernon's Texas Election Code), is amended [1] to read as follows:

93. Delivery of ballot

Subdivision 1. After all defectively printed ballots have been removed, the presiding judge shall cause his signature to be placed on the back of each ballot to be used at the election. The ballots may be signed by the presiding judge in his own handwriting, or they may be stamped with a facsimile of his signature by the presiding judge or by another

election officer under his direction. Where a stamp is used, the presiding judge shall take the necessary precaution to see that the stamp is properly safeguarded at all times so that no unauthorized use may be made of it.

Subdivision 2. After the signature of the presiding judge is placed on the back of the ballots, one of the election officers shall thoroughly disarrange and mix the ballots so that they no longer are in consecutive numbered sequence or in any sequence of arithmetic or geometric progression, and then place the ballots face down in a stack or stacks from which each voter shall be allowed to take his own ballot without the number being known to or written down in any manner by an election officer.

[1] V.A.T.S. Election Code, art. 8.11.

Sec. 19. Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), is amended by adding [1] Subdivision 2c, to read as follows:

Subdivision 2c. Comparison of signatures. Before furnishing a ballot to an absentee voter who presents his registration certificate with his application, the clerk shall compare the signature on the application with the signature on the certificate. If he finds that the signatures do not correspond, he shall not furnish a ballot to the voter unless the voter complies with the procedure prescribed in Section 91 of this code [2] for acceptance of a challenged voter. In each instance, both on applications made by mail as well as those made by personal appearance, the clerk shall inform the voter of the ground of the challenge and the procedure necessary to enable the voter to obtain a ballot. Where application is by mail, the clerk shall mail a notice to the voter on the same day that the comparison is made.

[1] V.A.T.S. Election Code, art. 5.05, subd. 2c.
[2] V.A.T.S. Election Code, art. 8.09.

Sec. 20. Subsections (4), (5), and (6), Section 179a, Texas Election Code, as amended (Article 13.01a, Vernon's Texas Election Code), are amended [1] to read as follows:

(4) An applicant for party affiliation shall become a qualified member of a political party which is holding primary elections when he has voted within that party's primary or has taken part in a convention of that party prior to a primary. At the head of the signature roster for each primary election there shall be printed the following statement: 'I swear that I have not voted at a primary election or participated in a convention of any other political party during this voting year.' The presiding judge or another election officer designated by him shall place each voter under oath and require him to swear to this statement before he signs the roster. The presiding judge shall issue to each voter in a general primary election, and to each voter in a second primary election who requests it, a certificate in the following form:

Date _____

_____ has voted on this date in the
(Name of Voter)

primary election of the _____ Party.

_____

Presiding Judge, Precinct No. _____,

_____ County, Texas.

The county clerk shall furnish to each absentee voter in a general primary election, and to each absentee voter in a second primary election who requests it, a certificate in the form prescribed above, sub-

stituting the clerk's title for that of the presiding judge of the election precinct.

(5) To become qualified to participate in any party convention of a party which does not hold a primary or to become qualified for party membership for any party convention held prior to a primary, each voter who desires to participate in the convention shall state and sign an affidavit under oath to the precinct chairman that he has not participated in the primary or convention of any other party during that voting year. Thereupon, the precinct chairman shall issue to the voter a certificate in the following form:

Date _____

_____ has affiliated with the
(Name of Voter)

_____ Party for the current year.

_____
Precinct Chairman, Precinct No. _____,
_____ County, Texas.

Each precinct chairman is authorized to administer the oath required by this subsection. Within 10 days after the precinct convention, he shall arrange the affidavits in alphabetical order and deliver them to the county clerk. If he receives an affidavit after the date of the precinct convention, he shall deliver it to the county clerk within 10 days after he receives it. The county clerk shall keep the affidavits on file in alphabetical order within each precinct for a period of two years after the end of the voting year in which they are filed. The county clerk shall maintain a separate file for each political party.

(6) A certificate issued by the presiding election judge, the county clerk, or the precinct chairman as provided in this section shall serve as evidence that the person whose name appears on the certificate is affiliated with the party designated on the certificate and is therefore eligible to participate in that party's conventions.

[1] V.A.T.S. Election Code, art. 13.01a, subsecs. (4)–(6).

Sec. 21. Sections 44a and 44b, Texas Election Code (Articles 5.12a and 5.12b, Vernon's Texas Election Code), are suspended.[1] Section 55, Texas Election Code (Article 5.23, Vernon's Texas Election Code), is repealed.[2]

[1] V.A.T.S. Election Code, arts. 5.12a, 5.12b, suspended.
[2] V.A.T.S. Election Code, art. 5.23, repealed.

Sec. 22.[1] Effective dates of sections. (a) Immediately upon the effective date of this Act, Sections 2, 3, 4, 5, 6, 7, 9, 11, 12, 14, 15, and 16 take effect for registration to vote at elections held on and after March 1, 1972, to continue in effect as stated in Section 23 of this Act. The law as it exists before the amendments made by these sections continues in effect for registration to vote at elections held before March 1, 1972.

(b) Sections 1, 8, 10, 17, 18, 19, 20, and 21 take effect on March 1, 1972.

(c) Section 13 takes effect on the effective date of this Act.

[1] V.A.T.S. Election Code, art. 5.11a note.

Sec. 23.[1] Contingent permanency of sections. (a) Sections 1 through 20 of this Act are enacted as a temporary law, to expire if neither of the contingencies stated in Subsection (b) of this section occurs, whereupon the law as it existed before the effective date of this Act, with the modifications made in Section 24, again becomes operative until otherwise provided by the Legislature. However, Sections 1 through

20 become permanent law upon the occurrence of either of the two contingencies stated in Subsection (b), and simultaneously Sections 44a and 44b, Texas Election Code (Articles 5.12a and 5.12b, Vernon's Texas Election Code), are repealed.

(b) Sections 1 through 20 become permanent:

(1) if the final judgment in the case styled Jimmy F. Beare, et al, v. Preston Smith, as Governor of the State of Texas, et al, Civil Action No. 70–C–42, in the United States District Court for the Southern District of Texas, Corpus Christi Division, holds in effect that the provision in Article VI, Section 2 of the Constitution of Texas which requires annual voter registration violates the Constitution of the United States; or

(2) if a constitutional amendment deleting the requirement for annual registration is submitted by the 62nd Legislature and is adopted by the qualified voters of this State.

Not later than 15 days after the judgment in Beare v. Smith becomes final, the Attorney General shall certify the holding to the Governor and the Secretary of State. If a certification is made that the holding in the case does not invalidate the provision in Section VI, Section 2, and the certification antedates an election submitting a constitutional amendment deleting the provision, the Governor shall await the outcome of the election and shall then issue a proclamation declaring whether Sections 1 through 20 of this Act expire or become permanent; otherwise, he shall issue the proclamation immediately upon receipt of the certification from the Attorney General. If these sections do not befome permanent, they expire on the date of the Governor's proclamation, and the former law, as modified by Section 24 of this Act, again becomes operative on that date.

[1] V.A.T.S. Election Code, art. 5.11a note.

Sec. 24. This section takes effect only if Sections 1 through 20 of this Act expire, as conditioned in Section 23. Upon the effective date of this section, simultaneously with the expiration of those sections, Sections 43a and 51b, Texas Election Code, as amended (Articles 5.11a and 5.19b, Vernon's Texas Election Code), are amended [1] to read as follows:

43a. Period for registration; period for which registration is effective

Subdivision 1. As used in this code, a "voting year" is a period of one year beginning on March 1 of each calendar year. The regular period for registration for each voting year is from the first day of October through the 31st day of January preceding the beginning of the voting year. Registration during this period entitles the registrant, if otherwise qualified, to vote at elections held at any time during the voting year for which he is registered. Registration for a voting year shall also be conducted at all other times, beginning with the first day of March, except during the last 30 days of the voting year. A person who registers after the beginning of the voting year is not entitled to vote until the expiration of 30 days after registration.

Subdivision 2. All uncancelled registration certificates issued for voting at elections held on or after March 1, 1972, are valid for the remainder of the voting year in which this amendment takes effect. If the amendment takes effect during the month of October, November, December, January, or February, they are also valid for the succeeding voting year.

51b. Reimbursement of county by state

Subdivision 1. Before April 1 of each year, the registrar shall submit to the Comptroller of Public Accounts a certified statement of the total number of voters registered under this code during the 12-month

period ending January 31 of the year in which the statement is submitted.

Subdivision 2. Before June 1 of the year in which the statement is submitted, the Comptroller shall issue a warrant to each county in the amount of 40 cents multiplied by the total number of voters registered as shown by the certified statement required by Subdivision 1 of this section. However, the Comptroller may, before issuing a warrant, require satisfactory proof of the number of voters registered in the county during the 12-month period mentioned in Subdivision 1.

Subdivision 3. The disbursements prescribed by this section shall be made from the general revenue fund as provided by legislative appropriations. All money received by a county under this section shall be deposited in the county treasury in a special fund to be used for defraying expenses of the registrar's office in the registration of voters. None of the money shall be deemed to be fees of office or be retained by the registrar as fees in counties where the registrar is compensated on a fee basis.

[1] V.A.T.S. Election Code, arts. 5.11a, 5.19b.

Sec. 25. On the effective date of this Act, Section 40, Texas Election Code, as amended (Article 5.08, Vernon's Texas Election Code), is amended by adding [1] Subsection (m), to read as follows:

(m) The residence of a person under 21 years of age who is not married or has not been married or has not had the disabilities of minority removed through a proceeding in a court of competent jurisdiction is at the place of residence of the parent or parents, or other person standing in loco parentis, having custody of the minor. The residence of a person under 21 years of age who is married or has been married or has been emancipated from the disabilities of minority by court order is determined in accordance with the rules applying to persons of full age.

[1] V.A.T.S. Election Code, art. 5.08, subsec. (m).

Sec. 26.[1] If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

[1] V.A.T.S. Election Code, art. 5.11a note.

Sec. 27. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 29, 1971: Yeas 22, Nays 8; May 27, 1971, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 1971, House granted request of the Senate; May 31, 1971, Senate adopted Conference Report: Yeas 16, Nays 14; passed the House on May 26, 1971, with amendments, by a non-record vote; May 27, 1971, House granted request of the Senate for appointment of Conference Committee; May 31, 1971, House adopted Conference Report: Yeas 107, Nays 20.

Approved June 9, 1971.

Effective Aug. 30, 1971, 90 days after date of adjournment.

CHAPTER SEVEN—ARRANGEMENT AND EXPENSES OF ELECTION

Art. 7.14 Providing for voting machines

* * * * * * * * * * *

Sec. 8a. Color of Ink for Ballots on Voting Machines in Large Counties. In counties having a population in excess of one million, five hundred thousand (1,500,000) inhabitants according to the last preceding federal census, the ballots may be printed in one or more colors of ink; however, the names of all the candidates for any one office shall be printed in the same color.

Sec. 8a amended by Acts 1971, 62nd Leg., p. 1845, ch. 542, § 111, eff. Sept. 1, 1971.

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CHAPTER EIGHT—CONDUCTING ELECTIONS AND RETURNS THEREOF

Art. 8.08. Announcer

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to Chapter Five following article 5.23.

Art. 8.11 Delivery of ballot

For contingent amendment of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to Chapter Five following article 5.23.

Art. 8.43a. Precinct returns forwarded to Secretary of State

Subdivision 1. Within 70 days after each general election, and within 30 days after each special election at which a statewide office is voted on, the county clerk shall forward to the Secretary of State a report of the number of votes cast for each candidate for a statewide office in each precinct of the county. In a presidential election year the report shall include the votes cast for each party's candidates for president and vice-president. The report may be in the form of either transcribed or photographic copies of the precinct returns for the statewide offices as made by the presiding judges of the election, or in the form of a tabulated statement compiled from the official canvass by the Commissioners Court, or in such other form as the Secretary of State approves for reporting the information to him.

Subdivision 2. The Secretary of State shall preserve all information received under the provisions of Subdivision 1 of this section as public records of his office, either in the form in which the information is reported to him or in the form of a tabulated statement prepared by him from the reports received from the county clerk, for a period of 10 years, after which time he may transfer the records to the records management division of the State Library for further retention for a period of 20 years. At the expiration of 30 years from the date of the election, the State Librarian may dispose of the records in accordance with the procedure outlined in Chapter 494, Acts of the 56th Legislature, Regular Session, 1959.

Where the Secretary of State prepares a tabulated statement from reports furnished to him by the county clerk, he shall preserve the reports for a period of two years, after which time he may transfer them to the records management division of the State Library, and the State Librarian may dispose of them in accordance with the procedure outlined in Chapter 494, Acts of the 56th Legislature, Regular Session, 1959.

Acts 1951, 52nd Leg., p. 1097, ch. 492, § 125a, added by Acts 1971, 62nd Leg., p. 47, ch. 24, § 2, eff. March 18, 1971.

CHAPTER THIRTEEN—NOMINATIONS

Art. 13.01a Who are members of organized party

For contingent amendment of subsections (4), (5) and (6) of this article by Acts 1971, 62nd Leg., p. 2509, ch. 827, see the Appendix to Chapter Five following article 5.23.

Art. 13.07a. Deposit or affidavit of financial inability in lieu thereof to accompany application for place on ballot

* * * * * * * * * * *

Contingent and temporary amendment

(3) If a candidate is unable to pay the deposit or filing fee as required by Subsection (1) of this section, in lieu of payment he may file with his application a petition of voters, as provided in Section 186c of this code [1], and he shall not then be required to pay any deposit, fee, or assessment as a condition for having his name printed on the ballot for either the primary election or the general election; when filing such petition, it shall be accompanied by the following affidavit:

"I am not financially able to pay the filing fee required to file for the office set forth in the attached application. In lieu therefor I submit the following petition signed by 10% of the number of votes cast for the _____ (Democratic, Republican, etc.) Party's candidate for Governor in the last preceding General Election in the territory in which I am running."

Subsec. (3) added by Acts 1971, 62nd Leg., 1st C.S. p. 33, ch. 11, § 1, Sept. 3, 1971.

[1] Article 13.08c.

Section 7 of Acts 1971, 62nd Leg., 1st C.S., p. 37, ch. 11, made this Act a contingent and temporary law. See the italicized note under article 13.08c.

Art. 13.08. Expenses of primary; assessment of candidates; exception of article 13.08c; reassessment; supplemental contributions and volunteer services

Contingent and temporary amendment

(1) On or before the second Monday in February preceding each general primary election, the county committee shall carefully estimate the cost of printing the official ballots, renting polling places where same may be found necessary, providing and distributing all necessary poll

books, blank stationery and voting booths required, compensation of election officers and clerks, and all other necessary expenses of holding the general primary and second primary in such county. On the second Monday in February, the committee shall meet and apportion such cost in such manner as in their judgment is just and equitable among the various candidates for nomination for district, county, and precinct offices who did not file with their application a supporting petition of voters as provided in Section 186c of this code,[1] except the offices of Justice of the Court of Civil Appeals and member of the State Board of Education. Where a district office covers more than one county, the assessment of such candidate by the county shall be not more than a sum which is the quotient of the amount which he would be assessed if he represented only one county determined by the formula used to assess county candidates, when divided by the number of counties in his district. In making the assessment upon any candidate the committee shall give due consideration to the importance, emolument, and term of office for which the nomination is to be made. The committee may not assess any candidate an amount in excess of four percent of the total compensation payable for the particular term of office (full or partial) which he is seeking. Within 24 hours after adjournment of the meeting, the chairman shall mail to each person against whom an assessment is made a notice stating the amount of the expenses apportioned to him and informing him that on or before the fourth Monday in February he must pay to the chairman the difference between the amount apportioned to him and the amount of the deposit which accompanied the application which he filed with the chairman. No such person's name shall be placed on the ballot unless he complies with these requirements within the prescribed time. The notices shall be sent to the candidates by registered or certified mail, and the chairman shall obtain a receipt for each letter, postmarked by the post office at which the letter is mailed, as evidence of the mailing, and shall preserve the receipts for a period of three months.

[1] Article 13.08c.

* * * * * * * * * * *

(5) Notwithstanding any other provision of this section, an assessment shall not be made against a candidate who has filed with his application a petition of voters as provided in Section 186c of this code.[1]

[1] Article 13.08c.

(6) In conducting the primary elections, the committee is authorized to utilize volunteer unpaid services of election judges and clerks, to accept gratuities of other services and other things of value, and to use funds derived from contributions, fund-raising events, and other lawful sources by way of supplementing the funds derived from assessments levied under this section.

(7) If, after the committee has made the assessments authorized by Subsection (1) of this section, a court of competent jurisdiction declares the assessments to be invalid, the committee may reassess the candidates in an effort to bring the amounts within the court's delineation of permissible limits. In the event of a reassessment, the committee shall fix the date by which the new assessments must be paid, which date shall be at least 10 days after the date of the meeting at which the reassessment is made. Within 24 hours after adjournment of the meeting, the chairman shall give notice, in the manner required for notice of the original assessment, to each candidate who has not paid the original assessment. Within 30 days after the date of the meeting, the county chairman shall refund to each candidate who paid the original assessment the difference between the amount of the original assessment and the new assessment.

Amended by Acts 1967, 60th Leg., p. 1910, ch. 723, § 42, eff. Aug. 28, 1967; Subsec. (1) amended by Acts 1971, 62nd Leg., 1st C.S., p. 33, ch. 11, § 2, eff. Sept. 3, 1971; Subsecs. (5)–(7) added by Acts 1971, 62nd Leg., 1st C.S., p. 34, ch. 11, § 3, eff. Sept. 3, 1971.

Section 7 of Acts 1971, 62nd Leg., 1st C.S., p. 37, ch. 11, made this Act a contingent and temporary law. See the italicized note under article 13.08c.

Art. 13.08a Assessment of candidates in counties having certain populations

Repeal

Section 5 of Acts 1971, 62nd Leg., 1st C.S., p. 37, ch. 11, repealed this article. Section 7 made this Act a contingent and temporary law. See the italicized note under article 13.08c.

Art. 13.08a—1. Assessment of candidates in counties having certain populations

Repeal

Section 5 of Acts 1971, 62nd Leg., 1st C.S., p. 37, ch. 11, repealed this article. Section 7 made this Act a contingent and temporary law. See the italicized note under article 13.08c.

Art. 13.08c. Petition of voters in lieu of payment of assessment or fee

Contingent and Temporary Enactment

(a) Notwithstanding any provision in Section 185a,[1] Section 186,[2] Section 190,[3] Section 190a,[4] Section 193,[5] or any other section of this code, a candidate for any public office who files with his application for a place on the ballot in the general primary election a petition which complies with this section is not required to pay the deposit, assessment, or fee required by any other section of this code. The petition must accompany the application and be filed at the same time that the application is filed. Where a candidate for a district office is required to file an application with more than one county chairman, he shall file the petition with the county chairman in the county of his residence and shall attach to the petition the name and address of each other county chairman with whom an application is filed. He shall attach to the application which is filed with each other chairman a statement that the petition has been filed, giving the name and address of the chairman with whom it is filed. The chairman with whom the petition is filed shall certify to each other county chairman in the district whether the petition complies with the requirements of this section. Where the filing deadline for the office is on or before the fourth Monday in February, the chairman shall make the certification not later than the second Monday in March. Where the filing deadline is after the fourth Monday in February, he shall make the certification within 15 days after the deadline or by the 25th day before the general primary, whichever is earlier.

(b) A petition which is filed in lieu of the payments required by other sections of this code must be signed by qualified voters eligible to vote for the office for which the candidate is running, equal in number to at least 10 percent of the entire vote cast for that party's candidate for governor in the last preceding general election in the territory (state, district, county, or precinct, as the case may be) in which the candidate is running. Where a candidate is running in a district or precinct which has been created or the boundaries of which have been changed since

the last general election, he may request the secretary of state in the case of a district office, and the county judge of the county in which the precinct is situated in the case of a precinct office, to make an estimate in advance of the filing deadline of the number of votes cast for that party's candidate for governor within that territory at the last general election, and upon receiving such a request the officer shall make the estimate and notify the candidate and each chairman with whom the candidate files an application. The estimate shall be used as the official basis for computing the number of signatures required on the petition. If an advance estimate is not requested, the chairman with whom the petition is filed shall make the estimate before he acts on the sufficiency of the petition. In every instance, the candidate may challenge the accuracy of the estimate, and if he is dissatisfied with the final decision of the officer he may appeal the decision to any district court in the territory involved. The decision of the district court is final.

(c) The application of a candidate who files a petition under this section must be executed by the candidate personally, and the provision in Section 190 which permits the filing of an application signed by 25 qualified voters is not available to a candidate who files a petition under this section.

(d) The petition shall show in bold print on each page the following: 'PETITION IN LIEU OF FILING FEE TO PLACE THE NAME OF ———— ON THE PRIMARY BALLOT OF ————PARTY FOR THE OFFICE OF ————. PLEASE READ ALL TERMS CAREFULLY,' and the following information with respect to each person signing it: his address, the number of his voter registration certificate for the voting year in which the election is held and also the county of issuance if different from the county in which he resides at the time of signing, and the date of signing.

(e) No petition may contain the name of more than one candidate. No person may sign the petition of more than one candidate for the same office, and if any person signs the application of more than one candidate for the same office, the signature is void as to all such petitions. However, a person may withdraw and annul his signature by delivering to the candidate and to the chairman with whom the petition is filed (or is to be filed, if not then filed), his written request, signed and duly acknowledged by him, that his signature be cancelled and annulled. The request must be delivered not later than five days before the last day for filing the petition. Upon such withdrawal, the person is free to sign the petition of another candidate for the same office in the same party's primary, but the withdrawal does not have the effect of relieving the candidate of his ineligibility to affiliate with some other political party during the voting year in which the election is held. The candidate from whose petition a signature is withdrawn may file additional signatures to replace the withdrawn signature at any time before the filing deadline, but signatures filed after the date of the candidate's application which may be counted toward the required number shall not exceed the number of withdrawn signatures.

(f) To each person who signs a petition there shall be administered the following oath, which shall be reduced to writing and made a part of each page of the petition: "I know the contents of this petition. I am a qualified voter eligible to vote in the forthcoming primary election of the ———— Party for the office for which ———— is a candidate. I have not signed the petition of any other candidate for this office or I have withdrawn my signature for any other candidate in the manner provided by law, and I have not signed the petition of a candidate who is running for any office in the primary of any other party. I understand that by signing this petition I became ineligible to affiliate with

any other party or to participate in the primary elections, conventions, or other party affairs of any other party during the voting year in which this election is held."

(g) After a person has signed the petition of a candidate, the person's signature is void as to the petition of any candidate who is running in the primary election of any other party. He also becomes ineligible to affiliate with any other party during the voting year in which the election is held. If he participates or attempts to participate in the primary election or convention of any other party during that voting year, he is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed $1,000.

(h) A petition may not be circulated for signatures earlier than 90 days preceding the deadline for filing the petition. Any signature obtained on or before the 91st day preceding the deadline is void. The officer who administers the oath required by Subsection (f) of this section shall verify that the correct date of signing is shown on the petition.

(i) The secretary of state shall prescribe a form for the petition. However, a candidate may use any other form which complies with the requirements of this section.

Acts 1951, 52nd Leg., p. 1097, ch. 492, art. 186c, added by Acts 1971, 62nd Leg., 1st C.S. p. 34, ch. 11, § 4, eff. Sept. 3, 1971.

[1] Article 13.07a.
[2] Article 13.08.
[3] Article 13.12.
[4] Article 13.12a.
[5] Article 13.15.

Section 6 of the 1971 act was a severability clause.

Contingent and Temporary Law

Acts 1971, 62nd Leg., 1st C.S., p. 33, ch. 11, adding this article, amending articles 13.07a and 13.08 and repealing articles 13.08a, 13.08a–1 and 13.16, provides in section 7:

"Sec. 7. (a) This Act is enacted as a contingent, temporary law, to become effective only as stated in Subsection (b) of this section; and if it does become effective, it expires on December 31, 1972.

"(b) This Act becomes effective only upon the condition that, before January 1, 1972:

"(1) the Supreme Court of the United States does not dispose of the appeal filed in that court from the judgment of the United States District Court for the Northern District of Texas, Dallas Division, in Civil Action No. CA 3–3635–C, styled Van Phillip Carter vs. Martin Dies, Jr., et al., by action which becomes final before January 1, 1972; or

"(2) the Supreme Court of the United States affirms or refuses to review the judgment of the district court in the aforesaid case, or by other action taken upon an appeal of that case the Supreme Court rules that either of the following sections of the Texas Election Code as they exist before the amendments made by this Act violates the Constitution of the United States: Sections 185a, 186, 186a, 193, and 194.

"(c) Not later than January 5, 1972, the Attorney General of Texas shall certify to the Governor and to the Secretary of State whether either of the two conditions stated in Subsection (b) has been fulfilled, and the Governor immediately shall issue his proclamation declaring whether this Act becomes effective. If either of

the conditions for effectiveness is fulfilled, the Act takes effect on the date of the Governor's proclamation.

"(d) If this Act takes effect, upon its expiration on December 31, 1972, the law as it existed before the effective date of the Act again becomes operative until otherwise provided by the Legislature."

Art. 13.16 Payments by candidates for state senator or representative

Repeal

Section 5 of Acts 1971, 62nd Leg., 1st C.S., p. 37, ch. 11, repealed this article. Section 7 made this Act a contingent and temporary law. See the italicized note under article 13.08c.

Art. 13.24a. Precinct returns forwarded to Secretary of State

Subdivision 1. Within 30 days after each primary election, the chairman of the county executive committee shall forward to the Secretary of State a report of the number of votes cast for each candidate for a statewide office in each precinct of the county. The report may be in the form of either transcribed or photographic copies of the precinct returns for the statewide offices as made by the presiding judges of the election, or in the form of a tabulated statement compiled from the official canvass by the county executive committee, or in such other form as the Secretary of State approves for reporting the information to him.

Subdivision 2. The Secretary of State shall preserve all information received under the provisions of Subdivision 1 of this section as public records of his office, either in the form in which the information is reported to him or in the form of a tabulated statement prepared by him from the reports received from the county chairman, for a period of 10 years, after which time he may transfer the records to the records management division of the State Library for further retention for a period of 20 years. At the expiration of 30 years from the date of the election, the State Librarian may dispose of the records in accordance with the procedure outlined in Chapter 494, Acts of the 56th Legislature, Regular Session, 1959.

Where the Secretary of State prepares a tabulated statement from reports furnished to him by the county chairman, he shall preserve the reports for a period of five years, after which time he may transfer them to the records management division of the State Library, and the State Librarian may dispose of them in accordance with the procedure outlined in Chapter 494, Acts of the 56th Legislature, Regular Session, 1959.

Acts 1951, 52nd Leg., p. 1097, ch. 492, § 202a, added by Acts 1971, 62nd Leg., p. 47, ch. 24, § 3, eff. March 18, 1971.

Art. 13.43b. Party rules

Subdivision 1. On a date no later than 30 days prior to the first precinct convention to be held in 1972, each political party with a Statewide organization which made any nomination for the 1970 general election or plans to make any nomination for the 1972 general election shall file with the Secretary of State a set of specific, detailed, and written party rules for the conduct of its conventions, executive meetings, and any other party meetings.

Subd. 2. The rules shall state, or adopt by reference, the rules of parliamentary procedure which govern the conduct of the party's conven-

tions and meetings from the precinct level through the State level, including rules on quorums, methods by which votes shall be cast and counted, the operation of committees, the appointment and duties of convention committees, presentation of delegate nominations, presentation of resolutions and other matters for consideration by a convention, and the method of selecting presidential elector candidates. Further, the rules shall provide for the nomination, election and formulae for representative apportionment within the State of all party officials, convention delegates and alternates, and convention officials, except for those party officials whose election is presently provided by statute. Any formulae for apportionment adopted in the rules of any party must be based upon relative population or party strength within participating units, or both. The rules must provide for the periodic and timely publicizing of such rules, the processes and procedures by which the party rules and procedures must be adopted and amended, and any other matters within the discretion of the party. They may not conflict with any statutory prescription or prohibition, and they need not embrace matters which are regulated by statute.

Subd. 3. The chairman of the State Executive Committee of the party is responsible for filing a copy of the rules with the Secretary of State, but any member of the State Executive Committee may file the rules if the chairman fails to do so. The rules must be certified by the State chairman or by two other members of the State committee as having been adopted at a State Convention of the party, with the date and place of holding the convention shown in the certificate, except that temporary rules for 1972 may be adopted by the State Executive Committee of the party subject to action by the next State Convention as provided in Subdivision 6. These party rules shall be published and made available through State party headquarters to any interested person on request. Such rules may provide for amendment by action of the State Party Executive Committee.

Subd. 4. The rules may be changed only by action of a State Convention. When any change is made, a certified copy of the changes shall be filed with the Secretary of State, in the manner described in Subdivision 3, not later than 30 days following their adoption.

Subd. 5. The rules as filed with the Secretary of State shall govern the conduct of the party's conventions and the meetings of its executive committees. Observance of a rule may be enforced through mandamus proceedings as provided in Section 218 of this code and Chapter 723, Acts of the 60th Legislature, 1967 (Article 1735a, Vernon's Texas Civil Statutes), the same as if the rule were embraced in this code.

Subd. 6. If on January 1 of a year in which a general election is held, a party which had nominees on the ballot at either of the last three general elections has not filed a set of rules in accordance with this section, the Secretary of State shall give written notice to the State chairman of the party within 15 days thereafter, informing him that no nominee of the party will be placed on the ballot for the general election that year unless the rules are filed not later than 30 days prior to the first precinct convention to be held that year, provided that for 1972, the State Executive Committee of the party may adopt temporary rules to be ratified in accordance with this subdivision. Any duly constituted, properly representative committee of the party, on authorization of the State chairman or a majority of the State Executive Committee, may draft temporary rules to be put into effect by a majority vote of the State Executive Committee. These temporary rules must be submitted, with advance publicity preceding their presentation, as an item of business on the official agenda of the party's next State Convention for debate, amendment

and permanent ratification. The Secretary of State shall notify each county clerk, not later than the date of the general primary election that year, of any such political party which has failed to comply with the requirements of this section. Neither the Secretary of State nor any county clerk may accept a certification of nominations made by a defaulting party for the general election that year, and no nominee of that party may be placed on the ballot for the election.

Acts 1951, 52nd Leg., p. 1097, ch. 492, art. 220b, added by Acts 1971, 62nd Leg., p. 1947, ch. 589, eff. Aug. 30, 1971.

TITLE 51—ELEEMOSYNARY INSTITUTIONS

CHAPTER 2. STATE HOSPITALS

Art. 3201a. Harlingen State Chest Hospital; San Antonio State Chest Hospital

Change of Names

Acts 1971, 62nd Leg., p. 1001, ch. 189, § 1, changed the names of Harlingen State Tuberculosis Hospital to Harlingen State Chest Hospital, and of San Antonio State Tuberculosis Hospital to San Antonio State Chest Hospital. See article 3201a—2, § 1.

Art. 3201a—2. Change of names of state tuberculosis hospitals; appropriations

Section 1. The name of the Harlingen State Tuberculosis Hospital is changed to the Harlingen State Chest Hospital and the name of the San Antonio State Tuberculosis Hospital is changed to the San Antonio State Chest Hospital. The name of the East Texas Tuberculosis Hospital is changed to the East Texas Chest Hospital.

Sec. 2. All appropriations heretofore made by the Legislature for the use and benefit of the Harlingen State Tuberculosis Hospital shall be available for the use and benefit of the Harlingen State Chest Hospital, and all appropriations made by the Legislature for the use and benefit of the San Antonio State Tuberculosis Hospital shall be available for the use and benefit of the San Antonio State Chest Hospital. All appropriations heretofore made by the Legislature for the use and benefit of the East Texas Tuberculosis Hospital shall be available for the use and benefit of the East Texas Chest Hospital.

Acts 1971, 62nd Leg., p. 1001, ch. 189, eff. May 13, 1971.

Title of Act:

An Act to change the name of the Harlingen State Tuberculosis Hospital to the Harlingen State Chest Hospital, to change the name of the San Antonio State Tuberculosis Hospital to the San Antonio State Chest Hospital, and to change the name of the East Texas Tuberculosis Hospital to the East Texas Chest Hospital; and declaring an emergency. Acts 1971, 62nd Leg., p. 1001, ch. 189.

Art. 3201a—3. Pilot program for treatment of respiratory diseases; Harlingen State Chest Hospital and San Antonio State Chest Hospital

Creation

Section 1. In addition to the treatment of tuberculosis, the Harlingen State Chest Hospital and San Antonio State Chest Hospital may create a pilot program to treat persons afflicted with other chronic diseases of the respiratory system regardless of the diagnosis.

Number of patients; persons treated; payment of charges

Sec. 2. (a) Under this pilot program, the Harlingen State Chest Hospital and San Antonio State Chest Hospital may treat not more than 25 patients at any one time, except as specified by this Act.

(b) The program shall be limited to:

(1) persons who are medically indigent and who have resided within the State of Texas for at least one year before making application to enter the hospital;

(2) persons who are able to pay for treatment but who are unable to obtain treatment at any other public or private institution;

(3) persons having a type of chronic pulmonary disease for which there is some hope of improvement and rehabilitation.

(c) If a person is able to pay for the treatment, the hospital shall charge the person an amount determined by the superintendent of the hospital to be a reasonable cost for the treatment received by the patient.

Gifts and grants; appropriations

Sec. 3. The State Board of Health may accept and administer gifts and grants of money in whole or on a formula basis from the federal government and from any individual, corporation, trust, federal or state vocational rehabilitation program, or foundation to carry out the purpose of this Act, and shall use any funds appropriated by the Legislature for this pilot program to operate the program.

Treatment of patients in excess of number limited; use of appropriations

Sec. 4. The State Board of Health may admit and treat more than 25 patients under this program so far as 25 or more patients do not conflict with the purpose stated in Section 6 of this Act and may use funds appropriated by the State of Texas for the inpatient cost of treating tuberculosis based on the projected average daily patient population when and to such extent that the actual overall daily patient population is less than the attendance projected in the appropriation, for the operation of the Harlingen State Chest Hospital and San Antonio State Chest Hospital during the biennium for which this appropriation and pilot program are concurrent.

Rules and regulations

Sec. 5. The State Board of Health may establish necessary rules or regulations as to the admission requirements or procedures for persons admitted for treatment under the pilot program established by this Act.

Tuberculosis control program; interference prohibited

Sec. 6. Services rendered under the pilot program created by this Act shall not interfere with the primary objective of the tuberculosis control program, which is case-finding, treatment, both inpatient and outpatient, and eventual eradication of the disease tuberculosis.

Plans and policies

Sec. 7. The State Board of Health may formulate plans and policies for utilizing the program created by this Act at the Harlingen State Chest Hospital and San Antonio State Chest Hospital, in connection with any other agency, institution, or facility of this State, including but not limited to research, treatment, study, and training.

Acts 1971, 62nd Leg., p. 1860, ch. 548, eff. June 1, 1971.

Title of Act:

An Act relating to a pilot program to treat persons with various respiratory diseases at the Harlingen State Chest Hospital and San Antonio State Chest Hospital; and declaring an emergency. Acts 1971, 62nd Leg., p. 1860, ch. 548.

CHAPTER 3. OTHER INSTITUTIONS

TEXAS SCHOOL FOR THE DEAF

Art. 3207a. State Commission for the Blind

* * * * * * * * * *

Executive director; other workers

Sec. 3. The State Commission for the Blind may appoint and fix the compensation of an executive director and such other workers as may be necessary to make effective the purposes of this Act within the appropriations provided.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 1266, ch. 321, § 2, eff. Aug. 30, 1971.

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Art. 3207b. Commission; eligibility for appointment; compensation; executive director and employees; expenses and accounts

No paid employee of any agency carrying on work for the blind shall be eligible for appointment. Board members of the Commission for the Blind shall serve without compensation but shall receive their necessary traveling and other expenses actually incurred in the performance of their duties. The Commission for the Blind shall annually appoint an executive director and such other employees as may be necessary and authorized by legislation applicable to the Commission for the Blind. Expenses of members of the Board and of employees shall be paid in the most efficient and practical manner authorized by law for the payment of such expenses. All accounts shall be paid in accordance with laws applicable to the Commission or in accordance with laws applicable to State agencies generally.

Amended by Acts 1971, 62nd Leg., p. 1265, ch. 321, § 1, eff. Aug. 30, 1971.

Art. 3207c. Vocational rehabilitation of blind

Definitions

Section 1. As used in this Act:

* * * * * * * * * * *

(b) "Program" means the Program of Vocational Rehabilitation established by this Act.

Sec. 1(b) amended by Acts 1971, 62nd Leg., p. 1266, ch. 321, § 4, eff. Aug. 30, 1971.

(c) "Director" means the Executive Director of the State Commission for the Blind or his designee, who may, to the extent permitted by applicable federal regulations, devote full time and effort to the vocational rehabilitation program or to vocational rehabilitation and other closely related activities.

Sec. 1(c) amended by Acts 1971, 62nd Leg., p. 1266, ch. 321, § 3, eff. Aug. 30, 1971.

* * * * * * * * * * *

(g) "Vocational rehabilitation" and "vocational rehabilitation services" mean any services, provided directly or through public or private instrumentalities, found by the Director to be necessary to compensate a blind disabled individual for his employment handicap, and to enable him to engage in a remunerative occupation including, but not limited to, medical and vocational diagnosis, vocational guidance, counselling and placement, rehabilitation training, physical restoration, transportation, occupational licenses, customary occupational tools and equipment, maintenance, and training books and materials; and such terms also include any additional goods or services authorized by federal legislation relating to vocational rehabilitation or authorized by other closely related federal legislation through which the Commission obtains financial support.

Sec. 1(g) amended by Acts 1971, 62nd Leg., p. 1267, ch. 321, § 7, eff. Aug. 30, 1971.

* * * * * * * * * * *

Vocational Rehabilitation Program

Sec. 2. There is hereby established in the State Commission for the Blind a Program of Vocational Rehabilitation."
Sec. 2 amended by Acts 1971, 62nd Leg., p. 1266, ch. 321, § 5, eff. Aug. 30, 1971.

Director of Vocational Rehabilitation Program

Sec. 3. The Program shall be administered, under the general supervision and direction of the Commission, by a Director appointed by such Commission in accordance with established personnel standards and on the basis of his education, training, experience, and demonstrated ability. In carrying out his duties under this Act the Director:

(a) shall make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, and investigation and determination thereof, for vocational rehabilitation services, procedures for fair hearings and such other regulations as he finds necessary to carry out the purposes of this Act;

(b) shall, with the approval of the Commission establish appropriate subordinate administrative units within the Program;

(c) shall, with the approval of the Commission, appoint such personnel as he deems necessary for the efficient performance of the functions of the Program;

(d) shall prepare and submit to the Commission annual reports of activities and expenditures and, prior to each Regular Session of the Legislature, estimates of sums required for carrying out this Act and estimates of the amounts to be made available for this purpose from all sources;

(e) shall make certification for disbursement, in accordance with regulations, of funds available for vocational rehabilitation purposes;

(f) shall, with the approval of the Commission, take such other action as he deems necessary or appropriate to carry out the purposes of this Act;

(g) may, with the approval of the Commission, delegate to any officer or employee of the Program such of his powers and duties, except the making of regulations and the appointment of personnel, as he finds necessary to carry out the purposes of this Act.
Sec. 3 amended by Acts 1971, 62nd Leg., p. 1266, ch. 321, § 6, eff. Aug. 30, 1971.

Administration

Sec. 4. The Commission, through the Program, shall provide vocational rehabilitation services to blind disabled individuals determined by the Director to be eligible therefor and, in carrying out the purposes of this Act, the Program is authorized, among other things:

(a) To cooperate with other departments, agencies and institutions, both public and private, in providing for the vocational rehabilitation of blind disabled individuals, in studying the problems involved therein, and in establishing, developing and providing, in conformity with the purposes of this Act, such programs, facilities, and services as may be necessary or desirable;

(b) to enter into reciprocal agreement with other States to provide for the vocational rehabilitation of residents of the states concerned;

(c) to conduct research and compile statistics relating to the vocational rehabilitation of disabled blind individuals.
Sec. 4 amended by Acts 1971, 62nd Leg., p. 1267, ch. 321, § 6, eff. Aug. 30, 1971.

Cooperation with Federal Government

Text of section 5 as amended by Acts 1971, 62nd Leg., p. 1267, ch. 321, § 6

Sec. 5. The Commission, through the Program, shall cooperate, pursuant to agreements, with the Federal government in carrying out the purposes of any Federal statutes pertaining to vocational rehabilitation and is authorized to adopt such methods of administration as are found by the Federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation; provided, however, that the Commission shall not adopt any rule or regulation which is inconsistent with existing State laws, and to comply with such conditions as may be necessary to secure the full benefits of such Federal statutes.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 1267, ch. 321, § 6, eff. Aug. 30, 1971.

For text of section 5 as amended by Acts 1971, 62nd Leg., p. 1268, ch. 321, § 8, see section 5, post.

Cooperation with Federal Government

Text of section 5 as amended by Acts 1971, 62nd Leg., p. 1268, ch. 321, § 8

Sec. 5. The Commission shall cooperate, pursuant to agreements, with the Federal government in carrying out the purposes of any Federal statutes pertaining to vocational rehabilitation or closely related activities and is authorized to adopt such methods of administration as are found by the Federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation or for activities closely related to vocational rehabilitation. The Commission shall adopt such rules, regulations and methods of administration as might be necessary to comply with such conditions and to secure the full benefits of such Federal statutes and to this end, conditions or provisions of State laws applicable to the Commission may be modified or waived when necessary to preclude questions of conformity with the applicable regulations of Federal programs through which the Commission derives financial support, but no provision of State statute shall be modified or waived until the Commission has clearly determined that such action must be taken to preclude questions of conformity and to continue to secure the full benefit of such Federal statutes. The methods of administration to be adopted by the Commission include necessary patterns of staffing, personnel administration, and compensation of employees through a system comparable to that used with respect to other agencies of State government obtaining substantial financial support from the Federal government; providing that no personnel shall be employed except as authorized by appropriation to the Commission, nor any system of merit compensation implemented other than authorized by appropriation to the Commission, unless certification is made by the Commission to the State Auditor that such action is necessary for carrying out the statutory purposes of the Commission, that such action will be financed other than with State funds available to the Commission and will not impose additional demands upon State revenues. Such certification to the State Auditor shall be supported by such financial information as the State Auditor might require.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 1268, ch. 321, § 8, eff. Aug. 30, 1971.

For text of section 5 as amended by Acts 1971, 62nd Leg., p. 1267, ch. 321, § 6, see section 5, ante.

* * * * * * * * * * *

Hearing

Sec. 10. Any individual applying for or receiving vocational rehabilitation who is aggrieved by any action or inaction of the Program shall be entitled, in accordance with regulations, to a fair hearing by the Commission.

Sec. 10 amended by Acts 1971, 62nd Leg., p. 1267, ch. 321, § 6, eff. Aug. 30, 1971.

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CONFEDERATE WOMAN'S HOME

Art. 3218. Home established

Transfer

Acts 1971, 62nd Leg., p. 1061, ch. 220, §§ 1, 2, authorized the transfer of land and improvements of the Confederate Woman's Home from the Texas Department of Mental Health and Mental Retardation to the State Building Commission for disposition.

TEXAS SCHOOL FOR THE DEAF

Art. 3222a—1. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article enacts Title 3 of the Texas Education Code.

Article 3222a—1 providing for travel and clothing expenses for certain deaf students, and enacted by Acts 1971, 62nd Leg., p. 1224, ch. 300, eff. May 24, 1971, was codified by Acts 1971, 62nd Leg., p. 3348, ch. 1024, art. 2, § 21, as V.T.C.A. Education Code, § 11.051.

COUNTY-WIDE DAY SCHOOLS FOR THE DEAF

Arts. 3222b, 3222b—1. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(3), eff. Aug. 30, 1971

Article 3222b was amended by Acts 1969, 61st Leg., p. 1638. ch. 510, § 1; Acts 1969, 61st Leg., p. 1822, ch. 613, § 1; and by Acts 1969, 61st Leg., p. 2133, ch. 737, § 1, which acts were repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2).

Article 3222b-1 was amended by Acts 1969, 61st Leg., p. 1822, ch. 613, § 2, which act was repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2).

See, now, V.T.C.A. Education Code, § 11.10.

COLORED GIRLS TRAINING SCHOOLS

Arts. 3254c to 3254c—2. Repealed by Acts 1971, 62nd Leg., p. 3323, ch. 1024, Art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing these articles, enacts Title 3 of the Texas Education Code.

See, now, V.T.C.A. Education Code, § 74.051 et seq.

TITLE 52—EMINENT DOMAIN

Art. 3264b. Repealed by Acts 1971, 62nd Leg., p. 3323, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

See, now, V.T.C.A. Education Code, § 65.33.

Art. 3266a. Jurisdiction

Section 1. The district courts of all counties in the State shall have jurisdiction concurrent with the county courts at law in eminent domain cases. The county courts shall have no jurisdiction in eminent domain cases.

Sec. 2. In all counties in which there is no county court at law with jurisdiction of eminent domain cases, the party desiring to initiate condemnation proceedings shall file its petition with the district judge; and objections to the award of the special commissioners shall be filed in the district court.

Sec. 3. In all counties in which there is one or more county courts at law with jurisdiction in eminent domain cases, the party desiring to initiate condemnation proceedings shall, except where otherwise specifically provided by law, file its petition with the judge of the county court at law; and objections to the award of the special commissioners shall be filed in that county court at law.

Sec. 4. In any eminent domain case pending in the county court at law, whenever the judge of the court determines that the controversy involves a genuine issue of title or any other matter which cannot be fully adjudicated in the county court at law, he shall transfer the case to the district court.

Sec. 5. This Act shall not be construed to alter the provisions of Article 3266, Revised Civil Statutes of Texas, 1925, as amended, except that the court in which a petition is filed to initiate condemnation proceedings, under the provisions of this Act, shall appoint the special commissioners.

Sec. 6. The provisions of this Act shall not apply to any proceeding pending on the effective date of this Act.

Acts 1971, 62nd Leg., p. 2536, ch. 832, §§ 1–6, eff. June 9, 1971.

Art. 3266b. Relocation assistance program

Section 1. When in the acquisition of real property for a program or project undertaken by any department, agency, or instrumentality of this State or of a political subdivision of this State it becomes necessary that any individual, family, property of a business concern, farm or ranch operation, or nonprofit organization be displaced they may be paid their moving expenses, relocation payments, be provided financial assistance to acquire replacement housing, or allowed rental supplements and compensated for expenses incidental to the transfer of property to the State all of which payments or expenditures are hereby declared to be an expense and cost of such property acquisition. Each department, agency, or instrumentality of this State or of a political subdivision of this State shall formulate the rules and regulations necessary to carry out the provisions of this section and shall not authorize payments or expenditures in excess of those authorized by or under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies program.

Sec. 2. Each department, agency, or instrumentality of this State or of a political subdivision of this State may provide a relocation advisory service for all individuals, families, business concerns, farm and ranch operations, and nonprofit organizations which shall be compatible with the Federal Uniform Relocation Assistance Advisory program.[1]

Sec. 3. The Comptroller of Public Accounts is hereby authorized to issue a State Warrant on the appropriate account of each State department or agency for all relocation costs and the costs of administering the relocation assistance program.

Acts 1969, 61st Leg., p. 133, ch. 45, eff. April 2, 1969. Amended by Acts 1971, 62nd Leg., p. 2817, ch. 918, § 1, eff. Aug. 30, 1971.

[1] See 23 U.S.C.A. § 501 et seq.

Art. 3268. 6530, 4471, 4205 Damages paid first

* * * * * * * * * * *

2. In addition thereto, it shall deposit in said court either (a) a further sum of money equal to the amount of the damages awarded by the commissioners, or (b) a surety bond in an amount equal to the amount of the damages awarded by the commissioners issued by a surety company duly qualified to do business in this State, and which shall be held, together with the award itself, should it be deposited in court instead of being paid, exclusively to secure all damages that may be awarded or adjudged against the plaintiff, and if a surety bond is deposited in lieu of money, it shall be conditioned so as to secure all damages in excess of the award of the special commissioners, that may be awarded or adjudged against the plaintiff; and it shall also execute a bond with two or more good and solvent sureties, to be approved by the judge of the court in which such condemnation proceedings are pending, conditioned for the payment of any further costs that may be adjudged against it, either in the court below or upon appeal. The State, a county, municipal corporation, irrigation district, water improvement district or water power control district created under authority of law, shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners or a surety bond in such payment, as provided in this Section 2 hereof.

If the plaintiff deposits money under alternate (a) above, such sum of money shall be deposited or invested by the court in an interest-bearing or noninterest-bearing account with, or in an interest-bearing or noninterest-bearing certificate or security issued by, any state or national bank situated in the State of Texas, as may be requested and designated by the plaintiff. The interest-accruing from such account, certificate or security, if any, shall be paid to the plaintiff.

Subd. 2 amended by Acts 1971, 62nd Leg., p. 2859, ch. 938, § 1, eff. June 15, 1971.

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Section 2 of the 1971 amendatory act provided: "If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

TITLE 59—FEEBLE MINDED PERSONS—PROCEEDINGS IN CASE OF

Art. 3871g. Additional state school for mentally retarded persons

Section 1. (a) There shall be constructed, established, and maintained an additional school for the diagnosis, special training, education, supervision, treatment, care, or control of mentally retarded persons of this state. The school shall be located by the Board of Mental Health and Mental Retardation after a survey has been made showing where the school is most needed. After the site for the school has been determined, the name of the city near which it is located shall be added before the words "State School" and shall constitute the name of the facility.

(b) The Texas Board of Mental Health and Mental Retardation shall select and acquire by gift or purchase, within the limits of legislative appropriations, a site for the school, and the board, in selecting the site, shall make the selection with a view to its accessibility and convenience to the greatest number of inhabitants. Each site shall have sufficient land and shall have utilities readily available. The board shall take title to the land selected for the school in the name of the State of Texas for the use and benefit of the school; provided, however, that the Attorney General's Department shall first approve the title to the land selected by the board.

Sec. 2. (a) There shall be constructed on the grounds selected permanent, suitable, substantial, and fireproof buildings sufficient in all respects to care for mentally retarded persons. The buildings are to be provided with modern improvements for furnishing water, heat, ventilation and sewage, within the limits of legislative appropriations.

(b) The Texas Board of Mental Health and Mental Retardation shall proceed to prepare plans and specifications for the buildings; and immediately after this Act becomes effective and title to the land designated as the site for the school shall have been approved by the attorney general as being vested in the State of Texas, and upon the availability of sufficient appropriations, the board shall contract for the erection of the necessary buildings for the proper operation of the school, as provided by law; and the board shall have the power and authority to do and perform all things necessary for carrying out the purposes of this Act.

Sec. 3. On the completion of the buildings and facilities, the board shall appoint personnel necessary to operate and maintain the school and to adequately treat persons admitted, within the limits of legislative appropriations. The board shall admit persons and shall provide for their care and maintenance under the same laws, rules, and regulations as govern the admission and care of mentally retarded persons provided for in the general laws of the State of Texas governing institutions for the care of the mentally retarded.

Acts 1971, 62nd Leg., p. 2610, ch. 857, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the establishment of a state school for the mentally retarded; and declaring an emergency. Acts 1971, 62nd Leg., p. 2610, ch. 857.

TITLE 61—FEES OF OFFICE

CHAPTER ONE—GENERAL PROVISIONS

Repealer

Acts 1971, 62nd Leg., p. 2019, ch. 622, providing for the setting of compensation, expenses and allowances for certain county and precinct officials and employees by the commissioners courts effective January 1, 1972, provides in section 8 thereof that to the extent any local, special, or general law, including Acts of the 1971 Legislature, prescribes such compensation, expenses and allowances for any official or employee covered by this Act, that law is repealed. See article 3912k.

Art. 3883c—2. Salary of county judges in counties of 14,400 to 14,500

In any county having a population of not less than 14,400 nor more than 14,500 according to the last preceding federal census, the County Judge may be paid a salary of not more than $12,000 a year as determined by the Commissioners Court.

Acts 1969, 61st Leg., p. 1655, ch. 519, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1841, ch. 542, § 99, eff. Sept. 1, 1971.

Art. 3883c—3. Salary of county judges in counties of 91,000 to 97,500 and 122,000 to 140,000

The County Judge of any county having a population of not less than 91,000 nor more than 97,500 or not less than 122,000 nor more than 140,000, according to the last preceding federal census, shall receive an annual salary of not less than $12,000 nor more than the salary paid by the State to any District Judge in that county. The salary, as determined by the Commissioners Court, shall be paid in equal monthly installments.

Acts 1969, 61st Leg., p. 1800, ch. 604, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1823, ch. 542, § 29, eff. Sept. 1, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Art. 3883i. Maximum and minimum salaries; certain precinct, county and district officials in certain counties

Counties of less than 20,000

Section 1. That in each county in the State of Texas having the population of less than twenty thousand (20,000) inhabitants according to the last preceding federal census where all county and district officials are compensated on a salary basis, the Commissioners Courts shall fix the salaries of the officials named in this Act at not more than Six Thousand, Seven Hundred and Fifty Dollars ($6,750) per annum; provided, however, that no salary shall be set at a figure lower than that actually paid on the effective date of this Act.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1852, ch. 542, § 139, eff. Sept. 1, 1971.

Counties of 12,150 to 12,300

(a) In each county of the State of Texas having a population of not less than twelve thousand one hundred fifty (12,150) nor more than twelve thousand three hundred (12,300) according to the last preceding federal census where all county and district officials are compensated on a salary basis, the Commissioners Court shall fix the salaries of the officials named in this Act at a sum of not more than Ten Thousand Dollars ($10,000) per annum; providing that no salary covered by this Act shall be set at a lower figure than that actually paid on the effective date of this Act.

Sec. 1(a) amended by Acts 1971, 62nd Leg., p. 1852, ch. 542, § 139, eff. Sept. 1, 1971.

Counties of 17,775 to 17,850

Sec. 1½. Provided, however, that in addition to the maximum compensation provided in Section 1, that in all counties having a population of not less than seventeen thousand seven hundred seventy-five (17,775) and not more than seventeen thousand eight hundred fifty (17,850) according to the last preceding federal census, and where all such county officials are compensated on a salary basis, the Commissioners Courts are authorized to increase the compensation allowed in Section 1 above in an additional amount not to exceed Two Thousand, Six Hundred Dollars ($2,600) per annum, provided, however, that no salary shall be set at a figure lower than that actually paid on the effective date of this Act.

Sec. 1½ amended by Acts 1971, 62nd Leg., p. 1852, ch. 542, § 139, eff. Sept. 1, 1971.

Counties of 12,500 to 13,000

Sec. 1A. The Commissioners Court of a county having a population of more than 12,500 but less than 13,000, according to the last preceding federal census, and paying all county officials on a salary basis, may increase the compensation prescribed by Section 1 of this Act for the County Judge, county attorney, county clerk, county treasurer, county auditor, county assessor-collector of taxes, county commissioners, sheriff, and district clerk in an amount not exceeding $2,600 a year.

Sec. 1A amended by Acts 1971, 62nd Leg., p. 1852, ch. 542, § 139, eff. Sept. 1, 1971.

Counties of 13,500 to 13,800

Sec. 1B. In any county which has a population of not less than 13,500 nor more than 13,800, according to the last preceding federal census, and which pays all its county officials on a salary basis, the Com-

missioners Court may increase the compensation prescribed by Section 1 of this Act for County Judge, county attorney, county clerk, county treasurer, county auditor, county assessor and collector of taxes, county commissioners, sheriff, and district clerk in an amount of not more than $2,600 a year.

Sec. 1B added by Acts 1969, 61st Leg., p. 497, ch. 163, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1854, ch. 542, § 140, eff. Sept. 1, 1971.

Counties of 4,000 to 4,200

Sec. 1C. In any county having a population of not less than 4,000 nor more than 4,200 according to the last preceding federal census, and paying county officials on a salary basis, the Commissioners Court may set the compensation of persons listed in this Act in an amount not to exceed $9,600 a year; however, no salary may be set at a figure lower than that actually paid on the effective date of this amendment. The provisions of Section 18 of this Act do not apply to salaries set under this section.

Sec. 1C added by Acts 1969, 61st Leg., p. 1799, ch. 602, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1854, ch. 542, § 141, eff. Sept. 1, 1971.

Two other sections 1C were added by Acts 1971, 62nd Leg., p. 2395, ch. 749, § 1 and Acts 1971, 62nd Leg., p. 2619, ch. 859, § 1. See the other two sections 1C, post.

Counties of 8,900 to 9,050

Sec. 1C. In any county having a population of not less than 8,900 nor more than 9,050 according to the last preceding Federal Census, the Commissioners Court may fix the salaries of county and district officials named in this Act in an amount not to exceed $12,500 a year. The provisions of Section 18 of this Act do not apply to salaries set under this section.

Sec. 1C added by Acts 1971, 62nd Leg., p. 2395, ch. 749, § 1, eff. June 8, 1971.

Two other sections 1C were added by Acts 1971, 62nd Leg., p. 1817, ch. 542, § 141 and Acts 1971, 62nd Leg., p. 2619, ch. 859, § 1. See section 1C, ante and section 1C, post.

Counties of 12,150 to 12,300

Sec. 1C. In each county of the State of Texas having a population of not less than 12,150 nor more than 12,300, according to the last preceding Federal Census, the Commissioners Court shall fix the salaries of the officials named in this Act at a sum of not more than Fifteen Thousand Dollars ($15,000) per annum; and the salaries of the justices of the peace shall be fixed at a sum of not more than Ten Thousand Dollars ($10,000) per annum, all salaries to be paid in twelve (12) equal monthly installments; providing that no salary covered by this Act shall be set at a lower figure than that actually paid on the effective date of this section. Section 18 of this Act does not apply to salaries set under this section.

Sec. 1C added by Acts 1971, 62nd Leg., p. 2619, ch. 859, § 1, eff. Aug. 30, 1971.

Two other sections 1C were added by Acts 1971, 62nd Leg., p. 1817, ch. 542, § 141 and Acts 1971, 62nd Leg., p. 2395, ch. 749, § 1. See the other two sections 1C, ante.

Counties of 15,450 to 15,700

Sec. 1D. In any county having a population of not less than 15,450 nor more than 15,700 according to the last preceding Federal Census, the commissioners court may fix the salaries of officials named in Sections

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6 and 7a of this Act at not more than $12,000 a year. The provisions of Section 18 of this Act do not apply to salaries set under this section.

Sec. 1D added by Acts 1971, 62nd Leg., p. 3364, ch. 1026, § 1, eff. June 15, 1971.

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Counties of 48,000 to 49,400

Sec. 2B. In any county which has a population of not less than forty-eight thousand (48,000) nor more than forty-nine thousand four hundred (49,400), according to the last preceding federal census, the Commissioners Courts shall fix the salaries of the county and district officials named in this Act at not more than Twelve Thousand Dollars ($12,000) per annum.

Sec. 2B added by Acts 1969, 61st Leg., p. 1804, ch. 608, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1852, ch. 542, § 139, eff. Sept. 1, 1971.

Sec. 2C. [Blank].

Sec. 2D. [Blank].

Counties of 18,680 to 18,800

Sec. 2E. In any county having a population of not less than 18,680 nor more than 18,800 according to the last preceding federal census, the commissioners court may fix the salaries of officials named in Sections 6 and 7a of this Act at not more than $12,000 a year. The provisions of Section 18 of this Act do not apply to salaries set under this section.

Sec. 2E added by Acts 1971, 62nd Leg., p. 831, ch. 95, § 1, eff. April 28, 1971.

Counties of 36,500 to 37,000

Sec. 2F. In any county having a population of not less than 36,500 nor more than 37,000, according to the last preceding Federal Census, the Commissioners Court shall fix the salaries of the county and district officials named in this Act at not more than Fifteen Thousand Dollars ($15,000) per annum. Section 18 of this Act does not apply to salaries set under this section.

Sec. 2F added by Acts 1971, 62nd Leg., p. 1238, ch. 303, § 1, eff. May 24, 1971.

Counties of 27,850 to 28,000

Sec. 2G. In any county having a population of not less than 27,850 nor more than 28,000, according to the last preceding Federal Census, the Commissioners Court shall fix the salaries of the county and district officials named in this Act at not more than Fifteen Thousand Dollars ($15,000) per annum. Section 18 of this Act does not apply to salaries set under this section.

Sec. 2G added by Acts 1971, 62nd Leg., p. 990, ch. 177, § 1, eff. May 13, 1971.

Counties of 3,850 to 3,890

Sec. 2H. In any county having a population of not less than 3,850 nor more than 3,890, according to the last preceding Federal Census, and having a valuation of not less than $45,000,000 according to the last preceding tax roll, the Commissioners Court may fix the salaries of county and district officials named in this Act in an amount not to exceed $12,000 per year.

Sec. 2H added by Acts 1971, 62nd Leg., p. 1901, ch. 567, § 1, eff. Aug. 30, 1971.

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Counties of 75,700 to 80,000

Sec. 3A. In each county in the state having a population of at least seventy-five thousand seven hundred (75,700) and not more than eighty thousand (80,000) inhabitants according to the last preceding federal census, the Commissioners Court shall fix the salaries of the officials named in this Act at not more than Sixteen Thousand Dollars ($16,000) per annum. Notwithstanding the provisions of Sections 15 and 18 of this Act, the Commissioners Court of such a county may not exercise the authority vested in it by virtue of this Act except at a regular meeting of the Court and after thirty (30) days notice published in a newspaper of general circulation in the county at least four times, one time a week.
Sec. 3A added by Acts 1971, 62nd Leg., p. 926, ch. 140, § 1, eff. May 10, 1971.

Counties of 74,700 to 75,699

Sec. 3B. In each county in the state having a population of at least seventy-four thousand, seven hundred (74,700) and not more than seventy-five thousand, six hundred and ninety-nine (75,699) inhabitants according to the last preceding federal census, the Commissioners Court shall fix the salaries of the officials named in this Act at not more than Sixteen Thousand Dollars ($16,000) per annum. Notwithstanding the provisions of Sections 15 and 18 of this Act, the Commissioners Court of such a county may not exercise the authority vested in it by virtue of this Act except at a regular meeting of the Court and after thirty (30) days notice published in a newspaper of general circulation in the county at least four times, one time a week.
Sec. 3B added by Acts 1971, 62nd Leg., p. 1933, ch. 585, § 1, eff. June 1, 1971.

Counties of 98,001 to 195,000

Sec. 4. In each county in the State of Texas having a population of at least ninety-eight thousand and one (98,001) and not more than one hundred and ninety-five thousand (195,000) inhabitants according to the last preceding federal census, the Commissioners Court shall fix the salaries of the county and district officials named in this Act at not more than Eleven Thousand Dollars ($11,000) per annum; provided, however, that no salary shall be set at a figure lower than that actually paid on the effective date of this Act.
Sec. 4 amended by Acts 1971, 62nd Leg., p. 1852, ch. 542, § 139, eff. Sept. 1, 1971.

Counties of 145,000 to 200,000

(a) In each county of the State of Texas governed by Section 4 hereof and having a population of at least one hundred forty-five thousand (145,000) and less than two hundred thousand (200,000) according to the last preceding federal census where all county and district officials are compensated on a salary basis, the Commissioners Court shall fix the salaries of the officials named in this Act at a sum of not more than Seventeen Thousand, Five Hundred Dollars ($17,500) per annum; providing that no salary covered by this Act shall be set at a lower figure than that actually paid on the effective date of this Act and further providing this Subsection shall be cumulative of all other laws pertaining to the compensation of county officials.
Sec. 4, subsec. (a) amended by Acts 1969, 61st Leg., p. 2460, ch. 825, § 1, eff. June 16, 1969; Acts 1971, 62nd Leg., p. 1852, ch. 542, § 139, eff. Sept. 1, 1971.

Counties of 150,000 to 170,000

(b) In each county of the State of Texas having a population of at least one hundred fifty thousand inhabitants but less than one hundred seventy thousand inhabitants according to the last preceding Federal Census where the county judge is compensated on a salary basis, the Commis-

sioners Court may fix the salary of the county judge at a sum of not more than the amount paid district judges from the General Revenue Fund of the State of Texas.

Sec. 4, subsec. (b) amended by Acts 1971, 62nd Leg., p. 1163, ch. 268, § 1, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., p. 1852, ch. 542, § 139, eff. Sept. 1, 1971.

Counties of 195,001 to 600,000

Sec. 5. In each county in the State of Texas having a population of at least one hundred ninety-five thousand and one (195,001) inhabitants and less than six hundred thousand (600,000) inhabitants according to the last preceding Federal Census, the Commissioners Courts shall fix the salaries of the county and district officials named in this Act at not more than Eighteen Thousand, Five Hundred Dollars ($18,500) per annum; provided, however, that no salary shall be set at a figure lower than that actually paid on the effective date of this Act.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 813, ch. 85, § 1, eff. April 28, 1971.

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Counties of 1,200,000 to 1,500,000

Sec. 8(a). In all counties of this State having a population of not less than one million, two hundred thousand (1,200,000) inhabitants and not more than one million, five hundred thousand (1,500,000) inhabitants, according to the last preceding Federal Census, the Commissioners Court shall fix the salaries of county officials as follows:

The salary of the county judge shall be Twenty-eight Thousand Eight Hundred Dollars ($28,800) per annum; the county commissioners, Twenty-seven Thousand Six Hundred Dollars ($27,600); criminal district attorney and district attorney, Thirty Thousand Dollars ($30,000); probate judge, Twenty-seven Thousand, Six Hundred Dollars ($27,600); sheriff, Twenty-seven Thousand, Six Hundred Dollars ($27,600); tax assessor and collector, Twenty-seven Thousand, Six Hundred Dollars ($27,600); judges of county courts at law and county criminal courts, Twenty-seven Thousand, Six Hundred Dollars ($27,600); county clerk and district clerk, Twenty-four Thousand Dollars ($24,000); county treasurer, Twenty-three Thousand, Four Hundred Dollars ($23,400). Salaries fixed by this section shall be payable in equal monthly installments; provided, however, that the total salary received by the tax assessor and collector, including all additional fees and compensation, shall not exceed Thirty Thousand Dollars ($30,000) per annum in the aggregate; justices of the peace and the constables shall receive not to exceed Nineteen Thousand, Two Hundred Dollars ($19,200) per annum to be paid in equal monthly installments; provided that the justices of the peace and constables whose precincts lie wholly or in part in cities having a population of six hundred thousand (600,000) or more, according to the last preceding Federal Census, shall receive not less than Twenty-one Thousand, Six Hundred Dollars ($21,600) per annum. The county judge in such counties, shall be allowed, in addition to all other compensation fixed herein, the sum of Three Thousand Dollars ($3,000) per annum for serving as a member of the County Juvenile Board which shall be paid in twelve (12) equal monthly installments out of the general fund of such county and which additional compensation shall be in addition to all other salary or other compensation now paid to such county judge.

The Commissioners Court of each county to which this Subsection (a) applies may increase the salary or maximum salary of each officer enumerated in this subsection in an additional amount not to exceed 20

percent of the salary or maximum salary, exclusive of supplemental compensation, authorized in this subsection. No increased compensation may be authorized pursuant to this paragraph of this Subsection (a), until, at a regular meeting, the Commissioners Court holds a public hearing upon the question of any proposed increase, following publication of notice of that public hearing, in a newspaper of general circulation in that county, at least two (2) times, one time a week prior to such public hearing.

Sec. 8, subsec. (a) amended by Acts 1969, 61st Leg., p. 2457, ch. 824, § 1, eff. June 16, 1969; Acts 1971, 62nd Leg., p. 1945, ch. 588, § 1, eff. Aug. 30, 1971.

Counties of 1,700,000 or more

(b) In all counties of this state having a population of one million, seven hundred thousand (1,700,000) or more inhabitants, according to the last preceding Federal Census, the Commissioners Court of such counties shall fix the salaries of county officials in the following manner:

The salary of the county commissioners shall be not more than Nineteen Thousand, Eight Hundred Dollars ($19,800.00); sheriff, not more than Twenty-seven Thousand, Six Hundred Dollars ($27,600); county clerk and district clerk, not more than Twenty-four Thousand, Six Hundred Dollars ($24,600); county treasurer, not more than Nineteen Thousand, Five Hundred Dollars ($19,500); tax assessor and collector, not more than Thirty Thousand Dollars ($30,000); each of such salaries shall be payable in equal monthly installments; provided, however, that the total salary received by the tax assessor and collector, including all additional fees and compensation, shall not exceed Thirty Thousand Dollars ($30,000) per annum in the aggregate; justices of the peace and the constables at not more than Sixteen Thousand Dollars ($16,000) per annum, to be paid in equal monthly installments; provided, however, that the justices of the peace and constables whose precincts lie wholly or in part in cities having a population of six hundred thousand (600,000) or more, according to the last preceding Federal Census, shall receive not more than Twenty-one Thousand Six Hundred Dollars ($21,600) per annum. The provisions of Section 18 of this Act do not apply to salaries set under this subsection.

Sec. 8, subsec. (b) amended by Acts 1967, 60th Leg., p. 906, ch. 397, § 1, eff. Aug. 28, 1967. Acts 1971, 62nd Leg., p. 3065, ch. 1020, § 1, eff. Aug. 30, 1971.

Counties of 750,000 to 1,000,000

(c) In all counties of this state having a population of not less than 750,000 nor more than 1,000,000 according to the last preceding Federal Census, the Commissioners Court shall fix the annual salaries of county officials in amounts not to exceed the following:

(1) The salary of the county judge, $22,500; the county commissioners, $22,000; district attorney, $26,000; sheriff, $22,000; tax assessor and collector, $25,000; judges of the county courts at law and county civil court at law, $25,000; county clerk and district clerk, $22,000; county treasurer, $18,000. Salaries fixed by this Section shall be payable in equal monthly installments; justices of the peace and the constables may receive not to exceed $16,000 per annum to be paid in equal monthly installments;

(2) The county judge in those counties, shall be allowed, in addition to all other compensation in this subsection, a sum, to be set by the commissioners court, not to exceed $4,500 per annum for serving as a member of the County Juvenile Board which shall be paid in 12 equal monthly installments out of the general fund of the county and which additional compensation shall be in addition to all other salary or other compensation now paid to the county judge.

Sec. 8, subsec. (c) added by Acts 1971, 62nd Leg., p. 1610, ch. 443, § 1, eff. May 26, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Counties of 750,000 to 1,000,000

Sec. 8a. In all counties having a population of more than 750,000 inhabitants and less than 1,000,000, according to the last preceding federal census, the Commissioners Court may fix the salaries of the sheriff, county commissioners, district clerk and county clerk at not more than $15,000 per annum, payable in equal monthly installments.

Sec. 8a amended by Acts 1971, 62nd Leg., p. 1852, ch. 542, § 139, eff. Sept. 1, 1971.

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Repealer

Acts 1971, 62nd Leg., p. 2019, ch. 622, providing for the setting of compensation, expenses and allowances for certain county and precinct officials and employees by the commissioners courts effective January 1, 1972, provides in section 8 thereof that to the extent any local, special, or general law, including Acts of the 1971 Legislature, prescribes such compensation, expenses and allowances for any official or employee covered by this Act, that law is repealed. See article 3912k.

1970 Census. The following 1971 acts, amending various sections of this article, each provided:

"As used in this Act, "the last preceding Federal Census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Acts 1971, 62nd Leg., p. 831, ch. 95, § 2.
Acts 1971, 62nd Leg., p. 990, ch. 177, § 2.
Acts 1971, 62nd Leg., p. 1238, ch. 303, § 2.
Acts 1971, 62nd Leg., p. 1610, ch. 443, § 2.
Acts 1971, 62nd Leg., p. 1901, ch. 567, § 2.
Acts 1971, 62nd Leg., p. 1945, ch. 588, § 3.

Salaries of county judges of Bexar county, see art. 1970—301h.

Acts 1971, 62nd Leg., p. 2395, ch. 749, § 2.
Acts 1971, 62nd Leg., p. 2620, ch. 859, § 2.
Acts 1971, 62nd Leg., p. 3066, ch. 1020, § 2.
Acts 1971, 62nd Leg., p. 3364, ch. 1026, § 2.

Section 1C. A former section 1B, added by Acts 1969, 61st Leg., p. 1799, ch. 602, § 1, was renumbered as section 1C and amended by Acts 1971, 62nd Leg., p. 1817, ch. 542, § 141.

Art. 3883i—2. Compensation of judges; counties of not less than 1,500,000

Section 1. In all counties of this State having a population of not less than one million, five hundred thousand (1,500,000) inhabitants, according to the last preceding Federal census, the Commissioners Court shall fix the salary of each of the Judges of the Probate Courts, Judges of the County Courts at Law, and Judges of the County Criminal Courts at Law at not less than One Thousand Dollars ($1,000) less per annum than the total annual salary received by Judges of the District Courts in such counties, which shall be paid in twelve (12) equal monthly installments.

Sec. 2. In all counties of this State having a population of not less than one million, five hundred thousand (1,500,000) inhabitants, according to the last preceding Federal census, the Commissioners Court shall fix the salary of the County Judge at not less than One Thousand Dollars ($1,000) more per annum than the total annual salary received by Judges of the Probate Courts, Judges of the County Courts at Law, and Judges of the County Criminal Courts at Law in such counties, which shall be paid in twelve (12) equal monthly installments.

Acts 1971, 62nd Leg., p. 2803, ch. 906, eff. Aug. 30, 1971.

Title of Act:

An Act providing for compensation to Judges of the Probate Courts, Judges of the County Courts at Law, Judges of the County Criminal Courts at Law, and the County Judge in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 2803, ch. 906.

Art. 3886b—1. Salaries of county attorneys, assistants, investigators and judges in counties of 86,000 to 91,000

Section 1. In any county having a population of not less than 86,000 nor more than 91,000, according to the last preceding federal census, the commissioners court may fix the salary of the county attorney at not more than $18,500 per year. The county attorney, with the approval of the commissioners court, may appoint a first assistant county attorney and other assistants and investigators as necessary for the proper performance of the duties of his office. The first assistant county attorney shall receive a salary to be fixed by the commissioners court of not more than $15,000 per year, and other assistant county attorneys shall receive not more than $12,000 per year. The investigators for the county attorney shall receive a salary of not more than $10,000 per year. All assistant county attorneys must be attorneys licensed to practice law in this state, and are authorized to perform all the duties imposed by law on the county attorney. The commissioners court may pay to the county attorney and his assistants and investigators actual and necessary travel expenses incurred in the discharge of their duties. Salaries and expenses authorized by this Act may be paid from the officers salary fund or the general fund, or both, as determined by the commissioners court.

Sec. 2. In any county having a population of not less than 86,000 nor more than 91,000, according to the last preceding federal census, the commissioners court may fix the salary of the judge of the county court and the judges of the county courts at law, at not more than the amount of annual salary paid by the State to any district judge in that county. The commissioners court may pay the judge of the county court and the judge of the county court at law, actual and necessary travel expenses incurred in the discharge of their duties. Salaries and expenses authorized by this Act may be paid from the officers salary fund or the general fund, or both, as determined by the commissioners court.

Amended by Acts 1969, 61st Leg., p. 492, ch. 159, § 1, eff. May 8, 1969; Acts 1971, 62nd Leg., p. 1293, ch. 335, § 1, eff. Aug. 30, 1971.

Sections 2 and 3 of the 1971 amendatory act provided:

"As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

"If any provision of this Act is declared unconstitutional, that declaration shall have no effect on the remaining provisions of this Act which can be given effect without the invalid portion, and provisions of this Act are declared to be severable."

Art. 3886b—2. Assistant county attorneys in counties of 250,000 to 300,000; appointment and salaries

Section 1. The county attorney in any county of this State having a population of not less than 250,000 and not more than 300,000 according to the last preceding federal census may appoint not more than five assistant county attorneys, one of whom may be designated first assistant county attorney. Assistant county attorneys must be licensed to practice law in the State of Texas, and they serve at the pleasure of the county attorney.

Sec. 2. The First Assistant County Attorney shall be paid a salary not to exceed Twelve Thousand Five Hundred Dollars ($12,500.00) a year. Other assistant county attorneys shall be paid a salary not to exceed Twelve Thousand Dollars ($12,000.00) a year.

Sec. 3. The number of assistant county attorneys to be appointed and the salary to be paid each assistant shall be approved by the Commissioners Court.

Acts 1969, 61st Leg., p. 491, ch. 158, eff. May 8, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1830, ch. 542, § 59, eff. Sept. 1, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Art. 3886b—3. Salaries of assistant county attorneys in counties of 74,000 to 75,800

Section 1. The Commissioners Court in each county of this State whose population according to the last preceding federal census is not less than 74,000 and not more than 75,800 is hereby authorized, when in their judgment the financial condition of the county and the needs of the office of any assistant county attorney justify the increase, to enter an order or orders increasing the compensation of such assistant county attorney an additional amount or amounts so that his total annual salary paid and to be paid by said county shall not exceed the sum of $9,600.

Sec. 2. This Act shall not be construed to decrease the total allowable annual compensation of any assistant county attorney allowed under existing laws. Nothing herein shall prevent more than one pay raise from time to time under the provisions of Section 1 hereof so long as said total salary shall not exceed said sum for any one calendar year.

Sec. 3. The provisions of this Act shall be cumulative of all other laws pertaining to the compensation of assistant county attorneys to the extent that any Act passed subsequent to the effective date of this Act increasing the salary of assistant county attorneys generally shall apply to increase the salary of assistant county attorneys affected by this Act, by a like percentage.

Acts 1969, 61st Leg., p. 992, ch. 317, eff. May 23, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1838, ch. 542, § 87, eff. Sept. 1, 1971.

Art. 3886h. Compensation of district attorney and assistants in 34th District

Section 1. The District Attorney of the 34th Judicial District of this State shall be paid a salary not to exceed Sixteen Thousand, Five Hundred Dollars ($16,500) per year. Beginning January 1, 1971, the salary of the District Attorney of that District shall be fixed by the Commissioners Court of El Paso County at not more than Eighteen Thousand Dollars ($18,000) per year. Beginning January 1, 1972, the salary of the District Attorney of that District shall be fixed by the Commissioners Court of El Paso County at not more than Twenty Thousand Dollars ($20,000) per year. The First Assistant District Attorneys and the First Assistant Administrative District Attorney of the said 34th Judicial District shall receive a salary not to exceed Seventeen Thousand, Five Hundred Dollars ($17,500) per year; and the other Assistant District Attorneys and Investigators in the said Disrtict shall receive salaries not to exceed Twelve Thousand, Five Hundred Dollars ($12,500) per year, the provisions of this Act relating to First Assistants, Assistants and Investigators to become effective upon passage hereof.

Sec. 1 amended by Acts 1969, 61st Leg., p. 2299, ch. 776, § 1(a), eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 2495, ch. 818, § 1, eff. June 8, 1971.

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Art. 3886k. District attorneys in counties of not less than 1,500,000; compensation; private practice

Section 1. In all counties of this State having a population of not less than one million five hundred thousand (1,500,000) inhabitants, according to the last preceding federal census, the Commissioners Court shall fix the salary of the District Attorney at not less than Thirty-five Thousand Dollars ($35,000) per annum, which shall be paid in twelve (12) equal monthly installments.

Sec. 2. When this bill becomes effective, such District Attorney shall be prohibited from any private practice of law without regard to whether or not he receives any compensation therefor.
Acts 1971, 62nd Leg., p. 1042, ch. 210, eff. May 14, 1971.

Title of Act:
An Act providing for the compensation to District Attorneys in certain counties; prohibiting their engaging in the private practice of law; and declaring an emergency. Acts 1971, 62nd Leg., p. 1042, ch. 210.

Art. 3887a—1. County attorneys in counties of 71,100 to 71,200; compensation; private practice

Section 1. In all counties having a population of more than 71,100 inhabitants and less than 71,200 inhabitants according to the last preceding Federal Census the Commissioners Court may fix the salaries of the county attorney at not more than $20,000.00 per annum, payable in equal monthly installments.

Sec. 2. In all counties having a population of more than 71,100 inhabitants and less than 71,200 inhabitants, according to the last preceding Federal Census, no county attorney or assistant county attorney may engage in the private practice of law except in regard to civil matters involving the aforesaid counties.

Sec. 3. Nothing herein shall prohibit the Commissioners Court in the aforesaid counties from employing and compensating the county attorney to represent the county in civil and condemnation cases.
Acts 1969, 61st Leg., p. 2213, ch. 755, eff. June 12, 1969. Amended by Acts 1971, 62nd Leg., p. 1161, ch. 266, § 1, eff. May 19, 1971; Secs. 1, 2 amended by Acts 1971, 62nd Leg., p. 1847, ch. 542, § 120, eff. Sept. 1, 1971.

Art. 3887a—3. County attorneys in counties of not less than 1,500,000; compensation; private practice

Section 1. In all counties of this state having a population of not less than 1,500,000 inhabitants, according to the last preceding federal census, the commissioners court shall fix the salary of the county attorney, who represents the county in civil matters only, not to exceed $34,000 per annum, which shall be paid in 12 equal monthly installments.

Sec. 2. After the effective date of this Act, a county attorney receiving a salary under Section 1 of this Act is prohibited from any private practice of law without regard to whether or not he receives any compensation therefor.
Acts 1971, 62nd Leg., p. 2406, ch. 756, eff. Aug. 30, 1971.

Title of Act:
An Act providing for the compensation to county attorneys in certain counties; prohibiting certain county attorneys from engaging in the private practice of law; and declaring an emergency. Acts 1971, 62nd Leg., p. 2406, ch. 756.

Art. 3899b. Offices, office supplies, furniture and automobiles; aid for district attorneys

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Sec. 1a. In addition to the expenditures authorized in Section 1, in all counties having a population in excess of one million, five hundred thousand (1,500,000) inhabitants according to the last preceding federal census, the Commissioners Court may, in its discretion, at the expense of the county, furnish justices of the peace such courtrooms, offices and office furniture as may be necessary for the performance of their duties, and furnish constables such offices and office furniture as may be neces-

sary for the performance of their duties. Provided that nothing contained herein shall be construed so as to modify the provisions of Article 2379 of the Revised Civil Statutes of Texas, 1925.
Sec. 1a amended by Acts 1971, 62nd Leg., p. 1836, ch. 542, § 80, eff. Sept. 1, 1971.

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Sec. 3. In addition to the expenditures authorized in the preceding paragraphs, Numbers 1 and 2 of said Article 3899b, in all counties having a population in excess of three hundred and fifty-five thousand (355,000) inhabitants according to the preceding or any future Federal Census, the Commissioners Court of the county of the Tax Assessor and Tax Collector's residence may, upon the written and sworn application of such officer, stating the necessity therefor, allow one or more automobiles to be used by the Tax Assessor and Collector or his deputies in the discharge of official business, which, if purchased by the county shall be bought in the manner prescribed by law for the purchase of supplies and paid for out of the General Fund of the county. All expenses incurred in the operation, repair, and maintenance of such automobile or automobiles purchased by the county shall be incurred and paid in the manner provided by subdivision 1 of Section 19 of Acts 1935, Forty-fourth Legislature, Second Called Session, Chapter 465. The Commissioners Court may in lieu of the purchase of automobiles for the use of the Assessor and Collector of Taxes, authorize the use of personally owned automobiles of the Assessor and Collector of Taxes or his deputies in which event such Assessor and Collector of Taxes or his deputies shall file monthly sworn reports with the County Auditor showing mileage covered by such automobiles on official business and the nature thereof and may be allowed ten cents (10¢) per mile for each mile traveled which sum shall cover all expenses of maintenance, operation, and depreciation, and claims therefor shall be audited and allowed in the manner provided by Section 19 of Acts, 1935, Second Called Session, Chapter 465, for other expenses of County and District Officers. The District Attorney or Criminal District Attorney may be allowed by order of the Commissioners Court of his county, such amount as said Court may deem necessary to pay for, or aid in, the proper administration of the duties of such office not to exceed Twenty-five Hundred Dollars ($2,500) in any one calendar year; provided that such amounts as may be allowed shall be allowed upon written application of such District Attorney or Criminal District Attorney showing the necessity therefor, and provided further that said Commissioners Court may require any other evidence that it may deem necessary to show the necessity for such expenditures, and that its judgment in allowing or refusing to allow the same shall be final.

No expenditures made in accordance with the preceding paragraph shall lessen or diminish the amount of fees that said District Attorney or Criminal District Attorney may retain or receive as compensation under the terms of Articles 3883 and 3891 of the Revised Civil Statutes as amended by the Acts of the Forty-third Legislature or under the terms of Article 3892 of said Statutes as amended by the Acts of the Forty-first Legislature and this Act shall be cumulative of any other Act now in effect permitting such Commissioners Court to defray, or aid in defraying the expenses incurred by such County Tax Assessor and Collector, or District Attorneys or Criminal District Attorneys, and all such Acts shall be and remain valid and effective and wholly unaffected hereby.
Sec. 3 amended by Acts 1971, 62nd Leg., p. 2442, ch. 785, § 1, eff. June 8, 1971.

Art. 3899b—1. Automobile expense allowances for tax assessors and collectors in counties of 15,500 to 15,700

This Act applies in any county having a population of not less than 15,500 nor more than 15,700 according to the last preceding federal census. The Commissioners Court may, in lieu of purchasing automobiles for the use of the county tax assessor and collector, authorize the use of personally owned automobiles by him and his deputies for official business. A person so authorized may be allowed an amount not to exceed eight cents per mile for each mile traveled on official business, but not more than $100 during any calendar month. He shall file monthly sworn reports with the county auditor showing mileage covered by the automobile on official business and stating the nature of the business. Claims for reimbursement under this Act shall be audited and allowed in the manner provided by Section 19, Chapter 465, Acts of the 44th Legislature, 2nd Called Session, 1935, for other expenses of county and district officers.
Amended by Acts 1971, 62nd Leg., p. 1822, ch. 542, § 26, eff. Sept. 1, 1971.

Art. 3902f—2. Counties of 11,400 to 11,500; compensation of deputies, clerks and assistants

Section 1. In each county of the State of Texas having a population of more than eleven thousand, four hundred (11,400) and less than eleven thousand, five hundred (11,500) according to the last preceding federal census, the Commissioners Court is hereby authorized to fix the salaries of the deputies, assistants and clerks of any district, county or precinct officer at an amount not to exceed Four Thousand, Two Hundred Dollars ($4,200) per year.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 1838, ch. 542, § 91, eff. Sept. 1, 1971.

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Art. 3902f—3. Counties of 29,300 to 31,000; compensation of deputies, assistants, clerks or stenographers

Section 1. In all counties of this State having a population according to the last preceding federal census of more than 29,300 persons and less than 31,000 persons, the Commissioners Court of such counties may fix the compensation for the deputies, assistants, clerks or stenographers of the county officials of such county, except the deputies of the sheriff of said county, at an amount not to exceed $5,200 to be paid in twelve equal monthly installments.
Acts 1967, 60th Leg., p. 986, ch. 430, eff. June 12, 1967. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1836, ch. 542, § 82, eff. Sept. 1, 1971.

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Art. 3902f—4. Counties of 96,000 to 97,500; increase in compensation of chief deputies

The Commissioners Court in any county of this State having a population of not less than 96,000 nor more than 97,500 according to the last preceding federal census is hereby authorized, when in its judgment the financial condition of the county and the needs of the chief deputies of the district, county, and precinct officials justify the increase, to enter an order increasing the compensation of such chief deputies in an additional amount not to exceed 35 percent of the sum that they were actually paid on June 11, 1969.
Acts 1969, 61st Leg., p. 1744, ch. 576, eff. June 11, 1969. Amended by Acts 1971, 62nd Leg., p. 1841, ch. 542, § 100, eff. Sept. 1, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Art. 3902f—5. Deputies, assistants and clerks of district, county or precinct officers; increase in compensation

The Commissioners Court of any county in the State is authorized to enter an order increasing the compensation of a deputy, assistant, or clerk of any district, county, or precinct officer in an additional amount not to exceed 35 per cent of the maximum sum now allowed under present law, when in the judgment of the court the financial condition of the county and needs of the deputies, assistants, and clerks justify the increase.
Acts 1971, 62nd Leg., p. 1223, ch. 299, eff. May 24, 1971.

Title of Act:
An Act authorizing the Commissioners Court of any county in the State to increase the compensation of district, county, or precinct deputies, assistants, or clerks; and declaring an emergency. Acts 1971, 62nd Leg., p. 1223, ch. 229.

Art. 3902f—6. Counties of 86,000 to 91,000; compensation of deputies, assistants, clerks and secretaries

In all counties of this state having a population according to the last preceding federal census of not less than 86,000 persons nor more than 91,000, the commissioners court of such counties may fix a compensation of not more than $10,500 per year for chief deputies and of not more than $9,000 per year for all other deputies, assistants, clerks, and secretaries of the officials of such county, except assistant county attorneys.
Acts 1971, 62nd Leg., p. 1294, ch. 336, eff. May 24, 1971.

Sections 2 and 3 of the 1971 act provided:
"Sec. 2. As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.
"Sec. 3. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed as to the extent of such conflict only."

Title of Act:
An Act authorizing the commissioners court in certain counties to fix the compensation of all chief deputies, deputies, assistants, clerks, and secretaries of the county officials in such county, except assistant county attorneys, providing a maximum compensation for each such chief deputy, deputy, assistant, clerk or secretary; repealing all laws or parts of laws in conflict herewith; and declaring an emergency. Acts 1971, 62nd Leg., p. 1294, ch. 336.

Art. 3902f—7. Counties of 22,720 to 23,300; compensation of deputies, assistants or clerks

In any county having a population of not less than 22,720 nor more than 23,300 according to the last preceding federal census, the commissioners court may set the salary of any deputy, assistant, or clerk of any district, county, or precinct officer at not more than $8,500 per year.
Acts 1971, 62nd Leg., p. 1323, ch. 349, eff. May 24, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:
An Act relating to the salaries of deputies, assistants, and clerks of district, county, or precinct officers in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1323, ch. 349.

Art. 3903f. Salaries of district clerks in counties of 145,000 to 150,000

The Commissioners Court of any county having a population of more than 145,000 and less than 150,000 according to the last preceding federal census may pay the district clerk in that county an annual salary not to exceed $12,000.
Amended by Acts 1971, 62nd Leg., p. 1846, ch. 542, § 117, eff. Sept. 1, 1971.

Art. 3912e. Method of compensation of district and certain designated county and precinct officers

Repealer

Acts 1971, 62nd Leg., p. 2019, ch. 622, providing for the setting of compensation, expenses and allowances for certain county and precinct officials and employees by the commissioners courts effective January 1, 1972, provides in section 8 thereof that to the extent any local, special, or general law, including Acts of the 1971 Legislature, prescribes such compensation, expenses and allowances for any official or employee covered by this Act, that law is repealed. See article 3912k.

Art. 3912e—17. Counties of 4,660 to 4,740; compensation of officials

Section 1. In each county in the State of Texas having a population of more than four thousand, six hundred sixty (4,660) and less than four thousand, seven hundred forty (4,740) according to the last preceding Federal Census the Commissioners Courts of such counties are authorized to fix the salaries of county and district officials at a sum of not more than Eleven Thousand Dollars ($11,000) per year.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1822, ch. 542, § 24, eff. Sept. 1, 1971; Acts 1971, 62nd Leg., p. 1970, ch. 608, § 1, eff. Aug. 30, 1971.

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Section 2 of Acts 1971, 62nd Leg., p. 1970, ch. 608, provided: "As used in this Act, 'the last preceding Federal Census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Art. 3912e—18. Counties of 11,700 to 11,800; 10,300 to 10,372 and 9,500 to 9,700; compensation of officials

In each county of the State of Texas having a population of not less than 11,700 and not more than 11,800, not less than 10,300 and not more than 10,372, or not less than 9,500 and not more than 9,700, according to the last preceding federal census, the county and district officials are to be compensated as determined by the Commissioners Courts in an amount not to exceed Ten Thousand Dollars ($10,000), provided no salary shall be set at a figure lower than that actually paid on June 16, 1961.

Amended by Acts 1971, 62nd Leg., p. 1828, ch. 542, § 48, eff. Sept. 1, 1971.

Art. 3912e—19. Counties of 13,500 to 13,800; compensation of officials

In each county of the State of Texas having a population of not less than 13,500 and not more than 13,800, according to the last preceding federal census, the county and district officials are to be compensated as determined by the Commissioners Courts in an amount not to exceed Eight Thousand, Five Hundred Dollars ($8,500), provided no salary shall be set at a figure lower than that actually paid on August 28, 1961.

Amended by Acts 1971, 62nd Leg., p. 1852, ch. 542, § 138, eff. Sept. 1, 1971.

Art. 3912e—20. Counties of 4,000 to 4,200; compensation of officials

Section 1. In each county in the State of Texas having a population of more than four thousand (4,000) persons according to the last preceding federal census and not more than four thousand, two hundred (4,200) persons according to such federal census; the Commissioners Courts of such counties are authorized to fix the salaries of county and district officials at a sum of not less than the salary paid for the calendar year of

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1962, nor more than Eight Thousand, Five Hundred Dollars ($8,500) per year.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 1838, ch. 542, § 88, eff. Sept. 1, 1971.

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Art. 3912e—21. Counties of 18,200 to 18,600; compensation of officials and employees

Section 1. In every county in the State of Texas, having a population of not less than eighteen thousand, two hundred (18,200) and not more than eighteen thousand, six hundred (18,600), according to the last preceding federal census, the Commissioners Courts are authorized to fix the salaries of county, district, and appointed officials at a sum of not less than the salary paid on March 29, 1963, nor more than Ten Thousand Dollars ($10,000) per year. Chief deputies, deputies, clerks, assistants, secretaries, custodians and general employees may be paid salaries not to exceed Six Thousand, Five Hundred Dollars ($6,500) annually.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 1829, ch. 542, § 51, eff. Sept. 1, 1971.

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Art. 3912e—22. Counties of 49,400 to 50,000; compensation of officials

Section 1. In each county in the State of Texas having a population of at least 49,400 and not more than 50,000 according to the last preceding federal census, the Commissioners Court shall fix the salaries of the county and district officials named in Section 2 of this Act at not more than $12,000 per year; provided, however, that no salary shall be set at a figure lower than that actually paid on the effective date of this Act.
Acts 1967, 60th Leg., p. 1238, ch. 561, eff. Aug. 28, 1967. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1843, ch. 542, § 104, eff. Sept. 1, 1971.

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Art. 3912e—23. Counties of 91,000 to 97,500 and 122,000 to 140,000; compensation of officials

In any county having a population of not less than 91,000 nor more than 97,500, and in any county having a population of not less than 122,000 nor more than 140,000, according to the last preceding federal census, the Commissioners Court may fix salaries of not more than $15,000 for all county officers and officials except the judge of the court of domestic relations, the judge of the county court at law, and the County Judge.
Acts 1969, 61st Leg., p. 1801, ch. 605, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1844, ch. 542, § 107, eff. Sept. 1, 1971.

Art. 3912e—24. Counties of 160,000 to 170,000; compensation of officials

Section 1. In any county having a population of not less than 160,000 nor more than 170,000, according to the last preceding Federal Census, the district clerk, the county clerk, the assessor and collector of taxes, and the sheriff shall be paid a salary of not less than $15,000 per annum as determined by the Commissioners Court of such county.

Sec. 2. In any county having a population of not less than 160,000 nor more than 170,000, according to the last preceding Federal Census, the chief deputy district clerk, the chief deputy county clerk, the chief deputy sheriff for the civil division and the chief deputy sheriff for the criminal division, and the chief deputy assessors and collectors of taxes shall be

paid a salary of not more than $14,000 per annum as determined by the Commissioners Court of such county.

Sec. 3. In any county having a population of not less than 160,000 and not more than 170,000, according to the last preceding Federal Census, the Commissioners Court may employ and fix the number, as well as the salaries, of the deputies, administrative assistants, and clerks of any district, county, or precinct officer, including any member of the Commissioners Court, in an amount not to exceed $14,000 per year.

Acts 1969, 61st Leg., 2nd C.S., p. 192, ch. 34, §§ 1–3. Amended by Acts 1971, 62nd Leg., p. 2843, ch. 930, §§ 1–3, eff. Sept. 1, 1971.

Section 4 of the 1971 amendatory act provided that the effective date of this Act is September 1, 1971.

Art. 3912e—25. District and county clerks in all counties; automobile expense allowance

The Commissioners Court of any county in this State may provide a county owned automobile or a reasonable personal automobile allowance for the district clerk and the county clerk to cover expenses incurred by the clerks or their deputies in the course of performing official duties.

Acts 1971, 62nd Leg., p. 1796, ch. 530, eff. Aug. 30, 1971.

Title of Act:

An Act relating to automobile allowances and expenses for the district clerk and the county clerk; and declaring an emergency. Acts 1971, 62nd Leg., p. 1796, ch. 530.

Art. 3912e—26. Counties of 52,300 to 57,000; compensation of officials

In any county having a population of not less than 52,300 nor more than 57,000, according to the last preceding federal census, the commissioners court may set the salaries of elected officials of the county at not more than $20,000 per year and salaries of deputies and employees of the county at not more than $12,500 per year.

Acts 1971, 62nd Leg., p. 1878, ch. 555, eff. June 1, 1971.

Section 2 of the 1971 act provided: "Sec. 2. As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the maximum salaries of elected officials and county employees in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1878, ch. 555.

Art. 3912e—27. Counties of 18,200 to 18,600; compensation of officers and employees

The commissioners court of any county having a population of not less than 18,200 nor more than 18,600, according to the last preceding federal census, may set the salary of any officer of the county at an amount not to exceed $18,000 per year and may set the salary of any clerk, deputy, or other employee of the county at an amount not to exceed $10,000 per year, all these salaries to be payable in 12 equal installments.

Acts 1971, 62nd Leg., p. 1951, ch. 591, eff. Aug. 30, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the salaries of county officers and employees in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1951, ch. 591.

For Annotations and Historical Notes, see V.A.T.S.

Art. 3912e—28. Counties of 16,150 to 16,350; compensation of officials

The commissioners court of any county having a population of not less than 16,150 nor more than 16,350 according to the last preceding federal census, may set at not more than $12,000 per year each the salary or salaries of the county judge, the county attorney, the county auditor, the county clerk, the sheriff, the county treasurer, the district clerk, the county tax assessor and collector, the justices of the peace, and the county commissioners.

Acts 1971, 62nd Leg., p. 2430, ch. 777, eff. Aug. 30, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the salaries of certain county and district officials in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 2430, ch. 777.

Art. 3912f—5. Salaries of deputy sheriffs in certain counties

In all counties of this State having a population of not less than 9,100 or more than 9,300, not less than 9,350 or more than 9,600, not less than 10,373 or more than 10,390, not less than 10,600 or more than 11,000, not less than 12,400 or more than 12,800, not less than 25,000 or more than 26,000, not less than 27,000 or more than 27,500, or not less than 29,000 or more than 30,000, according to the last preceding federal census, the Commissioners Courts of such counties are hereby authorized, when in their judgment the financial condition of the county and the need of the deputy sheriffs of such counties justifies an increase, to enter an order increasing the compensation being paid by such county to such deputy sheriffs in an additional amount not to exceed 20 percent of the sum being paid to such deputy sheriffs at the time of such increase.

Acts 1967, 60th Leg., p. 2059, ch. 762, § 1, eff. Aug. 28, 1967. Amended by Acts 1971, 62nd Leg., p. 1823, ch. 542, § 28, eff. Sept. 1, 1971.

Art. 3912f—6. Salaries of deputy sheriffs in counties of 46,700 to 47,900

In each county having a population of not less than 46,700 nor more than 47,900, according to the last preceding federal census, the commissioners court may fix the salary of each deputy sheriff at not more than $7,600 per year.

Acts 1971, 62nd Leg., p. 1322, ch. 348, eff. May 24, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the salaries of deputy sheriffs in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1322, ch. 348.

Art. 3912i. Maximum salaries of justices of the peace and constables; precinct officers; certain counties

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Counties of 195,000 to 600,000 population

Sec. 5. (a) In each county in the State of Texas having a population of at least one hundred ninety-five thousand and one and not more than six hundred thousand inhabitants according to the last preceding federal census, the Commissioners Courts shall fix the salaries of the precinct of-

ficials named in this Act at not more than Twelve Thousand Dollars ($12,000.00) per annum.

(b) In each county of the state having a population of at least twelve thousand, four hundred and not more than twelve thousand, eight hundred, according to the last preceding federal census, the Commissioners Court shall fix the salaries of the precinct officials named in this Act at not more than Six Thousand Dollars ($6,000) per annum.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 1660, ch. 469, § 1, eff. May 27, 1971.

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Art. 3912j. Counties of 750,000 to 1,000,000; salaries of county road engineers

In all counties having a population of more than 750,000 persons, and less than 1,000,000 persons, according to the last preceding federal census, the county road engineer shall receive an annual salary not to exceed $15,000, the exact amount thereof to be determined by the Commissioners Courts of such counties, and said salary shall be paid in 12 equal monthly installments out of the road and bridge fund of such counties.

Amended by Acts 1967, 60th Leg., p. 803, ch. 337, § 1, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 1820, ch. 542, § 15, eff. Sept. 1, 1971.

Art. 3912k. County and precinct officials and employees who are paid wholly from county funds; compensation, expenses and allowances

Salaries, Etc., to be Set by Commissioners Court

Section 1. Except as otherwise provided by this Act and subject to the limitations of this Act, the commissioners court of each county shall fix the amount of compensation, office expense, travel expense, and all other allowances for county and precinct officials and employees who are paid wholly from county funds, but in no event shall such salaries be set lower than they exist at the effective date of this Act.

Elected Officers: Restrictions

Sec. 2. (a) The salaries, expenses, and other allowances of elected county and precinct officers shall be set each year during the regular budget hearing and adoption proceedings on giving notice as provided by this Act.

(b) There is hereby created in each county a salary grievance committee composed of:

(1) the county judge, who shall be chairman of the committee but who shall not be entitled to vote;

(2) the sheriff, the county tax assessor-collector, the county treasurer, the county clerk, the district clerk, and the county attorney or criminal district attorney; and

(3) three residents of the county selected as provided by Subsection (c) of this Section; or if one person holds more than one of the offices described in Subdivision (2) of this subsection or if one or more of those offices is not filled in the county, a number sufficient to establish the total voting membership of the committee at nine members.

(c) The public members of the committee shall be selected at the meeting of the commissioners court held on the second Monday in January of each year. Before that meeting, the clerk of the commissioners court shall prepare slips with a name on each slip corresponding to the names of all persons who served on grand juries in the county during the preceding calendar year. At the meeting, the slips shall be folded, placed in an appropriate receptacle, mixed, and drawn at random by the county

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judge until he has drawn a number equal to the number of public members required to constitute the committee. The county judge shall then announce the names on the slips drawn, and those persons shall be deemed appointed to the committee on acceptance submitted in writing to the clerk. If any person refuses or is unable to serve, a replacement shall be selected at the next regular or called meeting of the commissioners court by random selection of a slip from the remaining slips containing the names of grand jurors for the preceding year, with the process repeated as necessary to constitute the required membership of the committee. The public members of the committee shall serve for the year ending with the appointment of their successors the following January. A vacancy in the public membership of the committee shall be filled for the unexpired portion of the term by random selection of a slip from the remaining slips at a meeting of the commissioners court.

(d) Any elected county or precinct officer who is aggrieved by the setting of his salary, expenses, or other allowance by the commissioners court may request a hearing before the committee. The request shall be in writing, shall state the manner in which he is aggrieved, and shall be delivered to the chairman of the committee. The chairman shall announce the time and place of the hearing, which shall be within 30 days after receipt of the request. If, after a hearing, the committee by a vote of six of its voting members decides to recommend a change in the salary, expenses, or other allowance of the person requesting the hearing, it shall prepare its recommendation in writing and deliver it to the commissioners court, which shall consider the recommendation at its next meeting. A written recommendation signed by all nine members and delivered to the commissioners court becomes effective without the action of the commissioners court on the first day of the month following its delivery to the commissioners court.

Official Shorthand Reporters

Sec. 3. (a) In addition to transcript fees, fees for statements of facts, and other expenses necessary to the office authorized by law, the official shorthand reporter of each district or domestic relations court shall be paid a salary set by order of the judge of that court; provided that such salary shall be no lower than the salary on the effective date of this Act. If a judicial district is composed of more than one county, each county shall pay a portion of the salary equal to the proportion that its population bears to the total population of the judicial district.

(b) Any increase in the salary of a shorthand reporter to become effective in 1972 or any subsequent calendar year must be ordered by the judge, and the order submitted to the commissioners court of each county in the district, not later than September 1 immediately preceding the adoption of the county budget for the following year. A commissioners court in its discretion may allow an extension of this time limit.

(c) An official shorthand reporter may not be paid a salary more than 10 percent in excess of the salary paid to him during the preceding budget year, except with the approval of the commissioners court of each county in the judicial district.

(d) A person initially appointed to succeed an official shorthand reporter may be paid a salary not to exceed the salary paid to the person he succeeds.

Procedures Heretofore Established Unaffected

Sec. 4. Nothing in this Act is intended to affect the lawful procedures and delegations of authority heretofore established in any county for the purpose of setting the salary of county and precinct employees.

Fees and Commissions

Sec. 5. All of the fees and commissions earned and collected by the officials named in this Act shall be paid into the county treasury in ac-

cordance with the provisions of Section 61, Article XVI, of the Constitution of Texas. No provision of this Section shall apply to official shorthand reporters.

Notice and Public Hearing Required

Sec. 6. The commissioners court shall not exercise the authority provided by Section 2 of this Act except at regular meeting of the court and after 10 days' notice published in a paper of general circulation in the county of the intended salaries, expenses, and allowances to be raised and the amount of the proposed raises.

Exceptions

Sec. 7. Nothing in this Act applies to compensation, expenses, or allowances of:

(1) district attorneys, wholly paid by state funds, or their assistants, investigators, or other employees;

(2) persons employed under Section 10, Article 42.12, Code of Criminal Procedure, 1965, as amended;

(3) any county auditor or his assistants or employees or any county purchasing agent or his employees or assistants;

(4) judges of all courts of record and all justices of the peace, and presiding judges of commissioners courts in counties having a population of 1,700,000 or more, according to the last preceding Federal Census.

Repealer

Sec. 8. To the extent that any local, special, or general law, including Acts of the 62nd Legislature, Regular Session, 1971, prescribes the compensation, office expense, travel expense, or any other allowance for any official or employee covered by this Act, that law is repealed.

Effectiveness of Act

Sec. 9. This Act is effective for salaries, expenses, and allowances paid beginning January 1, 1972.

Severability Clause

Sec. 10. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 2019, ch. 622, eff. Jan. 1, 1972.

Title of Act:

An Act relating to the compensation, expenses, and allowances of certain officers and employees paid wholly from county

CHAPTER TWO—ENUMERATION

Art. 3923. [3846] [2445] [2380] Clerk of Supreme Court; deposits to cover costs

(A) The Clerk of the Supreme Court shall receive the following fees and costs:

1. For the filing of records, applications, motions, briefs, and other necessary and proper papers; for the docketing and docket and minute book entries; for issuing notices, citations, processes, mandates; and for

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the performance of other proper and necessary clerical duties in cases before the court, he shall receive the fee set out opposite each class of the following cases:

(a) Application for writ of error ---------- $10.00

(b) If application for writ of error is granted, an additional fee of ---------- 25.00

(c) Motion for leave to file petition for writ of mandamus, prohibition, injunction, and other like proceedings originating in the Supreme Court ---------- 10.00

(d) If motion for leave to file petition for writ of mandamus, prohibition, injunction, certiorari, or other like proceeding be granted, an additional fee of ---------- 15.00

(e) Certified questions from the Court of Civil Appeals to the Supreme Court ---------- 25.00

(f) In cases appealed to the Supreme Court from the District Court by direct appeal ---------- 25.00

(g) Each and every other proceeding filed in the Supreme Court ---------- 25.00

2. Administering an oath or affirmation ---------- .50

3. Administering an oath or affirmation and giving certificate thereof, with seal ---------- 1.00

4. Making copies of any papers of record in offices, including certificate and seal, for each 100 words ---------- .20

Provided the Supreme Court may by order or rule fix a reasonable fee for any official service performed by its Clerk not otherwise provided herein.

The Supreme Court shall provide by order or rule for the making of deposits to cover the costs in cases before the court as classified above, but nothing herein shall be construed as requiring a deposit in any case in which the petitioner, relator, or appellant in the Supreme Court is exempt from the giving of a bond.

(B) The Clerk of the Supreme Court shall receive a fee of five dollars for the issuance of an attorney's license or certificate, affixed with seal. The fee so collected shall be held by the clerk and expended by the court or under its direction for the purpose of preparation and issuance, including mailing, of said license or certificate.

Amended by Acts 1971, 62nd Leg., p. 1411, ch. 390, § 1, eff. Aug. 30, 1971.

Art. 3926. Repealed by Acts 1971, 62nd Leg., p. 2351, ch. 714, § 1, eff. June 8, 1971

Art. 3936c—1. Salary of constable and justice of the peace in counties of 145,000 to 165,000

The Commissioners Court of any county having a population of not less than 145,000 nor more than 165,000, according to the last preceding federal census, shall set the salary of the justices of the peace and constables in the county at not more than $15,000 each per year.

Acts 1971, 62nd Leg., 1st C.S., p. 26, ch. 6, eff. Sept. 3, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes."

Title of Act:

An Act relating to the salaries of justices of the peace and constables in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., 1st C.S., p. 26, ch. 6.

Art. 3936e—1. Justices of the peace in counties of 11,150 to 11,300; compensation

In all counties in the State of Texas containing more than 11,150 inhabitants but less than 11,300 inhabitants, according to the last preceding federal census, the Commissioners Court may pay to the justices of the peace a maximum compensation not to exceed the amount fixed in Section 1, Chapter 427, Acts of the 54th Legislature, 1955, as amended.[1]
Acts 1967, 60th Leg., p. 2074, ch. 776, § 1, eff. June 18, 1967. Amended by Acts 1971, 62nd Leg., p. 1837, ch. 542, § 86, eff. Sept. 1, 1971.

[1] Art. 3883i.

Art. 3936e—2. Justices of the peace in counties of 145,000 to 165,000; compensation

The commissioners court of any county having a population of not less than 145,000 nor more than 165,000, according to the last preceding federal census, shall set the salary of the justices of the peace in the county at not more than $15,000 each per year.
Acts 1971, 62nd Leg., p. 1624, ch. 451, eff. Aug. 30, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the salaries of justices of the peace in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1624, ch. 451.

Art. 3936f—1. Justices of the peace; maximum fees in counties of 67,000 to 70,000

Section 1. In all counties of this State having a population of at least sixty-seven thousand (67,000) but not more than seventy thousand (70,000), according to the last preceding federal census, justices of the peace shall receive maximum fees of Four Thousand, Nine Hundred Dollars ($4,900) each per year.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 1820, ch. 542, § 17, eff. Sept. 1, 1971.

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TITLE 66—FREE PASSES, FRANKS AND TRANSPORTATION

Art.
4008a. Aged, blind or disabled persons; special rates [New].

Art. 4008a. Aged, blind or disabled persons; special rates

Section 1. Transportation companies which operate in the municipalities of this state may set special reduced rates or fares for persons who are over the age of 65 or who are blind or disabled.

Sec. 2. To the extent that the provisions of this Act conflict with any other law, the provisions of this Act prevail.
Acts 1971, 62nd Leg., p. 88, ch. 50, eff. April 6, 1971.

Title of Act:
An Act relating to the authorization for transportation companies which operate in municipalities of the state to set special rates or fares for persons who are over the age of 65 or who are blind or disabled; and declaring an emergency. Acts 1971, 62nd Leg., p. 88, ch. 50.

TITLE 67—FISH, OYSTER, SHELL, ETC.

CHAPTER TWO—FISH AND OTHER MARINE LIFE

Art. 4032b—1. License to fish

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Exceptions

Sec. 2. No persons under seventeen (17) years of age and no person over sixty-five (65) years of age shall be required to possess the license provided for in this Act. No persons who are residents of the Republic of Mexico and who are traveling in this country on a visa granted by the United States Government shall be required to possess a license to fish in the coastal waters of this State. No person, or member of such person's immediate family, shall be required to hold the license provided for in this Act when fishing upon property he owns or upon which he resides. No license shall be required of persons fishing with trotline, throw line, or ordinary pole and line having no reel or other winding device attached when fishing in the county of his residence. No other fishing license shall be required of a person who holds a commercial fishing license issued in this State.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 2390, ch. 745, § 1, eff. Aug. 30, 1971.

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Art. 4048. Repealed by Acts 1971, 62nd Leg., p. 1667, ch. 471, § 9, eff. May 27, 1971

See, now, Vernon's Ann.P.C. art. 962a.

Art. 4050c. Removal of rough fish and turtles from public fresh waters

Authority of Parks and Wildlife Department; contracts; bids

Section 1. The Parks and Wildlife Department, the successor to the Game, Fish and Oyster Commission, is authorized to take rough fish and turtles from any of the public fresh waters of this State by means of crews operated by the Department or by contracts entered into with individuals, through the use of seines or nets or other devices and under such rules and regulations and contracts as it shall prescribe. All contracts shall be advertised and bid by the Board of Control and let to the highest responsible bidder, except that the Parks and Wildlife Department reserves the right to prepare the bid specifications and to reject any and all bids received. Separate contracts shall be let for each body of public fresh water or portion thereof when the Department finds that rough fish or turtles exist in any such waters in numbers detrimental to the propagation and preservation of game fish.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1413, ch. 391, § 1, eff. May 26, 1971.

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For Annotations and Historical Notes, see V.A.T.S.

CHAPTER FIVE—COASTAL WATERS

Art. 4075b—1. Use of seines to take shrimp outside state waters for personal use; restrictions; limit; penalty

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

Sec. 2. Unless otherwise provided by law, every person in a seining party who exceeds any privilege granted by this Act shall be deemed guilty of a violation of the Texas Shrimp Conservation Act (Article 4075—b, Vernon's Texas Civil Statutes), and shall be fined in accordance with the Act.

Acts 1971, 62nd Leg., p. 1379, ch. 365, eff. May 26, 1971.

Title of Act:

An Act permitting the use of certain seines to catch limited amounts of shrimp for personal use in certain outside waters of this State; providing for a penalty for exceeding this privilege; and declaring an emergency. Acts 1971, 62nd Leg., p. 1379, ch. 365.

TITLE 68A—GOOD NEIGHBOR COMMISSION OF TEXAS

Art. 4101—2. Good Neighbor Commission continued; powers and duties; compensation; expenses

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Powers

Sec. 4. The Commission shall have the power:

a. To elect from its members a chairman and other such officers as it may be deemed desirable. All officers of the Commission shall serve as such only during the pleasure of the Commission.

b. To hold such meetings at such times as the Commission may designate.

c. To conduct such research, investigations, and inquiries as may be necessary to inform the Commission as to matters concerning inter-American relations.

d. To appoint committees from its membership and prescribe their duties.

e. To appoint consultants and committees to the Commission.

f. To make rules and regulations for its government and that of its officers and committees; and to prescribe the duties of its officers, consultants and employees.

g. To employ an executive director, a coordinator of migrant labor, and such other employees as it may think necessary and to fix the pay and compensation of such employees within the limits of funds made available to it by the General Appropriations Act.

h. To accept contributions from private sources, all of which may be deposited in a bank or banks in an account to be known as the Good Neighbor Commission of Texas Fund to be used at the discretion of the Commission in compliance with the wishes of the donor, provided, however, that such funds shall not be used to supplement salaries appropriated from General Revenue.

i. To coordinate the work of federal, State and local governmental units toward the improvement of travel and living conditions of migrant laborers in Texas. In furtherance of this purpose, the Commission shall:

(1) Develop specific programs, in coordination with individual State agencies, to achieve the betterment of migrants' travel and living conditions, such programs to be promulgated and enforced by the agency or agencies concerned;

(2) Analyze federal and State rules and regulations affecting migrant labor to determine their effect on Texas citizens and consult with federal and State agencies in the promulgation and formulation of rules and regulations;

(3) Survey conditions and study problems related to migrant labor in Texas;

(4) Hold public hearings on matters pertaining to migrant labor;

(5) Advise and consult with local governmental units, and with interested groups and organizations concerning matters affecting migrant labor;

(6) Facilitate and endorse interdepartmental agreements and arrangements to effectuate the purpose of this Act;

(7) Perform any other functions which may be necessary for improving the well-being of migrant laborers;

(8) Report to the Governor and the Legislature annually or more frequently as indicated, on developments arising under Subdivisions (1) through (7).

Sec. 4 amended by Acts 1971, 62nd Leg., p. 707, ch. 72, § 1, eff. April 26, 1971.

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TITLE 70—HEADS OF DEPARTMENTS

CHAPTER THREE—STATE TREASURER

Art. 4386b—1. Parks and Wildlife Department; revolving petty cash fund

Section 1. The Parks and Wildlife Department is authorized to establish a "Revolving Petty Cash Fund," the balance of which shall never exceed Twenty-five Hundred Dollars ($2,500.00), out of existing funds on deposit in the state treasury. The sole purpose of the Petty Cash Fund shall be to make refunds of cash receipts, subject to the approval of the state auditor. The account shall be maintained at all times at a bank in Austin, Texas.

Sec. 2. With the prior approval of the Parks and Wildlife Commission, the executive director may designate a bonded employee of the Parks and Wildlife Department to sign checks drawn on this account. The fund shall be reimbursed by warrants drawn and approved by the comptroller of public accounts out of those funds in the state treasury in which the refunded receipts were originally deposited.

Acts 1971, 62nd Leg., p. 1039, ch. 207, eff. May 13, 1971.

Section 3 of the 1971 Act repealed conflicting laws to the extent of conflict.

Title of Act:

An Act authorizing a Revolving Petty Cash Fund for the Parks and Wildlife Department for refunds of cash receipts subject to approval of state auditor; providing for account in Austin bank; allowing executive director to designate bonded employee to sign checks with prior commission approval; authorizing reimbursement of fund by comptroller from funds where refunded receipts were originally deposited; repealing laws or parts of laws in confict; and declaring an emergency. Acts 1971, 62nd Leg., p. 1039, ch. 207.

Art. 4386b—2. Parks and Wildlife Operating Fund

Section 1. There is hereby established a fund in the State Treasury to be known as the "Parks and Wildlife Operating Fund." The Parks and Wildlife Commission is authorized to transfer any funds appropriated to the Parks and Wildlife Department by the Legislature for Personal Services, Travel, Consumable Supplies and Materials, Current Operating Expenses and Capital Outlay, as these terms are used in the Comptroller's Object Classification Codes of the General Appropriations Act. All expenditures by the department from this special fund shall be made only for such purposes for which appropriations are made by the General Appropriations Act.

Sec. 2. The Parks and Wildlife Operating Fund shall be used for the purposes specified by law or as hereafterwards authorized by law, and nothing shall be done by any officer or employee of the Parks and Wildlife Department or the Parks and Wildlife Commission to jeopardize or divert the Special Funds or any portion thereof, including any federal aid the department receives or administers.

Acts 1971, 62nd Leg., p. 2459, ch. 798, eff. June 8, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Section 3 of the 1971 act repealed conflicting laws.

Title of Act:

An Act establishing in the State Treasury the Parks and Wildlife Operating Fund; authorizing expenditures for purposes specified by the General Appropriations Act; providing no expenditure from such fund except as authorized by law and providing nothing shall jeopardize federal funds; repealing laws or parts of laws in conflict; and declaring an emergency. Acts 1971, 62nd Leg., p. 2459, ch. 798.

Art. 4386b—3. Funds mistakenly deposited in state treasury by Parks and Wildlife Department; refund by warrant

Section 1. Any funds deposited in the state treasury by the Parks and Wildlife Department, either by mistake of fact or by a mistake of law, shall be refunded by warrant issued against the fund in the state treasury into which such money was deposited. So much of the refunds as are necessary to make the proper correction shall be appropriated by the General Appropriations Act for this purpose.

Sec. 2. The comptroller of public accounts may require written evidence from the executive director of the Parks and Wildlife Department to indicate the reason for said mistake of fact or law before compliance with the provisions of Section 1 of this Act.

Sec. 3. Nothing in this Act shall apply to any funds which have been deposited pursuant to a written contract or to any funds now on deposit which are the subject of litigation in any of the courts of the United States or of the State of Texas.

Acts 1971, 62nd Leg., p. 2460, ch. 799, eff. June 8, 1971.

Title of Act:

An Act authorizing the refund by warrant of funds deposited in the treasury by the mistake of fact or law by the Parks and Wildlife Department with certain exceptions; requiring appropriation for this purpose; allowing comptroller to obtain evidence of such mistake; and declaring an emergency. Acts 1971, 62nd Leg., p. 2460, ch. 799.

CHAPTER FOUR-A—STATE AUDITOR

Art. 4413a—7b. River authorities' records

The State Auditor shall audit the accounts, books, and other financial records of all the river authorities in the state in the manner provided in this Act for audit of the State Government and shall perform all duties and functions in connection with this audit which are provided in this Act.

Acts 1943, 48th Leg., p. 429, ch. 293, § 7b, added by Acts 1971, 62nd Leg., p. 2458, ch. 797, § 1, eff. June 8, 1971.

CHAPTER FOUR-D—STATE-FEDERAL RELATIONS

Art. 4413d—1. Office of State-Federal Relations

Establishment

Section 1. There is established the Office of State-Federal Relations.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1733, ch. 504, § 1, eff. Aug. 30, 1971.

Director

Sec. 2. The Governor shall appoint a Director of the Office of State-Federal Relations with the advice and consent of the Senate. The director

shall serve at the pleasure of the Governor. The director shall remain in office until a successor is appointed and has been duly qualified.
Sec. 2 amended by Acts 1971, 62nd Leg., p. 1733, ch. 504, § 2, eff. Aug. 30, 1971.

Location

Sec. 3. The director may maintain office space for carrying out the powers and functions assigned to him by this Act inside and outside the State at such places as he may direct.
Sec. 3 amended by Acts 1971, 62nd Leg., p. 1733, ch. 504, § 3, eff. Aug. 30, 1971.

Staff

Sec. 4. The director may employ such staff as is necessary to carry out the powers and functions assigned to him by this Act.
Sec. 4 amended by Acts 1971, 62nd Leg., p. 1734, ch. 504, § 4, eff. Aug. 30, 1971.

Compensation

Sec. 5. The director and staff are entitled to the compensation and transportation allowances provided for in the General Appropriations Acts. The Director of the Office of State-Federal Relations may also receive up to $25.00 per diem allowance in addition to the regular compensation and transportation allowances as may be provided for by the Legislature in the General Appropriations Acts.
Sec. 5 amended by Acts 1971, 62nd Leg., p. 1734, ch. 504, § 5, eff. Aug. 30, 1971.

Powers and functions

Sec. 6. The powers and functions of the director shall enable him to act as liaison from the State to the Federal government.

1. The director shall help coordinate State and Federal programs dealing with the same matter.

2. The director will inform the Governor and the Legislature of the existence of Federal programs which will be or may be carried out in the State, or which affect State programs.

3. The director will provide Federal agencies and the Congress with information about State policy and about conditions in the State, on matters about which the Federal Government is concerned.

4. The director will provide the Legislature with information useful to it in measuring the effect of Federal programs on State and Local programs.

5. The director shall make an annual report of its operations and recommendations and shall supply the Governor and all members of the Legislature with a copy thereof.

Sec. 6 amended by Acts 1971, 62nd Leg., p. 1734, ch. 504, § 6, eff. Aug. 30, 1971.

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CHAPTER FIVE—DEPARTMENT OF PUBLIC SAFETY

Art. 4413(11). The Texas Rangers

(1) The Texas Ranger Force and its personnel, property, equipment and records, now a part of the Adjutant General's Department of the State of Texas, are hereby transferred to and placed under the jurisdiction of the Department of Public Safety, and are hereby designated as the Texas Rangers, and as such, constitute the above mentioned division of the Department.

For Annotations and Historical Notes, see V.A.T.S.

(2) The Texas Rangers shall consist of six (6) captains, one headquarters sergeant, and such number of privates as may be authorized by the Legislature, except in cases of emergency when the Commission, with the consent of the Governor, shall have authority to increase the force to meet extraordinary conditions.

(3) The compensation of the officers shall be such as allowed by the Legislature.

(4) The officers shall be clothed with all the powers of peace officers, and shall aid in the execution of the laws.

They shall have authority to make arrests, and to execute process in criminal cases; and in civil cases when specially directed by the judge of a court of record; and in all cases shall be governed by the laws regulating and defining the powers and duties of sheriffs when in the discharge of similar duties; except that they shall have the power and shall be authorized to make arrests and to execute all process in criminal cases in any county in the State. All officers operating by virtue of this Act shall have the authority to make arrests, as directed by warrants, and without a warrant under the conditions now authorized by law, and also in all cases when the alleged offender is traveling on a railroad, in a motor vehicle, aeroplane or boat. When any of said force shall arrest any person charged with a criminal offense, they shall forthwith convey said person to the county where he so stands charged, and shall deliver him to the proper officer, taking his receipt therefor. All necessary expenses thus incurred shall be paid by the State.

(5) Special Rangers. The Commission shall have authority to appoint as Special Rangers honorably retired commissioned officers of the Texas Department of Public Safety, and shall, in addition, have authority to appoint such number of Special Rangers as may be deemed advisable, not to exceed three hundred (300) in number; such rangers shall not have any connection with any Ranger Company or uniformed unit of the Department of Public Safety, but they shall at all times be subject to the orders of the Commission and the Governor for special duty to the same extent as the other law enforcement officers provided for in this Act; such Special Rangers, however, shall not have the authority to enforce any laws except those designed to protect life and property, and such rangers are especially denied the authority to enforce any laws regulating the use of the State highways by motor truck and motor buses and other motor vehicles. Such rangers shall not receive any compensation from the State for their services, and before the issuance of the commission each such ranger shall enter into a good and sufficient bond executed by a Surety Company authorized to do business in Texas in the sum of Twenty-five Hundred Dollars ($2,500), approved by the Director, indemnifying all persons against damages accruing as the result of any illegal or unlawful acts on the part of such Special Ranger. All Special Ranger Commissions shall expire on January 1st of the odd year after appointment, and the Director can revoke any Special Ranger Commission at any time for cause, and such officer shall be designated in the Commission as Special Ranger.

(6) In the execution of the laws of the State under the Department of Public Safety, the officials shall in all cases where it becomes necessary to seize property and destroy the same, to proceed as now provided by law; and all property so seized shall be stored and a list thereof presented to a District Judge in the District where such property is seized, who shall dispose of same in the mode and manner now provided by Articles Nos. 5112, 5113 and 5114, Revised Civil Statutes, 1925.[1]

Any official disregarding these provisions shall by virtue thereof be subject to removal from office.

Amended by Acts 1971, 62nd Leg., p. 2072, ch. 637, § 1, eff. Aug. 30, 1971.

[1] Repealed. See, now Vernon's Ann.P.C. art. 666—1 et seq.

Texas Ranger Commemorative Commission

Acts 1971, 62nd Leg., p. 1986, ch. 614, creating this commission, provides in sections 1 to 9:

"Sec. 1. The purpose of this Act is to commemorate the Texas Rangers during their 150th anniversary year.

"Sec. 2. There is hereby created a Commemorative Commission for the Texas Rangers' 150th anniversary, to be known as the Texas Ranger Commemorative Commission. The Commission shall be composed of five members appointed by the Speaker of the House of Representatives and five members appointed by the Lieutenant Governor. All members shall be appointed for a term of one year beginning January 1, 1973, but may be appointed prior to January 1, 1973, and may commence preparations for the commemorative year prior to that date.

"Sec. 3. The Commission shall make its State headquarters at Fort Fisher and the Homer Garrison Memorial Texas Ranger Museum at Waco, and shall deposit with the fort and the museum any proceeds and profits that may accrue to the Commission at the end of 1973.

"Sec. 4. The powers of the Commission include, but are not necessarily limited to:

"(1) the appointment of 75 advisory members to assist the Commission in the planning of the commemorative year;

"(2) the issuance of a commemorative medal;

"(3) the issuance of a commemorative pistol or rifle, or both;

"(4) the planning, supervising, and directing of all celebrations held in connection with the 150th anniversary of the Texas Rangers; and

"(5) such other powers as are necessary to carry out the purposes and provisions of this Act.

"Sec. 5. The Commission shall select from its membership a chairman, secretary, and treasurer who shall be the executive officers of the Commission. The Commission shall also procure and adopt a seal bearing the words "State of Texas, Texas Ranger Commemorative Commission," encircled by the oak and olive branches.

"Sec. 6. The Commission is authorized to employ any personnel that may be necessary to carry out the provisions and purposes of this Act, and to incur such other expenses as may be necessary to carry out the provisions of this Act.

"Sec. 7. Members of the Commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in performing their duties under this Act.

"Sec. 8. If any word, phrase, sentence, paragraph, subsection or section of this Act shall be held invalid or unconstitutional, such holding shall not invalidate any other word, phrase, sentence, paragraph, subsection, or section hereof, and the Legislature hereby expressly declares that it would have passed such remaining words, phrases, sentences, paragraphs, subsections, and sections despite such invalidity.

"Sec. 9. This Act takes effect on September 1, 1971."

Art. 4413(29aa). Commission on Law Enforcement Officer Standards and Education

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Reserve officers; minimum standards

Sec. 2A. (a) The Commission on Law Enforcement Officer Standards and Education shall establish minimum training standards for all reserve law enforcement officers which must be fulfilled before a person appointed as a reserve law enforcement officer may carry a weapon or otherwise act as a peace officer.

(b) The Commission shall establish minimum physical, mental, educational, and moral standards for all reserve law enforcement officers.

Sec. 2A added by Acts 1971, 62nd Leg., p. 1739, ch. 506, § 3, eff. Aug. 30, 1971.

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Another section 2A containing provisions similar to the text of section 2A added by Acts 1971, 62nd Leg., p. 1739, ch. 506, § 3, was added by Acts 1971, 62nd Leg., p. 2533, (S.B.No.72) ch. 829, § 4, which was repealed by Acts 1971, 62nd Leg., 1st C.S., p. 24, ch. 4, § 1.

For Annotations and Historical Notes, see V.A.T.S.

Art. 4413(29bb). Private Investigators and Private Security Agencies Act

SUBCHAPTER A. GENERAL PROVISIONS.

Short title

Section 1. This Act may be cited as the Private Investigators and Private Security Agencies Act.

Definitions

Sec. 2. In this Act, unless the context requires a different definition,

(1) "board" means the Texas Board of Private Investigators and Private Security Agencies;

(2) "private patrol security operator, or operator of a private patrol service" means any person who furnishes or agrees to furnish a watchman, guard, patrolman, security systems service, courier service, armored car service, guard dog service, or other person to protect persons, or property or to prevent theft, loss, embezzlement, misappropriation, or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers, or property of any kind or who performs the service of a watchman, guard, patrolman, or other person for these purposes, but including managers as defined under Section 19 of this Act.

(3) "private detective or private investigator" means any person who engages in the business or accepts employment to furnish, agrees to make, or makes any investigation for the purposes of obtaining information with reference to

(a) crime or wrongs done or threatened against the United States of America or any state or territory of the United States of America.

(b) the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person;

(c) the location, disposition, or recovery of lost or stolen property;

(d) the cause or responsibility for fires, libels, losses, accidents, damages or injuries to persons or to property; or

(e) securing evidence to be used before any court, board, officer, or investigating committee.

(4) "Undercover Agent" means a person hired by an individual, firm, or corporation; to perform a job in and/or for that individual, firm or corporation; and while performing said job to act as an undercover agent, an employee or an independent contractor of a licensee, but supervised by a licensee.

(5) "Armored Car Service" for the purpose of this Act shall mean any person or company that transports or offers to transport from one place or point to another place or point, currency, jewels, stocks, bonds, paintings or other valuables with a high degree of security and certainty of delivery.

(6) "Courier Service" for the purpose of this Act shall mean any person or company that transports or offers to transport from one place or point to another place or point, documents, papers, maps, stocks, bonds, checks or any other small item that requires expeditious delivery.

(7) "Security Systems Service" for the purpose of this Act shall mean any person or company that installs, and/or services and/or responds to alarm signal devices, burglar alarms, television cameras, still cameras or any other electrical, mechanical, or electronic device installed and/or used to prevent or detect burglary, theft, shoplifting, pilferage and other losses.

(8) "Branch Office" for the purpose of this Act shall mean an office established or maintained at some place other than the principal place of business as shown in board records or when business is solicited or advertised from an address or to a telephone number other than those listed for the principal place of business as recorded in board records.

(9) "Guard Dog Service" for the purpose of this Act shall mean any firm, individual or corporation that is contracted by another firm, individual or corporation to place, lease, rent or sell a trained dog for the purpose of protecting property and/or any firm, individual or corporation that is contracted to train a dog for the purpose of protecting property after placing, leasing, renting or selling of such animal.

Entitlement to license application

Sec. 3. (a) A person is entitled to apply for a license under this Act who

(1) is at least 21 years of age;

(2) is a citizen of the United States of America;

(3) is of good moral character and temperate habits, who is not a convicted felon;

(4) complies with any other reasonable qualifications that the board may fix by rule.

(b) An applicant or his manager, who applies for a license as a private investigator or a private detective shall have three (3) years consecutive experience prior to the date of said application in the investigative field, as an employee, manager, or owner of an investigative agency; or worked in an investigative capacity for some firm, or any city, county, state, or federal investigative agency; or requirements as shall be set by the board.

(c) An applicant, or his manager, for a license as a private patrol operator shall have two (2) consecutive years experience prior to the date of said application as a patrolman, guard, watchman, security system service operator or employee, or requirements as shall be set by the board.

SUBCHAPTER B. ADMINISTRATION.

Creation of board

Sec. 4. (a) A Texas Board of Private Detectives, Private Investigators, and Private Security Agencies is created to carry out the functions and duties conferred upon it by this Act.

(b) The position of director of the Texas Board of Private Detectives is created. He shall serve as chief administrator of the board. His salary shall be determined by the Legislature.

Board membership

Sec. 5. The board is composed of the following members:

(1) the director of the Texas Department of Public Safety or his designated representative shall serve as an ex officio member of such board, and such service shall not jeopardize the individual's official capacity with the State of Texas;

(2) the Attorney General or his designated representative shall serve as an ex officio member of such board, and such service shall not jeopardize the individual's official capacity with the State of Texas;

(3) one city or county law enforcement officer shall be appointed by the Governor, with the advice and consent of the Senate;

(4) two members shall be appointed by the Governor, with the advice and consent of the Senate, who are citizens of the United States and residents of the State of Texas, one of whom shall serve as chairman; and

(5) three members shall be appointed by the Governor with the advice and consent of the Senate, who are licensed under this Act, who have been engaged for a period of five consecutive years as a private investigator, private guard, or as a law enforcement officer for any city, county, or state government, or for the federal government, and who are not employed by the same person or agency as any other member of the board. Persons initially appointed to the board under the provisions of this subsection shall meet the qualifications required of applicants under the provisions of Section 3 of this Act in lieu of being licensed.

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Terms of office

Sec. 7. (a) Of these appointees, two shall be appointed for terms expiring January 31, 1973, two shall be appointed for terms expiring January 31, 1975, and two shall be appointed for terms expiring January 31, 1977. Each appointed member shall hold office until his successor is appointed and has qualified; such successors shall serve for six-year terms.

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Designated representatives

Sec. 9. (a) The Attorney General and the director of the Department of Public Safety may delegate to a personal representative from their respective offices the authority and duty to represent them on the board.

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Subpoenas; oath; refusal to testify, obey subpoena or give evidence; petition to compel; process and hearing; contempt

Sec. 11A. (a) In the conduct of any investigation conducted under the provisions of this Act, the board may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents. The officer conducting a hearing may administer oaths and may require testimony or evidence to be given under oath.

(b) No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he is properly examined by the officer conducting the hearing. Any person called upon to testify or to produce papers upon any matter properly under inquiry by the board, who refuses to so testify or produce papers upon the ground that his testimony or the production of papers would incriminate him or tend to incriminate him, shall nevertheless be required to testify or to produce papers, but when so required under these objections he is not subject to indictment or prosecution for any transaction, matter, or thing concerning which he truthfully testifies or produces evidence.

(c) If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the board, then the board may petition a district court of the county in which the hearing is held to compel the witness to obey the subpoena or to give the evidence. The court shall immediately issue process to the witness and shall hold a hearing on the peti-

tion as soon as possible. If the witness then refuses, without reasonable cause or legal grounds, to be examined or to give any evidence relevant to proper inquiry by the board, the court shall punish the witness for contempt.

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SUBCHAPTER C. LICENSES.

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Exceptions

Sec. 14. (a) This Act does not apply to

(1) a person employed exclusively and regularly by one employer in connection with the affairs of an employer only and where there exists an employer-employee relationship;

(2) an officer or employee of the United States of America, or of this State or a political subdivision of either, while the employee or officer is engaged in the performance of official duties;

(3) a person or firm engaged exclusively in the business of obtaining and furnishing information in relation to the financial rating of persons;

(4) an attorney-at-law in performing his duties;

(5) admitted insurers, agents, and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them;

(6) the legal owner of personal property which has been sold under a conditional sales agreement or a mortgage;

(7) a person receiving compensation for private employment on an individual, independent contractor basis as a patrolman, guard, or watchman who has full time employment as a peace officer as defined by Article 2.12 of the Texas Code of Criminal Procedure, as amended, and further provided, that for such exemption to operate the peace officer so defined shall (a) be employed in an employee-employer relationship, (b) on an individual contractual basis and (c) not be in the employ of another peace officer.

(b) The provisions of this Act do not prevent the local authorities of any city, county, or city and county, by ordinance and within the exercise of the police power of the city, county, or city and county, from imposing local regulations upon any street patrol special officer or upon any person who furnishes street patrol service or street patrol special officer, to require registration with an agency to be designated by the city, county, or city and county, including in the registration full information as to the identification and employment of the individual.

(c) The city, county, or city and county may issue the employee of a licensee who is licensed under Class B or C license, a special police commission as provided for in Article 484 of the Texas Penal Code, provided that such employee of the licensee is employed as a special officer or special street patrol officer of the licensee and meets the requirements to be commissioned as such. The city, county, or city and county may require the said applicant for the special officer's commission to register with them, and include in such registration as to the identification and employment of the individual.

(d) No special police commission shall be issued to any person that is under 21 years of age, who is a convicted felon, or to a person who has committed any act, which if committed by a licensee, would be grounds for suspension or revocation of the license under this Act.

(e) A fee not to be in excess of $50.00 per company plus $10.00 per commission.

Application and examination

Sec. 15. (a) An application for a license under this Act shall be in the form prescribed by the board. The application shall include:

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(11) An application for a license under this Act shall include the Social Security number of the one making application.

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Classification of license

Sec. 16.

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(b) For the purpose of defining the scope of licenses, the following license classifications are established:

(1) Class A: the private investigator license, covering operations as defined in Section 2 of this Act;

(2) Class B: All business defined in Subchapter A, Section 2(2); alarm signal companies, watchmen, guards, patrol, courier service, armored car service, guard dog service;

(3) Class C: covering the operations included within Class A and Class B, as defined in Section 2 of this Act.

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Fees

Sec. 17. (a) The fee for a Class A original license is $150; for the renewal of a Class A license, the fee is $100.

(b) The fee for a Class B original license is $150; for the renewal of a Class B license, the fee is $100.

(c) The fee for a Class C original license is $225; for the renewal of a Class C license, the fee is $175.

(d) A delinquency fee shall be for not less than $10, nor more than $25.

(e) The fee for a Branch Office License as defined under this Act shall be $50; for the renewal of a Branch Office License, the fee is $50.

(f) All fees and moneys collected under this Act shall be deposited in the Treasury of the State of Texas.

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Requirements for a manager

Sec. 19. (a) The business of each licensee shall be operated under the direction, control, charge, or management, in the State, of either the licensee or a member, but no licensee shall employ more than one manager.

(b) No person shall act as a manager of a licensee until he has complied with each of the following:

(1) demonstrated his qualifications by a written or oral examination, or a combination of both, if required by the board;

(2) made a satisfactory showing to the board that he has the qualifications prescribed by Section 3 and that none of the facts stated in Section 18 exist as to him.

(c) If the manager, who has qualified as provided in this section, ceases for any reason whatsoever to be connected with the licensee to whom the license is issued, the licensee shall notify the board in writing 14 days from such cessation. If notice is given, the license shall remain in force for a reasonable length of time to be determined by the rules of the board pending the qualifications as provided in this Act, of another man-

ager. If the licensee fails to notify the board within the 14-day period, his license shall be subject to suspension or revocation and may be reinstated only upon the filing of an application for reinstatement, payment of the reinstatement fee, if any be due, and the qualification of a manager as provided in this Act.

(d) When the individual on the basis of whose qualifications a license under this Act has been obtained ceases to be connected with the licensee for any reason whatsoever, the business may be carried on for such temporary period and under such terms and conditions as the board shall provide by regulation.

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Change of address and new officers

Sec. 26. A licensee shall within 14 days after such change, notify the board of any and all changes of his address, of the name under which he does business and of any changes in its officers or partners.

Applications, on forms prescribed by the board, shall be submitted by all new officers or partners. The board may suspend or revoke a license issued under this Act if they determine that at the time the person became an officer or partner of a licensee, any of the facts in Section 20 existed as to such person.

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Advertisements

Sec. 31. Every advertisement by a licensee soliciting or advertising business shall contain his company name and address and license number as they appear in the records of the board.

Branch offices

Sec. 32. (a) Each licensee shall file in writing with the board the address of each branch office, and within 14 days after the establishment, closing, or changing of location of a branch office shall notify the board in writing of such fact.

(b) Upon application of a licensee the board shall issue a branch office license. The fee for a branch office license shall be $50; the fee for renewal for such license shall be $50.

(c) The board may prescribe credentials to be issued to a branch office manager of a licensee under all three categories of a license as described in Section 16, Chapter 610, Acts of the 61st Legislature, 1969.

Registration of employees or private investigators

Sec. 33.

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(e) The minimum age for persons registered under this Act shall be 18.

Application; verification; contents

Sec. 34. The application shall be verified and shall include:

(a) The full name, residence address, residence telephone number, date and place of birth, and the Social Security number of the employee.

(b) A statement listing any and all names used by the employee, other than the name by which he is currently known, together with an explanation setting forth the place or places where each name was used, the date or dates of each use and a full explanation of the reasons why each such name was used. If the employee has never used a name other than that by which he is currently known, this fact will be set forth in the statement.

(c) The name and address of the employer and the date the employment commenced. A letter from the licensee requesting that the said investigator be registered under his license.

(d) The title of the position occupied by the employee and a description of his duties.

(e) Two recent photographs of the employee, of a type described by the board, and two classifiable sets of his fingerprints.

(f) A letter from the police department and a letter from the sheriff's department of the city and county wherein the applicant resides concerning the character of the applicant and containing any objection or recommendation as to his application.

(g) Such other information, evidence, statements, or documents, as may be required by the board.

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Employees exempt from registration

Sec. 36. Notwithstanding any other provision of this Act, employees of a licensee who are employed exclusively as undercover agents (as those words are generally understood in the industry and defined under Section 2 of this Act) or in the stenographic, typing, filing, clerical, private patrol, private guard, or other activities which do not constitute the work of a private investigator as described in this Act, unless such employee is the branch office manager, shall not be required to register under this Act with the board.

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Pocket card

Sec. 38. Upon completion of registration the board shall issue to the registered employee a suitable pocket card. The exhibition of this card to the licensee shall be considered as prima facie evidence that the person is registered by the board, under that Licensee's License number.

Termination of employment; surrender of registration card; letter from licensee; change of address notice

Sec. 39. Each person registered under this Act whose employment has been terminated with the licensee shall immediately surrender registration card to the licensee, and the licensee shall surrender same within seven days thereafter to the board for cancellation, along with a letter from the licensee stating that the said registered employee was terminated and for what cause. The licensee shall notify the board in writing within seven days after any change in the resident address of a registered employee.

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Bonds filed for license

Sec. 41. No license shall be issued under this Act unless the applicant files with the board a surety bond executed by a surety company authorized to do business in this State in the sum of Ten Thousand Dollars ($10,000) conditioned to recover against the principal, its servants, officers, agents and employees by reason of its wrongful or illegal acts in conducting such business licensed under this Act, or have on file with the Secretary of State of the State of Texas, a foreign corporation bond to do business in the State of Texas under Article 1302—3.04, Texas Miscellaneous Corporation Laws Act; the board may require a copy of said bond to be on file in their office. No corporation shall be required to post more than one such bond.

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SUBCHAPTER D. ENFORCEMENT PROVISIONS.

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Expiration and renewal of license and registration card

Sec. 46.

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(c) Licensees shall apply for renewal from November 1st to December 1st of each year.

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Acts 1969, 61st Leg., p. 1807, ch. 610, eff. Sept. 1, 1969. Secs. 1–5, 7 subsec. (a), 9 subsec. (a), amended by Acts 1971, 62nd Leg., p. 2835, ch. 929, §§ 1–7; eff. Aug. 30, 1971; Sec. 11A added by Acts 1971, 62nd Leg., p. 2835, ch. 929, § 23; eff. Aug. 30, 1971; Secs. 14, 15(a) subsec. (11), 16(b), 17, 19, 26, 31, 32, 33 subsec. (e), 34, 36, 38, 39, 41, 46 subsec. (c) amended by Acts 1971, 62nd Leg., p. 2835, ch. 929, §§ 8–22, eff. Aug. 30, 1971.

Section 24 of the 1971 amendatory act provided: "If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable."

CHAPTER SIX—VETERANS' PREFERENCES

Art. 4413(31). Preference of veterans in appointment or employment

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Age or service-connected disability as affecting rights

Sec. 3. Persons entitled to preference under this Act shall not be disqualified from holding any position or employment hereinbefore mentioned on account of age or by reason of any service-connected disability, provided such age or disability does not render him or her incompetent to properly and capably perform the duties of the position or employment applied for. In all public departments, commissions, boards and other governmental agencies and public works of this State which now require or may hereafter require a competitive examination under a Merit System or Civil Service Plan of either or both selecting and promoting employees, such person who is otherwise eligible and qualified for and entitled to preference under this Act, who shall have been so examined and shall have attained at least the minimum required score for such test or tests, shall have a service credit amounting to ten (10) points added to the earned rating, and a service credit amounting to five (5) additional points shall be added to the earned rating of each such person who has a service-connected disability which has been or may be established by official records, which records such disabled person shall furnish to the person or persons whose duty it is to fill the position or employment applied for. In any public departments, commissions, boards, governmental agencies and public works of this State where competitive examinations for such purposes are not now or hereafter held, those entitled to preference under this Act having such service-connected disability so to be established and proof of the existence thereof furnished as hereinbefore provided, shall be entitled to preference for employment or appointment over all other applicants for the same position without any such disability and having no greater qualifications.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 1185, ch. 284, § 1, eff. Aug. 30, 1971.

Veterans receiving military retirement pay; inapplicability of Act

Sec. 3(a). The veteran's preference authorized under this Act shall not apply to veterans who are receiving or who are entitled to receive military retirement pay, other than disability retirement pay, from the United States of America.

Sec. 3(a) added by Acts 1971, 62nd Leg., p. 1185, ch. 284, § 2, eff. Aug. 30, 1971.

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CHAPTER SEVEN—INTERGOVERNMENTAL COOPERATION

Art. 4413(32b). Intergovernmental Cooperation Act

Purpose

Section 1. It is the purpose of this Act to improve the coordination and cooperation between the State and its local governments and between the State and the federal government by:

(1) providing a means for continuous evaluation of the State's key role in the federal system;

(2) involving local, State, and federal officials in an advisory capacity to the public agencies of Texas;

(3) establishing a regular system of reporting to public officials on the progress of the State and its political subdivisions toward meeting intergovernmental responsibilities.

Short title

Sec. 2. This Act may be cited as the Texas Intergovernmental Cooperation Act.

Definitions

Sec. 3. As used in this Act:

(1) "commission" means the Texas Advisory Commission on Intergovernmental Relations;

(2) "local government" means a county, a home rule city or a city, village, or town organized under the general laws of this State, a special district, a school district, a junior college district, any other legally constituted political subdivision of the State or a combination of political subdivisions.

Commission created

Sec. 4. There is hereby created a Texas Advisory Commission on Intergovernmental Relations.

Members of the commission

Sec. 5. The commission shall be composed of twenty-four members as follows: four county officials, four city officials, two public school officials, two representatives of other political subdivisions, two federal officials residing in Texas and responsible for federal programs operating in the State, and four private citizens all appointed by the Governor; three State Senators appointed by the Lieutenant Governor; and three State Representatives appointed by the Speaker of the House. Each of these public officials or employees appointed to the commission shall perform the duties of a member of the commission as additional duties required of him in his other official capacity.

Chairman

Sec. 6. The chairman of the commission shall be selected by the Governor and serve at his pleasure. In the event of the chairman's absence or disability, the members of the commission shall elect a temporary chairman by majority vote of those present at a meeting.

Terms of office; vacancies; records

Sec. 7. (a) Members of the commission shall hold office for staggered terms of six years, with the terms of eight members, including one Senator and one Representative, expiring on the first day of September in each odd-numbered year.

(b) Should a member appointed to represent the State, the federal government, a city, county, school district, or other political subdivision cease to be an officer or employee of the agency he is appointed to represent, his membership on the commission shall terminate and there will be a vacancy in the membership.

(c) If a vacancy occurs in the office of an appointed member of the commission, the position shall be filled by a person appointed in the same manner as for a regular appointment, and the person so appointed shall serve only to the end of the unexpired term and until his successor is appointed and qualified.

(d) The official records of the commission shall reflect the date each member's certificate of appointment was issued by the Secretary of State, the date he took the oath of office, the person who administered the oath, the date the appointive term began, and the date the term expires.

Per diem and expenses

Sec. 8. (a) A member of the commission is not entitled to a salary for duties performed as a member of the commission; but each member is entitled to $25 each day he is in attendance at meetings or hearings or on authorized business of the commission, including time spent in traveling to and from the place of the meeting, hearing, or other authorized business.

(b) Each member is entitled to reimbursement for travel and other necessary expenses incurred in performing official duties.

Staff

Sec. 9. The commission may employ an executive director and such other staff as necessary to carry out its functions and duties.

Functions

Sec. 10. The commission shall carry out the following functions and duties:

(1) evaluate on a continuous basis the interrelationships among Texas local, State, and federal government agencies and prepare studies and recommendations to improve these relationships;

(2) evaluate proposed and existing federal programs and assess their impact upon Texas;

(3) evaluate the State's role in assisting its political subdivisions to carry out public responsibilities and make recommendations for improvement;

(4) serve as a forum for the discussion and resolution of serious intergovernmental problems;

(5) encourage, and where appropriate, coordinate studies relating to intergovernmental relations conducted by universities, State, federal and local agencies, and other research-oriented organizations.

Reporting

Sec. 11. The commission may issue reports of its findings and recommendations from time to time and shall issue annually a public report on its work.

Finances

Sec. 12. (a) The commission is authorized to apply for, contract for, receive, and expend for its purposes any appropriations or grants from the State of Texas, local government, the federal government, or any other source, public or private.

(b) Local governments are authorized to appropriate moneys to the commission to share in the cost of its operations.

Severability clause

Sec. 13. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 2703, ch. 881, eff. Aug. 30, 1971.

Title of Act:

An Act creating a Texas Advisory Commission on Intergovernmental Relations; providing for members; establishing terms of office and procedures for filling vacancies and keeping records; authorizing per diem and expenses; authorizing staff; assigning functions and duties; providing for regular reporting; authorizing the receipt and expenditure of funds; and declaring an emergency. Acts 1971, 62nd Leg., p. 2703, ch. 881.

Art. 4413(32c). Interlocal Cooperation Act

Purpose

Section 1. It is the purpose of this Act to improve the efficiency and effectiveness of local governments by authorizing the fullest possible range of intergovernmental contracting authority at the local level including contracts between counties and cities, between and among counties, between and among cities, between and among school districts, and between and among counties, cities, school districts, and other political subdivisions of the state, and agencies of the state.

Short title

Sec. 2. This Act may be cited as The Interlocal Cooperation Act.

Definitions

Sec. 3. As used in this Act:

(1) "local government" means a county; a home rule city or a city, village, or town organized under the general laws of this state; a special district; a school district; a junior college district; any other legally constituted political subdivision of the state; or a combination of political subdivisions.

(2) "governmental functions and services" means all or part of any function or service included within the following general areas: police protection and detention services; fire protection; streets, roads, and drainage; public health and welfare; parks; recreation; library services; waste disposal; planning; engineering; administrative functions; and such other governmental functions which are of mutual concern to the contracting parties.

(3) "administrative functions" means functions normally associated with the routine operation of government such as tax assessment and collection, personnel services, purchasing, data processing, warehousing, equipment repair, and printing.

Authority to make interlocal contracts and agreements

Sec. 4. (a) Any local government may contract or agree with one or more local governments to perform governmental functions and services under terms of this Act.

(b) The agreements or contracts may be for the purpose of studying the feasibility of contractual performance of any governmental functions or services or may be for the performance of any governmental functions or services which all parties to the contract are legally authorized to perform, provided such contracts or agreements shall be duly authorized by the governing body of each party to the contract or agreement. An interlocal contract or agreement shall state the purpose, terms, rights, objectives, duties, and responsibilities of the contracting parties. Interlocal contracts and agreements may be renewed annually and shall specify that the party or parties paying for the performance of governmental functions or services shall make payments therefor from current revenues available to the paying party.

(c) The authority of a political subdivision to perform a contractual service includes the authority to apply the rules, regulations, and ordinances of either the subdivision receiving the service or of the subdivision providing the service, whichever standard may be agreed upon by the contracting political subdivisions.

(d) The contracting parties to any interlocal contract or agreement shall have full authority to create an administrative agency or designate an existing political subdivision for the supervision of performance of an interlocal contract or agreement and any administrative agency so created or political subdivision so designated shall have the authority to employ personnel and engage in other administrative activities and provide other administrative services necessary to execute the terms of any interlocal contract or agreement.

(e) The contracting parties to any interlocal contract or agreement shall have full authority to contract with state departments and agencies as defined in Article 4413(32), Vernon's Texas Civil Statutes. The contracting parties to interlocal contract or agreement shall have specific authority to contract with the Department of Corrections for the construction, operation and maintenance of a regional correctional facility provided that title to the land on which said facility is to be constructed is deeded to the Department of Corrections and provided further that a contract is executed by and between all the parties as to payment for the housing, maintenance and rehabilitative treatment of persons held in jails who cannot otherwise be transferred under authority of existing statutes to the direct responsibility of the Department of Corrections.

(f) No person acting under an interlocal contract or agreement shall be deemed to be holding more than one office of honor, trust, or profit or more than one civil office of emolument.

Water supply and waste water treatment facility contracts and leases

Sec. 5. (a) Any city, town, district, or river authority within the state may enter into a contract with any other city, town, district, or river authority created under the constitution and laws of this state for the purpose of obtaining or providing water supply or waste water treatment facilities or any interest therein. Any city, town, district, or river authority may also enter into a contract with any other city, town, district, or river authority for the leasing or operation of water supply facilities or waste water treatment facilities or any interest therein.

(b) Any contract authorized by this section may provide that the city, town, district, or river authority obtaining one of the services may not obtain these same services from any other source other than the city, town, district, or river authority with which it contracted except to the extent provided in the contract. If any such contract so provides,

payments made thereunder shall be operating expenses of the contracting party's water supply system or waste water treatment facilities, or both, as the case may be.

(c) Except as provided in Subsection (d) of this section, any contract entered into under this section may contain any terms and extend for any period of time to which the parties can agree, and may provide that it will continue in effect until bonds specified in it and refunding bonds issued in lieu of those bonds are paid.

(d) No tax revenues shall be pledged to the payment of amounts agreed to be paid under any contract entered into under this section.

(e) This section is wholly sufficient authority for executing the contracts mentioned in it regardless of any restrictions or limitations contained in any other laws.

Saving clause

Sec. 6. The enactment of this law shall not affect or impair any act done or right, obligation, or penalty existing before enactment of this law.

Cumulative clause

Sec. 7. The provisions of this Act shall be cumulative of all other laws or parts of laws, general or special.

Severability clause

Sec. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 1971, ch. 513, eff. May 31, 1971.

Title of Act:

An Act authorizing cooperation and contracts among political subdivisions and agencies of this state; declaring legislative purpose and intent, setting forth the purposes for which contracts can be made and the terms and conditions applying to such contracts; relating to contracts and leases for water supply and waste treatment facilities; and declaring an emergency. Acts 1971, 62nd Leg., p. 1751, ch. 513.

CHAPTER NINE—COMMISSIONS AND AGENCIES [NEW]

Art. 4413(35). Fire protection commission

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Powers

Sec. 2. The commission shall have the authority and power to:

(1) promulgate rules and regulations for the administration of this Act including the authority to require the submission of reports and information by any state, county, or municipal agency within this State which employs fire protection personnel;

(2) establish minimum educational, training, physical, mental, and moral standards for admission to employment as fire protection personnel in permanent positions or in temporary or probationary status;

(3) certify persons as being qualified under the provisions of this Act to be fire protection personnel;

(4) certify persons as having qualified as fire protection instructors under such conditions as the commission may prescribe;

(5) establish minimum curriculum requirements for preparatory, in-service and advanced courses and programs for schools or academies operated by or for the State or any political subdivisions thereof for the specific purpose of training fire protection personnel or recruits for the position of fire protection personnel;

(6) consult and cooperate with counties, municipalities, agencies of this State, other governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of fire protection personnel training schools and programs of courses of instruction;

(7) approve, or revoke the approval of, institutions and facilities for schools operated by or for the State or any political subdivision thereof for the specific purpose of training fire protection personnel or recruits for the position of fire protection personnel, and issue certificates of approval to such institutions and revoke such certificates of approval;

(8) operate schools and facilities thereof and conduct courses therein, both preparatory, in-service, basic, and advanced courses, for fire protection personnel and recruits for the position of fire protection personnel as the commission may determine;

(9) contract with other agencies, public or private, or persons, as the commission deems necessary for the rendition and affording of such services, facilities, studies, and reports as it may require to cooperate with municipal, county, state, and federal agencies in training programs, and to otherwise perform its functions;

(10) make or encourage studies of any aspect of fire protection, including fire administration;

(11) conduct and stimulate research by public and private agencies which shall be designed to improve fire protection and fire administration;

(12) employ an executive director and such other personnel as may be necessary in the performance of its functions;

(13) visit and inspect all institutions and facilities conducting courses for the training of fire protection personnel and recruits for the position of fire protection personnel and make evaluations as may be necessary to determine if they are complying with the provisions of this Act and the commission's rules and regulations;

(14) adopt and amend rules and regulations, consistent with state law, for its internal management and control;

(15) accept any donations, contributions, grants, or gifts from private individuals or foundations or the federal government;

(16) report annually to the Governor and to the Legislature at each regular session on its activities, with its recommendations relating to any matter within its purview, and make such other reports as it deems desirable; and

(17) meet at such times and places in the State of Texas as it deems proper, meetings to be called by the chairman upon his own motion, or upon the written request of five members.

Members; appointment; qualifications; terms; vacancies

Sec. 3. The commission shall be composed of nine members, residents of the State of Texas, and appointed by the Governor with the advice and consent of the Senate. Such members shall be persons well qualified by experience or education in the field of fire protection. The

For Annotations and Historical Notes, see V.A.T.S.

Commissioner of Higher Education of the Coordinating Board, Texas College and University System, and the Commissioner of the Texas Education Agency shall serve as ex officio members of the commission. In the event a public officer shall be appointed, service by such officer or officers shall be an additional duty of the office. Such appointive members shall be appointed for a term of six years, provided, however, that of the members first appointed, three shall be appointed for a term of two years, three for a term of four years, and three for a term of six years. Any member chosen by the Governor to fill a vacancy created otherwise than by expiration of a term shall be appointed for the unexpired term of the member he is chosen to succeed. Such appointment for unexpired term shall be with the advice and consent of the Senate.

Personnel qualifications and standards; rules and regulations; certificate; penalty

Sec. 6. (a) Fire protection personnel already serving under permanent appointment prior to September 1, 1972, shall not be required to meet any requirement of Subsections (b) and (c) of this section as a condition of tenure or continued employment, nor shall failure of fire protection personnel to fulfill such requirements make him ineligible for any promotional examination for which he is otherwise eligible. The Legislature finds, and it is hereby declared to be the policy of this Act, that such fire protection personnel have satisfied such requirements by their experience.

(b) No person after September 1, 1972, shall be appointed to a municipal fire department, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of training in fire protection at a school approved or operated by the commission. Fire protection personnel who have received a temporary or probationary appointment as such on September 1, 1972, or thereafter, and who fail to satisfactorily complete a basic course in fire protection as prescribed by the commission, within a one-year period from the date of his original appointment, shall forfeit his position and shall be removed therefrom; and may not have his temporary or probationary employment extended beyond one year by renewal of appointment or otherwise; except that after the lapse of one year from the date of his forfeiture and removal, a municipal fire department agency may petition the commission for reinstatement of temporary or probationary employment of such individual, such reinstatement resting within the sole discretion of the commission.

(c) In addition to the requirements of Subsection (b) of this section, the commission, by rules and regulations, may establish other qualifications for the employment of fire protection personnel, including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of fire protection personnel, and the commission shall prescribe the means of presenting evidence of fulfillment of these requirements. No person shall be appointed unless he fulfills such requirements.

(d) The commission shall issue a certificate evidencing satisfaction of the requirements of Subsections (b) and (c) of this section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the commission for approved fire protection education and training programs in this State.

(e) Any person who accepts appointment to a municipal fire department, or any person who appoints or retains such individual, in violation of Subsections (b) or (c) of this section shall be guilty of a misdemeanor

and upon conviction shall be fined not less than $100 nor more than $1,000.

(f) Nothing herein shall be construed to preclude an employing agency from establishing qualifications and standards for hiring fire protection personnel which exceed the minimum standards set by the commission.

(g) Fire protection personnel already serving under permanent appointment prior to September 1, 1972, shall be eligible to attend training courses subject to the rules and regulations established by the commission.

Training programs; reimbursement for expenses

Sec. 7. (a) The commission shall establish and maintain fire protection training programs to be conducted by its own staff or through such agencies and institutions as the commission may deem appropriate.

(b) The commission may authorize reimbursement for each political subdivision and each state agency for expenses in attending such training programs as authorized by the Legislature.

Appeal from action of commission; procedure

Sec. 9A. Any person dissatisfied with the action of the commission may appeal the action of the commission by filing a petition within 30 days thereafter in the district court in the county where the person resides or in the district court of Travis County, and the court is vested with jurisdiction, and it shall be the duty of the court, to set the matter for hearing upon 10 days' written notice to the commission and the attorney representing the commission. The court in which the petition of appeal is filed shall determine whether any action of the commission shall be suspended pending hearing, and enter its order accordingly, which shall be operative when served upon the commission, and the commission shall provide the attorney representing the commission with a copy of the petition and order. The commission shall be represented in such appeals by the district or county attorney of the county, or the attorney general, or any of their assistants.

Application of Act

Sec.10. This Act shall apply only to fully paid firemen.

Acts 1969, 1st Leg., p. 1972, ch. 668, eff. June 12, 1969. Secs. 2, 3, 6, 7 amended by Acts 1971, 62nd Leg., p. 1158, ch. 263, §§ 1–4, eff. Aug. 30, 1971; Sec. 9A added by Acts 1971, 62nd Leg., p. 1158, ch. 263, § 5, eff. Aug. 30, 1971; Sec. 10 amended by Acts 1971, 62nd Leg., p. 1158, ch. 263, § 6, eff. Aug. 30, 1971.

Section 7 of the 1971 amendatory act was a severability provision.

Art. 4413(36). Motor vehicle commission code

SUBCHAPTER A. GENERAL PROVISIONS

Short Title

Section 1.01. This Act may be cited as the Texas Motor Vehicle Commission Code.

Policy and Purpose

Sec. 1.02. The distribution and sale of new motor vehicles in this State vitally affects the general economy of the State and the public interest and welfare of its citizens. It is the policy of this State and the purpose of this Act to exercise the State's police power to insure a sound

system of distributing and selling new motor vehicles through licensing and regulating the manufacturers, distributors, and franchised dealers of those vehicles to provide for compliance with manufacturer's warranties, and to prevent frauds, unfair practices, discriminations, impositions, and other abuses of our citizens.

Definitions

Sec. 1.03. In this Act, unless the context requires a different definition:

(1) "Motor vehicle" means every self-propelled vehicle by which a person or property may be transported on a public highway and having four or more wheels.

(2) "New motor vehicle" means a motor vehicle which has not been the subject of a "retail sale" as defined in Article 6.03(B), Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended.

(3) "Person" means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

(4) "Dealer" means any person engaged in the business of buying, selling or exchanging new motor vehicles at an established and permanent place of business pursuant to a franchise in effect with a manufacturer or distributor.

(5) "Manufacturer" means any person who manufactures or assembles new motor vehicles either within or without this State.

(6) "Distributor" means any person who distributes and/or sells new motor vehicles to dealers and who is not a manufacturer.

(7) "Representative" means any person who is or acts as an agent, employee or representative of a manufacturer or distributor who performs any duties in this State relating to promoting the distribution and/or sale of new motor vehicles or contacts dealers in this State on behalf of a manufacturer or distributor.

(8) "Franchise" means a contract under which (A) the franchisee is granted the right to sell new motor vehicles manufactured or distributed by the franchisor; (B) the franchisee as an independent business is a component of franchisor's distribution system; (C) the franchisee is substantially associated with franchisor's trademark, tradename and commercial symbol; and (D) the franchisee's business is substantially reliant on franchisor for a continued supply of motor vehicles, parts, and accessories for the conduct of its business.

(9) "Commission" means the Texas Motor Vehicle Commission created by this Act.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Texas Motor Vehicle Commission

Section 2.01. The Texas Motor Vehicle Commission is hereby created as an agency of the State to carry out the functions and duties conferred upon it by this Act.

Members of Commission

Sec. 2.02. The Commission shall consist of six persons appointed by the Governor with the advice and consent of the Senate.

Qualifications of Members

Sec. 2.03. Each member of the Commission shall be a citizen of the United States and a resident of this State. Four members shall be dealers, no two of which are franchised to sell the motor vehicles manufactured or distributed by the same person or a subsidiary or affiliate of the same person. Two members shall be persons not required to be

licensed hereunder from the public at large. The persons initially appointed to the Commission as dealer-members shall be persons whose principal occupation has been as franchised new motor vehicle dealers in this State for at least ten years. The dealer-members appointed to the Commission after the initial appointments are made shall be licensed dealers under this Act. If any dealer-member of the Commission ceases to be a licensed dealer under this Act, the office of such member is automatically vacated, which shall be filled as any other vacancy.

Terms of Members

Sec. 2.04. The members of the Commission shall hold office for terms of six years, except the initial members, with the terms of two members expiring on September 1 of each odd-numbered year. The members of the first Commission shall be appointed within ninety days after this Act becomes effective, with the Governor designating two to serve for terms expiring September 1, 1973, two for terms expiring September 1, 1975, and two for terms expiring September 1, 1977. The Governor shall make the appointments in such a way that there are always two members on the Commission from the public at large. No person shall serve two consecutive full six-year terms as a member of the Commission.

Vacancies

Sec. 2.05. The Governor, with the advice and consent of the Senate, shall fill vacancies on the Commission for the duration of the unexpired term.

Oath

Sec. 2.06. Members of the Commission qualify by taking the constitutional oath of office which shall, with the certificate of appointment, be filed with the Secretary of State who shall issue a commission as evidence of the authority of the members to act.

Per Diem; Expenses

Sec. 2.07. Each member of the Commission shall be entitled to $25.00 per day for each day actually engaged in the duties of the office, including time spent in necessary travel to and from meetings and otherwise, together with all travel and other necessary expenses incurred while performing official duties.

Commission Meetings

Sec. 2.08. The Commission shall hold a regular annual meeting in September of each year and elect a chairman and vice-chairman to serve for the ensuing year. The Commission shall have regular meetings as the majority of the members specifies and special meetings at the request of any two members. Reasonable notice of all meetings shall be given as Commission rules prescribe. A majority of the Commission, including at least one of the public members, shall constitute a quorum to transact business.

Executive Director; Staff

Sec. 2.09. The Commission shall employ an executive director who shall be the chief administrative officer of the Commission who shall maintain all minutes of Commission proceedings and who shall be custodian of the files and records of the Commission. The executive director shall employ the staff authorized by the Commission. The Commission may by interagency contract utilize assistance of any State agency.

Special Fund

Sec. 2.10. The Commission shall deposit all moneys received by it from license fees paid under this Act with the State Treasurer, who shall keep them in a separate fund to be known as the "Motor Vehicle Commission Fund." The Commission may use this fund for salaries, wages,

For Annotations and Historical Notes, see V.A.T.S.

per diem, professional and consulting fees, grants, loans, contracts, travel expenses, equipment, office rent and expense and other necessary expense incurred in carrying out its duties under the Act as provided by legislative appropriation. At the close of each biennium the unexpended balance remaining in the Motor Vehicle Commission Fund shall be transferred to the general revenue fund.

Seal

Sec. 2.11. The Commission shall adopt a seal for the authentication of its records and orders.

SUBCHAPTER C. POWERS AND DUTIES

In General

Section 3.01. The Commission shall administer the provisions of this Act, establish the qualifications of manufacturers and dealers, and insure that the distribution and sale of motor vehicles is conducted as provided herein and under the Commission's rules. The Commission has the powers and duties specifically prescribed by this Act and all other powers necessary and convenient to carry out its responsibilities.

Rules

Sec. 3.02. The Commission, after hearing, shall make, amend, and enforce rules reasonably required to effectuate the provisions of this Act and govern procedure and practice before the Commission. The Commission shall comply with Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252—13, Vernon's Texas Civil Statutes).

Orders

Sec. 3.03. The Commission is authorized to issue orders and make determinations as may be necessary to carry out this Act. The orders shall set forth the findings on which the order is based and the reason for the particular action taken. All orders shall be signed by the chairman or vice-chairman and attested by the executive director and have the seal affixed.

Hearings

Sec. 3.04. (a) The Commission may hold hearings, administer oaths, receive evidence, issue subpoenas to compel the attendance of witnesses and the production of papers and documents related to the hearing, and make findings of fact and decisions in administering the Act and the rules, orders, and other actions of the Commission.

(b) Notice of a hearing shall describe in summary form the purposes of the hearing and its date, time, and place.

(c) Notice of a hearing on Commission rules and other matters having general application shall be mailed to all licensees not less than twenty days before the hearing date and may be given to such other persons as the Commission deems appropriate. Notice of a hearing concerning a specific geographic area and not having general application shall be sent to the licensees in that area as defined by the Commission.

(d) Notice of a hearing concerning individual persons shall be given by certified mail return receipt requested to the persons involved at their last known address not less than twenty days before the hearing date. Notice may be given to any officer, agent, employee, legal representative or attorney of the person. Notice may be waived by interested persons.

(e) A hearing shall be conducted at the time and place stated in the notice or an amended notice shall be sent. A hearing may be continued from time to time and place to place as announced openly before the hearing is recessed without further notice or otherwise by giving reasonable notice less than twenty days before.

(f) The Commission may delegate the authority to call and hold hearings to one or more of its members, the executive director, one or

more employees of the Commission or to persons under contract to the Commission. The person holding the hearing shall have all the powers of the Commission in connection with the hearing.

(g) All persons whose rights may be affected at any hearing shall have the right to appear personally and by counsel, to cross-examine adverse witnesses and to produce evidence and witnesses in their own behalf. If a hearing is not held before the whole Commission, such person shall have the right to appear before the Commission and present evidence when the matter comes before them for decision.

(h) A retail buyer of a new motor vehicle may make a complaint concerning defects in a new motor vehicle which are covered by the warranty agreement applicable to the vehicle. Such complaint must be made by certified letter to the dealer and must specify the defects in the vehicle which are covered by the warranty. After the dealer has had thirty days in which to correct defects covered by the warranty, the owner may make further complaint by an additional certified letter to the dealer with copies to the applicable manufacturer or distributor and the Commission. The Commission may hold a hearing on all unsatisfied complaints to determine whether there has been a violation of the Act.

Enforcement; Contracts; Instruments

Sec. 3.05. The Commission may cause legal proceedings to be instituted to enforce this Act and its rules, orders and decisions. Should it appear from any investigation of a possible violation of any other law or regulation that a violation of this Act may have occurred, the matter shall be referred to the Commission to determine whether proceedings under this Act are also appropriate. The Commission may make contracts and execute instruments necessary or convenient to the exercise of its power or performance of its duties.

SUBCHAPTER D. LICENSES

License Required

Section 4.01. No person shall engage in business as, serve in the capacity of, or act as a dealer, manufacturer, distributor or representative in this State without obtaining a license therefor as provided in this Act on or after December 1, 1971. All licenses shall be issued between August 31 and December 1 of each year as prescribed by the Commission and shall expire one year from date of issue.

Dealer Application

Sec. 4.02. (a) The application for a dealer license shall be on a form prescribed by the Commission which shall include information on the applicant's financial resources, business integrity, business ability and experience, franchise agreement, physical facilities for sales and service, parts and accessories, inventory, new vehicle inventory and other factors the Commission considers necessary to determine applicant's qualifications to adequately serve the motoring public.

(b) A license may be renewed annually by filing an application on the forms prescribed which shall keep current the information supplied in the original application and by paying the fees.

(c) A dealer may carry on the business of his dealership at more than one location; however, a separate license shall be required for each separate and distinct dealership as determined by the Commission.

(d) A dealer licensed hereunder shall promptly notify the Commission of a change in ownership, location or franchise of a dealer, or any other matters the Commission may require by rule. If a dealer changes location of all or any part of his dealership to another municipality, a new license must be applied for as in any original application.

Manufacturer, Distributor and Representative Application

Sec. 4.03. (a) The application for a manufacturer's, distributor's, or representative's license shall be on a form prescribed by the Commission which form shall contain such information as the Commission deems necessary to fully determine the qualifications of the applicant for a license, including financial resources, business integrity and experience, facilities and personnel for serving dealers and such other information as the Commission considers to be pertinent to safeguard the public interest and welfare.

(b) The applicant for a manufacturer's license shall furnish a list of all distributors, representatives acting for applicant, and all dealers franchised to sell applicant's products in this State and their location and contract term. Thereafter all manufacturers shall advise the Commission within fifteen days of any change in the list of distributors, representatives, and dealers, and this information shall become part of the licensee's application.

(c) Each application for a manufacturer's license shall include an instrument setting forth the terms and conditions of all warranty agreements in force and effect on the products it sells in this State to ascertain the degree of protection afforded the retail purchasers of those products and the obligations of dealers in connection therewith as well as the basis for compensating dealers for labor, parts and other expenses incurred in connection with such manufacturer's warranty agreements. In addition, all manufacturers shall specify on or with the application the delivery and preparation obligations of their dealers prior to delivery of a new motor vehicle to a retail purchaser and the schedule of compensation to be paid to dealers for the work and service performed by them in connection with such delivery.

(d) The application for a distributor license shall disclose the manufacturer for whom the distributor will act, whether the manufacturer is licensed in this State, the warranty covering the vehicles to be sold, the persons in this State who will be responsible for compliance with that warranty, and the nature and terms of the contract under which the distributor will act for a manufacturer. Also, the application must disclose the dealers with whom the distributor will do business. If the distributor is to have any responsibility for warranties, the distributor shall furnish the same information pertaining thereto as is required of a manufacturer. The Commission shall be advised of any change in this information within fifteen days from the date thereof and such new information shall become part of the licensee's application.

(e) A license may be renewed annually by filing an application on the forms prescribed which shall keep current the information supplied in the original application and by paying the fees.

Doing Business

Sec. 4.04. The obtaining of a license hereunder shall constitute the doing of business in this State, and if no agent for service of process has been designated by a licensee, the licensee will be deemed to have designated the Secretary of State of Texas as his or its agent for receipt of service of process.

Fees

Sec. 4.05. (a) The annual license fees for licenses issued hereunder shall be as follows:

(1) For each manufacturer and distributor, $200.00.

(2) For each dealer who sold more than 200 new motor vehicles during the preceding calendar year, $50.00.

(3) For each dealer who sold 200 or less new motor vehicles during the preceding calendar year, $25.00.

(4) For each representative, $25.00.

(b) If any person fails to apply for a license required hereunder or fails to pay a fee within the time specified, such person shall pay as a penalty 50% of the amount of the fee for each thirty days of default.

Denial, Revocation or Suspension of License

Sec. 4.06. (a) The Commission may deny an application for a license or revoke or suspend an outstanding license, for any of the following reasons:

(1) Proof of unfitness of applicant or licensee under standards set out in this Act or in Commission rules.

(2) Material misrepresentation in any application or other information filed under this Act or Commission rules.

(3) Willful failure to comply with this Act or any rule promulgated by the Commission hereunder.

(4) Failure to maintain the qualifications for a license.

(5) Willfully defrauding any retail buyer to the buyer's damage.

(6) Willful violation of any law relating to the sale, distribution, financing or insuring of new motor vehicles.

(7) Any act or omission by an officer, director, partner, trustee or other person acting in a representative capacity for a licensee which act or omission would be cause for denying, revoking or suspending a license to an individual licensee.

(b) The revocation of a license previously held under this Act may be grounds for denying a subsequent application for a license.

(c) The Commission may deny a dealer application to establish a new dealership in a community or metropolitan area where the same line-make of new motor vehicle is then represented by a dealer who is in compliance with his franchise agreement with the manufacturer or distributor, is adequately representing the manufacturer or distributor in that community or metropolitan area in the sale and service of its new motor vehicles, and no good cause is shown for an additional dealer license in the public interest.

(d) The revocation or suspension of a manufacturer or distributor license may be limited to one or more municipalities or counties or any other defined area, or may be revoked or suspended in a defined area only as to certain aspects of its business, or as to a specified dealer or dealers.

(e) No license shall be denied, revoked, or suspended except on order of the Commission after a hearing and the evidence adduced is considered by the Commission at the hearing or by a hearing report. The Commission may inspect the books and records of a licensee in connection with a hearing called or proposed.

SUBCHAPTER E. PROHIBITIONS

Dealers

Section 5.01. It shall be unlawful for any dealer to:

(1) Require a retail purchaser of a new motor vehicle as a condition of sale and delivery thereof to purchase special features, equipment, parts or accessories not ordered or desired by the purchaser, provided such features, equipment, parts or accessories are not already installed on the new motor vehicle when received by the dealer.

(2) Use false, deceptive or misleading advertising, in connection with any of the business of a dealer, as defined in Section 17.12 of the Business and Commerce Code, as amended.

(3) Fail to perform after complaint and hearing the obligations placed on the selling dealer in connection with the delivery and preparation of a new motor vehicle for retail sale as provided in the manufacturer's

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preparation and delivery agreements on file with the Commission and applicable to such vehicle.

(4) Fail after complaint and hearing to perform the obligations placed on the dealer in connection with the manufacturer's warranty agreements on file with the Commission.

(5) Operate as a dealer without a currently valid license from the Commission or otherwise violate this Act or rules promulgated by the Commission hereunder.

Manufacturers; Distributors; Representatives

Sec. 5.02. It shall be unlawful for any manufacturer, distributor or representative to:

(1) Require or attempt to require any dealer to order, accept delivery of or pay anything of value, directly or indirectly, for any motor vehicle, appliance, part, accessory or any other commodity unless voluntarily ordered or contracted for by such dealer.

(2) Refuse or fail to deliver in reasonable quantities and within a reasonable time after receipt of an order to a dealer having a franchise agreement for the retail sale of any motor vehicles sold or distributed by such manufacturer, distributor, or representative, any new motor vehicle or parts or accessories to new motor vehicles as are covered by such franchise if such vehicle, parts or accessories are publicly advertised as being available for delivery or are actually being delivered; provided, however, this provision is not violated if such failure is caused by acts of God, work stoppage or delays due to strikes or labor disputes, freight embargoes or other causes beyond the control of the manufacturer, distributor, or representative.

(3) Notwithstanding the terms of any franchise agreement, terminate or refuse to continue any franchise with a dealer unless (A) the dealer and the Commission have received written notice sixty days before the effective date thereof setting forth the specific grounds for termination or noncontinuance and (B) if the dealer files a protest with the Commission, it is established by a preponderance of evidence at a hearing called by the Commission that there is good cause for the termination or noncontinuance. The Commission shall consider all the existing circumstances in determining good cause, including without limitation the dealer's sales in relation to the market, the dealer's investment and obligations, injury to public welfare, adequacy of service facilities, equipment, parts and personnel of the dealer and other dealers of new motor vehicles of the same line-make, whether warranties are being honored, and compliance with the franchise agreement. Good cause shall not be shown solely by a desire for further market penetration. If a franchise is terminated or not continued, another franchise in the same line-make will be established within a reasonable time unless it is shown to the Commission that the community or trade area cannot reasonably support such a dealership. If this showing is made, no dealer license shall be thereafter issued in the same area unless a change in circumstances is shown.

(4) Use any false, deceptive or misleading advertising, as defined in Section 17.12 of the Business and Commerce Code, as amended.

(5) Notwithstanding the terms of any franchise agreement, prevent any dealer from changing the capital structure of his dealership or the means by or through which he finances the operation thereof, provided that the dealer meets any reasonable capital requirements agreed to by contract of the parties.

(6) Notwithstanding the terms of any franchise agreement, fail to give effect to or attempt to prevent any sale or transfer of a dealer, dealership or franchise or interest therein or management thereof unless it is shown to the Commission after hearing that the result of such sale or transfer will be detrimental to the public or the representation of the manufacturer or distributor.

(7) Require or attempt to require that a dealer assign to or act as an agent for any manufacturer, distributor or representative in the securing of promissory notes and security agreements given in connection with the sale or purchase of new motor vehicles or the securing of policies of insurance on or having to do with the operation of vehicles sold.

(8) Fail, after complaint and hearing, to perform the obligations placed on the manufacturer in connection with the delivery, preparation and warranty of a new motor vehicle as provided in the manufacturer's warranty, preparation, and delivery agreements on file with the Commission.

(9) Fail to compensate its dealers for the work and services they are required to perform in connection with the dealer's delivery and preparation obligations according to the agreements on file with the Commission which must be found by the Commission to be reasonable, or fail to adequately and fairly compensate its dealers for labor, parts and other expenses incurred by such dealer to perform under and comply with manufacturer's warranty agreements. In no event shall any manufacturer or distributor pay its dealers a labor rate per hour for warranty work that is less than that charged by the dealer to the retail customers of the dealer nor shall such labor rate be more than the retail rate. All claims made by dealers for compensation for delivery, preparation, and warranty work shall be paid within thirty days after approval and shall be approved or disapproved within thirty days after receipt. When any claim is disapproved, the dealer shall be notified in writing of the grounds for disapproval. The dealer's delivery, preparation, and warranty obligations as filed with the Commission shall constitute the dealer's sole responsibility for product liability as between the dealer and manufacturer.

(10) Operate as a manufacturer, distributor, or representative without a currently valid license from the Commission or otherwise violate this Act or rules promulgated by the Commission hereunder.

SUBCHAPTER F. ENFORCEMENT

Penalty

Section 6.01. Any person who violates any provision of this Act or any rule, regulation, or order of the Commission issued pursuant to this Act is subject to a civil penalty of not less than $50.00 nor more than $1,000.00 for each day of violation and for each act of violation, as the court may deem proper. All civil penalties recovered under this Act shall be paid to the General Revenue Fund of the State of Texas.

Injunction

Sec. 6.02. Whenever it appears that a person has violated or is violating or is threatening to violate any provision of this Act or of any rule, regulation, or order of the Commission issued pursuant to this Act then the Commission, or the executive director when authorized by the Commission, may cause a civil suit to be instituted in a district court for injunctive relief to restrain the person from continuing the violation or threat of violation or for the assessment and recovery of the civil penalty provided in Section 6.01 above or for both injunctive relief and civil penalty.

Suit

Sec. 6.03. At the request of the Commission, or the executive director when authorized by the Commission, the Attorney General shall institute and conduct a suit in the name of the State of Texas for injunctive relief or to recover the civil penalty or for both injunctive relief and penalty.

Venue

Sec. 6.04. A suit for injunctive relief or for recovery of a civil penalty or for both may be brought either in the county where the defendant resides or in the county where the violation or threat of violation occurs.

Bond

Sec. 6.05. In any suit to enjoin a violation or threat of violation of this Act or of any rule, regulation, license or order of the Commission, the court may grant the Commission, without bond or other undertaking, any prohibitory or mandatory injunction the facts may warrant, including temporary restraining orders after notice and hearing, temporary injunctions and permanent injunctions.

SUBCHAPTER G. JUDICIAL REVIEW

Appeal

Section 7.01. (a) A person affected by any ruling, order, decision or other act of the Commission may appeal by filing a petition in a district court of Travis County, Texas.

(b) The petition must be filed within thirty days after the effective date of the Commission's action.

(c) Service of citation on the Commission must be accomplished within thirty days after the date the petition is filed. Citation may be served on the executive director.

(d) In an appeal of a Commission action, the issue is whether the action is invalid, arbitrary, or unreasonable.

Acts 1971, 62nd Leg., p. 89, ch. 51, § 1, eff. April 7, 1971.

Sections 2 and 3 of the act of 1971 provided:

"Sec. 2. Nothing herein shall be construed to repeal or amend any provisions of Article 6686, Revised Civil Statutes of Texas, 1925, as amended.

"Sec. 3. In case any one or more of the sections, provisions, clauses, or words of this Act, or the application thereof to any situation or circumstance, shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of this Act, or the application thereof to any other situation or circumstance, and it is intended that this Act shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, provision, clause, or word had not been included herein."

Title of Act:

An Act relating to the creation, organization, powers, duties, and procedures of the Texas Motor Vehicle Commission; providing and establishing the requirements for the licensing of persons engaged in the business as franchise new motor vehicle dealers and new motor vehicle manufacturers and distributors and their representatives and the renewal of such licenses; providing fees for the issuance of licenses; providing grounds for refusal to license and revocation and suspension of licenses; providing certain prohibited acts on the part of franchise new motor vehicle dealers and new motor vehicle manufacturers and distributors and their representatives without regard to the terms of the franchise agreements between the parties; providing for suits for civil penalties and injunction for violation of the Act; providing for appeals from actions taken by the Commission; enacting other provisions relating to the subject; providing for severability of the Act; and declaring an emergency. Acts 1971, 62nd Leg., p. 89, ch. 51.

Art. 4413(37). Research advisory panel on narcotic and dangerous drugs

Definitions

Section 1. In this Act:

(1) "Person" means individual.

(2) "Narcotic drugs" has the same meaning as is assigned to the term in the Uniform Narcotic Drug Act (Article 725b, Vernon's Texas Penal Code).

(3) "Dangerous drug" has the same meaning as is assigned to the term in Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code).

(4) "Panel" means the research advisory panel.

(5) "Research project" means the work done by a qualified researcher in studying the nature and effects of narcotic drugs or dangerous drugs on human subjects.

(6) "Qualified researcher" means a person who has gained high respect for research in the field of medicine, psychiatry, pharmacology, biology, chemistry, psychology, sociology, or other scientific field which may have a valid interest in determining the effects of narcotic drug or dangerous drug use.

Establishment of research advisory panel

Sec. 2. A research advisory panel is established for the purpose of approving or disapproving research projects in the fields of narcotic and dangerous drugs in the State for which projects legal immunity for the researcher and his subjects is requested.

Panel membership

Sec. 3. (a) The panel consists of:

(1) a representative of the State Department of Health, appointed by the Commissioner of Health;

(2) a representative of the Texas Department of Mental Health and Mental Retardation, appointed by the Commissioner of Mental Health and Mental Retardation;

(3) a representative of the State Board of Pharmacy, appointed by the president of the board;

(4) a representative of the Attorney General of Texas, appointed by him; and

(5) three representatives of The University of Texas System, appointed by the chancellor, at least two of whom shall be individuals with a sound background in problems of research design and research methodology.

(b) Each member of the panel shall serve at the will of the appointing power of the entity he represents. Each member shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of his duties as a member of the panel.

Authority of panel

Sec. 4. The panel may issue its approval to qualified researchers who are interested in conducting research projects with human subjects for the purpose of determining the nature and effects of narcotic drugs or dangerous drugs.

Application

Sec. 5. Any qualified researcher desiring to conduct a research project for which he needs legal immunity shall file an application for approval with the panel.

Hearings

Sec. 6. The panel may investigate and hold hearings on any proposed research project concerning narcotic drugs and dangerous drugs in this State in order to determine whether or not the panel should approve such a research project.

Report to department of public safety: progress report

Sec. 7. (a) The panel shall inform the director of the Department of Public Safety of approved research projects which are entitled to receive

quantities of narcotic and dangerous drugs pursuant to Section 8 of this Act.

(b) The head of the approved research project shall, in the manner required by the panel, report the progress of the research project and make a final report on its conclusion.

Department of public safety to provide drugs

Sec. 8. (a) The Texas Department of Public Safety shall, when the drugs are available, provide narcotic drugs or dangerous drugs to the heads of research projects which have been approved by the research advisory panel.

(b) The head of the approved research project shall give a receipt for the quantities of narcotic drugs and dangerous drugs and shall make a record of their disposition.

(c) The receipt and record of such transactions shall be retained by the director of the Department of Public Safety.

Withdrawal of approval

Sec. 9. The panel may withdraw approval of a research project at any time and when approval is withdrawn shall notify the head of the research project to return any quantities of narcotics and dangerous drugs to the director of the Department of Public Safety.

Annual report

Sec. 10. The panel shall report annually to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, and, where available, the conclusions of the research project as reported by the head of the designated research project pursuant to Section 7(b) of this Act.

Immunity from prosecution

Sec. 11. As long as any person is acting within the authority of a panel approved research project, that person is immune from prosecution for a violation of the Uniform Narcotic Drug Act, as amended (Article 725b, Vernon's Texas Penal Code), or Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code).

Severability

Sec. 12. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 816, ch. 87, eff. Aug. 30, 1971.

Title of Act:

An Act establishing a research advisory panel for the purpose of approving or disapproving research projects in the fields of narcotics and dangerous drugs; providing for immunity from prosecution in certain cases; prescribing penalties; and declaring an emergency. Acts 1971, 62nd Leg., p. 816, ch. 87.

Art. 4413(38). Council on marine-related affairs

Purpose

Section 1. The purpose of this Act is to create The Texas Council on Marine-Related Affairs, an advisory body to assist in the comprehensive assessment and planning of marine-related affairs in this state and their relationship to national and international marine-related affairs.

Membership

Sec. 2. (a) The council is composed of 12 members, each of whom must be a Texas resident.

(b) The governor, lieutenant governor, and speaker of the House of Representatives shall each appoint four persons to the council. The four persons appointed by each of these officers shall include one person to represent government, one person to represent the educational profession, one person to represent commerce and industry, and one person to represent the public. The representatives of government must include a personal representative appointed by the governor, a state senator appointed by the lieutenant governor, and a state representative appointed by the speaker.

(c) All members of the council must be persons who are knowledgeable of, and interested in, marine-related affairs.

(d) All initial appointments to the council by the governor shall be for a term to expire on June 30, 1977. All initial appointments by the lieutenant governor shall be for a term to expire on June 30, 1975. All initial appointments by the speaker shall be for a term to expire June 30, 1973. The successor of each member shall be appointed by the original appointing authority for a term of six years.

(e) If a senator or representative ceases to serve in the house in which he was serving when he was appointed to the council, he ceases to be a member of the council. The person appointed by the governor to represent government ceases to be a member of the council if the governor who appointed him ceases to be governor. If any member of the council fails to attend at least 50 percent of the meetings of the council in any 12-month period or ceases to be a Texas resident, he ceases to be a member of the council.

(f) In the case of a vacancy on the council, the original appointing authority shall appoint a person to fill that vacancy for the unexpired portion of the term. The person appointed to fill the vacant position must meet all qualifications prescribed by this Act for that position.

Powers and duties

Sec. 3. (a) The function of the council is purely advisory. It does not have the power to act on behalf of the state.

(b) The council may hold public hearings relevant to its purpose. It may report its findings to the Legislature and the governor from time to time and it shall report to each regular session of the Legislature.

(c) In order to aid the state in making use of federal funds, facilities, and programs relating to marine affairs, the council shall establish a liaison relationship with all appropriate branches and agencies of the federal government.

(d) The council may accept gifts or grants from any source to be used in connection with any of its lawful purposes.

(e) The council may appoint a director to serve at the will of the council. The director is the chief executive officer of the council and subject to the policy direction of the council. He may appoint employees to serve at his will. The council shall determine the compensation of the director and all other employees.

(f) The council shall meet at least once every calendar quarter, and at other times on the call of the chairman or by the written call of two-thirds of the members of the council.

(g) The council shall elect a chairman and may elect other officers.

Per diem; expenses

Sec. 4. Except for members of the Legislature, members of the council are entitled to compensation of $50 for each day spent on the official busi-

For Annotations and Historical Notes, see V.A.T.S.

ness of the council. All members of the council are entitled to reimbursement for actual and necessary expenses incurred in carrying out council business. Service on the board by a member of the Legislature is a part of his duties as a member of the Legislature and does not constitute a separate office.

Funding

Sec. 5. Until the Legislature provides an appropriation for the operation of the council, the contingent expense funds of the House of Representatives and of the Senate may be expended for such purposes authorized herein. Prior to any expenditure of funds of the contingent expense committees of either the House or the Senate, a budget for the annual expenses of the committee shall be submitted to such committees and no funds shall be expended from such funds until approved by that committee.
Acts 1971, 62nd Leg., p. 1176, ch. 279, eff. May 19, 1971.

Title of Act:
An Act relating to the creation, administration, powers and duties, and funding of The Texas Council on Marine-Related Affairs, an advisory body concerned with marine affairs; and declaring an emergency. Acts 1971, 62nd Leg., p. 1176, ch. 279.

Art. 4413(39). Building materials and systems testing laboratory

Purpose

Section 1. The Legislature hereby finds and declares that there is a need for more and better housing in this State and that one of the most detrimental constraints to meeting this need is the difficulty of introducing technological innovation into residential construction.

The Legislature hereby finds and declares further that local governments have been reluctant to permit the use of many innovative methods and materials in housing construction because of the lack of a competent, objective facility for testing and measuring performance ability of such innovations.

The Legislature hereby finds and declares that the State of Texas Building Materials and Systems Testing Laboratory as created herein would greatly assist local governments, the residential construction industry and the consumers of this State by facilitating the use of innovative methods and materials capable of meeting minimum performance criteria for health and safety.

Definitions

Sec. 2. The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meanings:

(1) "Laboratory" means the State of Texas Building Materials and Systems Testing Laboratory.

(2) "Council" means the Technical Testing and Evaluation Council.

(3) "Director" means the Director of the Division of State-Local Relations, office of the Governor, or any successor agency to that division.

(4) "Department" means the Division of State-Local Relations, office of the Governor, or any successor agency to that division.

(5) "Schools" means the colleges or universities selected to participate in laboratory testing and evaluation activities.

Creation

Sec. 3. There is hereby created the State of Texas Building Materials and Systems Testing Laboratory, including a Technical Testing and Evaluation Council.

Schools to participate in the laboratory

Sec. 4. Schools with facilities to perform, test, or make evaluations as described in this Act may be invited by the department to participate in laboratory testing and evaluation and to appoint a representative to serve

as a member of the council. Public colleges and universities so selected are hereby authorized to participate in the functions of the laboratory.

Membership and duties of the council

Sec. 5. (a) Members of the council shall be the laboratory operations directors at each of the participating schools.

(b) Members of the council shall receive no compensation for their services on the council but shall be entitled to receive, from funds of the laboratory, for attendance at meetings of the council and for other services for the laboratory, reimbursement for such actual expenses as may be incurred for travel and subsistence in the performance of official duties.

(c) The council shall be responsible for the conduct of all tests and evaluations provided for in this Act and shall be responsible for the distribution of test and evaluation responsibilities to member schools according to their respective abilities to perform the activities as required.

(d) The council shall administer, manage and direct the business of the laboratory subject to the policies, controls annd direction of the department.

(e) Members of the council shall elect a chairman for a two-year term by majority vote at a meeting called for the purpose of electing a chairman.

Functions of the laboratory

Sec. 6. (a) The laboratory shall engage in the testing and evaluation of building materials, products and systems in order to establish performance capability based on the established and generally acceptable test standards adopted or promulgated by the council and approved by the department. Upon determination of the performance ability of a material, product or system as the result of laboratory testing, the council will report test results and evaluations to the department which will be responsible for release and publication of testing data and evaluations. Upon receipt of the test or evaluation results from the council, the department shall issue a performance certification statement based on test or evaluation results which shall constitute the official certification statement and shall be made a matter of public record.

(b) The laboratory, through its council, shall be authorized to evaluate tests of building materials, products, and systems conducted by public or private testing institutions accredited or approved by the Department of Housing and Urban Development or the National Bureau of Standards or included upon any list of testing laboratories formulated by the board. Upon completion of such evaluation by the laboratory, and review by the department, the department, based upon evaluation results, shall issue a performance certification statement which shall either approve or disapprove said tests as meeting or failing to meet test standards established by the department and council.

Fees

Sec. 7. (a) The department with the advice of the council shall establish a schedule of fees to pay the costs incurred in the administration and implementation of this Act.

(b) All fees shall be paid to the laboratory and deposited for the use of the laboratory in the administration and enforcement of this Act.

Severability clause

Sec. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 1648, ch. 463, eff. May 27, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Title of Act:

An Act creating the State of Texas Building Materials and Systems Testing Laboratory, including a Technical Testing and Evaluation Council; authorizing schools to participate in the laboratory; establishing duties and responsibilities; setting out membership requirements; enumerating functions of the laboratory; requiring establishment of a schedule of fees; and declaring an emergency. Acts 1971, 62nd Leg., p. 1648, ch. 463.

Art. 4413(40). Civil Air Patrol Commission

Creation

Section 1. There is hereby created the Commission for the Texas Civil Air Patrol, hereinafter called the "commission."

Studies, recommendations and reports; purpose

Sec. 2. The commission shall have authority to make full and complete studies, recommendations, and reports to the Governor and the Legislature for the purpose of: (1) improving and promoting the voluntary deployment of the Texas Civil Air Patrol and its resources, manpower, and equipment in search and rescue operations, (2) promoting adequate financing for the operations of the Texas Civil Air Patrol, (3) working toward improved Civil Defense Disaster capabilities by joint-operating agreements with the Department of Public Safety, and (4) promoting and conducting active aerospace education and training programs.

Members; appointment; terms; vacancies

Sec. 3. The commission shall be composed of nine members, residents of the State of Texas, and appointed by the Governor with the advice and consent of the Senate. Such members shall be persons well-qualified by experience in aviation. In the event a public official shall be appointed, service by such official or officials shall be an additional duty of office. Such appointive members shall be appointed for a term of six years, provided, however, that of the members first appointed, three shall be appointed for a term of two years, three for a term of four years, and three for a term of six years. Any member chosen by the Governor to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is chosen to succeed. Such appointment for unexpired term shall be with the advice and consent of the Senate.

Officers; quorum; first meeting

Sec. 4. The commission shall elect a chairman, vice-chairman, and secretary from among the appointed members at its first meeting, and thereafter at its first meeting succeeding new appointments to fill regular terms. Five members shall constitute a quorum. The Governor shall summon the commission to its first meeting.

Expenses

Sec. 5. Members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder.

Duties

Sec. 6. In carrying out the duties and responsibilities of the commission it shall have the following duties: (a) to meet at such times and places in the State of Texas as it deems proper; meeting shall be called by the chairman upon his own motion, or upon the written request of five members; (b) to contract with other agencies, public or private, or persons, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports as it may require to cooperate with other cooperative agencies.

Appropriations

Sec. 7. The Legislature of the State of Texas shall appropriate the necessary funds for the purpose of carrying out the provisions of this Act.

Severability

Sec. 8. If any provisions of this Act, or the application thereof, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or applications and to this end the provisions of this Act are declared severable.

Acts 1971, 62nd Leg., p. 1778, ch. 521, eff. June 1, 1971.

Title of Act:

An Act relating to the creation of the Texas Civil Air Patrol Commission; providing for the functions of the commission; providing for membership thereof and the terms and methods of the appointment of the members; providing for a chairman, vice-chairman and secretary; providing that members shall receive actual and necessary expenses; providing for the authorities, duties and responsibilities of the commission; providing a severability clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 1778, ch. 521.

Art. 4413(41). Vending commission

Creation; members; appointment; terms

Section 1. There is hereby created an agency of the State of Texas which shall be designated as the Texas Vending Commission; said Commission shall consist of six (6) members to be appointed by the Governor with the advice and consent of the Senate and three (3) ex officio members, who shall have the right to vote, to be the Director of the Department of Public Safety, or his nominee; the Commissioner of Consumer Credit, or his nominee; and the Attorney General, or his nominee. Of the six appointed members, not more than three (3) shall be or have ever been an "owner" or "operator" of any "coin-operated" machine as those terms are defined in Chapter 13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, as amended.[1] In making the initial appointments, the Governor shall designate two (2) members for a term expiring January 31, 1973; two (2) members for a term expiring January 31, 1975; and two (2) members for a term expiring January 31, 1977. Thereafter their successors shall serve for six (6) years. Appointees shall hold office until their successors are appointed and qualified.

[1] V.A.T.S. Tax.-Gen. art. 13.01 et seq.

Transfer of functions from Comptroller; effective date

Sec. 2. There are hereby transferred to the Texas Vending Commission all of the duties, powers, functions, responsibilities and authority heretofore exercised by the Comptroller of Public Accounts under Chapter 13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended so that hereafter the term "Texas Vending Commission" shall be substituted for the phrase "Comptroller of Public Accounts" or the word "Comptroller" in said Chapter 13. This section shall be effective on September 1, 1971.

Executive director; personnel; compensation

Sec. 3. The Texas Vending Commission shall be empowered to hire and employ an Executive Director and such other personnel as may be required and necessary to carry out the duties, functions, responsibilities and authority of said Commission including professional consultants. The Executive Director of the Commission and other personnel shall receive such compensation as may be set by the Commission, exclusive of

any necessary expenses incurred in the performance of official duties, as shall be appropriated by the Legislature.

Compensation of members

Sec. 4. All members of the Commission shall be compensated for attendance at meetings in an amount of Thirty-five Dollars ($35.00) per day for each day they are actually engaged in performing their duties; provided, however, they shall not draw compensation for more than sixty (60) days in any one fiscal year. In addition to the per diem provided for herein, members of the Commission shall be reimbursed for their actual and necessary traveling expenses in the performance of their duties.

Sec. 5. [Amends V.A.T.S. Tax.-Gen. art. 13.17, § 16].

Sec. 6. [Amends V.A.T.S. Tax.-Gen. art. 13.17, § 19(4)].

Deposit of funds; appropriations

Sec. 7. All funds received by the Commission for license fees pursuant to Article 13.17, Title 122A, Taxation-General, Revised Civil Statutes of Texas, as amended, shall be deposited to the General Revenue Fund of the State Treasury. All money to be expended by the Commission shall be appropriated out of the General Revenue Fund.

Acts 1971, 62nd Leg., p. 1942, ch. 587, eff. Aug. 30, 1971.

Art. 4413(42). Commission for the Deaf

Commission

Section 1. In this Act "commission" means the State Commission for the Deaf.

Creation; members; appointment and qualifications

Sec. 2. (a) The State Commission for the Deaf is created, consisting of six members to be appointed by the governor with the advice and consent of the Senate.

(b) Two members must be deaf and all members must be outstanding citizens of the State of Texas.

Terms; vacancies

Sec. 3. (a) Each member holds office for a term of six years and until his successor is appointed and qualified.

(b) Two of the first six members appointed shall serve terms expiring January 31, 1973; two shall serve terms expiring January 31, 1975; and two shall serve terms expiring January 31, 1977.

(c) The governor shall appoint members to the commission immediately after this Act becomes effective.

(d) The governor shall fill vacancies occurring on the commission for the unexpired term.

Chairman

Sec. 4. The commission shall elect a chairman from among its members who shall serve for a period of one year, or until his successor is elected.

Meetings; quorum; expenses

Sec. 5. (a) The commission shall hold at least six meetings a year and shall make rules providing for the holding of special meetings.

(b) Four members of the commission constitute a quorum for the transaction of business.

(c) Members of the commission are entitled to receive reimbursement for their actual expenses in attending meetings of the commission and in carrying out their official duties.

Executive director

Sec. 6. (a) The commission shall appoint a qualified person to serve as executive director.

(b) To be qualified to serve in the position of executive director, a person should preferably be a deaf or hard-of-hearing person.

Secretary; employees

Sec. 7. The commission may employ a secretary and other employees it considers necessary to carry out the purposes of this Act.

Duties and powers

Sec. 8. (a) The commission is the state agency responsible for rendering all services to the deaf except those services which are by law the responsibility of the welfare, educational, or other agencies of the state.

(b) The commission shall conduct a census of deaf persons in Texas and compile a current registry.

(c) The commission shall serve as an agency for the collection of information concerning the deaf and related matters and the dispensing of this information to interested persons.

(d) The commission may accept gifts, grants, and donations of money, personal property and real property for use in expanding and improving services to deaf persons of this state.

Acts 1971, 62nd Leg., p. 2082, ch. 640, eff. June 4, 1971.

Title of Act:

An Act creating a State Commission for the Deaf and prescribing its powers and duties; and declaring an emergency. Acts 1971, 62nd Leg., p. 2082, ch. 640.

Art. 4413(43). Commission on Services to Children and Youth

Creation of Commission; Membership

Section 1. The Texas Commission on Services to Children and Youth is established. The commission consists of the commissioner of health, the state commissioner of education, the chairman of the Coordinating Board, Texas College and University System, the commissioner of public welfare, the commissioner of mental health and mental retardation, the director of the Texas Department of Corrections, the director of the Texas Department of Public Safety, the executive director of the State Commission for the Blind, the executive director of the Texas Youth Council, the director of the Texas Employment Commission and the director of the Texas Rehabilitation Commission as permanent members. The commission also consists of 18 lay members, who must be widely representative of the racial, ethnic, and economic makeup of the population of the State of Texas, appointed by the governor with the advice and consent of the Senate. Six of the lay members must, at the time of appointment, be younger than 21 years of age.

Terms of Office

Sec. 2. The terms of office of the 18 lay members continue for a period of six years and until a successor is appointed and has qualified. Of the members first appointed by the governor, the terms of six members expire on January 31, 1973; the terms of six members expire on January 31, 1975; and the terms of six members expire on January 31, 1977.

Chairman; Meetings

Sec. 3. (a) The chairman of the commission shall be elected from its lay members. The chairman shall then preside over the election of other necessary officers from the entire commission. The governor shall name the first chairman, who shall serve until a successor is elected.

For Annotations and Historical Notes, see V.A.T.S.

(b) The commission shall hold periodic meetings at a place designated by the commission. The governor shall call the first meeting.

Duties of the Commission

Sec. 4. (a) The commission shall assist in the coordination of the administrative responsibility and the services of the state agencies and programs as they relate to the well-being of children and youth.

(b) The commission shall undertake a continuous study of matters relevant to the protection, growth, and development of children and youth and from that study shall, on a priority basis, indicate periodically to the legislature necessary changes.

(c) The commission may undertake any other activities which it feels will encourage other public and private bodies throughout the state to engage in children and youth development programs.

(d) The commission shall perform any duties assigned to it by the governor or the Legislature concerning all past and future White House Conferences on Children and Youth.

Expenses of Members

Sec. 5. The members of the commission are entitled to receive their actual travel and other necessary expenses in the performance of their duties.

Commission Budget

Sec. 6. For budgetary purposes the commission is attached to and considered a part of the State-Local Relations Division of the Governor's Office or any successor agency to that division, with necessary expenses of operation to be financed by appropriations made by the Legislature.

Commission Staff

Sec. 7. For purposes of staff support, the commission may use staff available to it from the State-Local Relations Division of the Governor's Office or any successor agency to that division.

Gifts and Grants of Money

Sec. 8. The commission may accept gifts and grants of money from any individual, group, association, corporation, or the federal government and may expend the funds in accordance with the specific purpose for which given and under conditions that may be imposed by the donor.

Annual Report

Sec. 9. On or before the first day of December of each year the commission shall make in writing a complete and detailed report of its activities to the governor and to the presiding officer of each house of the legislature.

Cooperation of Other Agencies

Sec. 10. All state agencies, officers, and employees shall cooperate with the commission to the extent consistent with their functions.

Acts 1971, 62nd Leg., p. 2345, ch. 711, eff. June 7, 1971.

Title of Act:

An Act relating to the establishment of the Texas Commission on Services to Children and Youth; and declaring an emergency. Acts 1971, 62nd Leg., p. 2345, ch. 711.

Art. 4413(44). Governor's Commission on Physical Fitness

Purpose

Section 1. It shall be the purpose of this Act to increase the general level of physical fitness of the citizens of the State of Texas.

Commission

Sec. 2. In this Act, "commission" means the Governor's Commission on Physical Fitness.

Creation; appointment of members; term of office; vacancies

Sec. 3. (a) The Governor's Commission on Physical Fitness is hereby created and established. The commission shall consist of fifteen (15) members representing all fields of physical fitness, including levels of fitness programs for both youth and adults, to be appointed by the Governor with the advice and consent of the Senate. The appointees should be widely known for their professional competence and experience in connection with physical fitness.

(b) The term of office for each member shall be for six (6) years, provided, however, that of the members first appointed, five (5) shall be appointed for terms of two years from the effective date of this Act, five (5) for terms of four (4) years from such effective date and five (5) for terms of six (6) years from such effective date. As the term of each member expires, his successor shall be appointed for a term of six (6) years except that each member shall serve until his successor is appointed and has qualified. Members shall be eligible for reappointment. Upon the death, disability, resignation, removal or refusal to serve of any member, the Governor shall appoint a qualified person to fill the unexpired term.

Expenses

Sec. 4. The members of the commission shall receive no compensation for their services, but shall be paid their actual traveling and other necessary expenses in the performance of their duties.

Powers

Sec. 5. The commission shall have power: (a) to elect from its members a chairman and such other officers as may be desirable, provided that the first chairman of the commission shall be named by the Governor and shall call the first meeting of the commission and serve as such until his successor shall be elected by the commission; (b) to hold such meetings at such places within the State of Texas and at such times as the commission may designate; (c) to conduct such research, investigations and inquiries as may be necessary to secure information on the development of physical fitness in Texas; (d) to appoint committees from its membership and prescribe their duties; (e) to appoint consultants to the commission; (f) to make rules and regulations for its operation and that of its committees and to prescribe the duties of its officers, consultants and employees; (g) to employ a director and such other clerical employees as it may deem necessary within the limits of funds made available for such purposes.

Duties and responsibilities

Sec. 6. The duties and responsibilities of the commission shall include:

(a) to educate the general public concerning the needs for, and benefits of physical fitness;

(b) to help coordinate the efforts in the field of physical fitness of the Central Education Agency, local school boards, private and parochial schools, industry, and physical fitness commissions of any political subdivision of this State now or hereafter created, and comparable agencies in other states or under the Federal Government;

(c) to disseminate information in the interest of physical fitness programs in this State by publication, conferences, workshops, programs, lectures, and other means;

(d) to collect and assemble pertinent information and data available from other state departments and agencies;

(e) to encourage, promote, and assist in the development of physical fitness programs for all ages;

(f) to evaluate existing programs within and outside Texas, to recommend the best programs and to provide for exchange of ideas and research data; and

(g) to inventory existing facilities and make recommendations for their optimum utilization.

Report to Governor and Legislature

Sec. 7. On or before the first day of December of each year the commission shall make in writing a complete and detailed report to the Governor and to the presiding officer of each House of the Legislature of its activities.

Appropriations

Sec. 8. The Legislature of the State of Texas may appropriate the necessary funds for the purposes of carrying out the provisions of this Act.

Acceptance of donations; audit

Sec. 9. The commission may accept on behalf of the State of Texas such donations of money, property, and equipment as in its discretion will best further the orderly development of physical fitness in this State, including the development of good or improved habits relating to recreation, exercises, sports and use of leisure time and instructions for these purposes and for improving the physique and health of the residents of this State. All funds shall be subject to audit by the State Auditor.

Acts 1971, 62nd Leg., p. 2728, ch. 889, eff. June 14, 1971.

Title of Act:

An Act relating to the creation of the Governor's Commission on Physical Fitness and its powers, duties and financing; and declaring an emergency. Acts 1971, 62nd Leg., p. 2728, ch. 889.

CHAPTER TEN—DEPARTMENT OF COMMUNITY AFFAIRS [NEW]

Art. 4413(201). Department of Community Affairs

Purpose

Section 1. The purpose of this Act is to create a Texas Department of Community Affairs to assist local governments in providing essential public services for their citizens and overcoming financial, social, and environmental problems; to assist the Governor and the Legislature in coordinating federal and State programs affecting local government; and to continually inform State officials and the public about the needs of local government.

Definitions

Sec. 2. As used in this Act:

(1) "Department" means the Texas Department of Community Affairs.

(2) "Director" means the executive director of the Texas Department of Community Affairs.

(3) "Local government" means a county; an incorporated municipality; a special district; any other legally constituted political subdivision of the State; or a combination of political subdivisions.

Creation

Sec. 3. There is hereby established a Texas Department of Community Affairs.

Functions

Sec. 4. The department shall, in addition to other powers and duties invested in it by this Act or by any other law:

(1) maintain communications with local governments and serve as their advocate at the State and federal levels;

(2) assist local governments with advisory and technical services;

(3) provide financial aid to local governments and combinations of local governments for programs which are authorized such assistance;

(4) act as an information center and referral agency for information on State and federal services and programs affecting local government;

(5) administer, conduct, or jointly sponsor educational and training programs for local government officials;

(6) maintain suitable headquarters for the department and such other quarters as the director shall deem necessary to the proper functioning of the department;

(7) conduct research on problems of general concern to local governments;

(8) collect, publish, and disseminate information useful to local government including, but not limited to, data on local governmental finances and employment, housing, population characteristics, and land use patterns;

(9) encourage cooperative action by local governments where appropriate;

(10) advise and inform the Governor and the Legislature concerning the affairs of local government and make recommendations for necessary action;

(11) assist the Governor in the coordination of federal and State activities affecting local governments;

(12) administer, as appropriate, State responsibilities for programs created under the Federal Economic Opportunity Act of 1964 and other federal acts creating economic opportunity programs;

(13) perform any other duties concerning local government which may be assigned by the Legislature or the Governor.

Personnel

Sec. 5. The administrator and head of the department shall be known as the executive director and shall be a person qualified by training and experience to perform the duties of his office. The director shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor during the Governor's terms of office. He shall receive a salary as provided by the Governor within authorized appropriations. The director, as head of the department, shall:

(1) administer the work of the department;

(2) appoint and remove officers and other personnel employed within the department;

(3) submit through and with the approval of the Governor requests for appropriations and other moneys to operate the department;

(4) administer all moneys entrusted to the department;

(5) organize the work of the department consistent with this Act and with sound organizational management designed to promote efficient and effective operation;

(6) make an annual report to the Governor and the Legislature of the department's operations and provide such other reports as the Governor or the Legislature shall require;

(7) perform such other functions as may be prescribed by law or assigned by the Governor.

Advisory Council on Community Affairs

Sec. 6. There is hereby established in the Department of Community Affairs an Advisory Council on Community Affairs of thirteen (13) members, which shall consist of the director as chairman ex officio, and twelve (12) other members appointed by the Governor with the advice and consent of the Senate, as follows:

(1) One member shall be the mayor of a municipality of this State having a population of less than 20,000 inhabitants at the time of his or her appointment;

(2) One member shall be the mayor of a municipality of this State having a population of not less than 20,000 nor more than 249,999 inhabitants at the time of his or her appointment;

(3) One member shall be the mayor of a municipality of this State having a population of 250,000 or more inhabitants at the time of his or her appointment;

(4) Five (5) members shall be appointed at large from among the citizens of this State;

(5) One (1) member shall be appointed from among the membership of each of the four (4) following organizations:

(a) Texas Association of School Boards;

(b) Texas Association of Counties;

(c) Texas Municipal League;

(d) A duly constituted regional planning commission in this State.

Any elected or appointed official of any local government who shall be appointed as a member of the Advisory Council on Community Affairs or as a member of any special advisory council as provided for in Section 7 of this Act shall perform his duties as a member of such advisory council or councils as an additional or ex officio duty required of him in his other official capacity, and such service on such advisory council or councils shall not be construed as dual office holding. Of the members first to be appointed, six (6) shall be appointed for a term of office to expire on January 31, 1972, and six (6) shall be appointed for a term of office to expire on January 31, 1973. Successors of all members first appointed shall be for two-year terms. Vacancies on the Advisory Council on Community Affairs, other than by expiration of terms of office, shall be filled for the unexpired term. All members of the council shall serve without compensation but shall be reimbursed for their actual expenses in attending the meetings of the council and in the performance of their other duties. It shall be the duty of the council to consult with and advise the director with respect to the affairs and problems of local government and work of the department. The council shall meet at least three times annually at the call of the director and at such other times as the council shall determine, the time and place of such other meetings to be fixed by resolution of the council. It shall be the responsibility of the department to furnish such information, equipment and staff as is necessary to implement the work of the council within the limits of appropriations for the purpose.

Special advisory councils

Sec. 7. The Governor may, with the advice of the director, from time to time appoint other special advisory councils to assist in basic policy formulation for the department or to advise on technical aspects of cer-

tain programs the department may administer. Special advisory councils may be dissolved by the Governor upon completion of their purpose.

Acting director

Sec. 8. The Governor shall establish a procedure for designation of an acting director in the event of an absence or disability of the director and shall immediately designate an acting director or a new permanent director in the event of a vacancy in the position.

Offices and divisions

Sec. 9. The director shall establish such offices and divisions as necessary to carry out the functions of the department, and these functions shall include: intergovernmental cooperation, regional and community services, rural community services, housing, research, economic opportunity, and education and training. The director is authorized to assign functions and duties to the various offices and divisions, to provide for additional offices and divisions, and to reorganize the department when necessary to improve efficiency or effectiveness. The director is further authorized to enter into reciprocal agreements to loan or detail department employees to State agencies and instrumentalities and to local governments.

Transfers from Governor

Sec. 10. The Governor is hereby authorized to transfer personnel, equipment, records, obligations, appropriations, functions, and duties of the Division of State-Local Relations and of other appropriate divisions of his office to the department.

Loaned employees

Sec. 11. Agencies and instrumentalities of the State government and local governmental units are authorized to detail or loan employees to the department on either a reimbursable or nonreimbursable basis as may be mutually agreed by the State agency or local governmental unit and the department. The department is authorized to accept such employees. During the period of loan or detail, the person shall continue to be an employee of the lending agency or unit for purposes of salary, leave, retirement, and other personnel benefits, but shall work under the supervision of personnel of the department and shall be an employee of the department for all other purposes. The department is authorized to enter into contracts with State agencies or other governmental units for reimbursing all costs incidental to the loaning or detailing of employees.

Agency cooperation

Sec. 12. Agencies and institutions of the State are directed to cooperate with the department through provision of personnel, information, and technical advice as the department assists the Governor in the coordination of federal and State activities affecting local government.

Funds

Sec. 13. The department is authorized to apply for contract for, receive, and expend for its purposes any appropriations or grants from the State of Texas, the federal government, or any other source, public or private.

Severability

Sec. 14. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect

other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 2697, ch. 879, eff. June 10, 1971.

Title of Act:

An Act creating a Texas Department of Community Affairs; establishing its duties and responsibilities; providing for personnel; establishing an Advisory Council on Community Affairs in the department; prescribing its membership, duties and compensation; providing for special advisory councils; providing for an acting director and for offices and divisions of the department; authorizing the Governor to transfer employees, functions, and duties to the department; providing for the loan of governmental employees to the department; directing State agencies to cooperate with the department; and declaring an emergency. Acts 1971, 62nd Leg., p. 2697, ch. 879.

TITLE 71—HEALTH—PUBLIC

CHAPTER ONE—HEALTH BOARDS AND LAWS

Art. 4437d. Texas Hospital Survey and Construction Act

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Hospital Advisory Council

Sec. 5. The Governor, within thirty (30) days after this Act takes effect, shall appoint a Hospital Advisory Council, hereinafter referred to as "the Council," consisting of twelve (12) members, who shall advise and consult with the State Board of Health and the State Commissioner of Health in carrying out the administration of this Act. The State Commissioner of Health shall serve as an ex officio member of said Advisory Council. Of the members of the Hospital Advisory Council first appointed, four (4) shall serve for a term of two (2) years, or until their successors shall be appointed and qualified; four (4) shall serve for a term of four (4) years or until their successors shall be appointed and qualified; and the remaining four (4) members shall serve for a term of six (6) years, or until their successors shall be appointed and qualified. Thereafter, at the expiration of the term of each member of the Council just appointed, his successor shall be appointed by the Governor for, and he shall serve for, a term of six (6) years, or until his successor shall be appointed and qualified. All members so appointed shall be confirmed by the Senate. On the death, resignation or removal of any member, the Governor shall fill the vacancy by appointment for the unexpired portion of the term. Each member shall serve until his successor is appointed and qualified. The twelve (12) members of the Council to be appointed shall include representatives of nongovernmental organizations or groups, and of public agencies, concerned with the operation, construction, or utilization of hospital or other facilities for diagnosis, prevention or treatment of illnesses or disease, or for the provision of rehabilitation services, and at least one representative particularly concerned with education or training of health professionals, and an equal number of representatives of consumers familiar with the need for the services provided by such facilities. Council members while serving on business for the Council shall be entitled to receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. The Council shall meet as frequently as the State Commissioner of Health deems necessary, but not less than once each year. Upon request by five (5) or more members, it shall be the duty of the State Commissioner of Health to call a meeting of the Council.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 2357, ch. 721, § 1, eff. June 8, 1971.

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For Annotations and Historical Notes, see V.A.T.S.

Art. 4437f—1. Hospital laundry cooperative associations; health related state-supported and nonprofit institutions within medical centers in counties over 1,600,000 population

Establishment; eligibility of institutions as members; name; purposes; terms and conditions

Section 1. Associations may hereafter be established for the purpose of enabling "eligible institutions" (as defined in this Act) to cooperate with each other for the purposes named in this Act. Only eligible institutions can become members of associations established under this Act. Each association chartered under this Act shall contain as part of its name the words "Hospital Laundry Cooperative Association," and its purposes shall be limited to establishing, operating, and maintaining a "laundry system" (as defined in this Act) on a cooperative basis solely for the use and benefit of eligible institutions. Eligible institutions are authorized to create and establish the association only under such terms and conditions as may be prescribed by the governing bodies of the respective eligible institutions.

Definitions

Sec. 2. The following terms used in this Act shall have the following meanings:

(1) "Eligible institutions" shall include only the component institutions of The University of Texas System and other health related State-supported institutions and nonprofit health related institutions, a unit of which is located within a medical center situated in any county of this State having a population in excess of 1,600,000 inhabitants according to the most recent federal census. In addition to other activities, such entities must be engaged in health related pursuits to become eligible institutions, and must be exempt from federal income tax.

(2) "Laundry system" shall include buildings in which soiled or infected clothing, uniforms, or linens are laundered; land or estates in land (whether leasehold or other interest) as a site for such buildings and access thereto; equipment and appliances for the laundry operation; supplies for the laundry operation; clothing, uniforms, and linens; automotive and other personal property appropriate for delivery and pick up services; and other property and equipment incidental and appropriate to the operation of laundry facilities.

Powers, rights and functions

Sec. 3. Associations established under this Act shall have the following specific powers, rights, and functions:

(1) to acquire, own, and operate a laundry system on a cooperative basis solely for the benefit of eligible institutions which are members of the association and to engage in such activities for the benefit of such members as are necessarily related to the acquisition, ownership, operation, and maintenance of a laundry system;

(2) to acquire by purchase, lease, or otherwise lands and estates in lands (whether leasehold or otherwise) appropriate or reasonably incidental to the laundry system, and to own, hold, improve, develop, and manage any real estate so acquired, and to construct or cause to be constructed, improve, enlarge, and equip buildings or other structures on any such real estate, and to encumber and dispose of any lands or estates in lands and any buildings or other structures at any time owned or held by the association.

(3) to acquire by purchase, lease, manufacture, or otherwise any personal property appropriate or reasonably incidental to the laundry system, including property for the cleaning, washing, steaming, bleaching, dry cleaning, and disinfecting of all types of clothing, cloths, and fabrics and the transportation and distribution of these articles, and to encumber and dispose of any such personal property;

(4) to acquire by purchase or otherwise any uniforms, clothing, or linen for its members;

(5) to borrow or raise money without limit as to amount; to sell, grant security interests in, pledge, and otherwise dispose of and realize upon accounts receivable, contract rights and other choses in action; to make, draw, accept, endorse, execute, and issue bonds, debentures, notes, or other obligations for money so borrowed or in payment for property purchased, and to secure the payment thereof by mortgage upon, or creation of security interests in, or pledge of, or conveyance or assignment in trust of, the whole or any part of the property, real or personal, of the association.

Use of public funds prohibited

Sec. 4. No public funds appropriated to any department of the State government or to any State institution shall be used in establishing any association authorized by this Act.

Authority to incorporate

Sec. 5. Eligible institutions desiring to establish associations hereunder may, in the exercise of the rights herein granted and subject to the limitations herein provided, prepare and file articles under the general corporation laws of the State of Texas, which corporation laws, including the Texas Business Corporations Act, shall upon such filing govern such associations except wherein such laws conflict with the provisions of this Act.

Cooperative and nonprofit requirements; franchise tax exemption; annual written report; disposition of surplus revenue

Sec. 6. Associations established under this Act shall be purely cooperative and not for profit, and shall not be required to pay any annual franchise tax, but shall nevertheless file a written report to the Secretary of State showing their assets and the condition of their affairs annually. Such associations may by their directors, in accordance with their bylaws, pass any surplus revenue derived from the laundry system to the surplus fund or divide such funds among the members thereof in proportion to their respective contributions to the working capital of the association and patronage of their members.

Loans to members prohibited

Sec. 7. Associations established under this Act shall not have the power to loan money to their members.

Limitation on powers; utilization of loans; costs of services as charge

Sec. 8. Associations established under this Act shall only have the powers enumerated in Section 3 of this Act. The creation, operation, or maintenance of the laundry system may be accomplished in whole or in part with the proceeds of loans obtained from any public or private source. Such associations are authorized to furnish laundry services from the laundry system to any and all eligible institutions and to determine the amounts to be charged as the cost of furnishing such services.

Indebtedness by borrowing, bonds, etc. authorized; payment from revenue pledged

Sec. 9. Associations established under this Act shall have authority to borrow money and to deliver evidences of indebtedness to include bonds or notes from time to time in such amounts as may be necessary for the purpose of creating, enlarging, operating, or maintaining the laundry system. Such bonds, notes, or other evidences of indebtedness authorized by this Act shall be paid solely from the revenues received from the operation of the laundry system or from funds specifically provided for that purpose from other sources, and said revenues and funds may be pledged to secure the payment of such bonds, notes, or other evidences of indebtedness. Said bonds, notes, or other evidences of indebtedness au-

For Annotations and Historical Notes, see V.A.T.S.

thorized under this Act shall never constitute indebtedness of the State of Texas or of any of the eligible institutions that are members of the association, and the holders thereof shall never have the right to demand or to enforce payment of principal or interest of the bonds, notes, or other evidences of obligations out of funds, other than those specifically pledged to the payment thereof.

Bonds as legal investments and security for deposits

Sec. 10. All bonds of the associations established by this Act shall be and are hereby declared to be legal, eligible, and authorized investments for banks, savings and loan associations, insurance companies, fiduciaries, trustees, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivision of the State of Texas and for all public funds of the State of Texas or its agencies, including the permanent school fund. Such bonds will be eligible to secure the deposit of any and all public funds of the State of Texas, 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 such deposits to the extent of their face value, when accompanied by all unmatured coupons appurtenant thereto, if any.

Membership; transferability; bylaws; voting rights; suspension or expulsion; disposition of contractual obligations and property

Sec. 11. (a) Membership in associations established under this Act shall be limited to eligible institutions and can be obtained only by election to membership at the time of organization of the association by the organizers thereof, or by the Board of Directors of the association, when organized under such rules and limitations as may be contained in the bylaws. Members shall have voting rights in the management of the affairs of the association contained in the bylaws of the association.

(b) Members may be suspended or expelled for misconduct under such rules and regulations as may be prescribed in the bylaws. In the case of expulsion, the association shall pay to the member such amount and at such time as may be fixed in its bylaws in cancellation of such membership; provided, however, that such member's contractual obligations pledged to the payment of the association's notes, bonds, or other evidences of indebtedness shall have been fully paid or provided for.

(c) Membership certificates shall be transferable only to eligible institutions under and subject to such rules and regulations as may be adopted by the association in its bylaws.

(d) All amounts paid or property conveyed or transferred to the association by expelled members not returned as hereinabove provided shall be retained by the association and any facilities or property theretofore acquired shall remain the property of the association, and the members shall have no lien or other rights with regard thereto.

Liability of members

Sec. 12. Unless otherwise herein provided, the members of the association established hereunder shall not be responsible to the association or to its creditors in excess of amounts contracted for by the member, and when the contracts are paid in the amounts and at the times therein specified, the liability of each such member shall cease.

Cumulative effect

Sec. 13. This Act shall be cumulative of all laws now in effect relating to eligible institutions.

Purposes of act; tax free status

Sec. 14. The accomplishment of the purposes stated in this Act being for the health and benefit of the people of this State, and for the improve-

ment of their properties and industries, the association in carrying out the purposes of this Act will be performing an essential public function under the constitution, and the association shall not be required to pay any tax or assessment on its properties or any part thereof or on any purchases made by the association.

Acts 1971, 62nd Leg., p. 105, ch. 56, §§ 1–14, eff. April 12, 1971.

Section 15 of the act of 1971 provides: "If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid, and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision. All of the terms and provisions of this Act are to be liberally construed to effectuate the purposes, powers, rights, functions, and authorities herein set forth."

Title of Act:

An Act authorizing the Board of Regents of The University of Texas System and the governing boards of other health related State-supported institutions and certain nonprofit health related institutions located in certain medical centers to form an association to operate a laundry system on a cooperative basis solely for the benefit of such institutions; providing for the establishment and operation of a cooperative laundry association with authority to acquire such property, borrow money, and issue such bonds and other evidences of indebtedness as deemed necessary for the creation, operation, and maintenance of the system; providing that the association shall be tax free; enacting other provisions relating to the subject; providing this Act shall be cumulative of other existing laws; providing a severability clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 105, ch. 56.

Art. 4442c—1. Construction or expansion of nursing or convalescent homes; public loans; certificate of need

Section 1. Any person, firm, partnership, corporation, association, or government unit intending to construct or expand a nursing or convalescent home or a similar institution subject to the licensing provisions of Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes), may apply to the State Department of Health for a certificate of need in order to qualify for a loan from a public agency to finance the construction or expansion.

Sec. 2. Upon receipt of an application, the department shall make an investigation to determine whether or not there is a need for the construction or expansion of the proposed facility in the area designated by the applicant, and shall certify its findings to the appropriate agency.

Acts 1971, 62nd Leg., p. 1558, ch. 419, eff. May 26, 1971.

Title of Act:

An Act relating to the authority of the State Department of Health to issue certificates of need for the construction or expansion of nursing and convalescent homes and similar institutions where required as a prerequisite for securing loans; and declaring an emergency. Acts 1971, 62nd Leg., p. 1558, ch. 419.

Art. 4442d. Nursing home administrators; licensure

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Creation and Composition of Board

Sec. 3. (1) There is hereby created the Texas Board of Licensure for Nursing Home Administrators which shall consist of six (6) members. The Commissioner of Public Welfare for the State of Texas, or his designee, and the Commissioner of Health of the Texas State Department of Public Health, or his designee, shall be ex officio members of the board. Such designees shall be chosen from those representatives of the respective departments who are actively assigned to and are engagd in work in the nursing home field. One member shall be a physician duly licensed by the State of Texas, one member shall be an educator connected with

For Annotations and Historical Notes, see V.A.T.S.

a university program in public health or medical or nursing home care administration within the State of Texas, and four (4) members shall be duly licensed nursing home administrators of the State of Texas; however, one of these four shall represent a non-proprietory nursing home.

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(4) Appointed members of the board serve staggered terms of six (6) years with the terms of two (2) members expiring on January 31 of each odd-number year. In making the initial appointments, the Governor shall designate two (2) members for terms expiring in 1973, two (2) members for terms expiring in 1975, and two (2) members for terms expiring in 1977. Vacancies on the board shall be filled by appointment for the unexpired portion of the term.

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(7) No person shall be eligible for appointment as a nursing home administrator representative unless he is the holder of a nursing home administrator's license under the provisions of this Act.

(8) No person shall be eligible for service on this board as a nursing home administrator representative unless he is the holder of a nursing home administrator's license under the provisions of this Act and is currently serving as a nursing home administrator.

(9) All license fees shall be deposited in the state treasury.

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Licenses and Fees

Sec. 10.

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(3) Each person licensed as a nursing home administrator shall pay an initial license fee to be fixed by the board which shall not exceed $100.00. Each license issued under this Act shall expire on June 30 of even-numbered years and may be renewable. Renewal licenses shall be issued biennially at a fee to be set by the board which shall not exceed $100.00 for the biennium. Reasonable fees shall be set by the board for the issuance of copies of public records in its office as well as for certificates or transcripts and duplicates of lost instruments. Each applicant for examination and license shall accompany the application with an examination fee of $70.00, which shall not be refundable, for investigation, processing, and testing purposes.

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Acts 1969, 61st Leg., p. 1356, ch. 411, eff. June 2, 1969. Sec. 3 amended by Acts 1971, 62nd Leg., p. 3369, ch. 1031, § 1, eff. June 15, 1971; Sec. 10(3) amended by Acts 1971, 62nd Leg., p. 2425, ch. 773, § 1, eff. Aug. 30, 1971.

Art. 4447a. Coordinated health program

Cooperation in establishment of program

Section 1. The Commissioners Court of any one or more counties and the municipal authorities of any one or more cities, towns, school boards and school districts, and any other governmental entity may cooperate in the establishment of a Health District and by mutual agreement may provide for the payment of costs, including the salaries of persons employed, materials used, and the provision of suitable office quarters, health and clinic centers, health services and facilities therefor, and for all maintenance purposes.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1800, ch. 533, § 1, eff. June 1, 1971.

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Health board; members; appointment; qualifications; terms; vacancies; removal; rules and regulations; powers

Sec. 4a. (a) The Health District may be under the direction and supervision of a Health Board which shall consist of either seven or nine members, resident citizens of the county, who shall have resided in the county for a period of more than 3 years preceding the time of their appointment. All of such members shall be appointed by the joint action of the Commissioners Court, the municipal authorities and any other participating governmental entities.

(b) Three of the members shall be legally qualified, licensed, and practicing physicians, and shall be approved by the Medical Society of the county; one of the members shall be a qualified, licensed, and practicing dentist, and shall be approved by the Dental Society of the county; all members shall serve without compensation.

(c) Of the first members of said Board, four shall serve for a period of one year and the balance for a period of two years, and thereafter, all appointments shall be for a period of two years, except those appointees who fill the unexpired term of some member.

(d) All vacancies caused by the expiration of a term, death, resignation, or removal of members shall be filled by the appointing bodies as above prescribed.

(e) No member shall be removed from office except for neglect of duty, incompetence, malfeasance, or conviction of a felony, and then only after notice of the charge made and a full hearing before the appointing bodies with the right of the member removed to appeal to the courts and have a trial de novo, provided, however, that if any member misses any three consecutive regular meetings without being excused by the Board as a whole, the Board shall declare a vacancy and notify the appointing authority of such fact, so that same may be filled.

(f) The Board shall make such rules and regulations for the proper conduct of its duties as it shall find necessary and expedient, and shall possess full supervisory powers over the public health of the county and over the functioning and personnel of the City-County Health Unit, and shall be authorized to make any and all such rules and regulations not in conflict with the ordinances of the city and laws of the State, as they may deem best to promote and preserve the health of the county.

(g) All matters of public health involving the expenditure of public funds shall be submitted to the Board for its study and recommendations before final action is taken thereon by the City Council and Commissioners Court.

Sec. 4a added by Acts 1971, 62nd Leg., p. 1800, ch. 533, § 2, eff. June 1, 1971.

Director; appointment; qualifications; removal; oath; compensation; exemption of districts

Sec. 5. (a) A Director shall be appointed for each Health District. Said Health Board shall be authorized to appoint the Director to actively manage the operation of the district. Said Health Board, may at any time for good cause, remove said Director. The Director shall be a physician licensed or eligible to be licensed to practice medicine in the State of Texas and shall possess such other qualifications as may be specified in the agreement. He need not be a resident of the district at the time of his appointment, but he shall maintain his residence within the district during his tenure of office.

(b) The Director shall take and subscribe to the official oath, and shall file a copy of such oath and copy of his appointment with the State Board of Health; and until such copies are so filed, he shall not be deemed legally qualified. He shall be compensated in accordance with the terms of the agreement under which the district is formed.

For Annotations and Historical Notes, see V.A.T.S.

(c) Any existing Health Districts organized under the provisions of this Act may be exempt from the provisions of Sections 4a and 5a [1] of this Act by notifying the Commissioner of Health in writing of their intent to exercise this exemption provision.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 1801, ch. 533, § 3, eff. June 1, 1971.

[1] See section 4a and subsec. (a) of this section.

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Art. 4447d. Providing State Department of Health with data on condition and treatment of persons

Section 1. Any person, hospital, sanitorium, nursing or rest home, medical society, cancer registry, or other organization may provide information, interviews, reports, statements, memoranda, or other data relating to the condition and treatment of any person to the State Department of Health, persons or organizations making inquiries pursuant to immunization surveys conducted under the auspices of the State Department of Health, medical organizations, hospitals and hospital committees, to be used in the course of any study for the purpose of reducing morbidity or mortality, or for the purpose of identifying persons who may be in need of immunization, and no liability of any kind or character for damages or other relief shall arise or be enforced against any person or organization by reason of having provided such information or material, or by reason of having released or published the findings and conclusions of such groups to advance medical research and medical education, or by reason of having released or published generally a summary of such studies.

Sec. 2. The State Department of Health, medical organizations, hospitals and hospital committees shall use or publish said material only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released by any such group for general publication. The identity of any person whose condition or treatment has been studied shall be confidential and shall not be revealed under any circumstances except in the case of immunization surveys conducted under the auspices of the State Department of Health for the purpose of identifying persons who may be in need of immunization. With the exception of immunization information, all information, interviews, reports, statements, memoranda, or other data furnished by reason of this Act and any findings or conclusions resulting from such studies are declared to be privileged.

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Sec. 3 added by Acts 1969, 61st Leg., p. 1719, ch. 568, § 1 eff. Sept. 1, 1969; Sec. 1 amended by Acts 1971, 62nd Leg., p. 1442, ch. 399, § 1, eff. May 26, 1971; Sec. 2 amended by Acts 1971, 62nd Leg., p. 1442, ch. 399, § 2, eff. May 26, 1971.

Art. 4447d—1. Inadmissibility as evidence of immunization survey data

Data obtained from a physician's medical records by any person conducting immunization surveys under the auspices of the State Department of Health shall not be admissible as evidence in a suit against the physician involving an injury relating to the immunization of an individual.

Acts 1971, 62nd Leg., p. 1443, ch. 400, eff. May 26, 1971.

Title of Act:

An Act prohibiting the use of data obtained by persons conducting immunization surveys under the auspices of the State Department of Health in any suit against a physician involving an injury relating to the immunization of an individual; and declaring an emergency. Acts 1971, 62nd Leg., p. 1443, ch. 400.

Art. 4447i. Consent of minors to treatment for drug abuse

A person 13 years of age or older has the capacity to consent to examination and treatment by a licensed physician for any drug addiction, drug dependency, or any condition directly related to drug use. No physician legally qualified to practice medicine in this state shall be liable for the examination and treatment of any person under the provisions of this Act, except for his own acts of negligence.

Acts 1971, 62nd Leg., p. 71, ch. 37, eff. March 24, 1971.

Title of Act:

An Act granting certain minors the capacity to consent to examination and treatment by a licensed physician for any drug addiction, drug dependency, or any condition directly related to drug use; making provisions relating to liability of physicians under this Act; and declaring an emergency. Acts 1971, 62nd Leg., p. 71, ch. 37.

Art. 4447j. Capacity of minors to donate blood; compensation

Any person 18 years or older has the capacity to donate his blood to the American Red Cross, a blood bank operating under the supervision of a licensed physician or a hospital licensed under the provisions of the Texas Hospital Licensing Law provided, however, that any such donee between the age of 18 and 21 shall receive no remuneration or compensation for blood so donated.

Acts 1971, 62nd Leg., p. 1556, ch. 417, eff. May 26, 1971.

Title of Act:

An Act authorizing a person 18 years old or older to donate his blood to the American Red Cross, a blood bank operating under the supervision of a licensed physician, or a hospital licensed under the provisions of the Texas Hospital Licensing Law, with certain exceptions; and declaring an emergency. Acts 1971, 62nd Leg., p. 1556, ch. 417.

Art. 4476—5. Texas Food, Drug and Cosmetic Act

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Definitions

Sec. 2.

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(d) The term "drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles designed or intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure of any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2) or (3); but does not include devices or their components, parts or accessories.

(e) The term "devices," except when used in Paragraph (k) of this section and in Sections 3(g), 11(f), 15(c) and 18(c), means instruments, apparatus and contrivances, including their components, parts, accessories, designed or intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals."

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Sec. 2(n) amended by Acts 1969, 61st Leg., p. 2550, ch. 852, § 1, eff. Sept. 1, 1969; Sec. 2(d) amended by Acts 1971, 62nd Leg., p. 1802, ch. 534, § 1, eff. June 1, 1971; Sec. 2(e) amended by Acts 1971, 62nd Leg., p. 1802, ch. 534, § 2, eff. June 1, 1971.

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Inspection by Commissioner of factory, warehouse, establishment or vehicle; samples, Commissioner's right to obtain

Sec. 21. The Commissioner of Health or his duly authorized agent shall have free access at all reasonable hours to any factory, warehouse, or establishment in which foods, drugs, devices, or cosmetics are manufactured, processed, packed, stored or held for introduction into commerce, or to enter any vehicle being used to transport or hold such foods, drugs, devices, or cosmetics in commerce, for the purpose:

(1) of inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this Act are being violated, and to determine whether the record keeping provisions of Articles 725b and 726d, Vernon's Texas Penal Code, are being violated; and

(2) to secure samples or specimens of any food, drug, device, or cosmetic after paying or offering to pay for such samples. It shall be the duty of the Commissioner of Health to make or cause to be made examinations of samples secured under the provisions of this section to determine whether or not any provision of this Act is being violated. Whenever samples are secured by the Commissioner of Health or his agent, an equal amount of the product sampled, may upon request, be given to the person who has custody of the product sampled; payments shall be made only for that portion of the sample actually taken by the said Commissioner or agent.

Sec. 21 amended by Acts 1971, 62nd Leg., p. 1802, ch. 534, § 3, eff. June 1, 1971.

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Registration statement of wholesalers and distributors; contents; fees; revocation or suspension of registration

Sec. 23. 1. No person shall hereinafter engage or continue to engage in the wholesale drug business in this State without first filing a registration statement with the Commissioner of Health. For the purpose of this Act, the words "wholesale drug business" shall be defined as meaning persons engaged in the business of wholesale distribution of drugs and medicines bearing the legend "Caution: Federal law prohibits dispensing without prescription" or bearing the legend "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or prohibited from dispensing without a prescription by State law.

The words "wholesale distribution" shall be defined as meaning distribution to other than the consumer or patient and shall include distribution by manufacturers, re-packers, own label distributors, jobbers, and wholesalers.

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6. The Commissioner of Health may, after notice and hearing, refuse to register or cancel, revoke or suspend the registration of any wholesale drug company for any of the following reasons:

(a) If the registrant has been convicted of a felony or misdemeanor which involves moral turpitude, or if the registrant be an association, partnership or corporation, that the managing officer has been convicted of a felony or misdemeanor which involves moral turpitude;

(b) That the registrant has been convicted in either a State or Federal court for the illegal use, sale, or transportation of intoxicating liquors, narcotic drugs, barbiturates, amphetamines, desoxyephedrine, their compounds or derivatives, or any other dangerous or habit-forming drugs, or if the registrant be an associate, partnership, or corporation, that the managing officer has been convicted in either State or Federal court of the illegal use, sale, or transportation of intoxicating liquors, narcotic drugs, barbiturates, amphetamines, desoxyephedrine, their compounds or derivatives, or any other dangerous or habit-forming drugs;

(c) That based on evidence presented during a hearing it is determined that the applicant or registrant has sold counterfeit drugs and medicines, or has violated any of the provisions of Articles 725b or 726d, Vernon's Texas Penal Code, including any significant discrepancy in the records required to be maintained by State law.

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Sec. 23, par. 1 amended by Acts 1969, 61st Leg., p. 2553, ch. 852, § 4, eff. Sept. 1, 1969; Sec. 23, par. 6 amended by Acts 1969, 61st Leg., p. 2553, ch. 852, § 7, eff. Sept. 1, 1969; Sec. 23, par. 9 amended by Acts 1969, 61st Leg., p. 2553, ch. 852, § 6, eff. Sept. 1, 1969; Sec. 23, par. 1 amended by Acts 1971, 62nd Leg., p. 1803, ch. 534, § 4, eff. June 1, 1971; Sec. 23, par. 6 amended by Acts 1971, 62nd Leg., p. 1803, ch. 534, § 5, eff. June 1, 1971.

CHAPTER FOUR—SANITARY CODE

Article 4477. Sanitary code

Rule 54a. Copies of records.—Subject to the regulations of the State Department of Health controlling the accessibility of vital records, the State Registrar shall, upon request, supply to any properly qualified applicant a certified copy of a record, or any part thereof, registered under the provisions of this Act, for the making and certification of which he shall be entitled to a fee of Two Dollars ($2.00) to be paid by the applicant; provided, that such certified copies shall be issued in only such form as approved by the State Department of Health. And any such copy of a record, when properly certified by the State Registrar, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files where a record is not found or a certified copy is not made, the State Registrar shall be entitled to a fee of Two Dollars ($2.00), said fee to be paid by the applicant. The State Registrar shall, upon request of any parent or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school, or for the purpose of securing employment. The State Registrar shall issue free of cost to any veteran, his widow, orphan or other dependents, a certified copy of any record not otherwise prohibited by law when such record is to be used in the settlement of a claim against the government. The State Registrar may issue, upon court order, without fee, a certified copy of a birth record in cases relating to child labor and the public schools. Provided, that the national agency in charge of the collection of vital statistics may obtain, without expense to the State, transcripts of vital records without payment of the fees herein prescribed; and provided further, that the State Registrar is hereby authorized to act as special agent for that agency in accepting the use of the franking privilege and blanks furnished by that agency; and provided further, that the Bureau of Vital Statistics of the State Department of Health is hereby authorized to enter into a contract with the national agency in charge of the collection of vital statistics in order to have transcribed for that agency copies of vital records filed with the State Bureau of Vital Statistics. The State Registrar shall keep a true and correct account of all money received by him under these provisions, and deposit the same with the State Treasurer at the close of each month and at such other intervals as the Registrar deems advisable, and all such money shall be kept by the State Treasurer in a special and separate fund, to be known as the vital statistics fund, and the amounts so deposited in this fund shall be used for defraying expenses incurred in the enforcement and operation of this Act.

For Annotations and Historical Notes, see V.A.T.S.

The State Registrar shall refund to the applicant any fee received for services which the Bureau cannot render. If the money has been deposited in the vital statistics fund, the Comptroller shall issue a warrant against the fund, upon presentation of a claim signed by the State Registrar, for the purpose of refunding the payment.

The State Registrar shall be entitled to a fee of Three Dollars ($3.00) for filing a new birth certificate based on adoption, a fee of Three Dollars and Fifty Cents ($3.50) for filing a new birth certificate based on legitimation or paternity determination, and a fee of Two Dollars ($2.00) for filing an amendment to a birth certificate based on a court order of change of name, said fees to be paid by the applicants.

Rule 54a amended by Acts 1971, 62nd Leg., p. 878, ch. 111, § 1, eff. Jan. 1, 1972.

Acts 1971, 62nd Leg., p. 879, ch. 111, which by section 1 amended Rule 54a of this article, in section 2 provided: "To provide such time as may be required to adequately publicize such change in fee, this Act shall take effect and be in force on January 1, 1972."

CHAPTER FOUR A—SANITATION AND HEALTH PROTECTION

Art. 4477—1a. Sewage discharge into open ponds; cities of 400,000 to 800,000

Definitions

Section 1. In this Act:

Municipal sewage" means any waterborne liquid, gaseous, or solid substances that are discharged from a publicly owned sewer system, waste treatment facility, or waste disposal system.

Prohibition

Sec. 2. No municipal corporation with a population of not less than 400,000 nor more than 800,000 according to the last preceding Federal census, may discharge any municipal sewage into any open pond, the surface area of which pond covers more than 100 acres, if the discharge will cause or result in a nuisance. The Texas Water Quality Board, acting with the Texas Air Control Board and the Texas State Department of Health, shall make periodic inspections of such ponds as necessary, but at least once every year, and shall ascertain whether such pond is causing or will cause or result in a nuisance.

If the Texas Water Quality Board, acting in accord with the Texas Air Control Board and the Texas State Department of Health, shall ascertain that the maintenance of such pond creates or continues a nuisance, it shall advise the municipal corporation making such discharge and shall allow such municipal corporation adequate time to abate such nuisance.

Penalty

Sec. 3. (a) Any municipal corporation with a population of not less than 400,000 nor more than 800,000 which fails to abate a nuisance pursuant to a directive of the Texas Water Quality Board as provided in Section 2 above, within a reasonable time after notification of such failure by the Texas Water Quality Board, shall be liable to a civil penalty of not more than $1,000 a day for each day that it maintains such a nuisance.

(b) The Attorney General shall institute suit in district court in the county in which the alleged nuisance exists to collect the penalty described by the Act.

Effective Date

Sec. 4. This Act takes effect on September 1, 1971.
Acts 1971, 62nd Leg., p. 2815, ch. 916, eff. Sept. 1, 1971.

Title of Act:

An Act relating to discharge of sewage of certain municipal corporations into open ponds whose surface area covers more than 100 acres; providing a penalty; and declaring an emergency. Acts 1971, 62nd Leg., p. 2815, ch. 916.

Art. 4477—5. Texas Clean Air Act

SUBCHAPTER A. GENERAL PROVISIONS

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Definitions

Sec. 1.03. As used in this Act, unless the context requires a different definition:

(1) "air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, vapor or odor, or any combination thereof produced by processes other than natural;

(2) "source" means a point of origin of air contaminants, whether privately or publicly owned or operated;

(3) "air pollution" means the presence in the atmosphere of one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation or property, or as to interfere with the normal use and enjoyment of animal life, vegetation or property;

(4) "board" means the Texas Air Control Board;

(5) "executive director" means the executive director of the Texas Air Control Board;

(6) "person" means individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity; and

(7) "local government" means a county, an incorporated city or town; or a health district established under authority of Chapter 63, Acts of the 51st Legislature, 1949, as amended by Chapter 239, Acts of the 56th Legislature, 1959 (Article 4447a, Vernon's Texas Civil Statutes);

(8) "new source" means any stationary source, the construction or modification of which is commenced after the effective date of this statute;

(9) "modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source into the atmosphere or which results in the emission of any air pollutant not previously emitted. Insignificant increases in the amount of any air pollutant emitted are not intended to be included, nor is maintenance or replacement of equipment components which do not increase or tend to increase the amount or change the characteristics of the air contaminants emitted to the atmosphere.

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SUBCHAPTER C. POWERS AND DUTIES OF THE BOARD

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Construction Permit

Sec. 3.27. (a) Any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of this State shall apply for and obtain a

construction permit from the board before any actual work is begun on the facility. The board may exempt certain facilities or types of facilities from the requirements of Section 3.27 and Section 3.28 if it is found upon investigation that such facilities or types of facilities will not make a significant contribution of air contaminants to the atmosphere.

(b) Along with the application for the permit, the person shall submit copies of all plans and specifications necessary for determining whether the proposed construction will comply with applicable air control standards and the intent of the Texas Clean Air Act, together with any other information which the board considers necessary.

(c) If, from the information submitted under subsection (b) of this section, the board finds no indication that the proposed facility will contravene the intent of the Texas Clean Air Act, including proper consideration of land use, the board shall grant within a reasonable time a permit to construct or modify the facility. If the board finds that the emissions from the proposed facility will contravene these standards or will contravene the intent of the Texas Clean Air Act, it shall not grant the permit and shall set out in a report to the applicant its specific objections to the submitted plans of the proposed facility.

(d) If the person applying for a permit makes the alterations in his plans and specifications to meet the specific objections of the board, the board shall grant the permit, but the board may refuse to accept new applications by a person until all previous objections of the board to the previously submitted plans of that person are rectified. If the person fails or refuses to alter the plans and specifications, the board shall refuse to grant the permit.

(e) A permit granted under this section may be revoked by the board if the board later determines that any of the terms of the permit are being violated or that emissions from the proposed facility will contravene air pollution control standards set by the board or will contravene the intent of the Texas Clean Air Act.

(f) The board or the executive director may seek an injunction in a court of competent jurisdiction to halt work on a facility which is being done without a permit issued under this section or is in violation of the terms of a permit issued under this section.

(g) The powers and duties set out in Section 3.27 and Section 3.28 may be delegated by the board to the executive director. The applicant may appeal to the board any decision made by the executive director under these sections.

(h) Provided, however, that at the time this Act becomes effective no provision of this Act shall apply where any person, firm, partnership or corporation has let any contract, or begun any construction for any addition, alteration or modification to any new or existing facility. Any contracts under this subsection shall have a beginning construction date no later than six months after the effective date of this Act to qualify for this exemption.

Operating Permit

Sec. 3.28. (a) If a permit to construct is issued, then within sixty days after the facility has begun operation, the person in charge of the facility shall apply for an operating permit. The board may require the submission of monitoring data to demonstrate compliance with applicable rules and regulations and with the Texas Clean Air Act in support of the application for an operating permit. If start-up or testing requires more than sixty days, this period may be extended by the board.

(b) When all stipulations of the construction permit are met and the operation of the facility will not contravene air pollution control standards set by the board or will not contravene the intent of the Texas Clean Air Act, the board shall issue within a reasonable time the operating permit.

(c) If the board determines that the operation of such a facility will contravene the air pollution control standards set by the board or will contravene the intent of the Texas Clean Air Act it shall set out in a report to the applicant the specific objections which it finds to the facility and shall not grant the permit.

(d) The board shall refuse to accept new applications by a person for an operating permit until all the previous objections to that facility submitted by the board are rectified.

(e) A permit issued under this section may be revoked by the board if the board later determines that any of the terms of the permit are being violated or that emissions from the facility contravene air pollution control standards set by the board or contravene the intent of the Texas Clean Air Act.

(f) The board or the executive director may seek an injunction in a court of competent jurisdiction to halt the operation of any facility which is operating without a permit issued under this section or which is operating in violation of the terms of a permit issued under this section.

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Acts 1967, 60th Leg., p. 1941, ch. 727, eff. Sept. 1, 1967. Amended by Acts 1969, 61st Leg., p. 817, ch. 273, § 1, eff. Sept. 1, 1969; Sec. 1.03 amended by Acts 1971, 62nd Leg., p. 2003, ch. 619, § 1, eff. Aug. 30, 1971; Sec. 3.27 added by Acts 1971, 62nd Leg., p. 2004, ch. 619, § 2, eff. Aug. 30, 1971; Sec. 3.28 added by Acts 1971, 62nd Leg., p. 2005, ch. 619, § 3, eff. Aug. 30, 1971.

Appeal

Section 4 of the 1971 act provided: "Upon the failure of the board to take action within 120 days after receipt in proper form of an application for a permit under Sections 3.27 or 3.28, the petitioner shall be entitled to assume that his petition has been denied, and he may perfect an appeal on this basis in the manner provided in Section 6.01 of this Act. However, until such time as the petitioner files his appeal in the manner provided in Section 6.01 of this Act, the board shall continue to have jurisdiction to act on the petition."

Art. 4477—7. Solid Waste Disposal Act

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State agencies; authority and powers; permits

Sec. 4.

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(e) Except as provided in Subsection (f) of this section with respect to certain industrial solid wastes, each state agency has the power to require and issue permits authorizing and governing the operation and maintenance of sites used for the disposal of solid waste. This power may be exercised by a state agency only with respect to the solid waste over which it has jurisdiction under this Act. If this power is exercised by a state agency, that state agency shall prescribe the form of and reasonable requirements for the permit application and the procedures to be followed in processing the application, to the extent not otherwise provided for in this subsection. The following additional provisions apply if a state agency exercises the power authorized in this subsection:

(1) The state agency to whom the permit application is submitted shall mail a copy of the application or a summary of its contents to the Texas Air Control Board, to the other state agency, to the mayor and health authorities of any city or town within whose extraterritorial jurisdiction the solid waste disposal site is located, and to the county judge and health authorities of the county in which the site is located. The governmental entities to whom the information is mailed shall have a reasonable time, as prescribed by the state agency to whom the application was originally submitted, to present comments and recommendations on the permit application before that state agency acts on the application.

(2) A separate permit shall be issued for each site. The permit shall include the names and addresses of the person who owns the land where the waste disposal site is located and the person who is or will be the operator or person in charge of the site; a legal description of the land on which the site is located; and the terms and conditions on which the permit is issued, including the duration of the permit.

(3) The state agency may extend or renew any permit it issues in accordance with reasonable procedures prescribed by the state agency. The procedures prescribed in Paragraph (1) of this Subsection (e) for permit applications apply also to applications to extend or renew a permit.

(4) Before a permit is issued, extended, or renewed, the state agency to which the application is submitted shall issue notice and hold a hearing in the manner provided for other hearings held by the agency.

(5) Before a permit is issued, extended, or renewed, the state agency to which the application is submitted may require the permittee to execute a bond or give other financial assurance conditioned on the permittee's satisfactorily closing the disposal site on final abandonment.

(6) If a permit is issued, renewed, or extended by a state agency in accordance with this Subsection (e), the owner or operator of the site does not need to obtain a license for the same site from a county, or from a political subdivision exercising the authority granted in Section 6 of this Act.

(7) A permit is issued in personam and does not attach to the realty to which it relates. A permit may not be transferred without prior notice to and prior approval by the state agency which issued it.

(8) The state agency has the authority, for good cause, after hearing with notice to the permittee and to the governmental entities named in Paragraph (1) of this Subsection (e), to revoke or amend any permit it issues for reasons pertaining to public health, air or water pollution, land use, or violation of this Act or of any other applicable laws or regulations controlling the disposal of solid waste.

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County powers

Sec. 5. (a) Every county has the solid waste management powers which are enumerated in this Section 5. However, the exercise of the licensing authority and other powers granted to counties by this Act does not preclude the department or the board from exercising any of the powers vested in the department or the board under other provisions of this Act, including specifically the provisions authorizing the department and the board to issue permits for the operation and maintenance of sites for the disposal of solid waste. The powers specified in Subsections (d) and (e) of this section and Section 18 of House Bill No. 727, Acts of the 62nd Legislature, 1971, may not be exercised by a county with respect to the industrial solid waste disposal practices and areas to which Subsection (f) of Section 4 of this Act applies. The board, by specific action or directive, may supersede any authority or power granted to or exercised by a county under this Act, but only with respect to those matters which are, under this Act, within the jurisdiction of the state agency acting.

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(g) Repealed by Acts 1971, 62nd Leg., p. 1763, ch. 516, § 20, eff. Aug. 30, 1971.

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Acts 1969, 61st Leg., p. 1320, ch. 405, eff. Sept. 1, 1969. Sec. 4(e) amended by Acts 1971, 62nd Leg., p. 2631, ch. 863, § 1, eff. June 9, 1971; Sec. 5(a) amended by Acts 1971, 62nd Leg., p. 1762, ch. 516, § 19, eff. Aug. 30, 1971.

Art. 4477—8. County solid waste control act

Purpose

Section 1. This Act is for the purpose of authorizing a cooperative effort by counties, other public agencies, and other persons for the safe and economical collection, transportation, and disposal of solid wastes in order to control pollution in this state.

Title of Act

Sec. 2. This Act may be cited as the "County Solid Waste Control Act."

Definitions

Sec. 3. Words and phrases used in this Act shall have meanings as follows:

(a) "Act" shall mean the County Solid Waste Control Act, as amended.

(b) "Person" means any individual, public agency as defined herein, public or private corporation, political subdivision or governmental agency of the United States of America or the state, city as defined herein, copartnership, association, firm, trust, estate, or any other entity whatsoever.

(c) "District" means any district or authority heretofore or hereafter created and existing under Article XVI, Section 59, or Article III, Section 52 of the Constitution of Texas.

(d) "City" means any incorporated city or town in the state, whether operating under general law or under its home-rule charter.

(e) "Public agency" means any district as defined herein, any city as defined herein, or any other political subdivision or agency of the state having the power to own and operate solid waste collection, transportation, or disposal facilities or systems.

(f) "County" means any county in the state.

(g) "Solid waste disposal system" means any plant, composting process plant, incinerator, sanitary landfill, or other works and equipment not specifically mentioned herein which is acquired, installed, or operated for the purpose of collecting, handling, storing, treating, neutralizing, stabilizing, or disposing of solid waste, including sites therefor.

(h) The terms "solid waste," "sanitary landfill," and "composting" shall have meanings as set forth in the Solid Waste Disposal Act, as amended (compiled as Article 4477—7, Vernon's Texas Civil Statutes).

Disposal systems; acquisition, etc., purchase, sale or operating agreements; leases

Sec. 4. A county may acquire, construct, improve, enlarge, extend, repair, operate, or maintain all or any part of one or more solid waste disposal systems, and may make contracts with any person under which the county will collect, transport, handle, store, or dispose of solid waste for such person. A county may also enter into contracts with any person to purchase or sell, by installments over such term as may be deemed desirable, or otherwise, all or any part of any solid waste disposal system. A county is also authorized to enter into operating agreements with any person, for such terms and upon such conditions as may be deemed desirable, for the operation of all or any part of any solid waste disposal system by any person or by the county; and a county may lease to or from any person, for such term and upon such conditions as may be deemed desirable, all or any part of any solid waste disposal system.

Eminent domain

Sec. 5. A county shall have the power and right to acquire by purchase, lease, gift, condemnation, or in any other manner, and to own, maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest therein necessary or convenient to the exercise of the powers and purposes authorized by this Act. Such power

of eminent domain shall be restricted to the respective county and be exercised in the manner provided in the laws applicable or available to counties.

Public agencies; contracts with county for disposal services; authorization

Sec. 6. Public agencies are hereby authorized to make contracts with a county under which the county will make all or any part of a solid waste disposal system available to a public agency or group of public agencies or to other persons and furnish solid waste collection, transportation, handling, storage, or disposal services by the county's system. The contract may be upon such terms and for such periods of time as the parties may agree and may provide that it will remain in effect until any bonds issued or to be issued by the county, and any bonds which may be issued to refund the same, are paid; the contract may contain provisions to assure equitable treatment of parties who contract with the county for solid waste collection, transportation, handling, storage, or disposal services from all or any part of the same solid waste disposal system; shall provide the method of determining the amounts to be paid by the public agency to the county; may provide for the sale or lease to or use of by the county of any solid waste disposal system or any part thereof at the time owned or to be acquired by the public agency; may provide that the county shall operate any solid waste disposal system or part thereof at the time owned or to be acquired by the public agency; may provide that the public agency shall have the right to continued performance of such services after the amortization of the county's investment in the disposal system during the useful life thereof upon payments of reasonable charges therefor, reduced to take into consideration such amortization; and may contain such other provisions and requirements as the county and the public agency may determine to be appropriate or necessary. A city may also provide in its contract that the county shall have the right to use the streets, alleys, and public ways and places within the city during the term of the contract.

Payments by public agency to county for disposal services; sources

Sec. 7. Payments by a public agency to the county for solid waste collection, transportation, handling, storage, or disposal services may be made from the income of the public agency's solid waste disposal fund as may be prescribed in the contract between the county and the public agency. Such payments shall constitute an operating expense of such fund the revenues of which are thus to be applied. Payments to be made under the contract by the public agency may also be made from the revenues of the public agency's water, sewer, electric, gas, or any combination of utility systems, but in such event shall be subordinate to amounts required to be paid from the revenues of such system or systems for principal of and interest on bonds of the public agency which are outstanding at the time of the making of the contract and which are payable from such revenues unless the ordinance or resolution authorizing such outstanding bonds of the public agency expressly reserves the right to accord such contract payments a position of parity with, or a priority over, such public agency's bond requirements. Unless the alternative procedure prescribed in Section 8 is followed, neither the county nor a holder of any bonds of the county shall have the right to demand payment of the public agency's obligation out of any funds raised or to be raised by taxation. If the alternative procedure prescribed in Section 8 is followed, payments under the contract may be payable from and constitute solely an obligation against the taxing powers of the public agency or may be payable both from taxes and from such revenues as may be prescribed in the contract.

Alternative procedure for payments by public agency to county: Bond election; taxes

Sec. 8. (a) If an election is held substantially according to applicable procedure prescribed in Chapter 1, Title 22, Revised Civil Statutes of Texas, as amended [1], in reference to the issuance of bonds by cities, by a public agency having taxing powers, and in such election it is determined that the governing body of the public agency is authorized to levy an ad valorem tax to pay all or a portion of the payments to be made by the public agency under a contract between the public agency and a county to be authorized by the governing body of the public agency, the contract, in such event, will constitute an obligation against the taxing power of the public agency to the extent therein provided. No election is required for the exercise of any power conferred by this Act except for the levy of such tax.

(b) Only qualified electors of the public agency shall be entitled to vote at such election. Except as otherwise provided in this section and in said Chapter 1, Title 22, the general election code [2] shall govern such election.

[1] Article 701 et seq.

[2] V.A.T.S. Election Code, art. 1.01 et seq.

Payments by public agency to county from solid waste disposal fund; adjustment of rates for adequate revenue

Sec. 9. Whenever a public agency shall have executed a contract with a county under this Act and the payments thereunder are to be made either wholly or partly from the revenues of the public agency's solid waste disposal fund, the duty is hereby imposed on the public agency to establish and maintain and from time to time to adjust the rates charged by the public agency to the end that the revenues therefrom, together with any taxes levied in support thereof, will be sufficient at all times to pay the expense of operating and maintaining such service or system, all of the public agency's obligations to the county under the contract, and all of the public agency's obligations under and in connection with bonds theretofore issued, or which may be issued thereafter, secured by revenues of such service or system. The contract may require the use of consulting engineers and financial experts to advise the public agency whether and when such rates are to be adjusted.

Rendering of disposal services concurrently to more than one person; contracts; allocation of cost

Sec. 10. Any contract or group of contracts under this Act may provide for services to be rendered concurrently by the county to more than one person relating to the construction or operation of all or any part of a solid waste disposal system and provide that the cost of such services shall be allocated among the several persons as determined in the contract or group of contracts.

Bonds; pledge of revenues from contracts

Sec. 11. For the purpose of acquiring, constructing, improving, enlarging, extending, and repairing all or any part of a solid waste disposal system or systems, a county is authorized to issue bonds payable from and secured by a pledge of all or any part of the revenues to accrue under any contract or contracts made under this Act and from any other income pledged by the county. Said bonds shall constitute investment securities governed by Chapter Eight, Uniform Commercial Code [1], and shall be in such form and denomination and shall bear such rate or rates of interest as are prescribed by the governing body of the county. A county is likewise authorized to refund any bonds issued under this Act upon such terms and conditions and bearing such rate or rates of interest as the governing body may prescribe. Said bonds may be sold at such price or prices and upon the terms determined by the governing body of the county

at public or private sale or may be exchanged for property of any kind, real, personal, or mixed, or any interest therein deemed by the governing body of the county to be necessary or convenient to the purposes authorized by this Act. Pending the issuance of definitive bonds, a county may issue negotiable interim bonds or obligations eligible for exchange or substitution by use of definitive bonds.

[1] V.T.C.A. Bus. & C. § 8.101 et seq.

Collection of rates and charges to maintain adequate revenue; allocation of bond proceeds

Sec. 12. While any such bonds are outstanding, it shall be the duty of the governing body of the county to fix, maintain, and collect rates and charges for services furnished or made available by the solid waste disposal system adequate to pay maintenance and operation costs of and expenses allocable to the solid waste disposal system and the principal of and interest on such bonds and to provide and maintain the funds created by the resolution authorizing the bonds. Interest to accrue on the bonds, administrative expenses to estimated date when the solid waste disposal system will become revenue producing, and reserve funds created by the resolution authorizing the bonds may be set aside out of bond proceeds.

Establishment of disposal service as a utility; use of service; fees; enforcement of collection

Sec. 13. Any public agency or any county may offer solid waste disposal service to persons within its boundaries, may require the use of such service by any or all such persons, may charge fees therefor, and may establish said service as a utility separate from other utilities within its boundaries. To aid in enforcing collection of fees for such solid waste disposal service, any public agency or county may suspend service from any or all other utilities owned or operated by it to any person who may become delinquent in payment of solid waste disposal service fees until such delinquency has been paid in full.

Approval of bonds and contracts; registration; validation

Sec. 14. After any bonds are authorized to be issued by a county pursuant to the powers provided in this Act, such bonds and the record relating to their issuance may be submitted to the Attorney General for his examination as to the validity thereof. Where such bonds recite that they are secured by pledge of the proceeds of a contract or contracts between the county and a public agency, a copy of such contract and the proceedings of the public agency authorizing same may also be submitted to the Attorney General. If the Attorney General finds that such bonds have been authorized and the 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 be registered by the Comptroller of Public Accounts. Thereafter, the bonds and contracts, if any, shall be valid and binding and shall be incontestable for any cause. In lieu of, or in addition to, such approval by the Attorney General, the board of directors of the district may have any such bonds validated by suit in the District Court in the manner and with the effect provided in Chapter 316, Acts of the 56th Legislature [1]. The interest rate and sale price of the bonds need not be fixed until after the termination of the validation proceedings or suit. If the proposed bonds recite that they are secured by the proceeds of a contract or contracts made by the district and one or more public agencies, the petition shall so allege; and the notice of the suit shall mention such allegation and each public agency's fund or revenues from which such contract or contracts are payable. Such suit shall be in the nature of a proceeding in rem. The judgment shall be res adjudicata as to the validity of such bonds and any such contract or contracts and the pledge of revenues thereof.

[1] Article 717m.

Investment of bond proceeds

Sec. 15. Proceeds from the sale of bonds may be invested, pending their use, in such securities or time deposits as are specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them; and the earnings on such investments may be applied as provided in such resolution or trust indenture.

Bonds as legal investments and security for deposits

Sec. 16. All bonds issued under this Act shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, and for the sinking funds of cities, towns, villages, school districts, or any other political corporation or subdivision of the State of Texas. Such bonds shall be eligible to secure the deposits of any and all public funds of the State of Texas and of any political 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.

Relocation of highways, railroads, or utility facilities at county expense

Sec. 17. In the event that any county, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, rerouting or changing the grade of, or altering the construction of, any highway, railroad, electric transmission line, telegraph or telephone properties and facilities, or pipeline, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the county. The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility.

Regulations; ordinances; guidelines; adoption procedures

Sec. 18. (a) Subject to the limitation prescribed in Subsection (a), Section 5, Solid Waste Disposal Act [1], a county, acting through its commissioners court, may make regulations for the areas of the county not within the territorial limits or extraterritorial jurisdiction of incorporated cities and towns to provide for governing and controlling solid waste collection, handling, storage, and disposal. The regulations shall not authorize any activity, method of operation, or procedure which is prohibited by the Solid Waste Disposal Act or by the rules and regulations of the State Department of Health or the Texas Water Quality Board or the board. The county shall not, in its regulations, under the licensing power granted in the Solid Waste Disposal Act, or otherwise, impose any unreasonable requirements on the disposal of such solid waste in the county not warranted by the circumstances. The county may prohibit the disposal of any solid waste within the county if the disposal of the solid waste is a threat to the public health, safety, and welfare. The county may institute legal proceedings to enforce its regulations.

(b) To prohibit the disposal of solid waste within the county, the commissioners court must adopt an ordinance in the general form as prescribed for municipal ordinances specifically designating the area of the county in which the disposal of solid waste shall not be prohibited, unless such county has adopted solid waste disposal guidelines approved by the State Department of Health.

(c) The ordinance required in Subsection (b) of this section may be passed on first reading; however, such proposed ordinance must be published in a newspaper of general circulation in the county for two con-

secutive weeks before such proposed ordinance is taken up by the Commissioners court, and such publication shall contain:

(1) a statement of the time, place, and date such proposed ordinance shall be considered by the commissioners court, and

(2) notice that any interested citizen of the county may testify at such hearing.

(d) A public hearing shall be had on the proposed ordinance before it is considered by the commissioners court, and any interested citizen of the county shall be allowed to testify.

Acts 1971, 62nd Leg., p. 1757, ch. 516, eff. Aug. 30, 1971.

[1] Article 4477–7, § 5(a).

Sections 21 to 24 of the 1971 act provided:

"Sec. 21. This Act is cumulative of other statutes now or hereafter enacted governing the Texas Water Quality Board, the Texas Air Control Board, and the Texas State Department of Health relating to the issuance of bonds; the collection, transportation, handling, storage, or disposal of solid wastes; and the design, construction, acquisition, or approval of facilities for such purposes.

"Sec. 22. This Act and all of the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein, and the powers granted under this Act shall be in addition to and not in derogation of any and all existing powers of any county or public agency. Chapter 854, Acts of the 61st Regular Legislature (compiled as Article 2351g—2, Vernon's Texas Civil Statutes) is hereby repealed; otherwise, this Act shall not be deemed to repeal, expressly or by implication, any power or right granted to any county or to any public agency; and any county or public agency having powers under existing law similar to or in the nature of those granted hereunder may continue to operate and act in the exercise of such powers or may operate and act under the powers granted herein or both. This Act shall, however, constitute full authority for any county and any public agency and any person to enter into any contracts as authorized herein, for any county to authorize and issue bonds in accordance with the provisions hereof, and for any county to exercise any power granted herein without reference to the provisions of any other general or special law or specific act or charter; and no other general or special law or specific act or charter provision which in any way limits or restricts or imposes additional requirements upon the carrying out of any of the matters herein authorized to be done shall ever be construed as applying to any action or proceeding taken hereunder or done pursuant hereto except as expressly provided to the contrary in this Act.

"Sec. 23. All acts and proceedings of the governing bodies of any county or any public agency heretofore accomplished in the authorization and execution of solid waste disposal contracts as contemplated by said Chapter 854 as well as the terms and provisions of said contracts themselves are hereby ratified, approved, confirmed, and validated in all respects as of the respective dates thereof with the parties thereto bound accordingly until the terms and provisions of said contracts are lawfully changed by mutual consent of the parties thereto. All bonds authorized and issued by any district as contemplated by said Chapter 854 are also hereby ratified, approved, confirmed, and validated. Notwithstanding the foregoing provisions of this section, nothing herein shall validate any contract or any bonds now involved in litigation questioning the validity thereof if the question is ultimately determined against the validity thereof.

"Sec. 24. If any section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of this Act irrespective of the fact that any one or more portions be declared unconstitutional."

Title of Act:

An Act relating to the control of pollution in this state by authorizing counties, other public agencies and persons to cooperate in the collection, transportation, handling, storing, or disposing of solid waste; prescribing the rights, powers, privileges, and duties of such counties, public agencies, and persons; authorizing counties to acquire all kinds of property necessary or convenient to the exercise of the purposes of and the powers granted by this Act; authorizing counties to acquire by various means, operate, or maintain solid waste disposal systems; conferring the power of eminent domain upon counties; authorizing contracts between counties, public agencies, or other persons; setting forth the powers of such contracting parties in the making of such contracts; prescribing the sources from which payments under such contracts may be made, and authorizing such payments to be made from various revenues or from taxes, or both; providing that levy and pledge of ad valorem tax to make such contract payments must be authorized by election; requiring imposition by public agencies of rates sufficient to produce adequate revenues as required by such contracts; authorizing the issuance and refunding of bonds by counties and prescribing their terms, security, and related matters; requiring imposition by counties of rates sufficient to produce adequate revenues; authorizing investment of bond proceeds and the use thereof for interest payments, administrative expenses, and reserve funds; authorizing counties to of-

fer solid waste disposal service and to require use thereof, to charge fees for such service and to suspend service from other utilities to persons delinquent in payment; providing for approval of bonds and contracts by the Attorney General of Texas, and for their incontestability thereafter; providing for validation by suit in the district court and providing that judgment shall be res adjudicata as to the validity of bonds and contracts; providing that bonds issued under this Act shall be legal investments for various entities and be eligible to secure deposits of public funds; providing that counties shall bear the sole expense of the relocation of certain facilities; relating to the authority of a commissioners court to deny a permit for waste disposal on the basis that the waste originates outside the county, and abolishing the authority of the State Health Department to supersede the authority and powers granted to counties under the Solid Waste Disposal Act; amending Subsection (a) and repealing Subsection (g), Section 5, Solid Waste Disposal Act of the Sanitary Code (Article 4477—7, Vernon's Texas Civil Statutes); providing that this Act is cumulative of other statutes governing Texas Water Quality Board, Texas Air Control Board, and Texas State Department of Health relating to issuance of bonds, solid waste disposal service, or facilities for such purposes; providing for liberal construction of this Act; repealing Chapter 854, Acts of the 61st Legislature (compiled as Article 2351g—2, Vernon's Texas Civil Statutes); providing that this Act shall constitute full authority according to its terms and provisions and that no other general or special law or city charter provision shall be construed as affecting the provisions of this Act except as herein expressly provided; validating acts and proceedings of governing bodies of counties or other public agencies accomplished under said Chapter 854 and validating all bonds issued and all contracts consummated thereunder except matters now involved in litigation which ultimately terminates unfavorably as to the validity thereof; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 1757, ch. 516.

CHAPTER FOUR-B—TUBERCULOSIS

Art. 4477—11. Texas Tuberculosis Code

Change of Names

Acts 1971, 62nd Leg., p. 1001, ch. 189, § 1, changed the names of Harlingen State Tuberculosis Hospital to Harlingen State Chest Hospital of San Antonio State Tuberculosis Hospital to San Antonio State Chest Hospital, and of East Texas Tuberculosis Hospital to East Texas Chest Hospital. See article 3201a—2, § 1.

Art. 4477—13. Treatment of respiratory diseases at East Texas Chest Hospital; designation as state agency for research and training

Section 1. (a) It is the policy of the State of Texas to provide a program of healing and treatment of the citizens of this State who are afflicted with chest diseases.

(b) In order to effectively and economically carry out this policy, there is hereby established at the East Texas Chest Hospital a program of case-finding and treatment, both inpatient and outpatient, of all chest disease.

Sec. 2. (a) The East Texas Chest Hospital shall be the agency of the State to conduct research, develop techniques and procedures, provide training and teaching directly or with contracts with other agencies of this State, and be the primary facility for carrying out this policy.

(b) The State Board of Health shall be responsible for carrying out the provisions of this Act. The board may accept and administer gifts and grants of money in whole or on a formula basis from the federal government and from any individual, corporation, trust, federal or state vocational rehabilitation program, or foundation to carry out the purpose of this Act, and shall use any funds appropriated by the Legislature for this program to operate the program.

(c) The board may also establish necessary rules and procedures to cooperate with private institutions and individual doctors of medicine for the dissemination of research findings, treatment techniques, and procedures as a part of the educational policies of the Act.

For Annotations and Historical Notes, see V.A.T.S.

Sec. 3. Admission to the institution shall be subject to such rules and regulations as may be promulgated by the superintendent from time to time, which shall include written application from the patient or from the guardian of the patient or from some friend or relative of the patient. Such written application shall be upon such forms as may be prescribed by the superintendent and shall show the following:

(1) Name of patient.

(2) Sex of patient.

(3) Age and nativity of patient.

(4) A complete statement of the location, description, and value of any property, real or personal, owned, possessed, or held by the patient or by the guardian of the patient.

(5) The name of all persons legally liable for the support of the patient, together with a complete statement of the location, description, and value of any property, real or personal, owned, possessed, or held by any such person.

(6) The residence of the patient for a period of at least two years next preceding the date of application.

(7) The occupation, trade, profession, or employment of the patient.

(8) The names and addresses of the parents, children, brothers, and sisters, and other responsible relatives, if any, of the patient.

(9) The names, addresses, and ages of any relatives who are or who may have been similarly afflicted.

(10) Such other and further information or statements as may be required by the superintendent.

Sec. 4. Every application shall be accompanied by a written request from the attending physician of the patient requesting the admission of such patient, which shall be in such form as may be prescribed by the superintendent and shall show the following:

(1) A statement from the physician that he has adequately examined the patient and that such patient has, or is suspected of having, a chest disease, together with a statement showing the duration of the disease, if known, and indicating any accompanying bodily disorder or disorders the patient may have at the time of application.

(2) Such other and further information as may be required by the superintendent.

Sec. 5. No person shall be admitted to the institution until the superintendent is satisfied that all requirements of this Act have been met, subject to such rules and regulations as may be promulgated by the superintendent from time to time governing the admission of patients thereto.

Sec. 6. A schedule of minimum fees and charges shall be established hereunder by the superintendent, which shall conform to the fees and charges customarily made for similar services in the community in which such services are rendered.

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Acts 1969, 61st Leg., p. 1664, ch. 528, eff. June 10, 1969. Secs. 1–6 amended by Acts 1971, 62nd Leg., p. 1893, ch. 561, § 1, eff. Aug. 30, 1971.

CHAPTER FIVE—COUNTY HOSPITAL

Art. 4494c—1. Use of hospital operating funds for improvements to hospitals in counties of 19,500 to 19,680

In all counties in this State with not less than 19,500 inhabitants or more than 19,680 inhabitants according to the last preceding federal

census, the Commissioners Court may use excess money in the county hospital operating fund for making permanent improvements to the county hospital and for the payment of county bonds issued for the construction and improvement of county hospital facilities.
Amended by Acts 1971, 62nd Leg., p. 1846, ch. 542, § 116, eff. Sept. 1, 1971.

Art. 4494n. County hospital districts; counties of 190,000 or more and Galveston County

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County or city property or funds; transfer to district

Sec. 4. Any lands, buildings or equipment that may be jointly or separately owned by such county and city, and by which medical services or hospital care, including geriatric care, are furnished to the indigent or needy persons of the city and county, shall become the property of the Hospital District; and title thereto shall vest in the Hospital District; provided, however, that whenever any of such property is deemed by the Board of Managers of the Hospital District to be of no further use, presently or in the future, for the purposes for which it was transferred to the Hospital District, the Board of Managers of the Hospital District may, by deed transfer such property, upon any terms deemed suitable by the Board of Managers and the Commissioners Court, back to the city or county from which such property was transferred to the Hospital District upon creation of the Hospital District; and any funds of the city and county, or either, which are the proceeds of any bonds assumed by the Hospital District, as hereby provided, shall become the funds of the Hospital District; and title thereto shall vest in the Hospital District; and there shall vest in the Hospital District and become the funds of the Hospital District the unspent portions of any funds theretofore set up or appropriated by budget or otherwise by the city or the county, or either of them, for the support and maintenance of the hospital facilities for the year within which the Hospital District comes into existence, thereby providing such Hospital District with funds with which to maintain and operate such facilities for the remainder of such year. All obligations under contract legally incurred by the city or county, or either of them, for the building of, or the support and maintenance of, hospital facilities, prior to the creation of the said District but outstanding at the time of the creation of the District, shall be assumed and discharged by it without prejudice to the rights of third parties, provided that the management and control of the property and affairs of the present hospital system shall continue in the Board of Managers of such system until appointment and organization of the Board of Managers of the Hospital District, at which time the Board of Managers of the present hospital system shall turn over all records, property and affairs of said hospital system to the Board of Managers of the Hospital District and shall cease to exist as a hospital system Board of Managers.

Any outstanding bonded indebtedness incurred by the city or county, either or both of them, in the acquisition of such lands, buildings and equipment, or in the construction and equipping of such hospital facilities, together with any other outstanding bonds issued by either of them for hospital purposes, and the proceeds of which are in whole or in part still unspent, shall be assumed by the Hospital District and become the obligation of the Hospital District; and the city or county, either or both of them, that issued such bonds, shall be by the Hospital District relieved of any further liability for the payment thereof, or for providing interest and sinking fund requirements thereon; provided that nothing herein contained shall limit or affect any of the rights of any of the holders of such bonds against the city or the county, as the case may be, in the event of default in the payment of the principal or interest on any of such bonds in accordance with their respective terms.

For Annotations and Historical Notes, see V.A.T.S.

The Commissioners Court and the city, where a hospital or hospital system is jointly operated, or the Commissioners Court, where the county owns the hospital or hospital system, as the case may be, as soon as the Hospital District is created and authorized at the election hereinabove provided, and there have been appointed and qualified the Board of Hospital Managers hereinafter provided for, shall execute and deliver to the Hospital District, to wit: to its said Board of Hospital Managers, an instrument in writing conveying to said Hospital District the hospital property, including lands, buildings and equipment; and shall transfer to said Hospital District the funds hereinabove provided to become vested in the Hospital District, upon being furnished the certificate of the Chairman of the Board to the fact that a depository for the District's funds has been selected and has qualified; which funds shall, in the hands of the Hospital District and of its Board of Hospital Managers, be used for all or any of the same purposes as, and for no other purposes than, the purposes for which the county or the city transferring such funds could lawfully have used the same had they remained the property and funds of such county or city.

Sec. 4 amended by Acts 1971, 62nd Leg., p. 1902, ch. 568, § 1, eff. June 1, 1971.

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Section 2 of the 1971 amendatory act repealed conflicting laws and contained a severability provision.

Art. 4494r—2. Issuance of revenue bonds in counties of 200,000 or more

Section 1. The commissioners court of every county containing a population of 200,000 or more, according to the last preceding federal census, wherein there exists a hospital district which has been created by law pursuant to any Section of Article IX of the Texas Constitution shall be authorized and have the power to issue revenue bonds for the purpose of providing funds to acquire, purchase, construct, repair, renovate, improve, enlarge, and/or equip any hospital facilities, and to acquire any real or personal property in connection therewith, for and on behalf of said hospital district. Provided however, that there shall be no authority to issue such revenue bonds on behalf of a hospital district for the purchase of nursing homes for long term care. Such commissioners court shall be authorized to issue said revenue bonds to be payable from and secured by liens on and pledges of all or any part of the revenues and income of every nature derived by the hospital district from the operation and/or ownership of its hospital facilities (exclusive of ad valorem taxes). Also, the commissioners court shall be authorized to pledge to the payment of said bonds all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise. Said bonds may be additionally secured by mortgages and deeds of trust on any real property on which any hospital facilities of the hospital district are or will be located, and any real or personal property incident or appurtenant to said facilities, and the commissioners court may authorize the execution and delivery of trust indentures, mortgages, deeds of trust, or other forms of encumbrances to evidence same. Said bonds may be issued to mature serially or otherwise not to exceed 40 years from their date. In the authorization of any such bonds, the commissioners court may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other types of bonds, under such terms or conditions as may be set forth in the order authorizing the issuance of said bonds, all within the discretion of the commissioners court. Said bonds, and any interest coupons appertaining thereto, shall be negotiable instruments (provided that such bonds may be issued registrable as to principal

alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at any rate or rates, all as shall be determined and provided by the commissioners court in the order authorizing the issuance of said bonds. If so permitted in the bond order, any required part of the proceeds from the sale of the bonds may be used for paying interest thereon during the period of the construction of any hospital facilities to be provided through the issuance of said bonds, and for the payment of operation and maintenance expenses of said facilities to the extent, and for the period of time, specified in said bond order, and also for the creation of reserves for the payment of the principal of and interest on the bonds; and such moneys may be invested, until needed, to the extent, and in the manner provided, in said bond order. The commissioners court or the board of hospital managers or directors of the hospital district shall be authorized to fix and collect charges for the occupancy or use of any of said hospital facilities, and the services thereof, in such amounts and in such manner as may be determined by such commissioners court or board; and such charges shall be fixed and collected in such amounts as will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with said bonds, and, to the extent required by the bond order, to provide for payment of all or any part of the operation, maintenance, and other expenses of the hospital facilities. The commissioners court or the board of hospital managers or directors of the hospital district shall make provision in each annual hospital district budget for the payment of all operation and maintenance expenses of the hospital district. In preparing the budget, the commissioners court or board may take into consideration the estimated excess revenues and income from hospital facilities that will be available for paying operation and maintenance expenses after providing for all principal, interest, and reserve requirements in connection with said bonds. To the extent that such excess revenues and income are not available at any time to make payment of all operation and maintenance expenses of the hospital district, ad valorem taxes of the hospital district shall be used to make such payment, and the proceeds of an annual ad valorem tax may be pledged for such payment in the order authorizing the issuance of said bonds. If such annual ad valorem tax is thus pledged it shall be the duty of the commissioners court, during each year while any of said bonds are outstanding, to compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to make the aforesaid payment of operation and maintenance expenses to the extent required; and said tax shall be based on the latest approved tax rolls of the hospital district, with full allowance being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax shall be levied, and ordered to be levied, against all taxable property in the hospital district, for each year while any of said bonds are outstanding; and said tax shall be assessed and collected each such year and used for such purpose to the extent so required. Said rate and amount of ad valorem tax shall be levied and ordered to be levied against all taxable property within the hospital district subject to hospital district taxation for each year while any of said bonds are outstanding; and said tax shall be assessed and collected each such year and used for such purposes to the extent so required.

Acts 1969, 61st Leg., p. 128, ch. 42, eff. April 1, 1969. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1297, ch. 339, § 1, eff. May 24, 1971.

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Section 2 of the 1971 amendatory act was a severability provision.

For Annotations and Historical Notes, see V.A.T.S.

Art. 4494r—4. Adoption of tax rolls by hospital districts; board of equalization; assessment and collection of taxes

Section 1. That hospital districts organized pursuant to the provisions of Article IX, Section 9, of the Constitution of the State of Texas, may prepare and adopt their own tax rolls. Prior to the levy of any taxes, the governing board of the hospital district shall appoint a board of equalization to be composed of five (5) resident property owners of the district and cause property to be assessed, evaluated, and equalized and the tax rolls to be prepared. The taxes of the hospital district shall be assessed and collected upon all taxable property situated within the district, subject to hospital district taxation by the assessor and collector of taxes for the county in which the hospital district is located, or the hospital district may appoint its own assessor and collector of taxes for the hospital district. Such taxes shall be assessed, equalized, and collected in the same manner and under the same conditions as county taxes, except as herein provided.

Sec. 2. If the hospital district prepares its first tax rolls, and the normal rendition period for county taxes has expired, the governing board of the hospital district shall give thirty (30) days written notice to all property owners to render their property to the hospital district's tax assessor and collector. After this period, the hospital district shall appoint its board of equalization who shall then proceed to equalize the taxes and establish the tax rolls as soon as possible.

Acts 1971, 62nd Leg., p. 1954, ch. 595, eff. June 2, 1971.

Title of Act:

An Act permitting hospital districts organized pursuant to Section 9, Article IX, of the Constitution of the State of Texas, to adopt their own tax rolls, and prescribing procedures therefor; and declaring an emergency. Acts 1971, 62nd Leg., p. 1954, ch. 595.

CHAPTER SIX—MEDICINE

Art. 4501. [5739] Examination

All applicants for license to practice medicine in this State not otherwise licensed under the provisions of law must successfully pass an examination by the Texas State Board of Medical Examiners. The Texas State Board of Medical Examiners is authorized to adopt and enforce rules of procedure not inconsistent with the statutory requirements. An applicant, to be eligible for the examination, must be a citizen of the United States, or have filed his declaration of intention to become a citizen, and must present satisfactory proof to the Board that he is at least twenty-one (21) years of age, of good moral character, who has completed sixty (60) semester hours of college courses other than in medical school, which courses would be acceptable, at the time of completing same, to the University of Texas for credit on a Bachelor of Arts Degree or a Bachelor of Science Degree, and who is a graduate of a medical school or college which was approved by the Texas State Board of Medical Examiners at the time the degree of Doctor of Medicine or Doctor of Osteopathy was conferred. Application for examination must be made in writing verified by affidavit, and filed with the Texas State Board of Medical Examiners on forms prescribed by the said Board, accompanied by a fee of Fifty Dollars ($50). All applicants shall be given due notice of the date and place of such examination; provided that the partial examinations provided for in Article 4503 of the Revised Civil Statutes of Texas shall not be disturbed by this Article. Provided further that all students regularly enrolled in medical schools whose graduates are now permitted to take the medical examination prescribed by law in this State shall upon completion of their medical college courses be permitted to take the examination prescribed herein. If any applicant, because of failure to pass the required examination, shall be refused a license, he or

she, at such time as the Texas State Board of Medical Examiners may fix, shall be permitted to take a subsequent examination, upon such subjects required in the original examination as the Board may prescribe, upon the payment of such part of Fifty Dollars ($50) as the Board may determine to be reasonable. In the event satisfactory grades shall be made on the subjects prescribed and taken on such re-examination, the Board may grant the applicant a license to practice medicine. The Board shall determine the credit to be given examinees on answers turned in on the subjects of complete and partial examination, and its decision thereon shall be final. Provided, however, the Secretary may issue a temporary license to practice medicine to an applicant only after he has filed his completed application, together with an additional fee of Ten Dollars ($10), with the Secretary of the Texas State Board of Medical Examiners, and that all of the other requirements as required for a permanent license are complied with; such temporary license shall be valid only until the date of the next Board meeting, and at that date the temporary license automatically expires, and is of no further effect. If the applicant fails the examination, no further permit shall be issued until he has successfully passed the examination, or is eligible for and has been granted reciprocity.

Amended by Acts 1971, 62nd Leg., p. 2037, ch. 627, § 1, eff. June 4, 1971.

Sections 1 to 4 of the 1971 act amended this article, arts. 4503 and 4505 and added art. 4509a, respectively. Sections 5 and 6 thereof provided:

"Sec. 5. All laws and parts of laws in conflict herewith are hereby repealed.

"Sec. 6. In the event that any section, or part of a section, or provision of this Act shall be held unconstitutional, invalid, or inoperative, this shall not affect the remaining sections or parts of sections of this Act, but the remainder of this Act shall be given effect as if the invalid, unconstitutional, or inoperative section, or any part or section of such section or provision had not been included."

Art. 4503. Details of examinations

All examinations for license to practice medicine shall be conducted in writing in the English language, and in such manner as to be entirely fair and impartial to all individuals and to every school or system of medicine. All applicants shall be known to the examiners only by numbers, without names, or other method of identification on examination papers by which members of the Board may be able to identify such applicants or examinees, until after the general averages of the examinees' numbers in the class have been determined, and license granted or refused. Examinations shall be conducted on and cover those subjects generally taught by medical schools, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine or doctor of osteopathy conferred by schools or colleges of medicine approved by the Board; and such examinations shall also be conducted on and cover the subject of medical jurisprudence. Upon satisfactory examination conducted as aforesaid under the rules of the Board, applicants shall be granted license to practice medicine. All questions and answers, with the grades attached, authenticated by the signature of the examiner, shall be preserved in the executive office of the Board for one year. All applicants examined at the same time shall be given identical questions. All certificates shall be attested by the seal of the Board and signed by all members of the Board, or a quorum thereof. The Board may in its discretion give examination for license in two (2) parts. The first part shall include such of the required scientific branches of medicine abovenamed as may be prescribed by the Board. The second, or final, part of the examination shall not be given until the applicant has graduated and has received a diploma from a school or college of medicine approved by the Board as provided in Article 4501 of the Revised Civil Statutes of Texas of 1925, as amended by this Act. The Board may in its discretion admit to partial examination applicants who have successfully completed the work of the first two (2) years of the college course required of li-

centiates. The application for partial examination must be in writing, accompanied by an affidavit made by the dean, or registrar, of a reputable medical college within the meaning of the law, showing that the applicant has successfully completed the work of the first two (2) years of said course, and by a fee of Fifteen Dollars ($15). The Board may prescribe all other prerequisites of such applications. No license shall be granted to any applicant who has successfully passed such partial examination until all legal requirements for granting license have been complied with. All partial examinations must be conducted in the same manner and under the same rules prescribed for complete, or full, examination. The fee for second, or final, examination shall be Twenty-five Dollars ($25).

Amended by Acts 1971, 62nd Leg., p. 2038, ch. 627, § 2, eff. June 4, 1971.

Art. 4505. [5743] May refuse to admit certain persons

The State Board of Medical Examiners may refuse to admit persons to its examinations, and to issue license to practice medicine to any person, for any of the following reasons:

(1) The presentation to the Board of any license, certificate, or diploma, which was illegally or fraudulently obtained, or when fraud or deception has been practiced in passing the examination.

(2) Conviction of a crime of the grade of a felony, or one which involves moral turpitude.

(3) Habits of intemperance, or drug addiction, calculated, in the opinion of the Board, to endanger the lives of patients.

(4) Unprofessional or dishonorable conduct which is likely to deceive or defraud the public. Unprofessional or dishonorable conduct shall include, but shall not be limited, to the following acts:

(A) The commission of any act which is a violation of the Penal Code of Texas when such act is connected with the physician's practice of medicine. A complaint, indictment, or conviction of a Penal Code violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be sufficient for action by the Board under this section.

(B) Failure to keep complete and accurate records of purchases and disposals of drugs listed in Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code), or of narcotic drugs. A physician shall keep records of his purchases and disposals of the aforesaid drugs to include, but not limited to, date of purchase, sale or disposal of such drugs by the doctor, the name and address of the person receiving the drugs and the reason for disposing of or dispensing the drugs to such person. A failure to keep such records shall be grounds for revoking, cancelling, suspending or probating the license of any practitioner of medicine.

(C) Writing prescriptions for or dispensing to a person known to be an habitual user of narcotic drugs or dangerous drugs, or to a person who the doctor should have known was an habitual user of narcotic or dangerous drugs. This provision shall not apply to those persons being treated by the physician for their narcotic use after the physician notifies the Texas State Board of Medical Examiners in writing of the name and address of such person being so treated.

(D) The writing of false or fictitious prescriptions for narcotic drugs or dangerous drugs listed in Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code).

(E) Prescribe or administer a drug or treatment which is nontherapeutic in nature or nontherapeutic in the manner such drug or treatment is administered or prescribed.

(5) The violation, or attempted violation, direct or indirect, of any of the provisions of this Act, either as a principal, accessory, or accomplice.

(6) The use of any advertising statement of a character tending to mislead or deceive the public.

(7) Advertising professional superiority, or the performance of professional service in a superior manner.

(8) The purchase, sale, barter, or use, or any offer to purchase, sell, barter, or use, any medical degree, license, certificate, diploma, or transcript of license, certificate, or diploma, in or incident to an application to the Board of Medical Examiners for license to practice medicine.

(9) Altering, with fraudulent intent, any medical license, certificate, diploma, or transcript of medical license, certificate, or diploma.

(10) The use of any medical license, certificate, diploma, or transcript of any such medical license, certificate, or diploma, which had been fraudulently purchased, issued, counterfeited, or materially altered.

(11) The impersonation of, or acting as proxy for, another in any examination required by this Act for a medical license.

(12) The impersonation of a licensed practitioner, or permitting, or allowing, another to use his license, or certificate to practice medicine in this State, for the purpose of treating, or offering to treat, sick, injured, or afflicted human beings.

(13) Employing, directly or indirectly, any person whose license to practice medicine has been suspended, or association in the practice of medicine with any person or persons whose license to practice medicine has been suspended, or any person who has been convicted of the unlawful practice of medicine in Texas or elsewhere.

(14) Performing or procuring a criminal abortion or aiding or abetting in the procuring of a criminal abortion or attempting to perform or procure a criminal abortion or attempting to aid or abet the performance or procurement of a criminal abortion.

(15) The aiding or abetting, directly or indirectly, the practice of medicine by any person not duly licensed to practice medicine by the Texas State Board of Medical Examiners.

(16) The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this subsection the Board shall, upon probable cause, request a physician to submit to a mental or physical examination by physicians designated by it. If the physician refuses to submit to the examination, the Board shall issue an order requiring the physician to show cause why he will not submit to the examination and shall schedule a hearing on the order within 30 days after notice is served on the physician. The physician shall be notified by either personal service or by certified mail with return receipt requested. At the hearing, the physican and his attorney are entitled to present any testimony and other evidence to show why the physician should not be required to submit to the examination. After a complete hearing, the Board shall issue an order either requiring the physician to submit to the examination or withdrawing the request for examination. An appeal from the decision of the Board shall be under Article 4506.

Amended by Acts 1971, 62nd Leg., p. 2039, ch. 627, § 3, eff. June 4, 1971.

Art. 4509a. Certification of certain health organizations

The Texas State Board of Medical Examiners shall, on a form adopted by the Board and under the rules promulgated by the Board, approve and certify any health organization formed by persons licensed by the

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Texas State Board of Medical Examiners upon application by the said organization and presentation of satisfactory proof to the Board that such organization is:

(1) a nonprofit corporation under the provisions of the Texas Non-Profit Corporation Act (Article 1396—1.01 et seq., Vernon's Texas Civil Statutes);

(2) that the nonprofit corporation is organized for any or all of the following purposes: the carrying out of scientific research and research projects in the public interest in the fields of medical sciences, medical economics, public health, sociology, and related areas; the supporting of medical education in medical schools through grants and scholarships; the improving and developing of the capabilities of individuals and institutions studying, teaching, and practicing medicine; the delivery of health care to the public; the engaging in the instruction of the general public in the area of medical science, public health, and hygiene, and related instruction useful to the individual and beneficial to the community; and

(3) that the nonprofit corporation shall be organized and incorporated by persons licensed by the Board and, provided, further, that the directors and/or trustees of such organization and their successors in office shall be persons licensed by the Board, and actively engaged in the practice of medicine.

Provided, however, that the Board may, at its discretion, refuse to approve and certify any such health organization making application to the Board if in the Board's determination, the applying nonprofit corporation is established or organized or operated in contravention to or with the intent to circumvent any of the provisions of this Act.

Added by Acts 1971, 62nd Leg., p. 2041, ch. 627, § 4, eff. June 4, 1971.

CHAPTER SIX A—CHIROPRACTORS

Art. 4512b. Practice of chiropractic

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Grounds for refusing, revoking or suspending license

Sec. 14a. The Texas Board of Chiropractic Examiners may refuse to admit persons to its examinations and may cancel, revoke or suspend licenses or place licensees upon probation for such length of time as may be deemed proper by the Board for any one or more of the following causes:

1. For failure to comply with, or the violation of, any of the provisions of this Act;

2. If it is found that said person or persons do not possess or no longer possess a good moral character or are in any way guilty of deception or fraud in the practice of chiropractic;

3. The presentation to the Board or use of any license, certificate or diploma, which was illegally or fraudulently obtained, or the presentation to the Board of any untrue statement or any document or testimony which was illegally practiced in passing the examination;

4. Conviction of a crime of the grade of a felony, or one which involves moral turpitude, or the procuring or assisting in the procuring of an abortion;

5. Grossly unprofessional conduct or dishonorable conduct of a character likely to deceive or defraud the public, habits of intemperance or drug addiction, or other habits calculated in the opinion of the Board to endanger the lives of patients;

6. The use of any advertising statement of a character to mislead or deceive the public;

7. Employing directly or indirectly any person whose license to practice chiropractic has been suspended, or associate in the practice of

chiropractic with any person or persons whose license to practice chiropractic has been suspended, or any person who has been convicted of the unlawful practice of chiropractic in Texas or elsewhere;

8. The advertising of professional superiority, or the advertising of the performance of professional services in a superior manner;

9. The purchase, sale, barter, use, or any offer to purchase, sell, barter or use, any chiropractic degree, license, certificate, or diploma, or transcript of license, certificate, or diploma in or incident to an application to the Board of Chiropractic Examiners for license to practice chiropractic;

10. Altering with fraudulent intent any chiropractic license, certificate or diploma, or transcript of chiropractic license, certificate or diploma;

11. The impersonation of, or acting as proxy for, another in any examination required by this Act for a chiropractic license;

12. The impersonation of a licensed practitioner, or the permitting or allowing another to use his license or certificate to practice chiropractic as defined by statute by a licensed practitioner;

13. Proof of insanity of the holder of a certificate, as adjudged by the regularly constituted authorities;

14. Failure to use proper diligence in the practice of chiropractic by the holder of a certificate, or grossly inefficient practice of chiropractic;

15. Advertising specific methods of practice, or advertising as a graduate of any specific school except in opening announcements and then only in biographical layout;

16. Naming functional disorders of the human body in advertisements in the absence of relating same to the practice of chiropractic as authorized in Section 1 of this Act;

17. Advertising in any publication or news media the prices for which chiropractic services are available; and the advertising of free services shall be deemed to be in violation of this Act, except under the auspices of chiropractic organizations recognized by the Texas Board of Chiropractic Examiners;

18. Advertising in or through any media as a chiropractic specialist except as follows:

A. "Specializing in spinal alignment";

B. "Specializing in the examination and adjustment of spinal disorders";

19. Advertising in yellow pages of telephone directories with ads in excess of two inches by one column except institutional advertising under the auspices of a chiropractic organization recognized by the Texas Board of Chiropractic Examiners;

20. Failing to clearly differentiate a chiropractic office or clinic from any other business or enterprise; or

21. Personally soliciting patients, or causing patients to be solicited, by the use of case histories of patients of other chiropractors.

Sec. 14a amended by Acts 1971, 62nd Leg., p. 1349, ch. 357, § 1, eff. May 25, 1971.

Reinstatement of license

Sec. 14b. (a) In order for a license to be reinstated, an applicant for reinstatement shall be required to complete at least a one-week period of attendance at a chiropractic school or college recognized by the Texas Board of Chiropractic Examiners, for each year or fraction thereof that the license was suspended, revoked, or cancelled for any reason.

(b) The Board may further require evidence of proper training, precaution, and safety in the use of analytical and diagnostic x-ray in conformity with the provisions of Chapter 72, Acts of the 57th Legislature, 1961 (Article 4590f, Vernon's Texas Civil Statutes), and in conformity

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with all rules and regulations of the Texas Radiation Control Agency and the Texas State Department of Health. Nothing herein shall be deemed to alter, modify or amend the provisions of Section 1, Chapter 94, Acts of the 51st Legislature, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes), or to enlarge in any manner the scope of the practice of chiropractic or the acts which a chiropractor is authorized to perform; and, provided further, that nothing herein shall be deemed to alter, modify or amend the provisions of Article 4510, Revised Civil Statutes of Texas, 1925, as amended.

Sec. 14b added by Acts 1971, 62nd Leg., p. 1351, ch. 357, § 2, eff. May 25, 1971.

CHAPTER SIX B—PSYCHOLOGY [NEW]

Art. 4512c. Certification and licensing psychologists

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State board of examiners; members; appointment and terms; termination; oath

Sec. 4. The Texas State Board of Examiners of Psychologists shall consist of six qualified persons appointed by the governor with the advice and consent of the senate, for regular terms of six years. The terms of members who are in office on October 31, 1971, shall terminate on that date, and the terms of their successors shall commence on November 1, 1971. However, each member shall continue to hold office until his successor is appointed and has qualified. On or before November 1, 1971, the governor shall appoint two members for two years, two members for four years, and two members for six years. Thereafter, at the expiration of the term of each member, the governor shall appoint a successor for a term of six years. In making an appointment the governor shall specify which member each new appointee succeeds. Before entering upon the duties of his office, each member of the Board shall take the constitutional oath of office and file it with the secretary of state.

Qualifications of board members; terms; vacancies

Sec. 5. Each member of the Board shall be a citizen of the United States, a resident of this state and certified as a psychologist under this Act, who has engaged in independent practice, teaching, or research in psychology for a period of at least five years. To assure adequate representation of the diverse fields of psychology, the governor shall so make his appointments that the Board has at least two members who are engaged in rendering services in psychology, at least one member who is engaged in research in psychology, and at least one member who is a member of the faculty of a training institution in psychology. A member of the Board who is appointed for a term of less than six years may be appointed to succeed himself for one six-year term. A member of the Board who is appointed for a six-year term is ineligible for reappointment for a period of six years following expiration of the term. Any vacancy in the membership of the Board occurring otherwise than by expiration of term shall be filled for the unexpired term by appointment by the governor.

Acts 1969, 61st Leg., p. 2059, ch. 713, eff. Sept. 1, 1969. Secs. 4, 5 amended by Acts 1971, 62nd Leg., p. 676, ch. 62, §§ 1, 2, eff. April 20, 1971.

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CHAPTER SIX C—ATHLETIC TRAINERS [NEW]

Art. 4512d. Board of athletic trainers; licensing; procedures

Definitions

Section 1. In this Act:

(1) "Athletic Trainer" means a person with specific qualifications, as set forth in Section 9 of this Act, who, upon the advice and consent of his team physician carries out the practice of prevention and/or physical rehabilitation of injuries incurred by athletes. To carry out these functions the Athletic trainer is authorized to use physical modalities such as heat, light, sound, cold, electricity, or mechanical devices related to rehabilitation and treatment.

(2) "Board" means the Texas Board of Athletic Trainers.

(3) Nothing herein shall be construed to authorize the practice of medicine by any person not licensed by the Texas State Board of Medical Examiners.

(4) The provisions of this act do not apply to physicians licensed by the Texas State Board of Medical Examiners; to dentists, duly qualified and registered under the laws of this state, who confine their practice strictly to dentistry; nor to licensed optometrists, who confine their practice strictly to optometry as defined by statute; nor to occupational therapists, who confine their practice to occupational therapy; nor to nurses who practice nursing only; nor to duly licensed chiropodists or podiatrists, who confine their practice strictly to chiropody or podiatry as defined by statute; nor to physical therapists who confine their practice to physical therapy; nor to masseurs or masseuses in their particular sphere of labor; nor to commissioned or contract physicians or physical therapists or physical therapists assistants in the United States Army, Navy, Air Force, Public Health and Marine Health Service.

Texas Board of Athletic Trainers

Sec. 2. (a) The Texas Board of Athletic Trainers, composed of three members, is created. To qualify as a member, a person must be a citizen of the United States and a resident of Texas for five years immediately preceding appointment. Two members must be licensed athletic trainers, except for the initial appointees, and one member must be a physician licensed by the state.

(b) The members of the board shall be appointed by the governor with the advice and consent of the Senate. Except for the initial appointees, members hold office for terms of six years. The terms expire on January 31 of odd-numbered years. In making the initial appointments, the governor shall designate one member for a term expiring in 1973, one member for a term expiring in 1975, and one member for a term expiring in 1977.

(c) Each appointee to the board shall qualify by taking the constitutional oath of office within 15 days from the date of his appointment. On presentation of the oath, the secretary of state shall issue commissions to appointees as evidence of their authority to act as members of the board.

(d) In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the governor in the same manner as other appointments.

Board organization and meetings

Sec. 3. (a) The board shall elect from its members for a term of one year, a chairman, vice chairman, and secretary-treasurer, and may appoint such committees as it considers necessary to carry out its duties.

(b) The board shall meet at least twice a year. Additional meetings may be held on the call of the chairman or at the written request of any two members of the board.

(c) The quorum required for any meeting of the board is two members. No action by the board or its members has any effect unless a quorum of the board is present.

Records

Sec. 4. (a) The board shall keep a record of its proceedings in a book for that purpose.

(b) The board shall keep a complete record of all licensed athletic trainers and shall annually prepare a roster showing the names and addresses of all licensed athletic trainers. A copy of the roster shall be made available to any person requesting it on payment of a fee established by the board as sufficient to cover the costs of the roster.

Powers and duties of the board

Sec. 5. (a) The board may make rules and regulations consistent with this Act which are necessary for the performance of its duties.

(b) The board shall prescribe application forms for license applicants.

(c) The board shall establish guidelines for athletic trainers in the state and prepare and conduct an examination for applicants for a license.

(d) The board may employ an executive secretary and other persons necessary to carry out the provisions of this Act. The executive secretary shall have such duties and responsibilities as the board may determine.

(e) The board shall adopt an official seal and the form of a license certificate of suitable design. The board shall have suitable office space to administer the provisions of this Act and keep permanent records.

(f) Before entering on the discharge of the duties of his office, the secretary-treasurer of the board must give bond for the performance of his duty in an amount determined by the board. The premium on the bond shall be paid from any available funds of the board.

(g) The secretary-treasurer of the board shall remit, on or before the 10th day of each month, to the state treasurer all of the fees collected by the board during the preceding month for deposit in the general revenue fund.

(h) The board may authorize all necessary disbursements to carry out the provisions of this Act, including the premium on the bond of the secretary-treasurer, stationery expenses, equipment, and facilities necessary to carry out the provisions of this Act.

(i) The board may issue subpoenas to compel witnesses to testify or produce evidence in a proceeding to deny, revoke, or suspend a license.

Compensation

Sec. 6. The compensation and travel expense allowance for members of the board and its employees shall be provided in the General Appropriations Act.

Fees

Sec. 7. The fees are:

(1) an athletic trainer examination fee of $20 for each examination taken;

(2) an athletic trainer license fee of $25; and

(3) an athletic trainer annual license renewal fee of $10.

Prohibited acts

Sec. 8. No person may hold himself out as an athletic trainer or perform, for compensation, any of the activities of an athletic trainer as defined in this Act without first obtaining a license under this Act.

Qualifications

Sec. 9. An applicant for an athletic trainer license must possess one of the following qualifications:

(1) have met the athletic training curriculum requirements of a college or university approved by the board and give proof of graduation; or

(2) hold a degree in physical therapy or corrective therapy with at least a minor in physical education or health which included a basic athletic training course, hold a valid teaching certificate for the State of Texas, and have spent at least two academic years working under the direct supervision of a licensed athletic trainer; or

(3) have completed at least four years beyond the secondary school level, as an undergraduate or graduate student, as an apprentice athletic trainer under the direct supervision of a licensed athletic trainer. These must be consecutive years of supervision, military duty excepted.

(4) An out-of-state applicant must fulfill one of the above stated qualifications, (1), (2), or (3), and submit proof of active engagement as an athletic trainer in the State of Texas as set forth in Section 16(b) of this Act.

Issuance of license

Sec. 10. (a) An applicant for an athletic trainer license must submit an application to the board on forms prescribed by the board and submit the examination fee required by this Act.

(b) The applicant is entitled to an athletic trainer license if he possesses the qualifications enumerated in Section 9 of this Act, satisfactorily completes the examination administered by the board, pays the license fee as set in Section 7 of this Act, and has not committed an act which constitutes grounds for denial of a license under Section 12 of this Act.

License renewal

Sec. 11. A license issued pursuant to this Act expires one year from the date of issuance. Licenses shall be renewed according to procedures established by the board and payment of the renewal fee as set in Section 7 of this Act.

Grounds for denial, suspension, or revocation of license

Sec. 12. The board may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee if he has:

(1) been convicted of a felony or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction; or

(2) secured the license by fraud or deceit; or

(3) violated or conspired to violate the provisions of this Act or rules and regulations issued pursuant to this Act.

Procedures for denial, suspension, or revocation of a license

Sec. 13. (a) Any person whose application for a license is denied is entitled to a hearing before the board if he submits a written request to the board.

(b) Proceedings for revocation or suspension of a license shall be commenced by filing charges with the board in writing and under oath. The charges may be made by any person or persons.

(c) The board shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for hearing, to be served on the applicant requesting the hearing or licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Serv-

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ice of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant.

(d) At the hearing the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, and to have subpoenas issued by the board and to cross-examine the opposing or adverse witnesses.

(e) The board is not bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings but the determination shall be founded upon sufficient legal evidence to sustain it.

(f) The board shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law and the action taken. A copy of the order of the board shall be mailed to the applicant or licensee at his last known address by certified mail.

(g) On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final, and the application shall be made in the manner and form as the board may require.

Procedures for appeal

Sec. 14. (a) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the board may take an appeal, within 20 days after the order is entered, to any district court of Travis County or to any district court of the county of his residence.

(b) A case reviewed under the provisions of this section proceeds in the district court by trial de novo as that term is used and understood in appeals from justice of the peace courts to the county courts of this state. Appeal from the judgment of the district court lies as in other civil cases.

Penalties

Sec. 15. Any person who violates a provision of this Act is guilty of a misdemeanor and on conviction is punishable by a fine of not less than $25 nor more than $200.

Issuance of licenses on the effective date of this act

Sec. 16. (a) Any person actively engaged as an athletic trainer on the effective date of this Act shall be issued a license if he submits proof of five years' experience as an athletic trainer within the preceding 10-year period, and pays the license fee required by this Act.

(b) For the purposes of this section a person is actively engaged as an athletic trainer if he is employed on a salary basis by an educational institution, professional athletic organization, or other bona fide athletic organization for the duration of the institution's school year, or the length of the athletic organization's season, and, performs the duties of athletic trainer as the major responsibility of his employment.

Effective date

Sec. 17. Section 8 of this Act becomes effective on January 1, 1972. The remainder of this Act becomes effective on September 1, 1971.

Acts 1971, 62nd Leg., p. 1722, ch. 498, eff. Sept. 1, 1971, § 8 eff. Jan. 1, 1972.

Title of Act:

An Act relating to the creation, organization, powers, duties, and procedures of the Texas Board of Athletic Trainers to license athletic trainers; providing penalties; providing effective dates; and declaring an emergency. Acts 1971, 62nd Leg., p. 1722, ch. 498.

CHAPTER SIX D—PHYSICAL THERAPY [NEW]

Art. 4512e. Board of physical therapy examiners; licensing; procedures

Definitions

Section 1. (a) "Physical therapy" means the care of any bodily condition of any person by the use of heat, light, water, electricity, and physical massage, manipulations, and active, passive, and resistive exercise. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used herein, and a license issued hereunder shall not authorize the diagnosis of disease or the practice of medicine. "Physical therapy" shall also include evaluating the patient by performing tests and/or measurements of neuromuscular, sensorimotor, musculoskeletal, cardiovascular, and respiratory functions as an aid to treatment; planning and implementing initial and subsequent treatment programs on the basis of approved tests findings; delegating selective forms of treatment to supportive personnel with assumption of the responsibilities for the care of the patient and the continuing direction and supervision of the supportive personnel and the providing of consultative services for health, education and community agencies. The term "physical therapy" as defined herein shall not include or authorize the employment of objective or subjective means without the use of drugs, surgery, x-ray therapy, or radium therapy for the purpose of ascertaining the alignment of the vertebra of the human spine or the practice of adjusting the vertebra of the human spine to correct any subluxation or misalignment thereof.

(b) "Physical therapist," "physiotherapist," or "physical therapy technician" means a person who practices physical therapy. "Hydrotherapist," "massage therapist," "mechano-therapist," "functional therapist," "physical therapy practitioner," "physical therapy specialist," "physiotherapy practitioner" are equivalent terms; any derivation of the above or any letters implying the above or equivalent terms or any reference to any one of them in this Act includes the others, but does not include certified corrective therapists or adapted or corrective physical education specialists.

(c) "Physical therapist assistant" means a person who assists a physical therapist in the practice of physical therapy and whose activities require an understanding of physical therapy but do not require professional education in the physiological, anatomical, biological, physical, and clinical sciences involved in the practice of physical therapy, but does not include certified corrective therapists or adapted or corrective physical education specialists.

(d) "Physical therapy aide" means a person who aids in the practice of physical therapy and whose activities require on-the-job training and on-site supervision by the physical therapist, but does not mean certified corrective therapists or adapted or corrective physical education specialists.

(e) "Board" means the "Texas Board of Physical Therapy Examiners."

Creation of the Texas Board of Physical Therapy Examiners

Sec. 2. (a) There is hereby created a Texas Board of Physical Therapy Examiners. The board shall consist of nine members appointed by the Governor with the advice and consent of the Senate for terms of six

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years. The initial appointments shall be made so that three members serve until January 31, 1973, three members serve until January 31, 1975, and three members serve until January 31, 1977. Thereafter members shall serve terms of six years.

(b) The members of the board must be qualified for licensure under Section 8 of this Act and hold a certificate from the physical therapy curriculum of The University of Texas or an equivalent physical therapy curriculum. Members must be residents of this State and practitioners of physical therapy for five years immediately preceding appointment.

(c) Vacancies on the board shall be filled by appointment of the Governor with the advice and consent of the Senate, for the remainder of the term.

(d) The board may appoint an executive secretary-treasurer at an annual salary as determined by legislative appropriation.

(e) No member of the board shall be liable to civil action for any act performed in good faith in the execution of his duties in this capacity.

Powers and duties of the board

Sec. 3. (a) It shall be the duty of the board to examine applicants for licenses at least once a year at such reasonable places and times as shall be designated by the board in its discretion.

(b) The board may employ additional employees, including licensed physical therapists to aid in administering examinations.

(c) The examination shall embrace the following subjects: anatomy, pathology, physiology, psychology, physics, electrotherapy, radiation therapy, hydrotherapy, massage therapy, exercises, physical therapy as applied to medicine, neurology, orthopedics, psychiatry, and technical procedures in the practice of physical therapy.

(d) The board shall have the power to issue, suspend, and revoke licenses and issue subpoenas.

(e) The board may adopt rules and regulations consistent with this Act to carry out its duties in administering this Act.

Organization

Sec. 4. (a) The members of the board shall, upon appointment, elect from their number a chairman, secretary-treasurer, and other officers required for the conduct of business. Special meetings of the board shall be called by the chairman and secretary-treasurer, acting jointly, or on the written request of any two members. The board may make such bylaws and rules as may be necessary to govern its proceedings and to carry into effect the purpose of this Act.

(b) The secretary-treasurer shall keep a record of each meeting of the board, and a register containing the names of all physical therapists licensed pursuant to this Act, which shall be at all times open to public inspection. On March 1 of each year the secretary-treasurer shall transmit an official copy of the list of the licensees to the Secretary of State for permanent record, a certified copy of which shall be admissible as evidence in any court of this State.

(c) The board shall assist the proper legal authorities in the prosecution of all persons violating any provision of this Act.

Compensation and bond

Sec. 5. (a) The members of the board shall receive a per diem fixed by the board, not to exceed $30 per day for each day they are actually engaged in the work of the board. The members shall be reimbursed for all actual and necessary expenses incurred in the performance of the duties required by this Act.

(b) The secretary-treasurer of the board shall, within 30 days of his appointment by the board, execute a bond in the sum of $10,000 payable

to the board, conditioned upon his faithful performance of the duties of his office and accounting of all funds coming into his hands as secretary-treasurer. The bond shall be signed by two or more good and sufficient sureties or by a surety company authorized to do business in this State, and shall be approved by the chairman of the board.

Exemptions

Sec. 6. The provisions of this Act do not apply to physicians licensed by the Texas State Board of Medical Examiners, to dentists duly qualified and registered under the laws of this State who confine their practice strictly to dentistry; nor to licensed optometrists who confine their practice strictly to optometry as defined by statute; nor to duly licensed chiropractors who confine their practice strictly to chiropractic as defined by statute; nor to occupational therapists who confine their practice to occupational therapy; nor to certified corrective therapists who confine their practice to corrective therapy, exercise, and adapted physical education; nor to Registered Nurses or Licensed Vocational Nurses who are licensed under the laws of this State and who confine their practice to nursing only; nor to licensed chiropodists or podiatrists, who confine their practice strictly to chiropody or podiatry as defined by statute; nor to masseurs or masseuses in their particular sphere of labor; nor to athletic trainers who under the supervision of a licensed physician carry out the practice of prevention or physical rehabilitation of injuries incurred in athletics; nor to employees of athletic clubs, employees or operators of health clubs, employees or operators of gymnasiums in their particular spheres of labor so long as their activity is nonmedical and nontherapeutic in purpose and so long as their activity does not constitute the diagnosis or treatment of physical disease or defect; nor to salesmen or demonstrators of physical therapy equipment when engaged in selling such equipment; nor to any person employed by any agency, bureau or division of the Government of the United States while performing the duties of his employment; nor to an employee performing services under the direct supervision of a physician in a hospital licensed under Chapter 223, Acts of the 56th Legislature, 1959, as amended (Article 4437f, Vernon's Texas Civil Statutes); nor to legally qualified physical therapists of other states called in for consultation but who have no office in Texas and appoint no place in this State for seeing, evaluating, or treating persons; nor to students enrolled in an educational program approved by the board.

Nothing in this Act shall be construed to authorize the practice of optometry, including vision therapy, hand-eye coordination exercises, visual training, and developmental vision therapy by any person not licensed by the Texas Optometry Board.

Prohibited acts

Sec. 7. (a) No person may practice, or hold himself out as able to practice, physical therapy, or act or hold himself out as being a physical therapist unless he has first received a license under this Act.

(b) No person shall act or hold himself out as being a physical therapist assistant unless he has first received a license under this Act.

(c) A license is not required for a physical therapy aide.

Physical therapist license

Sec. 8. (a) An applicant for a license as a physical therapist shall file a written application on forms provided by the board together with an examination fee of $5. The applicant shall present evidence satisfactory to the board that he is of good moral character and that he has completed an accredited curriculum in physical therapy education which has provided adequate instruction in the basic sciences, clinical sciences,

For Annotations and Historical Notes, see V.A.T.S.

and physical therapy theory and procedures as determined by the board and:

(1) has completed a minimum of 60 academic semester credits or its equivalent from a recognized college which semester hour credits are acceptable for transfer to The University of Texas, including courses in the biological, social, and physical sciences; or

(2) has received a diploma from an accredited school of professional nursing.

(b) The board shall issue a license to each applicant who passes the examination, meets the qualifications set out in Subsection (a) of this section, has paid a $25 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 19 of this Act.

Physical therapist assistant license

Sec. 9. (a) An applicant for a physical therapist assistant license shall file a written application with the board on forms provided by the board together with an examination fee of $5. The applicant shall present evidence that he is of good moral character and has completed a program of at least two years duration offered by a college accredited by a recognized accrediting agency including elementary or intermediate courses in the anatomical, biological, physical sciences, and clinical procedures as prescribed and approved by the board.

(b) The board shall issue a license to each applicant who passes the examination, meets the qualifications set out in Subsection (a) of this section, pays a $15 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 19 of this Act.

Reciprocal licenses

Sec. 10. A person who is licensed or otherwise registered as a physical therapist or as a physical therapist assistant by another state, the District of Columbia, or a territory of the United States whose requirements for licensure or registration were at the date of licensing or registration substantially equal to the requirements set forth in this Act, may receive a physical therapist license or physical therapist assistant license without examination upon submission of an application on forms prescribed by the board and payment of a $30 reciprocal license fee.

Temporary licenses

Sec. 11. (a) The board shall issue a temporary license without examination to a physical therapist or physical therapist assistant who meets the qualifications set out in Sections 8 and 9 of this Act upon submission of a written application prescribed by the board, proof that the applicant is in this State on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project, and payment of a $20 physical therapist temporary license fee or a $12.50 physical therapist assistant temporary license fee. This license expires one year from the date of issue.

(b) The board shall issue a temporary license to a person who has applied for a license and meets the qualifications under the provisions of Sections 8 or 9 of this Act. This license expires upon completion of the next administered examination whether or not the applicant passes the examination.

Professional title

Sec. 12. A licensed physical therapist may use the title "Licensed Physical Therapist." No other person may be so designated or permitted to use the term "Licensed Physical Therapist." The license as a physical therapist does not authorize the use of the prefix, "Dr.," the word "Doctor," or any suffix or affix indicating or implying that the licensed person is a physician.

Reexamination

Sec. 13. (a) Any applicant who fails to pass an examination given by the board may take another examination in the subjects in which he failed without payment of an additional examination fee, but must be so reexamined not less than six months nor more than 12 months after the unsuccessful examination.

(b) Upon failure of an applicant to pass a second examination the board may require him to complete additional courses of study designated by the board, in which case the applicant shall be required to present to the board satisfactory evidence of having completed the required additional courses before taking another examination and shall pay an additional fee equal to the fee required for filing the original application.

Display of license

Sec. 14. Each licensee shall display his license and renewal certificate in a conspicuous place in the principal office where he practices physical therapy.

Renewal of unexpired licenses

Sec. 15. (a) All licenses issued under this Act except temporary licenses expire one year from the date of issue.

(b) A renewal license shall be issued upon submission of an application form prescribed by the board and payment of the renewal fee as set out in this Act prior to the expiration date of the license.

Renewal of an expired license

Sec. 16. (a) A license which has expired for less than five years from the date of application for renewal may be renewed by submission of an application form prescribed by the board, payment of a $2 fee for each year the license was expired without renewal, and payment of a $5 restoration fee.

(b) A license which has expired for more than five years may be reinstated only by complying with the requirements and procedures for issuing the original license.

License renewal fees

Sec. 17. The renewal fees for licenses issued under this Act shall be established by the board according to the following schedule:

(1) physical therapist license—not to exceed $20; and

(2) physical therapist assistant—not to exceed $12.50.

Penalties

Sec. 18. (a) Any person who violates a provision of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $50 nor more than $500, or by imprisonment in the county jail for not more than 60 days, or both.

(b) Each day of violation constitutes a separate offense.

(c) Any person who knowingly makes a false statement in his application for a license under this Act or in response to an inquiry of the board is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $200 nor more than $500, or imprisonment in the county jail for not less than 60 days nor more than one year, or both.

Grounds for denial, suspension, or revocation of a license

Sec. 19. A license may be denied, or after hearing, suspended or revoked if the applicant or licensee has:

(1) practiced physical therapy other than upon the referral of a physician licensed to practice medicine by the Texas State Board of Medical Examiners or the Texas State Board of Dental Examiners in this

State, or a doctor licensed to practice chiropractic by the Texas Board of Chiropractic Examiners; or, in the case of practice as a physical therapist assistant, has practiced other than under the direction of a registered licensed physical therapist;

(2) used drugs or intoxicating liquors to an extent which affects his professional competency;

(3) been convicted for violating any municipal, State or federal narcotic law;

(4) been convicted of a felony or of a crime involving moral turpitude;

(5) obtained or attempted to obtain a license by fraud or deception;

(6) been grossly negligent in the practice of physical therapy or in acting as a physical therapist assistant;

(7) been adjudged mentally incompetent by a court of competent jurisdiction;

(8) been guilty of conduct unbecoming a person licensed as a physical therapist or a physical therapist assistant or of conduct detrimental to the best interest of the public;

(9) been guilty of soliciting patients, advertising, or any form of self-aggrandizement.

Procedures for denial, suspension, or revocation of a license

Sec. 20. (a) Any person whose application for a license is denied is entitled to a hearing before the board if he submits a written request to the board.

(b) Proceedings for revocation or suspension of a license shall be commenced by filing charges with the board in writing and under oath. The charges may be made by any person or persons.

(c) The board shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for the hearing, to be served on the applicant requesting the hearing or licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant.

(d) At the hearing the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, and to have subpoenas issued by the board and to cross-examine opposing or adverse witnesses.

(e) The board is not bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings but the determination shall be founded upon sufficient legal evidence to sustain it.

(f) The board shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law and the action taken. A copy of the order of the board shall be mailed to the applicant or licensee at his last known address by certified mail.

(g) On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final, and the application shall be made in the manner and form as the board may require.

Procedures for appeal

Sec. 21. (a) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the board may take an appeal, within 20 days after the order is entered, to any district court of Travis County or to any district court of the county of his residence.

(b) A case reviewed under the provisions of this section proceeds in the district court by trial de novo as that term is used and understood in appeals from justice of the peace courts to the county courts of this State. Appeal from the judgment of the district court lies as in other civil cases.

Fees

Sec. 22. All fees received by the board under this Act shall be deposited in the State Treasury to the credit of the general revenue fund.

Issuance of licenses on the effective date of act

Sec. 23. (a) On the effective date of this Act, any person who is practicing physical therapy or engaged as a physical therapist assistant in this State shall be issued a license without examination upon application to the board, proof that he meets the qualifications for license set out in Section 8 or 9 of this Act, and payment of a $30 license fee. Applications for a license under this subsection must be made within 90 days from the effective date of this Act.

(b) On the effective date of this Act, any person who is practicing physical therapy or engaged as a physical therapist assistant for at least five years but does not meet the qualifications set out in Section 8 or 9 of this Act, may be issued a license upon submission of an application on forms prescribed by the board, successful completion of a written examination administered by the board, and payment of a $30 license fee. Applications for a license under this subsection must be made within 90 days from the effective date of this Act.

Effective date

Sec. 24. This Act is effective September 1, 1971, except Section 7 which is effective January 1, 1972.

Severability

Sec. 25. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 2542, ch. 836, eff. Sept. 1, 1971; § 7, eff. Jan. 1, 1972.

Title of Act:

An Act concerning the profession of physical therapy; requiring licensure of physical therapists; establishing a Board of Physical Therapy Examiners; establishing educational and training requirements for physical therapists; and declaring an emergency. Acts 1971, 62nd Leg., p. 2542, ch. 836.

CHAPTER SEVEN—NURSES

Art. 4524. Recording certificate

Repeals

Acts 1971, 62nd Leg., p. 2716, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

For Annotations and Historical Notes, see V.A.T.S.

Art. 4528c. Licensed vocational nurses

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Term of office, organization, meetings of board

Sec. 4.

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(d) Regular meetings of the Board shall be held at least twice a year, one of which shall be designated as an Annual Meeting for election of officers and the reading of auditors' reports, and at both regular meetings licenses shall be issued to those qualified. At least twice each year the Board shall hold examinations for qualified applicants for licensure. Examinations may be held in such cities throughout the State as the Board may designate under the supervision of a Board member or such other person as the Board may specify. Not less than sixty (60) days notice of the holding of the examination shall be given by publication in at least three (3) daily newspapers of general circulation, to be selected by the Board; special meetings shall be held upon request of four (4) members of the Board or upon the call of the president; six (6) members of the Board shall constitute a quorum for the transaction of business, and should a quorum not be present on the day appointed for any meeting, those persons present may adjourn from day to day until a quorum shall be present, providing that such period shall not be longer than three (3) successive days; each member of said Board shall be paid Twenty Dollars ($20.00) per day for each day he attends meetings of the Board, not to exceed five (5) days for each meeting, and the time going to and returning from meetings shall be included in computing said time; in addition thereto, each member shall receive expenses incurred while actually engaged in the performance of the duties of the Board.

Sec. 4(d) amended by Acts 1963, 58th Leg., p. 955, ch. 380, § 1, eff. Aug. 23, 1963; Acts 1971, 62nd Leg., p. 1812, ch. 538, § 1, eff. June 1, 1971.

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Examinations and issuance of licenses

Sec. 5. (a) Except as provided in Section 6 and Section 7 of this Act, every person desiring to be licensed as a Licensed Vocational Nurse or use the abbreviation L. V. N. in the State of Texas, shall be required to pass the examination given by the Board of Vocational Nurse Examiners or its delegate. The applicant shall make application by presenting to the secretary of the Board, on forms furnished by the Board, satisfactory sworn evidence that the applicant has had at least two (2) years of high school education or its equivalent; has attained the age of eighteen (18) years; is of good moral character; is in good physical and mental health (evidence of this fact shall be made by submitting an unsworn statement by a physician on a form prescribed by the Board); is a citizen of the United States or has made a declaration of intention of becoming a citizen; and has completed an accredited course of not less than twelve (12) months in an accredited school for training vocational nurses. An accredited school as used herein shall mean one accredited by the Board. Application for examination by the Board or its delegate shall be made at least thirty (30) days prior to the date set for the examination.

Sec. 5(a) amended by Acts 1971, 62nd Leg., p. 1072, ch. 224, § 4, eff. Oct. 1, 1971; Acts 1971, 62nd Leg., p. 1813, ch. 538, § 2, eff. June 1, 1971.

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Reciprocity

Sec. 7. Any applicant of good character who holds a license as an Attendant Nurse, Nursing Attendant, Nurse Aid, Nursing Aid, Practical Nurse, Technical Nurse, Nurse Technician, Vocational Nurse or any sim-

ilar title used for a nonprofessional nurse unqualified for licensure as a Registered Nurse from another state whose requirements are equal to those of Texas, and whose individual qualifications shall be equivalent to those required by this law, may be granted a license to practice nonprofessional nursing as a Licensed Vocational Nurse in this State without examination provided the required fee is paid to the Board by such applicant.

Sec. 7 amended by Acts 1971, 62nd Leg., p. 1071, ch. 224, § 1, eff. Oct. 1, 1971.

Renewal

Sec. 8. Before the first day of August of each year, the Secretary of the Board shall mail an application form for a renewal certificate to all licensees. The application shall contain such information as the Board may deem necessary for its records. On or before the first day of September of each year every Licensed Vocational Nurse in this State shall pay to the Secretary-Treasurer of the Board of Vocational Nurse Examiners the required fee for the renewal of such person's license as a Licensed Vocational Nurse for the current year. On receipt of said annual renewal fee and application the Board shall issue an annual renewal certificate bearing the number of the license and the year for which renewed. When a Licensed Vocational Nurse shall have failed to pay the annual renewal fee before November 1st of each year, it shall be the duty of the Board to notify such Licensed Vocational Nurse at the licensee's address known to the Board that such annual renewal fee is due and unpaid and if payment of the fee is not received by the Secretary of the Board of Vocational Nurse Examiners within twenty (20) days after notification, said license shall be suspended and such person in order to be reinstated shall be required to pay one (1) annual renewal fee as a penalty in addition to all fees said person may be in arrears. Said annual renewal fee shall be due on September 1st of each year and shall become delinquent on November 1st of each year.

Practicing as a Licensed Vocational Nurse without an annual renewal certificate for the current year as provided herein shall have the same force and effect and be subject to all penalties of practicing as a Licensed Vocational Nurse without a license.

Sec. 8 amended by Acts 1971, 62nd Leg., p. 1071, ch. 224, § 2, eff. Oct. 1, 1971.

Fees

Sec. 9. The following shall be the fees charged by the Board under this Act: application and examination fee not to exceed Twenty-five Dollars ($25); reexamination fee not to exceed Twenty-five Dollars ($25); annual renewal fee not to exceed Five Dollars ($5); penalty for late annual renewal fee not to exceed Five Dollars ($5); fee for license by reciprocity not to exceed Twenty-five Dollars ($25); fee for accrediting training programs not to exceed Fifty Dollars ($50).

All expenses under this Act shall be paid from fees collected by the Board under this Act, and no expense incurred under this Act shall ever be charged against the funds of the State of Texas.

Sec. 9 amended by Acts 1967, 60th Leg., p. 541, ch. 237, § 1, eff. May 19, 1967; Acts 1971, 62nd Leg., p. 1072, ch. 224, § 3, eff. Oct. 1, 1971.

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Section 5 of Acts 1971, 62nd Leg., p. 1071, ch. 224 provided: "This Act shall take effect on October 1, 1971 except the annual renewal fee in Section 3 of this Act becomes effective on November 1, 1971."

For Annotations and Historical Notes, see V.A.T.S.

Art. 4528d. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Article 4528d authorizing nursing scholarships, and enacted by Acts 1971, 62nd Leg., p. 2362, (S.B. No. 908) ch. 725, eff. Aug. 30, 1971, was codified by Acts 1971, 62nd Leg., p. 3361, ch. 1024, art. 2, § 41, as V.T.C.A. Education Code, § 54.102.

CHAPTER NINE—DENTISTRY

Art. 4543. Appointment; qualifications

The State Board of Dental Examiners, also known as the Texas State Board of Dental Examiners, shall consist of nine reputable, practicing dentists who have resided in the State of Texas and have been actively engaged in the practice of dentistry for five years next preceding their appointment, none of whom shall be members of the faculty of any dental or dental hygiene school or college or of the dental or dental hygiene department of any medical school or college or shall have a financial interest in any such school or college. The term of office of each member of said Board shall be six years or until their successors shall be appointed and qualify. The terms shall be staggered with the terms of one-third of the members expiring every two years. The nine members of said Board shall be appointed by the Governor of the State. Before entering upon the duties of his office each member of the Board shall take the constitutional oath of office, same to be filed with the Secretary of State. At its first meeting the Board shall organize by electing one member President and one Secretary chosen to serve one year. Said Board shall hold regular meetings at least twice a year at such times and places as the Board shall deem most convenient for applicants for examination. Due notice of such meetings shall be given by publication in such papers as may be selected by the Board. The Board may prescribe rules and regulations, in harmony with the provision of this title governing its own proceedings and the examinations of applicants for the practice of dentistry.

Amended by Acts 1971, 62nd Leg., p. 1391, ch. 375, § 1, Aug. 30, 1971.

Sections 1 to 5 of the 1971 act amended this article, sections 1 and 2 of article 4550a, art. 4551 and section 6 of art. 4551e respectively. Sections 6 to 8 thereof provided:

"Sec. 6. The members of the State Board of Dental Examiners, also known as the Texas Board of Dental Examiners, holding office on the effective date of this Act continue to hold office for the terms to which they were appointed. In expanding the membership of the board, the Governor shall appoint one member for a term expiring in May, 1973, one for a term expiring in May, 1975, and one for a term expiring in May, 1977.

"Sec. 7. All laws or parts of laws in conflict herewith are hereby repealed.

"Sec. 8. If any article, section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases be declared unconstitutional."

Art. 4546. County clerk to record license; fee

Repeals

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 4550a. Application, Registration Fund, and Secretary

1. It shall be the duty of all persons now lawfully qualified and engaged in the practice of dentistry in this State, or who shall hereafter be licensed for such practice by the State Board of Dental Examiners, to annually apply and to be registered as such practitioners with the State Board of Dental Examiners on or before March 1st of each calendar year. Each person so registering shall pay in connection with such annual registration for the receipt hereinafter provided for, a fee of not less than Twelve Dollars ($12) nor more than Fifty Dollars ($50) as determined by said Board according to the needs of said Board, such payment to be made by each licensee to such Board, and every person so registering shall file with said Board a written application setting forth such facts as the Board may require. Upon receipt of such applications, accompanied by such fees, said Board, after ascertaining either from its records or other sources deemed by it to be reliable, that the applicant is a duly licensed practitioner of dentistry in this State, shall issue to the applicant an annual registration certificate or receipt certifying that he has filed such application and has paid the required fee; provided, that the filing of such application, the payment of such fee, and the issuance of such receipt therefor, shall not entitle the holder thereof to lawfully practice dentistry within the State of Texas unless he has in fact been previously licensed as such practitioner by the State Board of Dental Examiners, as provided by this law, and has duly recorded his license in the county or counties in which the same may be required by law to be recorded, and unless said license is in full force and effect; and provided further, that in any prosecution for the unlawful practice of dentistry such receipt showing payment of the annual registration fee required by this chapter shall not be treated as evidence that the holder thereof is lawfully entitled to practice dentistry.

2. If any person required to register as a practitioner of dentistry under the provisions hereof shall fail or refuse to apply for such registration and pay such fee or or before March 1st of each calendar year, as hereinabove set forth, his license to practice dentistry, issued to him, shall thereafter stand suspended so that thereafter in practicing dentistry, he shall be subject to the penalties imposed by law upon any person unlawfully practicing dentistry. Provided, that such license shall be reinstated at any time within three years upon written application of the holder made to said Board with such information or facts which the Board may require, accompanied by the payment of the annual registration fees in arrears and an additional fee of Five Dollars ($5). Any license or certificate issued by the Texas State Board of Dental Examiners shall be subject to cancellation for failure to pay all annual registration fees required by law where such license or certificate holder shall have failed to register and pay such fees for three consecutive years. A revocation to be valid for failure to pay such fees shall be based upon written notice to such person at his last known address not less than 90 days prior to the date of hearing and intended cancellation if not so paid. Upon such cancellation the Board, in its discretion in each instance, may reinstate such person's license or certificate upon an affirmative showing by such person that he or she has the degree of professional skill and knowledge currently required of such licensees or certificate holders, and that such person is not mentally or physically incompetent and has not been guilty of any immoral or unprofessional conduct. Provided, however, that the requirements governing the payment of the annual registration fees and penalties for late registration shall not apply to licensees who are on active duty with the Armed Forces of the United States of America, and are not engaged in private or civilian practice.

3. All annual registration fees collected by the State Board of Dental Examiners under this Act shall be placed in the State Treasury every thirty (30) days, as collected, to the credit of a special fund to be known as the "Dental Registration Fund," and all expenditures from this fund shall be on order of the State Board of Dental Examiners, on warrants issued by the State Comptroller for the purposes and in the amounts fixed by the Legislature in the General Appropriations Bills. The State Board of Dental Examiners shall be authorized to employ and to compensate from such special funds employees and such other persons as may be found necessary to assist the local prosecuting officers of any county in the enforcement of all laws of the State prohibiting the unlawful practice of dentistry, and to carry out the other purposes for which said fund is hereby appropriated. Provided, that all such prosecutions shall be subject to the direction and control of the regularly and duly constituted prosecuting officers, and nothing in this Act shall be construed as depriving them of any authority vested in them by law.

4. To aid the Board in performing the duties prescribed in this Section, the Board is hereby authorized to employ an Executive Secretary who shall receive a salary to be fixed by the Board, and who shall make and file a surety bond in a sum not less than Five Thousand Dollars ($5,000) conditioned for the faithful performance of all the duties of his office and the safekeeping and proper disbursement of said "Dental Registration Fund" and all other funds coming into his hands; such salary shall be paid out of said "Dental Registration Fund" and shall not be in any way a charge upon the general revenue of the State. Said Board shall employ and provide such other employees as may be needed to assist the Executive Secretary in performing his duties and in carrying out the purposes of this Act, provided that their compensation shall be paid only out of the said "Dental Registration Fund." All disbursements from "Dental Registration Fund" shall be made only upon the written approval of the President and Secretary of said Board and upon warrants drawn by the Comptroller to be paid out of said fund.

Sec. 1 amended by Acts 1961, 52nd Leg., p. 1101, ch. 496, § 5, eff. June 17, 1961; Sec. 3 amended by Acts 1961, 57th Leg., p. 1101, ch. 496, § 2, eff. June 17, 1961; Sec. 4 amended by Acts 1961, 57th Leg., p. 1101, ch. 496, § 2, eff. June 17, 1961; Sec. 1 amended by Acts 1971, 62nd Leg., p. 1391, ch. 375, § 2, eff. Aug. 30, 1971; Sec. 2 amended by Acts 1971, 62nd Leg., p. 1392, ch. 375, § 3, eff. Aug. 30, 1971.

Art. 4551. Fees and expenses

Each member of the State Board of Dental Examiners, also known and referred to as the Texas State Board of Dental Examiners, shall receive for his service Fifty Dollars ($50) per day for each day he is actually engaged in the duties of his office together with all legitimate expenses incurred in the performance of such duties. All per diem and expenses accruing hereunder shall be paid from moneys received by said Board from the "Dental Registration Fund" as provided in this law; no money shall ever be paid to any member of the Board from the General Fund.

Amended by Acts 1971, 62nd Leg., p. 1393, ch. 375, § 4, eff. Aug. 30, 1971.

Art. 4551d. Rules and regulations of board

The Texas State Board of Dental Examiners is hereby authorized and empowered to adopt, promulgate, and enforce such rules and regulations as the Board may deem necessary and advisable to prescribe and maintain standards of professional conduct of those persons under the jurisdiction of the Texas State Board of Dental Examiners and to protect

the public health and welfare. Such rules and regulations may define and regulate the acts and areas of practice and govern the relationship between and the activities of licensed dentists, dental hygienists, and dental assistants, and their relationship to other branches of the healing arts and to or with the public, and make such other rules and regulations as the Board may deem advisable to protect and to foster the public health and welfare; however, notice must be given at least ten (10) days in advance of any meeting called by the Board to consider the adoption of any rule, or regulation, or change therein; such notice as herein provided for shall be accomplished by publication at least once in a newspaper having general circulation in the State of Texas; and before any rule, regulation or change therein is adopted, promulgated or enforced, it shall be submitted to the Attorney General of the State of Texas for review as to its legality.

Amended by Acts 1971, 62nd Leg., p. 1741, ch. 508, § 1, eff. Aug. 30, 1971.

Section 2 of the 1971 amendatory act repealed conflicting laws, and section 3 thereof was a severability provision.

Art. 4551e. Dental hygienists; regulation and licensing

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Renewal of certificate, fee

Sec. 6. It shall be the duty of each dental hygienist in this State to annually apply to the Texas State Board of Dental Examiners for renewal of his certificate granted him by said Board, and to pay, in the manner and within the time prescribed by the Board in its rules and regulations in connection with such application for renewal, a fee of not less than Ten Dollars ($10) nor more than Twenty-five Dollars ($25) as determined by said Board according to its needs. Upon the payment of such fee as prescribed by the Board, each dental hygienist shall receive a renewal of his certificate as a receipt for such payment, and the absence of such renewed certificate shall be prima facie evidence of the want of possession of such certificate before the Board and in any court in the State.

Dental hygienists, required to register under this Act, who fail or refuse to register and pay the annual registration fee in the manner and within the time prescribed shall not thereafter practice dental hygiene in this State, and during such time of said person's failure or refusal to register and renew his certificate and to pay the required fee, he shall be subject to the same penalties imposed by law upon any person unlawfully practicing dental hygiene. Such person may, in the discretion of the Board in each instance, be reinstated and permitted to register and renew his certificate within three years upon written application to such Board. Such application shall contain all facts and information which the Board may require and must be accompanied by the payment of all annual registration fees in arrears together with an additional fee of Five Dollars ($5). Any certificate issued by the Texas State Board of Dental Examiners shall be subject to cancellation for failure to pay all annual registration fees required by law where such certificate holder shall have failed to register and pay such fees for three consecutive years. A revocation to be valid for failure to pay such fees shall be based upon written notice to such person at his last known address not less than 90 days prior to the date of hearing and intended cancellation, if not so paid. Upon such cancellation the Board, in its discretion in each instance, may reinstate such person's certificate upon an affirmative showing by such person that he or she has the degree of professional skill and knowledge currently required of such certificate holders, and that such person is not mentally or physically incompetent

For Annotations and Historical Notes, see V.A.T.S.

and has not been guilty of any immoral or unprofessional conduct. However, the requirements governing the payment of the annual registration fees and penalties for late registration shall not apply to certificate holders who are on active duty with the Armed Forces of the United States of America and are not engaged in private or civilian practice.

Sec. 6 amended by Acts 1971, 62nd Leg., p. 1393, ch. 375, § 5, eff. Aug. 30, 1971.

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CHAPTER TEN—OPTOMETRY [NEW]

ARTICLE 3. EXAMINATIONS

Art. 4552—3.02 Application

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(c) Any person who has met all requirements of Subsection (a) above, except United States Citizenship, shall be eligible to take the examination given by the Texas Optometry Board, if such person has filed a declaration of intention to become a citizen of the United States and is currently employed as a teacher or instructor at a reputable university or School of Optometry which meets all requirements of the board. Provided, however, if such person does not become a United States Citizen within 5 years from the date of licensure under this Act, his license shall not be renewed and shall automatically expire at the end of such 5-year period without further action by the board. Provided further, that the board may cancel, revoke, or suspend the license of such person if it finds that: (1) such licensee has abandoned his intentions and his efforts to become a citizen of the United States; or (2) such licensee is no longer employed as a teacher or instructor at a reputable university or School of Optometry which meets all the requirements of the board, and such licensee is not a citizen of the United States; or (3) such licensee has violated any provision of Section 4.04 of this Act.

Acts 1969, 61st Leg., p. 1298, ch. 401, § 3.02, eff. Sept. 1, 1969. Subsec. (c) added by Acts 1971, 62nd Leg., p. 2492, ch. 815, § 1, eff. June 8, 1971.

CHAPTER TEN A—HEARING AIDS [NEW]

Art. 4566—1.12 Fees and expenses

(a) The Board shall charge a fee of $25.00 for issuing a temporary training permit, which fee must accompany the application for a temporary training permit.

(b) The Board shall charge a fee of $35.00 for examining an applicant for a license, which fee must accompany the application.

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(e) The Secretary-Treasurer of the Board shall, on or before the 10th day of each month, remit to the State Treasurer all of the fees collected by the Board during the preceding month for deposit in a separate fund to be designated as the State Board of Examiners in the Fitting and Dispensing of Hearing Aids Fund.

(f) The compensation and travel expenses allowance for members of the Board and its employees shall be provided in the General Appropriations Act. The executive director of the Board shall be allowed

his actual expenses incurred while traveling on official business for the Board.

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(i) The total appropriations to the Board shall never exceed the amount of fees estimated by the State Comptroller of Public Accounts that will be collected by the Board during the period for which the appropriations are made and any surplus sums on deposit in the State Board of Examiners in the Fitting and Dispensing of Hearing Aids Fund. Any funds appropriated and unexpended within the period for which the same were appropriated shall remain in the State Board of Examiners in the Fitting and Dispensing of Hearing Aids Fund.

Acts 1969, 61st Leg., p. 1122, ch. 366, § 12, eff. Jan. 1, 1970. Subsecs. (a), (b), (e), (f), (i) amended by Acts 1971, 62nd Leg., p. 2456, ch. 796, § 1, eff. June 8, 1971.

Art. 4566—1.13 Renewal of license

(a) On or before the first day of January, 1972, every licensee under this Act shall pay to the Secretary-Treasurer of the Board an annual renewal fee of $67.50 for the renewal of his license to fit and dispense hearing aids for the year 1972. On or before the first day of January, 1973, and every year thereafter, every licensee under this Act shall pay to the Secretary-Treasurer of the Board an annual renewal fee of $75.00 for renewal of his license to fit and dispense hearing aids for the current year. On receipt of said renewal fee, the Board shall issue an annual renewal certificate bearing the number of his license, the year for which it is renewed, and such other information from the records of the Board as the Board may deem necessary for the proper enforcement of this Act.

Acts 1969, 61st Leg., p. 1122, ch. 366, § 13, eff. Jan. 1, 1970. Subsec. (a) amended by Acts 1971, 62nd Leg., p. 2456, ch. 796, § 2, eff. June 8, 1971.

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Art. 4566—1.15 Prohibited acts

(a) It is unlawful for any person to:

(1) buy, sell, or fraudulently obtain a license to fit and dispense hearing aids or aid or abet therein;

(2) alter a license to fit and dispense hearing aids with the intent to defraud;

(3) willfully make a false statement in an application to the Texas Board of Examiners of Fitters and Dispensers of Hearing Aids for a license, a temporary training permit or for the renewal of a license;

(4) falsely impersonate any person duly licensed as a fitter and dispenser of hearing aids under the provisions of this Act;

(5) offer or hold himself out as authorized to fit and dispense hearing aids, or use in connection with his name any designation tending to imply that he is authorized to engage in the fitting and dispensing of hearing aids, if not so licensed under the provisons of this Act;

(6) engage in the fitting and dispensing of hearing aids during the time his license shall be cancelled, suspended or revoked.

(7) before any sale of a hearing aid shall be consummated, the person purchasing the hearing aid must have his hearing tested at an examination conducted in person by the licensee.

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(c) It is unlawful for any licensee to:

(1) fail to clearly disclose his name, business address, and the purpose of the communication in any telephone solicitation of potential customers;

(2) use or purchase for use a list of names of potential customers compiled by a person by telephone other than the licensee, his authorized agent or another licensee.

(3) do any act which requires a license from the Texas Optometry Board or the Texas State Board of Medical Examiners.

Acts 1969, 61st Leg., p. 1122, ch. 366, § 15, eff. Jan. 1, 1970. Subsec. (a) amended by Acts 1971, 62nd Leg., p. 2457, ch. 796, § 3, eff. June 8, 1971; Subsec. (c) added by Acts 1971, 62nd Leg., p. 2457, ch. 796, § 5, eff. June 8, 1971.

Art. 4566—1.19 Exceptions

Nothing in this Act shall be construed to apply to the following:

(1) Persons engaged in the practice of measuring human hearing as a part of the academic curriculum of an accredited institution of higher learning, provided such persons or their employees do not sell hearing aids.

(2) Persons engaged in the practice of measuring human hearing as a part of a program conducted by a nonprofit organization, provided such organization or its employees does not sell hearing aids.

(3) Physicians and surgeons duly licensed by the Texas State Board of Medical Examiners and qualified to practice in the State of Texas.

(4) Persons employed and directly supervised by a physician and surgeon to test or measure human hearing, provided such persons do not sell hearing aids.

Acts 1969, 61st Leg., p. 1122, ch. 366, § 19, eff. Jan. 1, 1970. Amended by Acts 1971, 62nd Leg., p. 2457, ch. 796, § 4, eff. June 8, 1971.

CHAPTER ELEVEN—PODIATRY

Art. 4570. Application for License

(a) A person desiring to practice podiatry in this state shall make written application for a license therefor to the Texas State Board of Podiatry Examiners on a form prescribed by the Board. The information submitted shall be verified by affidavit of the applicant.

(b) The applicant shall submit any information reasonably required by the Board, including evidence satisfactory to the Board that the applicant:

(1) has attained the age of twenty-one (21) years;

(2) is of good moral character;

(3) is free of all contagious and communicable diseases, and shall furnish a certificate of health to that effect;

(4) is a citizen of the United States of America;

(5) is a graduate of a recognized high school with credits sufficient and acceptable to enter the state university of the state in which the high school graduation was attained, or The University of Texas, without condition toward a Bachelor's Degree;

(6) has completed at least thirty (30) semester hours of college courses acceptable at the time they were completed for credit on a Bachelor's Degree at The University of Texas; and

(7) is a graduate of a bona fide reputable school of podiatry or chiropody, and shall furnish a diploma from the school.

(c) A podiatry or chiropody school may be considered reputable, within the meaning of this Act, if the course of instruction embraces

four (4) terms of approximately eight (8) months each, or the substantial equivalent thereof, and if the school meets the approval of the State Board of Podiatry Examiners. All educational attainments or credits for evaluation within the meaning of this Act, or applicable under this law, shall have been completed within the geographical boundaries of the United States, and no educational credits attained in any foreign country that are not acceptable to The University of Texas toward a Bachelor's Degree, shall be acceptable to the State Board of Podiatry Examiners.

(d) The State Board of Podiatry Examiners may refuse to admit persons to its examinations, and to issue a license to practice podiatry to any person, for any of the following reasons:

(1) The presentation to the Board of any license, certificate, or diploma, which was illegally or fraudulently obtained, or when fraud or deception has been practiced in passing the examination.

(2) Conviction of a crime of the grade of a felony, or one which involves moral turpitude, or conviction of a violation of Article 779, Penal Code of Texas.

(3) Habits of intemperance, or drug addiction, calculated, in the opinion of the Board, to endanger the health, well-being, or welfare of patients.

(4) Grossly unprofessional or dishonorable conduct, of a character which in the opinion of the Board is likely to deceive or defraud the public.

(5) The violation, or attempted violation, direct or indirect, of any of the provisions of this Act (Title 71, Chapter 11, Revised Civil Statutes of Texas, 1925, as amended),[1] either as a principal, accessory, or accomplice.

(6) The use of any advertising statement of a character tending to mislead or deceive the public.

(7) Advertising professional superiority, or the performance of professional service in a superior manner.

(8) The purchase, sale, barter, or use, or any offer to purchase, sell, barter, or use, any podiatry degree, license, certificate, diploma, or transcript of license, certificate, or diploma, in or incident to an application to the Board of Podiatry Examiners for a license to practice podiatry.

(9) Altering, with fraudulent intent, any podiatry license, certificate, diploma, or transcript of a podiatry license, certificate, or diploma.

(10) The use of any podiatry license, certificate, diploma, or transcript of any such podiatry license, certificate, or diploma, which has been fraudulently purchased, issued, counterfeited, or materially altered.

(11) The impersonation of, or acting as proxy for, another in any examination required by this Act for a podiatry license.

(12) The impersonation of a licensed practitioner, or permitting, or allowing, another to use his license, or certificate to practice podiatry in this State, for the purpose of treating, or offering to treat, conditions and ailments of the feet of human beings by any method.

(13) Employing, directly or indirectly, any person whose license to practice podiatry has been suspended, or association in the practice of podiatry with any person or persons whose license to practice podiatry has been suspended, or any person who has been convicted of the unlawful practice of podiatry in Texas or elsewhere.

(14) The wilful making of any material misrepresentation or material untrue statement in the application for a license to practice podiatry.

(15) The inability to practice podiatry with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition. In enforcing this subsection the Board shall, upon probable cause, have authority to compel a podiatrist

to submit to a mental or physical examination by medical doctors designated by it. Failure of a podiatrist to submit to such an examination when directed shall constitute an admission of the allegations against him unless the failure was due to circumstances beyond his control, consequent upon which default a final order may be entered without the taking of testimony or presentation of evidence. A podiatrist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of podiatry with reasonable skill and safety to patients. For the purpose of this paragraph, a podiatrist making application for examination or licensure and every licensed podiatrist under this Act (Title 71, Chapter 11, Revised Civil Statutes of Texas, 1925, as amended) who shall accept the privilege to practice podiatry in this state, and by so practicing or by the making and filing of annual registration to practice podiatry in this state shall be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the Board and further to have waived all objections to the admissibility of the testimony or examination reports of the examining medical doctors on the ground that the same constitute a privileged or confidential communication.

(e) Any applicant who is refused admittance to examination has the right to try the issue in the District Court of the county in which he resides or in which any Board member resides.

(f) All orders of the Board shall be prima facie valid.

Amended by Acts 1963, 58th Leg., p. 40, ch. 27, § 1, eff. Aug. 23, 1963; Acts 1971, 62nd Leg., p. 1033, ch. 203, § 1, eff. Aug. 30, 1971.

[1] Article 4567 et seq.

Section 2 of the 1971 Act amended art. 4573. Sections 3 and 4 thereof provided:

"Sec. 3. Nothing in this Act in any way invalidates or affects or shall be construed to invalidate or affect any valid license duly issued by the State Board of Podiatry Examiners and in effect on the effective date of this Act, or the lawful renewal or reinstatement of any license which was originally lawfully issued by that Board.

"Sec. 4. Severability Clause. The provisions of this Act are severable. If any word, phrase, clause, sentence, section, provision or part of this Act should be held to be invalid or unconstitutional, it shall not affect the validity of the remaining portions, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions, regardless of the invalidity of any part."

Art. 4573. Revocation, cancellation, and suspension of license

(a) The Texas State Board of Podiatry Examiners may cancel, revoke, or suspend the license of any practitioner of podiatry upon proof of the violation of the law in any respect with regard to the practice of podiatry, or for any cause for which the Board may refuse to admit persons to its examinations, as provided in Article 4570, Revised Civil Statutes of Texas, 1925, as amended.

(b) Any person or persons may initiate proceedings under this Article by filing charges with the Texas State Board of Podiatry Examiners in writing and under oath. The President of the Texas State Board of Podiatry Examiners shall set a time and place for hearing, and shall cause a copy of the charges, together with a notice of the time and place fixed for hearing, to be served on the respondent or his counsel, and the person or persons filing the charges or their counsel, at least ten (10) days prior to the hearing. When personal service is impossible, or cannot be effected, the Board shall cause to be published once a week for two (2) successive weeks a notice of the hearing in a newspaper published in the county wherein the respondent was last known to practice, and shall mail a copy of the charges and of such notice to the respondent and the person or persons filing the charges at their last known address as shown by the records of the Board. When publication of the notice is necessary, the date of hearing shall be not less than ten (10) days after the date of the last publication of the notice. The person or persons filing the charges and the respondent have the right to appear

at the hearing either personally or by counsel, or both, to produce witnesses or evidence, to cross-examine witnesses, and to have subpoenas issued by the Board. The Board may also issue subpoenas on its own motion. The subpoenas of the Board may be enforced through any district court having jurisdiction and venue in the county where the hearing is held. The Board shall determine the charges upon their merits. All charges, complaints, notices, orders, records and publications authorized or required by the terms of this Article are privileged.

(c) Any person whose license to practice podiatry has been cancelled, revoked or suspended by order of the Board may, within twenty (20) days after the making and entering of the order, but not thereafter, take an appeal to any district court having jurisdiction and venue in the county of his residence, but the decision of the Board shall not be enjoined or stayed except on application to the district court after notice to the Board. The proceeding on appeal shall be under the substantial evidence rule.

(d) The Board may, upon majority vote, rule that the order revoking, cancelling, or suspending the practitioner's license be probated so long as the probationer conforms to such orders and rules as the Board may set out as the terms of probation. The Board, at the time of probation, shall set out the period of time constituting the probationary period.

(e) At any time while the probationer remains on probation, the Board may hold a hearing and, upon majority vote, rescind the probation if the terms of the probation have been violated, and enforce the Board's original action in revoking, cancelling, or suspending the practitioner's license. The hearing to rescind the probation shall be called by the President of the Texas State Board of Podiatry Examiners, who shall cause to be issued a notice setting a time and place for the hearing and containing the charges or complaints against the probationer. The notice shall be served on the probationer or his counsel, and any person or persons complaining of the probationer or their counsel, at least ten (10) days prior to the time set for the hearing. When personal service is impossible, or cannot be effected, the same provisions for service in lieu of personal service set out in Subsection (b) of this Article shall apply. The respondent and any person or persons complaining of the respondent have the right to appear at the hearing either personally or by counsel, or both, to produce witnesses or evidence, to cross-examine witnesses, and to have subpoenas issued by the Board. The Board may also issue subpoenas on its own motion. The subpoenas of the Board may be enforced through any district court having jurisdiction and venue in the county where the hearing is held. The Board shall determine the charges upon their merits. All charges, complaints, notices, orders, records, and publications authorized or required by the terms of this Article are privileged. The order revoking or rescinding the probation is not subject to review or appeal.

(f) Upon application, the Board may reissue a license to practice podiatry to a person whose license has been cancelled or suspended, but the application, in the case of cancellation or revocation, may not be made prior to one (1) year after the cancellation or revocation, and shall be made in such manner and form as the Board may require.

Amended by Acts 1971, 62nd Leg., p. 1035, ch. 203, § 2, eff. Aug. 30, 1971.

CHAPTER TWELVE—EMBALMING

Art. 4582b. Funeral directing and embalming

Definitions

Section 1. A. A "funeral director" as that term is used herein, is a person engaged in or conducting, or holding himself out as being engaged in:

1. Preparing, other than by embalming, for the burial or disposition of dead human bodies; and

2. Maintaining or operating a funeral establishment for the preparation and disposition, or for the care of dead human bodies.

B. The term "directing a funeral," or "funeral directing" as herein used, shall mean the directing or personal supervision by a licensed funeral director from the time of the first call until interment or entombment services are completed, or until the body is delivered into the hands of the persons in charge of a crematorium, or until the body is delivered to another funeral director or to a public carrier.

C. The term "first call" shall mean the beginning of the relationship and duty of the funeral director to take charge of a dead human body and have same prepared by embalming, cremation, or otherwise, for burial or disposition, provided all laws pertaining to public health in this state are complied with. "First call" does not include calls made by ambulance, when the person dispatching the ambulance does not know whether a dead human body is to be picked up. A dead human body shall be picked up on first call only under the direction and personal supervision of a licensed funeral director or embalmer. A dead human body may be transferred from one funeral home to another funeral home and to and from a morgue where an autopsy is to be performed without a licensed funeral director personally making the transfer.

D. The term "embalmer" as herein used is a person who disinfects or preserves a dead human body, entire or in part by the use of chemical substances, fluids, or gases in the body, or by the introduction of the same into the body by vascular or hypodermic injection, or by direct application into the organs or cavities, or by any other method intended to disinfect or preserve a dead human body, or restore body tissues and structures. The placing of any such chemicals or substances on or in a dead human body by any person who is not a licensed embalmer shall be deemed a violation of this Act, provided that this shall not apply to a registered apprentice working under the supervision of a licensed embalmer. All persons who are engaged in the business of embalming or who profess to be engaged in such business, or hold themselves out to the public as embalmers, shall be licensed embalmers.

E. The term "apprentice" as herein used is a person engaged in learning the practice of funeral directing and/or embalming under the instruction, direction, and personal supervision of a duly licensed funeral director and/or embalmer of and in the State of Texas in accordance with the provisions of this Act, and having been duly licensed as such by the Board prior thereto.

F. The term "apprenticeship" as used herein shall be construed as diligent attention to assigned duties and other subject matter in the course of regular employment in a licensed funeral establishment in this state. This regular employment must involve at least forty (40) working hours per week which may be cumulated in any manner under actual working conditions and under the personal supervision of a licensee, in order for an apprentice to qualify as a licensed funeral director and/or embalmer.

G. The term "funeral establishment" as herein used is a place of business used in the care and preparation for burial or transportation

of dead human bodies, or any place where one or more persons, either as sole owner, in co-partnership, or through corporate status, represent themselves to be engaged in the business of embalming and/or funeral directing, or as so engaged. Such funeral directing and embalming shall be performed only under the supervision and direction of a licensed funeral director and/or embalmer.

H. The term "due notice" as herein used shall mean published notice of the time and place of regular meetings of the Board. Notice of time, place, and purpose of any meeting of the Board published in at least three (3) daily newspapers in three (3) separate cities in the state, at least fifteen (15) days prior thereto, shall be adequate notice for any regular meeting, including the giving of examinations; however, a notice of a meeting wherein a change in the rules and regulations of the Board is to be considered, shall be given by written notice to all licensees in the State of Texas, at the address registered with the Board, at least thirty (30) days in advance of any hearing thereon.

I. The term "mortuary science" as herein used, shall mean the scientific, professional and practical aspects, with due consideration given to accepted practices, covering the care, preparation for burial or transportation of dead human bodies, which shall include the preservation and sanitation thereof and restorative art, and as such is related to public health, jurisprudence, and good business administration.

J. An "accredited school or college of mortuary science" is a school or college which maintains a course of instruction of not less than forty-eight (48) calendar weeks or four (4) academic quarters or college terms and which gives a course of instruction in the fundamental subjects as set forth herein: (a) mortuary management and administration; (b) legal medicine and toxicology as it pertains to funeral directing; (c) public health, hygiene and sanitary science; (d) mortuary science, to include embalming technique, in all its aspects; chemistry of embalming, color harmony; discoloration, its causes, effects and treatment; treatment of special cases; restorative art; funeral management; and professional ethics; (e) anatomy and physiology; (f) chemistry, organic and inorganic; (g) pathology; (h) bacteriology; (i) sanitation and hygiene; (j) public health regulations; and (k) other courses of instruction in fundamental subjects prescribed by the Board.

K. An "official application blank," as that term is used herein, is a sheet bearing blank spaces for the entering of stipulated information, which sheet shall be filled in by any person who seeks employment as funeral director or embalmer in this state. The form of this application blank shall be prescribed by the Board. Prospective employers shall have job applicants fill in this application blank and shall remit it upon completion to the Board. The Board shall inform employers as soon as possible of the status of the license of any person for whom it receives an official application blank.

L. A "commercial embalmer" is one who embalms for licensed funeral establishments and does not sell any services or merchandise directly or at retail to the public, and shall otherwise meet the requirements of a licensed embalmer as provided in Section 3 of this Act.

The Board

Sec. 2. A. There is hereby created the State Board of Morticians, with offices located in Austin, Texas, consisting of six (6) members who shall be citizens of the United States and residents of the State of Texas, and shall be licensed embalmers and funeral directors in the State of Texas. Each shall have a minimum of ten (10) years, consecutively, of such experience in this state immediately preceding appointment. The members of said Board shall be appointed by the Governor, by and with the consent of the Senate for a period of six (6) years. Each member shall be subject to removal by the Governor for neglect of duty, incom-

petence, or fraudulent or dishonest conduct. The Governor shall remove from the Board any member whose license to practice funeral directing and/or embalming has been voided, revoked or suspended. The Governor, in appointing members to the Board, shall designate their terms so that two (2) places on the Board shall become vacant each two (2) years. Any vacancy in an unexpired term shall be filled by appointment of the Governor for the unexpired term. No member of the Board shall be appointed for more than two (2) terms of service. No member shall be appointed to the Board who is an officer or employee of a corporation or other business entity controlling or operating, directly or indirectly, more than three funeral establishments, if another member of the Board is also an officer or employee of the same corporation or other business entity.

B. The members of said Board, before entering upon their duties, shall take and subscribe to the oath of office prescribed for other state officials, which oath shall be filed in the office of the Secretary of State, after having been administered under proper authority. Each person appointed to the Board shall be furnished with a certificate of appointment by the Governor which shall bear evidence of the taking of oath of office.

C. The Board shall meet in Austin, Texas, in regular session at least two (2) times each year for the transaction of business. Examination for funeral directors and embalmers shall be held at least once during each year at such times and places as the Board may designate and give due notice thereof. Special meetings or hearings may be held at such time and place as may be determined by and upon call of the President, Vice-President or three (3) members of the Board.

D. The Board shall elect a President, Vice-President, and Secretary from the members of the said Board who shall serve two (2) years, or until their successors shall be elected and qualified. In the absence of an Executive Secretary, the Secretary shall be bonded to the State of Texas in a sum equal to the maximum annual anticipated receipts of the Board and any premium payable for such bond shall be paid from the funds of the Board; likewise, the Board will require a bond of the Executive Secretary, if any, and such bond shall be deposited with the State Auditor of the State of Texas. The Secretary shall deliver all money on hand at the end of his term of office to his successor, and the Executive Secretary shall deliver all money on hand to the Secretary upon relief from duty. The President of the Board shall preside at all meetings of the Board unless otherwise ordered, and he shall exercise all duties and performances incident to the office of the President of the Board, and in his absence the Vice-President shall preside. A majority of the membership of the Board shall constitute a quorum for the transaction of business.

E. The Board shall make an annual report covering the work of the Board for the preceding fiscal year, and such report shall include:

1. An itemized account of money received and expended and the purpose therefor which has been duly certified by the State Auditor or a Certified Public Accountant;

2. The names of all duly licensed funeral directors, embalmers, and funeral establishments. A copy of this report shall be furnished each licensed funeral director and embalmer in this state. A copy shall likewise be filed with the Secretary of State for permanent record, a certified copy of which, under the hand and seal of the Secretary of State, shall be admissible as evidence in all courts.

F. The Board shall preserve a record of its proceedings in a book kept for that purpose.

G. The Board shall keep a permanent, alphabetical record of all applications for licenses and the action thereon. Such records shall also show, at all times, the current status of all such applications and licenses issued.

H. The Board may employ such inspectors, and clerical and technical assistants, legal counsel, including an Executive Secretary, as may be de-

termined by it to be necessary to carry out the provisions of this Act, and the terms, conditions and expenses of such employment shall be determined by the Board.

I. Membership of the Board shall be reimbursed for necessary traveling expenses incident to attendance upon the business of the Board, and in addition thereto, each shall receive a per diem allowance of Twenty-five Dollars ($25) for each day actually spent by such member upon attendance to the business of the Board, not to exceed fifty (50) days within a calendar year. The Secretary, in the absence of an Executive Secretary, notwithstanding membership on the Board, shall receive and be paid a salary for the time he devotes to the business of the Board, and the amount and method of payment shall be fixed by the Board and in addition thereto, he shall receive necessary traveling expenses incurred in the performance of such duty; provided, however, he shall not be paid a per diem allowance during the time he is compensated on a salary basis; and provided that all such expenses, per diem allowance and compensation shall be paid out of the receipts of the Board. All fees received under the provisions of this law in excess of the necessary and proper expenses of the Board shall be held by the Secretary of the Board as a special fund with which to pay the expense of the Board in administering and enforcing this Act. No claim for traveling expenses or per diem allowance shall be allowed or paid unless the claim be in writing and signed by the claimant under oath.

J. Except as otherwise provided by law, all records of the Board shall be open to inspection by the public during regular office hours.

K. All meetings of the Board shall be open and public.

L. The Board shall prescribe the form of the official application blank. It shall notify the proprietor of each licensed funeral establishment in this state that any person who seeks employment as a funeral director or embalmer must fill in this application blank, and that the person receiving the application must mail a copy of the official form to the Board. The Board shall inform the prospective employer of the status of the applicant's license to engage in the activity he proposes.

M. The Board may adopt such administrative procedures as may be desirable to effect the intent of the provisions of this Section.

Licenses—funeral directors and embalmers

Sec. 3. A. The Board is hereby authorized and empowered and it shall be its duty to prescribe and maintain a standard of proficiency, character and qualifications of those engaged or who may engage in the practice of a funeral director or embalmer and to determine the qualifications necessary to enable any person to lawfully practice as a funeral director, to embalm dead human bodies, and to collect the fees therefor. The Board shall examine all applicants for funeral directors' and embalmers' licenses and for apprenticeship licenses and shall issue the proper license to all persons qualified and who meet requirements herein prescribed.

B. The minimum requirements for the issuance of licenses by this Board to practice funeral directing and/or embalming in Texas are as follows, to wit:

1. For a license to practice funeral directing: the applicant shall be found by the Board to be not less than twenty-one (21) years of age, a resident of the State of Texas, and a citizen of the United States, of good moral character, having graduated from an accredited high school or passed examination prescribed by the Texas Education Agency from an accredited school or college of mortuary science approved by this Board, having served as an apprentice for at least one (1) year under the personal supervision and instruction of a licensed funeral director and having satisfied the Board through oral and written examination as to his proficiency by examination on the subjects of: (a) the art and technique of funeral directing; (b) signs of death; (c) the manner by which death may be determined; (d) sanitation; (e) hygiene; (f) mortuary manage-

ment and mortuary law; (g) business and professional ethics; (h) laws applicable to vital statistics pertaining to dead human bodies; (i) rules and laws governing preparation, transportation and disposition of dead human bodies; and such other subjects as may be taught in a recognized school or college of mortuary science.

2. For a license to practice embalming: the applicant shall have been found by the Board to be not less than twenty-one (21) years of age, a resident of the State of Texas, and a citizen of the United States, of a good moral character having graduated from an accredited high school or passed examination prescribed by the Texas Education Agency, having graduated from an accredited school or college of mortuary science approved by this Board, having served as an apprentice for two (2) years under the personal supervision of a licensed embalmer, and having satisfied the Board as to his proficiency through oral and written examination on the subjects of: (a) anatomy of the human body; (b) the cavities of the human body; (c) the arterial and venous system of the human body; (d) blood and discoloration; (e) bacteriology and hygiene; (f) pathology; (g) chemistry and embalming; (h) arterial and cavity embalming; (i) restorative art; (j) disinfecting; (k) embalming special cases; (*l*) contagious and infectious diseases; (m) mortuary management; (n) care, preservation, transportation and disposition of dead human bodies; (*o*) laws applicable to vital statistics pertaining to dead human bodies; (p) sanitary science; and such other subjects as may be taught in a recognized school or college of mortuary science, and shall at the request of the Board, demonstrate his proficiency as embalmer.

C. The Board is hereby authorized and empowered and it shall be its duty to approve a course of instruction to be given by any college of mortuary science or recognized school of higher learning that desires to be approved by the Board. And it shall be the duty of the Board to examine and supervise the activities of an accredited school or college of mortuary science so as to insure that said college or school is meeting the requirements of the Board.

D. It shall be the duty of the Board to prescribe and supervise the course of instruction received by an apprentice while serving his or her apprenticeship, consistent with the following requirements to establish such an apprenticeship registration procedure:

1. Apprenticeship for embalmer: A license to practice the science of embalming shall not be issued unless and until the applicant therefor has served an apprenticeship period of not less than twenty-four (24) months under the personal supervision and instruction of a licensed embalmer and has successfully completed all requirements of apprenticeship. The only exception to this requirement shall be in the case of an applicant under reciprocity.

(a) Any person, eighteen (18) years of age or more, who desires to practice the science of embalming in this state, files application therefor, meets the requirements of the law and this Board, and, in the discretion of the Board, is of good moral character and possesses such qualification to enter into apprenticeship training, may be registered as an apprentice. Apprenticeship for a license to practice the science of embalming may be served in two ways: (1) the applicant may apply for and serve twelve (12) months apprenticeship before entry into a school of embalming or college of mortuary science, and the remaining twelve (12) months after graduation from such school or college and after successfully taking the Board's examination for embalming as prescribed herein; or (2) the applicant may serve the full twenty-four (24) months period after completing and graduating from a school or college of mortuary science and after successfully taking the Board's examination for embalming as prescribed herein. No part of the apprenticeship time may be served during the year in which the applicant is attending a school or college of mortuary science as defined herein. Applicant shall pay a fee not to exceed Ten Dollars ($10) at the time he requests such apprenticeship registration.

(1) A person qualifying in this manner shall serve at least one (1) year of apprenticeship immediately following the successful passing of the written examination accorded him by the Board.

(2) An applicant for a license to practice the science of embalming who attains a grade of 70% or higher on the written examination given by the Board upon payment of a fee not to exceed Ten Dollars ($10) therefor, shall be registered as an apprentice within six (6) months of such examination.

(b) Each registered apprentice embalmer shall be issued a certificate of apprenticeship or other means of apprenticeship identification by the Board to be served in the State of Texas. During the period of apprenticeship he shall assist in embalming a minimum of one hundred (100) dead human bodies, ten (10) of which bodies the apprentice shall embalm after the first year of apprenticeship without aid but in the immediate presence and under the personal supervision of an embalmer duly and currently licensed in the State of Texas. No more than two (2) apprentices may receive credit due for work on any one body.

(c) An apprentice embalmer must report within ten (10) days thereof of each separate case handled by him or with which he has assisted in handling. Each such report shall be certified by the licensee under whom the apprentice performed his work. Throughout the period of apprenticeship, the apprentice shall report on at least one (1) such case of embalming each calendar month, within the month. In any month in which he did not embalm at least one (1) case under the direction of a licensed embalmer, a report shall be made to the Board notwithstanding.

2. Apprentice for Funeral Director: The term of apprenticeship for a funeral director's license shall be a period of not less than twelve (12) months, and may be served concurrently with apprenticeship for an embalmer's license; however, apprenticeship must be served in twelve (12) consecutive months. A person desiring to become an apprentice funeral director shall make application to the Board on a form provided by the Board, and if the Board desires, he shall appear before at least one (1) member of the Board, or a designated representative thereof, for approval of his application, subject to review of it by the entire Board. Applicant must be not less than nineteen (19) years of age, a person of good moral character and have completed the educational requirements prescribed for a funeral director, except an applicant for a funeral director's license may elect to serve apprenticeship therefor in like manner to that of one who has applied for a license to practice the science of embalming, by serving one (1) year of apprenticeship prior to completing a course of study in funeral directing prescribed by the Board and graduating from a school of embalming or college of mortuary science. The application for registration shall be sworn to and accompanied by a fee of not to exceed Ten Dollars ($10). If the application is accepted, applicant will be issued a certificate of apprenticeship registration upon determination by the Board that his qualifications are satisfactory.

(a) An applicant for a funeral director's license and the examination therefor who has not completed one (1) year of apprenticeship prior to graduation from a school of embalming or college of mortuary science shall be admitted to apprenticeship only in the event he shall have attained a grade of 70% or higher on the written, oral and practical examinations given by the Board, and the payment of a fee of not to exceed Ten Dollars ($10) therefor, whereupon he shall be registered as an apprentice. Provided, however, applicant must register as an apprentice within six (6) months of such examination.

(b) An apprentice funeral director must report within ten (10) days thereof of each separate case with which he has assisted in handling. Each such report shall be certified to by the licensee under whom the apprentice performed the work. Throughout the period of

apprenticeship the apprentice shall report on at least one (1) such case each calendar month, within the month. In any month within which he did not assist a funeral director in handling a funeral, a report shall be made to the Board notwithstanding.

(c) During the course of apprenticeship each apprentice shall assist a licensed funeral director in this state to prepare, other than by embalming, and to make final disposition of not less than one hundred (100) dead human bodies, ten (10) of which bodies the apprentice shall handle, after graduation from an approved school of embalming or college of mortuary science, where one (1) year of apprenticeship was served prior to entrance into an institution for preparation by him to become a funeral director. The Board may require other evidence of his ability, in its discretion. No more than two (2) apprentices may receive credit for work done on any one body.

3. Annual renewal apprenticeship certificate: Each certificate of apprenticeship issued by the Board to an apprentice embalmer or apprentice funeral director must be renewed on the first day of January of each year and will be renewed upon payment by the apprentice of a renewal fee not to exceed Ten Dollars ($10), provided the apprentice has conducted himself with propriety and observed the rules and regulations of the Board with respect to his apprenticeship. Notice shall be mailed, during the month of December each year, to each registered apprentice at his last known address, notifying him that the renewal fee is due. If the renewal fee is not paid on or before the 31st day of January in the year in which it became due, a penalty in the sum of not to exceed Ten Dollars ($10) will be added to the renewal fee of each certificate when paid. Fifteen (15) days after the grace period as above provided, if said annual renewal fee and penalty still remain unpaid, it shall be the duty of the Board, acting through its Secretary, to suspend his certificate for nonpayment of the annual renewal fee and to notify such apprentice of such suspension by registered mail, addressed to his last known address. If the said renewal fee and penalty is not then paid within thirty (30) days from the date of such notice of suspension, the Board shall then cancel such certificate. Provided, however, after an apprentice certificate has been cancelled, the apprentice may apply for reinstatement within eighteen (18) months from the date such apprentice certificate was cancelled and the Board may, in its discretion, reinstate said apprentice provided he meets all other requirements of the Board. It is provided that the registration fee of any apprentice who is actively engaged in the military service of the United States may, in the discretion of the Board, be remitted for the duration of such service or for such fees and such time as the Board may deem advisable upon presentation of proper evidence required by the Board.

4. Notification of the Board upon entry into apprenticeship: When an apprentice enters the employ of a licensed embalmer or funeral director, he shall immediately notify the Board the name and place of business of the licensed embalmer or funeral director whose service he has entered and the name of the funeral director or embalmer under whom he will train, and such notification shall be signed by the embalmer or funeral director in each case. If at any time thereafter such apprentice leaves the employ of the licensed embalmer or funeral director whose services he has entered, the said licensed embalmer or funeral director shall give to such apprentice an affidavit showing the length of time he has served as an apprentice with him and the number of cases handled while so employed; the original of said affidavit shall be filed with the Board and made a matter of record, and a copy shall be furnished to the apprentice. The Board shall furnish report forms to be used by each apprentice.

(a) Any apprentice registration shall be cancelled, and the applicant required to re-register, including paying the required fees, for

failure to pass the Board's examination of such apprentice after only part of the apprenticeship has been completed. Provided, however, such applicant shall be given credit for apprenticeship time served under the cancelled license in any new registration.

5. Certificate of Apprenticeship may be suspended or revoked as provided and set forth in Section 3, subsection H.

E. Any person engaged or desiring to engage in the practice of embalming or funeral directing in this state, in connection with the care and disposition of dead human bodies, shall make written application to the Board for a license accompanying same with a fee not to exceed Fifty Dollars ($50). The license or licenses when issued shall be signed by a majority of the Board and shall authorize the licensee to practice the science of embalming and/or funeral directing. All licenses shall be registered in the office of the County Clerk in any county in which the holder thereof resides and practices embalming and/or funeral directing and shall be displayed conspicuously in the place of business. Every licensed embalmer and/or funeral director who desires to continue his practice shall annually pay to the Secretary of the said Board a fee not to exceed Ten Dollars ($10) for the renewal of each funeral director's license and each embalmer's license. Said license shall become due and payable annually on the 31st day of May, and the Board will give written notice on or before April 1st, of each year that the license fees are due and payable. When a licensee under this Act shall fail to pay his annual registration fee, it shall be the duty of the Board to notify such licensee at his last known address that his annual registration fee is due and unpaid and that a penalty equal to the amount of the registration fee has been added. If such fee and penalty are not paid within fifteen (15) days after notification by regular mail, it shall be the duty of the Board to suspend the license and notify the licensee by certified mail, return receipt requested, of such suspension. Thirty (30) days after the Board shall have declared a license suspended, as provided herein, the license shall be automatically cancelled and the Board may thereafter in its discretion refuse to reinstate the licensee until the applicant has passed a regular examination for license as provided in this Act. If any license issued under this Act shall be lost or destroyed, the holder of any such license may present his application for duplicate license to the State Board of Morticians, on a form to be prescribed by the Board, together with his affidavit of such loss or destruction, and that he is the same person to whom such license was issued, and such other information concerning its loss or destruction as the State Board of Morticians shall require, and shall, upon payment of a fee not to exceed Ten Dollars ($10), as determined by the Board, be granted a duplicate license; provided further, that the same fee as set forth above for duplicate licenses shall also apply to endorsements by the Board.

1. Any license that has been cancelled, suspended or lapsed for a period of five (5) years or more may be reinstated only after the applicant shall have passed an oral and practical examination by the Board on embalming and/or an oral examination on funeral directing.

F. (1) The Board is authorized to make certain reciprocal arrangements. The State Board of Morticians may in its discretion, upon payment by an applicant of a fee of One Hundred Dollars ($100), grant a license to practice as a funeral director and/or embalmer to persons who furnish proof that they have been registered for at least three (3) years as such, in some other state or territory of the United States; provided that the licensing board of such other state or territory in its examination requires the same general degree of fitness required by this state. Said application shall be accompanied by an affidavit made by the President or Secretary of the Board of Mortician Examiners

which issued the license, or by a duly constituted registration officer of the state or territory by which the certificate or license was granted, and on which the application for registration in Texas is based, reciting that the accompanying certificate or license has not been cancelled, suspended or revoked, and that the statement of the qualifications made in the application for a license in Texas is true and correct. Applicants for a license under the provisions of this Act shall subscribe to an oath in writing before an officer authorized by law to administer oaths, which shall be a part of such application, stating that the license, certificate, or authority under which the applicant practiced as a funeral director or embalmer in the state or territory from which the applicant removed, was at the time of such removal in full force and effect and not cancelled or suspended or revoked. Said application shall also state that the applicant is the identical person to whom the said certificate, license, or commission was issued, and that no proceeding has been instituted against the applicant for the cancellation, suspension or revocation of such certificate or license in the state or territory in which the same was issued; and that no prosecution is pending against the applicant in any state or federal court for any offense which, under the laws of the State of Texas, is a felony, or a misdemeanor involving moral turpitude.

(2) Licenses granted under this subsection shall be on the following basis: Before a license is granted, the applicant shall receive a temporary permit good for one (1) year from date of issuance by the Board. At the end of one (1) year, the holder of said temporary permit shall again be considered by the Board, and if his application for license has been maintained and he meets all other requirements, the Board, in its discretion, may grant said applicant a license.

G. Licenses currently outstanding shall be recognized under this Act. Any person, personally holding a current funeral director's and/or embalmer's license granted by the proper authorities in this state, shall not be required to make application for or submit to an examination, but shall be entitled to a renewal of his license, upon expiration of such current license, under the terms and conditions as herein provided for the renewal of licenses of those who may be licensed after the passage of this Act. All such persons shall be subject to every other provision of this Act.

H. The State Board of Morticians is hereby authorized and empowered and it shall be its duty to conduct hearings to revoke, suspend, or place on probation any licensed funeral director and/or embalmer, or apprentice and may refuse to admit persons to examination for any of the following reasons:

1. The presentation to the Board of any license, certificate, or diploma which was illegally or fraudulently obtained, or when fraud or deception has been practiced in passing the examination;

2. Conviction of a crime of the grade of a felony or of a misdemeanor involving moral turpitude;

3. Unfit to practice as a funeral director and/or embalmer by reason of insanity or has been adjudged by a court of competent jurisdiction to be of unsound mind;

4. The use of any advertising statement of a character which misleads or deceives the public, or use, in connection with advertisements, the names of persons who do not hold a license as a funeral director or embalmer and represent them to be so licensed;

5. The purchase, sale, barter, or use, or any offer to purchase, sell, barter, or use any license, certificate, or transcript of license or certificate, in or incident to an application to the Board of Morticians for license to practice as a funeral director and/or embalmer;

6. Altering, with fraudulent intent, any funeral director and/or embalmer license, certificate, or transcript of license or certificate;

7. The use of any funeral director and/or embalmer license, certificate, diploma, or transcript of any such funeral director and/or embalmer license, certificate, or diploma, which has been fraudulently purchased, issued, counterfeited, or materially altered;

8. The impersonation of, or acting as proxy for, another in any examination required by this Act for a funeral director and/or embalmer license;

9. The impersonation of a licensed funeral director or embalmer as authorized hereunder, or permitting, or allowing another to use his license, or certificate to practice as a funeral director or embalmer or mortician in this state, for the purpose of embalming or practicing the science of embalming, in connection with the care and disposition of the dead, or acting as a funeral director or practicing as a funeral director in this state, in connection with the care and disposition of the dead;

10. Using profane, indecent or obscene language within the immediate hearing of the family or relatives of a decedent, in proximity to a deceased person whose body has not yet been interred or otherwise disposed of; or the indecent exposure of a dead human body;

11. Refusing to promptly surrender a dead human body, upon the express order of a person in possession of lawful authority therefor, to a licensed funeral director or embalmer or an agent or employee of the same;

12. Wilfully making any false statement on a certificate of death;

13. Employment directly or indirectly of any apprentice, agent, assistant, embalmer, funeral director, employee, or other person on a part or full-time basis, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

14. Presentation of false certification of work done as an apprentice on apprenticeship records;

15. Unfitness by reason of drug addiction; and

16. Whenever a licensee, apprentice, or any other person, whether employee, agent or representative, or one in any manner associated with a funeral establishment shall solicit business or offer any inducement, pecuniary or otherwise, for the purpose of securing or attempting to secure business for such funeral establishment, unless such solicitation is made pursuant to a permit issued under the provisions of Article 548b, Vernon's Texas Civil Statutes, or Senate Bill No. 129, Acts of the 58th Legislature, Regular Session, 1963.

17. Failure by the Federal Director in Charge to provide licensed personnel for attendance, direction, or personal supervision for a "first call," as that term is defined in this Act.

18. Conduct by a licensee which, in the discretion of the Board, after applying contemporary community standards, is found to be offensive to the common conscience and moral standards of the community where such conduct occurs.

19. Performing acts of funeral directing or embalming, as those terms are defined in this Act, which are outside the licensed scope and authority of the licensee.

20. Conviction by the Board, after a hearing as provided in this Act, of fraud or other similar deception against the public.

I. The Board may issue such rules and regulations as may be necessary or desirable to effect the intent of the provisions of this Section.

Funeral establishments

Sec. 4. A. All funeral establishments shall be licensed by the Board. All licenses shall expire at midnight on September 30th of each year. The license fee shall not exceed Fifty Dollars ($50) for issuance of

licenses to existing establishments and for renewal licenses. Funeral establishments created after the effective date of this Act shall apply for a license, and upon satisfaction to the Board that this Section has been complied with and upon receipt of the licensing fee, which shall not exceed Two Hundred Fifty Dollars ($250), an initial license shall be duly issued to such new establishments. Not later than thirty (30) days prior to the expiration date of licenses, the Board shall cause to be issued notification in writing by mail to each licensed funeral establishment that a renewal fee not to exceed Fifty Dollars ($50) must be paid by October 1st before such license shall be renewed, and upon due receipt of such fees all existing licenses shall be considered automatically renewed. Any establishment which fails to pay its license renewal fee as herein provided within thirty (30) days after September 30th may be required by the Board to pay a penalty of Fifty Dollars ($50) in addition to the regular fee, and if the delinquency is more than thirty (30) days, the establishment shall not be permitted to operate as a funeral home until it has applied for and has been granted a new license as in the case of original applications and licenses for new funeral establishments.

B. No funeral establishment shall conduct funeral business as intended under this Act unless duly licensed.

C. Each funeral establishment shall be required to have a physical plant, equipment and personnel consisting of the following:

1. Adequate facilities in which funeral services may be conducted;

2. A preparation room being used by such establishment that meets the sanitary code of the State of Texas and the municipality in which same is located;

3. A physical plant which meets building standards and fire safety standards of the state and of the municipality in which the establishment is located;

4. Access to rolling stock consisting of at least one motor hearse;

5. A preparation room that is secluded from the public, properly ventilated, and containing an operating table, sewer facilities, hot and cold running water, and sufficient instruments and chemicals to embalm a dead human body;

6. A display room containing sufficient merchandise to permit reasonable selection, including five (5) or more adult caskets;

7. Sufficient licensed personnel who will be available to conduct the operation of the funeral establishment;

8. A physical plant located at a fixed place, and not located on any tax-exempt property or cemetery; and

9. A physical plant which meets the health standards or health ordinances of the state and of the municipality in which the establishment is located.

It is expressly provided, however, that an establishment which functions solely as a commercial embalmer, as that term is defined in this Act, shall have a funeral establishment license, but shall not be required to meet the requirements of sub-sections 1 and 6 of this paragraph C.

D. 1. The Board may initiate formal complaint or other action against a funeral establishment or in regard to the license of a funeral establishment only upon the following grounds:

(a) Failure of a funeral establishment to substantially comply with the provisions of Subsection B or C of this Section.

(b) Conducting or operating a funeral establishment in a manner which, in the discretion of the Board, after applying contemporary community standards, is found to be offensive to the common conscience and moral standards of the community where the funeral establishment is licensed or where such offensive conduct occurred.

(c) The use of any advertising statement of a character which misleads or deceives the public, or use, in connection with advertisements, the

names of persons who do not hold a license as a funeral director or embalmer and represent them to be so licensed;

(d) Whenever a licensee, apprentice, or any other person, whether employee, agent or representative, or one in any manner associated with a funeral establishment shall solicit business or offer any inducement, pecuniary or otherwise, for the purpose of securing or attempting to secure business for such funeral establishment, unless such solicitation is made pursuant to a permit issued under the provisions of Article 548b, Vernon's Texas Civil Statutes, or Senate Bill No. 129, Acts of the 58th Legislature, Regular Session, 1963.

(e) Failure by the funeral director in charge to provide licensed personnel for attendance, direction, or personal supervision for a "first call" as that term is defined in this Act.

Provided, however, with respect to alleged violations of Subsection D–1 (b), (c), (d), and (e), the Board may not initiate formal complaint or other action against a funeral establishment or in regard to the license of a funeral establishment when the ground or grounds of complaint are based on the conduct of employees, agents or representatives of such establishment performed outside the scope and authority of their employment or contrary to the instructions of the funeral establishment and its management.

2. As to asserted violations of provisions of this Section, the Board shall have the following powers, rights and duties:

(a) The Board may, in any case, require a sworn statement setting forth matter complained of as a condition to taking further action.

(b) The Board shall cause an investigation to be made whenever a complaint is filed with or by the Board. In any investigation or hearing by the Board, it may require the attendance of witnesses by issuing notices to witnesses and ordering them to appear and testify. The Board may require testimony to be given under oath or affirmation. Such notice to a witness shall be issued at the request of the Board or the accused licensee or the organization whose application for license has been denied. Such notice must be in writing and signed by presiding member of the Board, and shall notify the witness of the time and place to appear. Notice to a witness shall be served on him personally or by mailing same to him by registered mail, return receipt requested. Proof of such may be made by certificate of the person making the same, with return receipt attached when made by registered mail.

If any witness fails or refuses to appear before the Board, such witness shall be compelled by a Judge of any District Court to appear and testify at a hearing before such judge in the same manner as witnesses may be compelled to appear and testify in a civil suit in a District Court. Application for such hearing may be filed by any party to such proceedings in any District Court of the County in which such witness resides or may be found. The judge shall fix by order a time and place for such hearing and shall provide for such notice to the Board and the accused or the applicant for a license or certificate which has been denied as he determines proper. If such witness fails to appear or testify he shall be punished as in case of contempt.

(c) As to the licenses of funeral establishments, except when the accused admits a violation and agrees in writing to a judgment of the Board suspending or revoking the license in question or placing the accused on probation, the Board shall have no power or authority to suspend or revoke the license of the accused. However, the Board shall have the right to initiate a civil action in a District Court in the county in which the accused resides for the purpose of seeking a revocation or suspension of such license or probationary action all as hereinafter provided.

If the Board shall be of the opinion that the license of the accused should be revoked or suspended for a period not to exceed three years, and if the accused will accept a decision of the Board to such effect, it shall

prepare a formal judgment and submit the same to him; and upon his agreement to its entry, evidenced by memorandum in writing signed and acknowledged by him, the Board shall enter judgment accordingly and the same shall have the force and effect of a judgment of the District Court of the county of the residence of the accused. A copy of the judgment, together with a copy of the complaint, shall be mailed to the clerk of the District Court of the county of residence of the accused for entry in the minutes of the court.

(d) The term "Accusation" or "Complaint" shall embrace all complaints brought before the Board. By the terms "civil suit," "court action" or "formal complaint" is meant the pleading by which disciplinary action is instituted by the Board in a District Court of this state.

The Texas rules of civil procedure shall govern the procedure in all proceedings under Civil Actions (Formal Complaint).

The District Attorney or the County Attorney of the county of residence of the accused licensee as defendant, or the Attorney General or such counsel as the Board may designate shall represent the Board as it shall determine.

The formal complaint shall be the pleading by which the proceeding is instituted. The formal complaint shall be filed in the name of the Texas State Board of Morticians as plaintiff against the accused licensee as defendant and shall set forth the violation with which the defendant is charged. The prayer may be that the defendant "be placed on probation or his (its) license suspended or revoked as the facts shall warrant."

The answer of the defendant to the formal complaint shall either admit or deny each allegation of the petition, except where the defendant is unable to admit or deny the allegation, in which case defendant shall set forth the reasons he (it) cannot admit or deny.

Proceedings under formal complaint shall be entitled to preferred setting at the request of either party.

If the court shall find from the evidence in a case tried without a jury, or from the verdict of the jury, if there be one, that the defendant is guilty of no violation, he shall enter judgment so declaring and dismiss the complaint; but if he shall find the defendant guilty, he shall determine whether the party shall be (a) placed under probation (in which case he shall specify the terms thereof), (b) the license suspended (in which case he shall fix the term of suspension), or (c) the license revoked; and he shall enter judgment accordingly. If the judgment be one finding the defendant guilty as aforesaid, it shall direct transmittal of certified copies of the judgment and complaint to the Secretary of the Board of Morticians; and the latter shall make proper notation on the membership rolls.

At any time after the expiration of one year from the date of final judgment or revocation of a license, such party may petition the District Court of the county of his residence for reinstatement. Notice of such action shall be given to the Secretary of the State Board of Morticians.

The Board shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Section. Said action for an injunction shall be in addition to any other action, proceeding, or remedy recognized by law. The Board shall be represented by counsel designated by it, or, by the Attorney General and/or County and District Attorney of this state.

E. Each funeral establishment shall designate to the Board a funeral director in charge, and such funeral director in charge shall be directly responsible for the funeral directing and embalming business of the licensee. Any change or changes in such designation shall be given to the Board promptly.

F. The Board may issue such rules and regulations as shall comply with and shall effect the intent of the provisions of this Section.

G. Any premises on which funeral directing or embalming is practiced shall be open at all times to inspection by any agent of the Board or by any duly authorized agent of the state or of the municipality in which the premises are located. Each licensed funeral establishment shall be thoroughly inspected at least once each year by an agent of the Board or by an agent of the state or a political subdivision thereof whom the Board has authorized to make inspections on its behalf. A report of this annual inspection shall be filed with the Board.

Rules and regulations

Sec. 5. A. The Board is authorized to promulgate such rules and regulations as it may deem advisable governing the granting, suspension and revocation of licenses as prescribed by the provisions of this Act.

B. Whenever it is provided in this Act that the Board may or shall issue any rules and regulations, such rules and regulations thereunder proposed shall be effective only after due notice and hearing.

Revocation, cancellation or suspension of licenses of funeral directors, embalmers and apprentices

Sec. 6. The State Board of Morticians shall have the right to cancel, revoke, or suspend or place on probation the license of any individual person licensed under this Act as provided by subparagraph H of Section 3 above.

Proceedings under this Section shall be initiated by filing charges with the State Board of Morticians in writing and under oath. Said charges may be made by any person or persons. The President of the State Board of Morticians shall set a time and place for hearing, shall cause a copy of the charges, together with a notice of the time and place fixed for hearing, to be served on the respondent or his counsel at least ten (10) days prior thereto. When personal service is impossible, or cannot be effected, the Board shall cause to be published once a week for two (2) successive weeks a notice of the hearing in a newspaper published in the county wherein the respondent was last known to reside and shall mail a copy of the charges and of such notice to the respondent at his last known address. When publication of the notice is necessary, the date of hearing shall not be less than ten (10) days after the date of the last publication of the notice. At said hearing the respondent shall have the right to appear either personally or by counsel, or both, to produce witnesses or evidence in his behalf, to cross-examine witnesses, and to have subpoenas issued by the Board. The Board shall thereupon determine the charges upon their merits. All charges, complaints, notices, orders, records and publications authorized or required by the terms of this Act shall be privileged.

Any licensed funeral director and/or embalmer whose license has been revoked, suspended or renewal refused, or a person to whom the Board has refused to issue a license under this Act, shall have the right of appeal, from any such decision of the Board to any District Court in the county in which he resides within twenty (20) days from and after the date the said Board announces its final decision. In a suit brought to review orders, decisions, or other acts of the Board, the trial shall be de novo as that term is used and understood in an appeal from a Justice of Peace Court to the County Court. The rights of the parties thereto shall be determined by the Court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this section. Upon application, the Board may

For Annotations and Historical Notes, see V.A.T.S.

reissue a license to practice as a funeral director or embalmer to a person whose license has been cancelled or suspended, but such application, in the case of cancellation or revocation, shall not be made prior to one (1) year after the cancellation or revocation, and shall be made in such a manner and form as the Board may require.

The State Board shall have the power to appoint committees from the membership. The duties of any committees appointed from the State Board of Morticians membership may consider such matters pertaining to the enforcement of this Act as shall be referred to such committees, and they shall make recommendations to the State Board of Morticians with respect thereto. The State Board of Morticians shall have the power, and may delegate the said power to any committee, to issue subpoenas, and subpoenas duces tecum, and to compel the attendance of witnesses, the production of books, records and documents, to administer oaths, and to take testimony concerning all matters within its jurisdiction. The State Board of Morticians shall not be bound by such rules of evidence or procedure, in the conduct of its proceedings, but the determination shall be founded on sufficient legal evidence to sustain it. The State Board of Morticians shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Act. Said action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law. The State Board of Morticians shall be represented by the Attorney General and/or the County or District Attorneys of this state, or counsel designated and empowered by the Board. Before entering any order cancelling, suspending, refusing to renew, or revoking a license to practice as a funeral director and/or embalmer, the Board shall hold a hearing in accordance with the procedure as set forth in this Act.

The provisions of this Section shall not apply to funeral establishments or licenses pertaining to funeral establishments.

Acting without license

Sec. 6A. Any person posing as a funeral director, embalmer, or apprentice, holding himself out to the public as a funeral director, embalmer, or apprentice as those terms are defined in this Act, without being properly licensed under this Act shall be guilty of a violation of this Act, and on complaint of the Board may be prosecuted and punished under the provisions of Section 7.

Certificate for foreign students

Sec. 6B. Any citizen of a country other than the United States who has completed a full course of mortuary science at a Board-approved college in Texas, may upon application to the State Board, and after payment of the same examination fee required of others, be given the Board examinations in either embalming, funeral directing or both, and, upon successfully making the minimum grades required of other applicants, may be awarded a "Certificate of Merit" by the Board. Such certificate shall in no manner authorize a holder thereof to practice embalming and/or funeral directing in this state unless the holder is otherwise licensed as an embalmer and/or funeral director under the provisions of this Act.

Penalty

Sec. 7. Any person who practices as a funeral director, embalmer or apprentice in violation of any provisions of this Act shall be fined not less than Fifty Dollars ($50) nor more than Five Hundred Dollars ($500) or shall be imprisoned in the county jail for not more than thirty (30) days, or both. Each day of such practice shall constitute a separate offense.

Exemption

Sec. 8. Nothing herein shall be construed as requiring that funeral establishments be owned by licensed persons.

Amended by Acts 1963, 58th Leg., p. 1283, ch. 494, § 1, eff. Sept. 1, 1963; Sec. 3, D, 1(a) (2) amended by Acts 1969, 61st Leg., p. 368, ch. 138, § 1, eff. May 6, 1969; Sec. 3, D, 2(a) amended by Acts 1969, 61st Leg., p. 367, ch. 137, § 1, eff. May 6, 1969; Secs. 1–8 amended by Acts 1971, 62nd Leg., p. 2957, ch. 980, § 1, eff. Aug. 30, 1971.

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Sections 2 and 3 of the 1971 amendatory act provided:

"Sec. 2. Severability. Every provision of this Act, every Section and every part of every Section, is hereby declared to be independent and severable insofar as this relation shall be necessary to the validity of this Act. Should any provisions of this Act be held to be invalid by a court of competent jurisdiction, for any reason, such holding shall not affect the validity of any remaining provision of this Act, it being the legislative intent that the Act shall stand, notwithstanding the invalidity of any such provision or Section; the fact that any provision, Section, or part of any Section, is void or invalid shall not be held to invalidate any other provision hereof.

"Sec. 3. Conflicts. All laws and parts of laws in conflict herewith are repealed to the extent of such conflict only."

Art. 4590—3. Human transplantations and blood transfusions; liability for negligence; cash payment for blood

Declaration of policy

Section 1. The availability of scientific knowledge, skills and materials for the transplantation, injection, transfusion or transfer of human tissue, organs, blood and components thereof is important to the health and welfare of the people of this State. The imposition of legal liability without fault upon the persons and organizations engaged in such scientific procedures inhibits the exercise of sound medical judgment and restricts the availability of important scientific knowledge, skills and materials. It is therefore the public policy of this State to promote the health and welfare of the people by limiting the legal liability arising out of such scientific procedures to instances of negligence.

Limitation of liability

Sec. 2. No physician, surgeon, hospital, blood bank, tissue bank, or other person or entity who donates, obtains, prepares, transplants, injects, transfuses or otherwise transfers, or who assists or participates in obtaining, preparing, transplanting, injecting, transfusing or transferring any tissue, organ, blood or component thereof from one or more human beings, living or dead, to another human being, shall be liable as the result of any such activity, save and except that each such person or entity shall remain liable for his or its own negligence.

Exception

Sec. 3. (a) No blood bank may pay cash for blood. No blood bank may pay a seller for blood by check unless the check is sent to the seller by United States mail not before the expiration of 15 days following the day the blood is taken from the seller.

(b) If a blood bank purchases blood in violation of Subsection (a) of this section and the blood contains harmful substances, the blood bank is not entitled to the immunity provided in this Act.

(c) In any suit brought under the exception in Subsection (b) of this section, the burden shall be on the blood bank to show that the blood was not purchased in violation of Subsection (a) of this section.

(d) "Blood bank" means a blood bank licensed by the Division of Biological Standards of the National Institute of Health, or the American Association of Blood Banks.

Acts 1971, 62nd Leg., p. 1985, ch. 613, eff. June 4, 1971.

Legislative Intent

The Governor filed the following letter with the Secretary of State along with House Concurrent Resolution No. 195, Acts 1971, 62nd Leg., p. 4122, which corrects Senate Bill No. 534 [Chapter 613 enacting this article]:

"Dear Mr. Secretary:

"On June 4, 1971, I signed Senate Bill No. 534. At that time, I was unaware that House Concurrent Resolution No. 195 had been passed by the Legislature directing the Senate Enrolling Room to make certain changes in the bill. House Concurrent Resolution No. 195 evidently was misplaced, inasmuch as it was not received by my office until June 10, 1971.

"Although I have already signed Senate Bill No. 534 into law, I am filing with my signature H.C.R. No. 195 as evidence of the legislative intent embodied in Senate Bill No. 534.

"Sincerely, Preston Smith, Governor of Texas."

House Concurrent Resolution No. 195, which was filed with the Secetary of State on June 14, 1971, reads:

"WHEREAS, Senate Bill No. 534 has been passed by both houses and is now in the Senate Enrolling Room, and certain corrections need to be made in the bill; now, therefore, be it

"RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the Enrolling Clerk of the Senate be directed to correct the bill so that all below the enacting clause reads as follows:

"Section 1. Declaration Policy. The availability of scientific knowledge, skills and materials for the transplantation, injection, transfusion or transfer of human tissue, organs, blood and components thereof is important to the health and welfare of the people of this state. The imposition of legal liability without fault, or the determination that the furnishing of human tissue, organs, blood and components thereof is a product as opposed to a service, upon persons and organizations engaged in such scientific procedures inhibits the exercise of sound medical judgment and imposes too rigid a standard of produce liability. It is therefore the public policy of this state to promote the health and welfare of the people by limiting the legal liability arising out of such scientific procedures to instances of negligence.

"Sec. 2. Limitation of Liability. No physician, surgeon, hospital, blood bank, tissue bank, or other person or entity who donates, obtains, prepares, transplants, injects, transfuses or otherwise transfers, or who assists or participates in obtaining, preparing, transplanting, injecting, transfusing or transferring any tissue, organ, blood or component thereof from one or more human beings, living or dead, to another human being, shall not be considered for any purposes as having furnished a product thereby, but performing any of the foregoing shall be considered as having provided a service and the concept of product liability shall never be applied thereto.

"Sec. 3. Declaring an Emergency. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Title of Act:
An Act relating to the liability for damages of persons engaged in the transplantation or transfusion of human tissues and blood and related purposes; prohibiting payment in cash for blood by blood banks; providing penalties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1985, ch. 613.

CHAPTER NINETEEN—NUCLEAR AND RADIOACTIVE MATERIALS [NEW]

Art.
4590f. Nuclear and radioactive materials; sources of radiation; licensing and registration.

Art. 4590f. Nuclear and radioactive materials; sources of radiation; licensing and registration

Declaration of policy

Section 1. It is the policy of the State of Texas in furtherance of its responsibility to protect the public health and safety:

(1) To institute and maintain a regulatory program for sources of radiation so as to provide for (a) compatibility with the standards and regulatory programs of the Federal Government, (b) a single, effective system of regulation within the state, and (c) a system consonant insofar as possible with those of other states; and

(2) To institute and maintain a program to permit development and utilization of sources of radiation for peaceful purposes consistent with the health and safety of the public.

Purpose

Sec. 2. It is the purpose of this Act to effectuate the policies set forth in Section 1 by providing for:

(1) A program of effective regulation of sources of radiation for the protection of the occupational and public health and safety;

(2) A program to promote an orderly regulatory pattern within the state, among the states and between the Federal Government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of radiation to the end that duplication of regulation may be minimized; and

(3) A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to sources of radiation; and

(4) A program to permit maximum utilization of sources of radiation consistent with the health and safety of the public.

Definitions

Sec. 3. (a) By-product material means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(b) Radiation means one or more of the following:

(1) Gamma and x-rays; alpha and beta particles and other atomic or nuclear particles or rays; or

(2) Any electronic devices capable of stimulated emission of radiation to such energy density levels as to reasonably cause bodily harm.

(3) Any device capable of producing sonic, ultrasonic or infrasonic waves in the energy range to reasonably cause detectable bodily harm as a result of the operation of an electronic circuit in such device.

(c) License—General and Specific.

For Annotations and Historical Notes, see V.A.T.S.

(1) General license means a license effective pursuant to regulations promulgated by the Texas State Radiation Control Agency without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing by-products, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(2) Specific license means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing by-product, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(d) Person means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than Federal Government Agencies licensed by the United States Atomic Energy Commission, or any successor thereto.

(e) Source materials means (1) uranium, thorium, or any other material which the Governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials, in such concentration as the Governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(f) Special nuclear material means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(g) Registration means notification of the Agency within thirty (30) days following the commencement of an activity involving the operation of radiation producing equipment or the manufacture, use, handling or storage of radioactive material. Said notice shall state the location, nature, and scope of such operation, manufacture, use, handling or storage.

(h) Excessive exposure means the exposure to radiation in excess of the maximum permissible levels as provided under rules or regulations adopted by the Texas State Board of Health.

(i) Radioactive material means any material, solid, liquid or gas, which emits radiation spontaneously, whether occurring naturally or produced artificially.

(j) Source of radiation means any radioactive material, or any device or equipment emitting or capable of producing radiation, whether intentional or incidental.

(k) Electronic product means any manufactured product or device or component part of such a product or device that has an electronic circuit which during operation can generate or emit a physical field of radiation.

State Radiation Control Agency

Sec. 4. (a) The Texas State Department of Health is hereby designated as the State Radiation Control Agency, hereinafter referred to as the Agency.

(b) The Commissioner of the Texas State Department of Health shall designate an individual to be Director of the Radiation Control

Program, hereinafter referred to as the Director, who shall perform the functions vested in the Agency pursuant to the provisions of this Act.

(c) In accordance with the laws of the State of Texas, the Agency may employ, compensate, and prescribe the powers and duties of such individuals as may be necessary to carry out the provisions of this Act.

(d) The Agency shall for the protection of the occupational and public health and safety:

(1) Develop programs for evaluation of hazards associated with use of sources of radiation;

(2) Develop programs with due regard for compatibility with federal programs for regulation of sources of radiation;

(3) Formulate, adopt, promulgate and repeal codes, rules and regulations, which may provide for licensing and registration, relating to control of sources of radiation with due regard for compatibility with the regulatory programs of the Federal Government. Rules and regulations shall not become effective until ninety (90) days after adoption by the State Radiation Control Agency;

(4) Issue such orders of modifications thereof as may be necessary in connection with proceedings under Section 6 of this Act;

(5) Advise, consult, and cooperate with other agencies of the state, the Federal Government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of radiation;

(6) Have the authority to accept and administer loans, grants or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the Federal Government and from other sources, public or private;

(7) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of radiation; and

(8) Collect and disseminate information relating to control of sources of radiation, including:

a. Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions and revocations;

b. Maintenance of a file of registrants possessing sources of radiation requiring registration under the provisions of this Act and any administrative or judicial action pertaining thereto; and

c. Maintenance of a file of all rules and regulations relating to regulation of sources of radiation, pending or promulgated, and proceedings thereon.

Radiation Advisory Board

Sec. 5. (a) There is hereby established a Radiation Advisory Board consisting of nine (9) members. The Governor shall appoint to the Board individuals as follows: one (1) from industry, who shall be trained in the field of nuclear physics, science and/or nuclear engineering, one (1) from labor, one (1) from agriculture, one (1) from insurance, one (1) from public safety, one (1) hospital administrator, and three (3) persons licensed by the Texas State Board of Medical Examiners specializing in: one (1) from nuclear medicine or physics, one (1) from pathology, and one (1) from radiology. Of the nine (9) members of the Board first appointed under the provisions of this Act, three (3) shall serve for a period of six (6) years; three (3) shall serve for a period of four (4) years; three (3) for a period of two (2) years, or until their successors shall be appointed and shall have qualified, unless sooner removed for cause. After the expiration of the terms of the first appointees to the Board, the terms of all members shall be for six (6) years. Provided, members of the Board shall receive no salary for services but may be reimbursed for actual expenses incurred in connection with attendance at Board meetings or for authorized business of the Board.

For Annotations and Historical Notes, see V.A.T.S.

(b) The Advisory Board shall:

(1) Review and evaluate policies and programs of the state relating to radiation.

(2) Make recommendations to the Texas State Radiation Control Agency and furnish such technical advice as may be required on matters relating to development, utilization and regulation of sources of radiation.

(3) Review proposed rules and regulations of the State Radiation Control Agency relating to use and control of sources of radiation to assure that such rules and regulations are consistent with rules and regulations of other agencies of the state and report its findings to the State Radiation Control Agency.

(4) A majority of the Board shall constitute a quorum for the transaction of business. The Board shall elect from its membership a Chairman, Vice-Chairman, and Secretary. A record of all meetings shall be kept and the Board shall meet at Austin, quarterly, on a date to be fixed by the Board, and shall hold such special meetings as may be called by the Commissioner of Health or any three (3) members of the Board. Such special meetings may be held at any designated place within the State of Texas as determined by the Commissioner of Health to best serve the purpose for which the special meeting is called. Timely notice of such special meetings shall be given to each member.

Licensing and registration of sources of radiation

Sec. 6. (a) The Texas State Radiation Control Agency shall provide by rule or regulation for general or specific licensing of radioactive materials, or devices or equipment utilizing such materials. Such rules or regulations shall provide for amendment, suspension or revocation of licenses. Such rules or regulations shall provide that:

(1) Each application for a specific license shall be in writing and shall state such information as the Agency by rule or regulation may determine to be necessary to decide the technical, insurance and financial qualifications or any other qualification of the applicant as the Agencies or Agency may deem reasonable and necessary to protect the occupational and public health and safety. The Agency may at any time after the filing of the application, and before the expiration of the license, require further written statements and may make such inspections as the Agency may deem necessary in order to determine whether the license should be granted or denied or whether the license should be modified, suspended or revoked. All applications and statements shall be signed by the applicant or licensee. The Agency may require any applications or statements to be made under oath or affirmation;

(2) Each license shall be in such form and contain such terms and conditions as the Agency may by rule or regulation prescribe;

(3) No license issued under the authority of this Act and no right to possess or utilize sources of radiation granted by any license shall be assigned or in any manner disposed of; and

(4) The terms and conditions of all licenses shall be subject to amendment, revision, or modification by rules, regulations or orders issued in accordance with the provisions of this Act.

(b) The Texas State Radiation Control Agency is authorized to require registration or licensing of other sources of radiation.

(c) The Texas State Radiation Control Agency is authorized to exempt certain sources of radiation or kinds of uses or users from the licensing or registration requirements set forth in this Section when the Agency makes a finding that the exemption of such sources of radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

(d) Rules and regulations promulgated pursuant to this Act may provide for recognition of other state or federal licenses as the Texas State Radiation Control Agency shall deem desirable subject to such registration requirements as the Agency may prescribe.

Inspection

Sec. 7. The Texas State Radiation Control Agency or their duly authorized representatives shall have the power to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violations of the provisions of this Act and rules and regulations issued thereunder, except that entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

Records

Sec. 8. (a) The Texas State Radiation Control Agency shall require each person who possesses or uses a source of radiation to maintain records relating to its utilization, receipt, storage, transfer or disposal and such other records as the Agency may require subject to such exemptions as may be provided by rules or regulations.

(b) The Texas State Radiation Control Agency shall require each person who possesses or uses a source of radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by rules and regulations of the Agency. Copies of these records and those required to be kept by Subsection (a) of this Section shall be submitted to the Agency on request. Any person possessing or using a source of radiation shall furnish to each employee for whom personnel monitoring is required a copy of such employee's personal exposure record at any time such employee has received excessive exposure and upon termination of employment. A copy of his annual exposure record shall be furnished to the employee upon his request.

Federal-State agreements

Sec. 9. (a) The Governor, on behalf of this state, is authorized to enter into agreements with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of radiation and the assumption thereby by this state.

(b) Any person who, on the effective date of an agreement under Subsection (a) above, possesses a license issued by the Federal Government, shall be deemed to possess the same pursuant to a license issued under this Act, which shall expire either ninety (90) days after receipt from the Texas State Radiation Control Agency of a notice of expiration of such license, or on the date of expiration specified in the federal license, whichever is earlier.

Inspection agreements and training programs

Sec. 10. (a) The Texas State Radiation Control Agency is authorized to enter into, subject to the approval of the Governor, an agreement or agreements with the Federal Government, other states or interstate agencies, whereby this state will perform on a cooperative basis with the Federal Government, other states or interstate agencies, inspections or other functions relating to control of sources of radiation.

(b) The Texas State Radiation Control Agency may institute training programs for the purpose of qualifying personnel to carry out the provisions of this Act, and may make said personnel available for participation in any program or programs of the Federal Government, other states or interstate agencies in furtherance of the purposes of this Act.

Conflicting laws

Sec. 11. Regulations, ordinances, or resolutions, now or hereafter in effect, of other State Agencies, the governing body of a municipality or county or board of health relating to sources of radiation shall not be superseded by this Act; provided, that such regulations, resolutions, or ordinances are and continue to be consistent with the rules and regulations promulgated by the Texas Radiation Control Agency under the provisions of this Act.

Administrative procedure and judicial review

Sec. 12. (a) In any proceeding under this Act:

(1) For the issuance or modifications of rules and regulations relating to control of sources of radiation; or

(2) For granting, suspending, revoking, or amending any license or registration; or

(3) For determining compliance with or granting exceptions from rules and regulations of the Texas State Radiation Control Agency, the Agency shall afford an opportunity for a hearing before the Radiation Advisory Board on the record upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as party to such proceeding. Upon the conclusion of such hearing, the findings and recommendations of the Radiation Advisory Board shall be reported to the Texas Radiation Control Agency.

(b) Whenever the Texas State Radiation Control Agency finds that an emergency exists requiring immediate action to protect the public health and safety, the Agency may, without notice or hearing, issue a regulation or order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding any provision of this Act, such regulation or order shall be effective immediately. Any person to whom such regulation or order is directed shall comply therewith immediately, but on application to the Agency shall be afforded a hearing within ten (10) days. On the basis of such hearing, the emergency regulation or order shall be continued, modified or revoked within thirty (30) days after such hearing.

(c) Any final order entered in any proceeding under Subsections (a) and (b) above shall be subject to judicial review by any District Court of Travis County, Texas, in the manner prescribed.

Injunction proceedings

Sec. 13. Whenever, in the judgment of the Texas State Radiation Control Agency, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or any rule, regulation or order issued thereunder, and at the request of the Agency, the Attorney General may make application to any District Court in Travis County for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the Agency that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

Prohibited uses

Sec. 14. It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own or possess any source of radiation unless licensed, registered, or exempted by the Texas State Radiation Control Agency in accordance with the provisions of this Act.

Impounding of sources of radiation

Sec. 15. The Texas State Radiation Control Agency shall have the authority in the event of any emergency to impound or order the impounding of sources of radiation, in the possession of any person who is not equipped to observe or fails to observe the provisions of this Act or any rules or regulations issued thereunder.

Penalties

Sec. 16. Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00), and for the second or subsequent offense shall be subject to a fine of not less than One Thousand Dollars ($1,000.00) or imprisonment in the county jail for a period of not more than one (1) year or both such fines and imprisonment.

Acts 1961, 57th Leg., p. 138, ch. 72, eff. April 17, 1961. Amended by Acts 1971, 62nd Leg., p. 2612, ch. 858, § 1, eff. June 9, 1971.

Sections 2 and 3 of the 1971 amendatory act provided:

"Sec. 2. All laws and parts of laws in conflict with this Act are repealed.

"Sec. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Art. 4590g. Repealed by Acts 1971, 62nd Leg., p. 3323, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The repealed article authorized liability insurance for operators of atomic energy reactors, and was derived from Acts 1963, 58th Leg., p. 37, ch. 24.

See, now, V.T.C.A. Education Code, § 51.901.

INSURANCE CODE

CHAPTER ONE—THE BOARD, ITS POWERS AND DUTIES

Art. 1.02. State Board of Insurance

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(e) Irrespective of any provisions of the Insurance Code to the contrary, all references to a State official as being "Chairman of the Board of Insurance Commissioners," "Chairman of the State Board of Insurance," "Chairman of the Board," "Chairman of such Board," "Chairman of said Board," and the word "Chairman" in those provisions of the Insurance Code and other statutes of this State having to do with service of process upon an insurer shall be construed to be references to the Commissioner of Insurance and the requirements of such statutes relating to service of process upon insurers shall be satisfied where the service upon and acts to be done by the State official designated by such a statute is had upon and the acts performed by the Commissioner of Insurance.
Subsec. (e) added by Acts 1971, 62nd Leg., p. 2829, ch. 924, § 1, eff. June 15, 1971.

Arts. 1.26, 1.26—1. Repealed by Acts 1971, 62nd Leg., p. 1069, ch. 222, § 2, eff. Aug. 30, 1971

Article 1.26 provided for mortgage guaranty insurance and article 1.26—1 provided for the right to engage in such business, and were derived from Acts 1963, 58th Leg., p. 1318, ch. 504, § 1 and Acts 1967, 60th Leg., p. 466, ch. 211, §§ 1, 2. See, now, article 21.50.

Art. 1.29. Prohibited Activities of Officers, Directors and Certain Shareholders

Section 1. (a) No director or officer of any insurance company transacting business in or organized under the laws of this State, and no person who is directly or indirectly the beneficial owner of more than 10% of any class of equity security of any such insurance company, shall receive, except as permitted by this Article, any money or valuable thing, either directly or indirectly or through any substantial interest in any other corporation, firm or business unit for negotiating, procuring, recommending or aiding in any purchase, sale or exchange of property or loan, made by any such company or any subsidiary thereof; nor shall he be pecuniarily interested, either as principal, co-principal, agent or beneficiary, either directly or indirectly, or through any substantial interest in any other corporation, firm or business unit, in any such purchase, sale, exchange or loan; nor shall such company make any loan to or guarantee the financial obligation of any such director, officer or shareholder, either directly or indirectly, or through its subsidiaries, nor shall any such director, officer or shareholder accept any such loan or guarantee either directly or indirectly.

(b) "Person," as used herein, shall mean an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization.

"Subsidiary," as used herein shall mean any corporation in which an insurance company owns 50% or more of any class of equity securities of such corporation, or which is managed by or is directly or indirectly controlled by or is subject to control by an insurance company.

"Insurance company," as used herein, shall include and mean capital stock companies, reciprocal or inter-insurance exchanges, Lloyd's companies, fraternal benefit societies, mutual and mutual assessment associations, local mutual aids, local mutual burial associations, county and farm mutual associations, fidelity, guaranty and surety companies, trust companies organized under the provisions of Chapter 7 of this Code, mutual life insurance companies, mutual insurance companies other than life, stipulated premium companies, title insurance companies, and all other insurers transacting an insurance business in this State.

(c) Nothing in this Article shall be construed as prohibiting the following:

(1) Any such director, officer or shareholder from becoming a policyholder of the insurance company and enjoying the usual rights of a policyholder or from participating as beneficiary in any pension plan, deferred compensation plan, profit-sharing or bonus plan, stock option plan, or similar plan adopted by the insurance company and to which he may be eligible under the terms of such plan; or prohibit any such director, officer or shareholder from receiving salaries, bonuses and other remuneration for services rendered to the insurance company as an employee and not in violation of other provisions of the Insurance Code.

(2) Professional services performed by such directors for duties not placed by law upon a director and director's fees and expense reimbursement for the performance of their duties as directors.

(3) The approval and payment of lawful dividends to policyholders and shareholders.

(4) Any other arms-length transaction not forbidden by other statutes between such directors, officers and shareholders and such insurance company, provided such transactions are approved prior to the making thereof by the Commissioner of Insurance.

(5) (A) Any transactions within an insurance holding company system by insurers with their holding companies, subsidiaries or affiliates that are not prohibited by law, that meet the test of being fair and proper, and that are regulated by other statutes; and (B) other transactions or arrangements not prohibited by law that meet the test of being fair and proper as prescribed by rules and regulations adopted by the State Board of Insurance.

Sec. 2. The provisions of this Article are applicable to all insurance companies subject to regulation by the Insurance Code and any provision of exemption or any provision of inapplicability or applicability limiting such regulation in any chapter of the Code are not in limitation of the provisions of this Article, and in the event of conflict between this Article and any other article of the Code or in the event of any ambiguity the provisions of this Article shall govern.

Added by Acts 1971, 62nd Leg., p. 3404, ch. 1037, § 1, eff. June 16, 1971.

Section 2 of the 1971 act provided: "Severance Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

CHAPTER TWO—INCORPORATION OF INSURANCE COMPANIES

Art. 2.10—1. Additional Investment Authority

In addition to the securities authorized as investments in Article 2.10, a company may also invest its funds over and above its minimum

capital and minimum surplus, as provided in Article 2.02, in bonds issued, assumed, or guaranteed by certain international financial institutions in which the United States is a member, to wit: the Inter-American Development Bank, the International Bank for Reconstruction and Development (the World Bank), and the Asian Development Bank.

Added by Acts 1971, 62nd Leg., p. 1668, ch. 472, § 1, eff. Aug. 30, 1971.

CHAPTER THREE—LIFE, HEALTH AND ACCIDENT INSURANCE

SUBCHAPTER A. TERMS DEFINED; DOMESTIC COMPANIES

Art. 3.12. Compensation of Officers and Others; Including Pensions

(a) No "domestic" company shall pay any salary, compensation or emolument to any officer, trustee, or director thereof, nor any salary, compensation or emolument amounting in any year to more than Twenty Thousand Dollars ($20,000) to any person, firm or corporation, unless such payment be first authorized by a vote of the board of directors of such company, or by a committee of such board charged with the duty of authorizing such payments. The limitation as to time contained herein shall not be construed as preventing any "domestic" company from entering into contracts with its agents for the payment of renewal commissions.

(b) The stockholders of any such "domestic" company may authorize the inauguration of a plan or plans for the payment of pensions, retirement benefits or group insurance to its officers and employees. The stockholders may delegate to the board of directors authority and responsibility for the preparation, inauguration, putting into effect, final approval and administration of any such plan or plans or any amendments thereof.

(c) Mutual companies, acting through their policyholders, may exercise the same discretion and shall have the same authority, privileges and rights as are conferred upon "domestic" companies under Subparagraph (b) next above.

Amended by Acts 1971, 62nd Leg., p. 2857, ch. 936, § 1, eff. June 15, 1971.

Section 2 of the 1971 amendatory act provided: "If any provision of this Act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

SUBCHAPTER C. RESERVES AND INVESTMENTS

Art. 3.39. Authorized Investments and Loans for "Domestic" Life Insurance Companies

PART I. AUTHORIZED INVESTMENTS

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A. ANY OF ITS FUNDS AND ACCUMULATIONS

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10. Corporate First Mortgage Bonds, Notes and Debentures.

(1) First mortgage bonds or first lien notes on real estate or personal property: (a) of any solvent corporation which has not defaulted in the

payment of any debt within five (5) years next preceding such investment; or (b) of any solvent corporation which has not been in existence for five (5) consecutive years but whose first mortgage bonds or first lien notes on real estate or personal property are fully guaranteed by a solvent corporation which has not defaulted in the payment of any debt within five (5) years next preceding such investment; or (c) of any solvent corporation which has not been in existence for five (5) consecutive years but whose first mortgage bonds or first lien notes on real estate or personal property are secured by leases or other contracts executed by a solvent corporation which has not defaulted in the payment of any debt within five (5) years next preceding such investment, the required rentals or other required payments under which leases or other contracts are sufficient in any and every circumstance to pay interest and principal when due on such bonds or notes; or (d) of any solvent corporation which has not been in existence for five (5) consecutive years next preceding such investment, provided such corporation has succeeded to the business and assets and has assumed the liabilities of another corporation, and which corporation and the corporation so succeeded have not defaulted in the payment of any debt within five (5) years next preceding such investment; or (2) in the notes or debentures of any such corporation with a net worth of not less than Five Million Dollars ($5,000,000) where no prior lien exists in excess of 10 percent of the net worth of such corporation, and, under the provisions of the indenture providing for the issuance of such notes or debentures, no such prior lien can be created in excess of 10 percent of the net worth of such corporation, against the real or personal property of such corporation at the time the notes or debentures were issued; or (3) in the notes or debentures of any solvent corporation which has not been in existence for five (5) consecutive years where no prior lien exists, and, under the provisions of the indenture providing for the issuance of such notes or debentures, no such prior lien can be created against the real or personal property of such corporation at the time the notes or debentures were issued, but whose notes or debentures are secured by leases or other contracts executed by a solvent corporation which has not defaulted in the payment of any debt within five (5) years next preceding such investment and has a net worth of at least Five Million Dollars ($5,000,000), the required rentals or other required payments under which leases or other contracts are sufficient in any and every circumstance to pay interest and principal when due on such bonds or notes, or whose notes or debentures are fully guaranteed by any such corporation, but in no event shall the amount of such investment in the bonds, notes, or debentures of any one such corporation exceed five percent (5%) of the admitted assets of the insurance company making such investment.

Amended by Acts 1965, 59th Leg., p. 497, ch. 257, § 6, eff. Aug. 30, 1965; Acts 1971, 62nd Leg., p. 1561, ch. 422, § 1, eff. Aug. 30, 1971.

* * * * * * * * * * *

15A. Other Bonds.

A company may also invest its funds and accumulations in:

(1) bonds issued, assumed, or guaranteed by the Inter-American Development Bank, the International Bank for Reconstruction and Development (the World Bank), and the Asian Development Bank; and

(2) bonds issued, assumed, or guaranteed by the State of Israel.

Par. 15A added by Acts 1967, 60th Leg., p. 1829, ch. 707, § 1, eff. Aug. 28, 1967. Amended by Acts 1969, 61st Leg., p. 2132, ch. 736, § 1, eff. June 12, 1969; Acts 1971, 62nd Leg., p. 1668, ch. 472, § 2, eff. Aug. 30, 1971.

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Sections 2 and 3 of Acts 1971, 62nd Leg., p. 1561, ch. 422, provided:

"Sec. 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given

effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only."

Art. 3.41a. Student Loans

A foreign or domestic life insurance company may make loans to a student enrolled in an institution of higher education not exceeding $1,500 in any academic year and not exceeding $7,500 in aggregate principal amount over a period of years, provided that the principal amount of the loans is insured by the federal government pursuant to the provisions of the Federal Higher Education Act of 1965, as amended (P.L. 89-329) [1].
Added by Acts 1971, 62nd Leg., p. 1924, ch. 581, § 1, eff. June 1, 1971.

[1] 20 U.S.C.A. § 1001 et seq.

SUBCHAPTER E. GROUP INDUSTRIAL AND CREDIT INSURANCE

Art. 3.50. Group Life Insurance

Section 1. Definitions.—No policy of group life insurance shall be delivered in this state unless it conforms to one of the following descriptions:

* * * * * * * * * * *

(4)

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(a) The debtors eligible for insurance under the policy shall all be members of a group of persons numbering not less than fifty (50) at all times, who become borrowers, or purchasers of securities, merchandise or other property, under agreement to repay the sum borrowed or to pay the balance of the price of the securities, merchandise or other property purchased, to the extent of their respective indebtedness, but not to exceed Ten Thousand Dollars ($10,000.00) on any one life; provided, however, the face amount of any loan or loan commitment, totally or partially executed, made to a debtor for educational purposes or to a debtor with seasonal income by a creditor in good faith for general agricultural or horticultural purposes, secured or unsecured, where the debtor becomes personally liable for the payment of such loan, may be so insured in an initial amount of such insurance not to exceed the total amount repayable under the contract of indebtedness and, when such indebtedness is repayable in substantially equal installments, the amount of insurance shall at no time exceed the scheduled or actual amount of unpaid indebtedness, whichever is greater, and such insurance on such credit commitments not exceeding one year in duration may be written up to the amount of the loan commitment on a nondecreasing or level term plan, but such insurance shall not exceed Twenty-Five Thousand Dollars ($25,000.00) on any one life.
Sec. 1(a) (4) amended by Acts 1971, 62nd Leg., p. 1144, ch. 257, § 1, eff. May 18, 1971.

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(d) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment; provided that in the case of a debtor for educational purposes or of a debtor with seasonal income, under a loan or loan commitment for general agricultural or horticultural purposes of the type described in paragraph (a), the insurance in excess of the indebtedness to the creditor, if any, shall be payable to the estate of the debtor or under the provision of a facility of payment clause.
Sec. (4) (d) amended by Acts 1971, 62nd Leg., p. 1144, ch. 257, § 1, eff. May 18, 1971.

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Sec. 2. Group Life Insurance Standard Provisions. No policy of group life insurance shall be issued or delivered in this State unless and until a copy of the form thereof has been filed with the State Board of Insurance of the State of Texas and formally approved by such Board, nor shall any policy of group life insurance be delivered in this State unless it contains in substance the following provision, or provisions which in the opinion of the Commissioner are more favorable to the persons insured, or at least as favorable to the persons insured and more favorable to the policyholder, provided, however, (a) that provisions (6) to (10) inclusive shall not apply to policies issued to a creditor to insure debtors of such creditor; (b) that the standard provisions required for individual life insurance policies shall not apply to group life insurance policies; and (c) that if the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a non-forfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder, but nothing herein shall be construed to require that group life insurance policies contain the same non-forfeiture provisions as are required for individual life insurance policies; and provided further that subject to the terms of the policy any person insured under a group life insurance contract, whether issued before or after the effective date of this provision, may make to any person, firm, corporation, association, trust, or other legal entity, other than his employer, an absolute or collateral assignment of all of the rights and benefits conferred on him by any provision of such policy or by this section, but nothing herein shall be construed to have prohibited an insured from making an assignment of all or any part of his rights and privileges under the policy before the effective date of this section and subject to the terms of the policy an assignment by an insured before the effective date of this provision is valid for the purpose of vesting in the assignee all rights and privileges so assigned, but without prejudice to the insurer on account of any payment it may make or individual policy it may issue prior to receipt of notice of the assignment.

(1) A provision that the policyholder is entitled to a grace period of thirty-one (31) days for the payment of any premium due except the first, during which grace period the death benefit coverage shall continue in force, unless the policyholder shall have given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder shall be liable to the insurer for the payment of a pro rata premium for the time the policy was in force during such grace period.

(2) A provision that the validity of the policy shall not be contested, except for nonpayment of premiums, after it has been in force for two (2) years from its date of issue; and that no statement made by any person insured under the policy relating to his insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of two (2) years during such person's lifetime nor unless it is contained in a written instrument signed by him.

(3) A provision that a copy of the application, if any, of the policyholder shall be attached to the policy when issued, that all statements made by the policyholder or by the persons insured shall be deemed representations and not warranties, and that no statement made by any person insured shall be used in any contest unless a copy of the instrument containing the statement is or has been furnished to such person or to his beneficiary.

(4) A provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of his coverage.

(5) A provision specifying an equitable adjustment of premiums or of benefits or of both to be made in the event the age of a person insured has been misstated, such provision to contain a clear statement of the method of adjustment to be used.

(6) A provision that any sum becoming due by reason of the death of a person insured shall be payable to the beneficiary designated by the person insured, or his assignee, subject to the provisions of the policy in the event there is no designated beneficiary as to all or any part of such sum living at the death of the person insured, and subject to any right reserved by the insurer in the policy and set forth in the certificate to pay at its option a part of such sum not exceeding Two Hundred and Fifty ($250) Dollars to any person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the person insured.

(7) A provision that the insurer will issue to the policyholder for delivery to each person insured an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom the insurance benefits are payable, and the rights and conditions set forth in (8), (9), and (10) following.

(8) A provision that if the insurance, or any portion of it, on a person covered under the policy ceases because of termination of employment or of membership in the class or classes eligible for coverage under the policy, such person shall be entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of life insurance without disability or other supplementary benefits, provided application for the individual policy shall be made, and the first premium paid to the insurer, within thirty-one (31) days after such termination, and provided further that:

(a) The individual policy shall, at the option of such person, be on any one of the forms, except term insurance, then customarily issued by the insurer at the age and for the amount applied for;

(b) The individual policy shall be in an amount not in excess of the amount of life insurance which ceases because of such termination, provided that any amount of insurance which shall have matured on or before the date of such termination as an endowment payable to the person insured, whether in one sum or in installments or in the form of an annuity, shall not, for the purpose of this provision, be included in the amount which is considered to cease because of such termination; and

(c) The premium on the individual policy shall be at the insurer's then customary rate applicable to the form and amount of the individual policy, to the class of risk to which such person then belongs, and to his age attained on the effective date of the individual policy.

(9) A provision that if the group policy terminates or is amended so as to terminate the insurance of any class of insured persons, every person insured thereunder at the date of such termination whose insurance terminates and who has been so insured for at least five (5) years prior to such termination date shall be entitled to have issued to him by the insurer an individual policy of life insurance, subject to the same conditions and limitations as are provided by (8) above, except that the group policy may provide that the amount of such individual policy shall not exceed the smaller of (a) the amount of the person's life insurance protection ceasing because of the termination or amendment of the group policy, less the amount of any life insurance for which he is or becomes eligible under any group policy issued or reinstated by the same or another insurer within thirty-one (31) days after such termination, and (b) Two Thousand ($2,000) Dollars.

(10) A provision that if a person insured under the group policy dies during the period within which he would have been entitled to have an individual policy issued to him in accordance with (8) or (9) above and before such an individual policy shall have become effective, the

amount of life insurance which he would have been entitled to have issued to him under such individual policy shall be payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made.

Sec. 2 amended by Acts 1969, 61st Leg., p. 1704, ch. 557, § 1, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 2981, ch. 982, § 1, eff. June 15, 1971.

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SUBCHAPTER G. ACCIDENT AND SICKNESS INSURANCE

Art. 3.70—2. Form of Policy; Designation of Practitioners of the Healing Arts; Dependent Children

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(C) Any policy of accident and sickness insurance, including policies issued by companies subject to Chapter 20, Texas Insurance Code, as amended, delivered or issued for delivery in this state, which provides that coverage of a dependent child shall terminate upon attainment of the limiting age for dependent children specified in the policy shall also provide in substance that attainment of the limiting age shall not operate to terminate the coverage of the child while the child is both (1) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (2) chiefly dependent upon the insured for support and maintenance. Proof of the incapacity and dependency shall be furnished to the insurer by the insured within 31 days of the child's attainment of the limiting age and subsequently as may be required by the insurer but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

Amended by Acts 1965, 59th Leg., p. 329, ch. 154, § 1, eff. Jan. 1, 1966; Subsec. (B) added by Acts 1967, 60th Leg., p. 57, ch. 32, § 1, eff. Jan. 1, 1968; Subsec. (C) added by Acts 1971, 62nd Leg., p. 1557, ch. 418, § 1, eff. Jan. 1, 1972.

The 1971 amendatory act, which by sections 1 and 2 added subsection (C) to this article and amended article 3.70–8 respectively, in sections 3 to 5 thereof provided:

"Sec. 3. This Act shall take effect January 1, 1972, and shall apply to all accident and sickness policies issued and delivered in the State of Texas or issued for delivery in the State of Texas after that date but shall not apply to any policies issued and delivered in the State of Texas or issued for delivery in the State of Texas prior to that date. With respect to any policy forms approved by the State Board of Insurance prior to the effective date of this Act, an insurer is authorized to achieve compliance with this Act by the use of endorsements or riders, provided the endorsements or riders are approved by the State Board of Insurance as being in compliance with this Act.

"Sec. 4. All laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of the conflict only.

"Sec. 5. If any section, paragraph, or provision of this Act is declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs or provisions of this Act, and they shall remain in full force and effect."

Art. 3.70—8. Non-application to Certain Policies

Nothing in this Act shall apply to or affect (1) any policy of workmen's compensation insurance or any policy of liability insurance with or without supplementary expense coverage therein; or (2) any policy or contract of reinsurance; or (3) any blanket or group policy of insurance except as provided in Section 2, Subsections (B) and (C)[1]; or (4) life insurance endowment or annuity contracts or contracts supplemental thereto which contain only such provisions relating to accident and sickness insurance as (a) provide additional benefits in case of death or dismemberment or loss of sight by accident, or as (b) operate to safeguard such contracts against lapse, or to give a special surrender value, special benefit, or an annuity in the event that the insured or annuitant shall become totally and permanently disabled, as defined by the contract or sup-

plemental contract, or (5) any policy written under the provisions of Senate Bill No. 208, Acts of the 51st Legislature, 1949.[2]
Amended by Acts 1967, 60th Leg., p. 57, ch. 32, § 2, eff. Jan. 1, 1968; Acts 1971, 62nd Leg., p. 1557, ch. 418, § 2, eff. Jan. 1, 1972.

[1] Article 3.70-2(B), (C).
[2] Article 3.53.

Art. 3.73. Variable Life Insurance or Annuity Contracts

Segregated portfolios of investments

Section 1. A domestic life insurance company, stock, mutual, or fraternal, may establish one or more segregated portfolios of investments for the purpose of meeting and complying with requirements arising from issuing individual and group life insurance and annuity contracts with variable benefits. Such portfolios of investments shall have such identity as is prescribed by the State Board of Insurance and other appropriate authority.

Separate accounts; establishment

Sec. 2. Domestic life insurance companies writing variable life insurance contracts may establish one or more separate accounts and create such divisions of any separate accounts as are appropriate to its operation. A segregated portfolio of investments established for the purpose of writing variable insurance or annuity contracts may be used in connection with one or more separate accounts, or it may be accounted for as a part of a separate account.

Allocations to separate accounts; valuation of assets; ownership; transfers

Sec. 3. Domestic life insurance companies establishing such separate accounts may allocate thereto amounts (including proceeds applied under optional modes of settlement or under dividend options) to provide for life insurance (and benefits incidental thereto), payable in fixed or variable amounts or both, subject to the following:

(a) The income, gains and losses, realized or unrealized, attributable to a separate account shall be credited to or charged against the account, without regard to the other income, gains or losses of the company.

(b) To the extent of the reserves and other contract liabilities required to be held in the separate account, amounts allocated to any separate account and accumulations thereon may be invested and reinvested in and only in the securities and investments authorized by Parts I and II of Article 3.39 of this Code for any of the funds of a domestic life insurance company, free and clear of any and all limitations and restrictions in such Article 3.39, and in addition thereto in common capital stocks or other equities which are listed on or admitted to trading in a securities exchange located in the United States of America, or which are publicly held and traded in the 'over-the-counter market' as defined by and meeting the standards of the State Board of Insurance and as to which reliable market quotations have been available. None of the assets allocated to any such separate account shall be invested in common stocks of corporations which shall have defaulted in the payment of any debt within five years next preceding such investment. No such company shall invest in excess of the greater of (i) Twenty-Five Thousand Dollars ($25,000) or (ii) five per cent (5%) of the assets of any such separate account, or (iii) ten per cent (10%) of the assets of all such separate accounts in securities or common capital stock of any one corporation, except that subject to the approval of the State Board of Insurance all of the assets of a separate account may be invested in the shares of an open-end investment company or companies registered under the Federal Investment Company Act of 1940[1]. The assets and investments of such

separate accounts shall not be taken into account in applying the quantitative investment limitations applicable to other investments of the company. In the purchase of common capital stock or other equities, the insurer shall designate to the broker, or to the seller if the purchase is not made through a broker, and to the transfer agent, when necessary, the specific separate account for which the investment is made.

(c) Reserves for benefits guaranteed by variable life insurance contracts shall be maintained in either the general account or in a separate account, subject to requirements of the State Board of Insurance.

(d) Unless otherwise approved by or not contrary to regulations of the State Board of Insurance, assets allocated to a separate account shall be valued (1) at their market value on the date of valuation, or if there is no readily available market, (2) as provided under the terms of the contract or the rules or other written agreement applicable to such separate account and (3) in accordance with the rules or regulations prescribed by appropriate authority; provided, that unless otherwise specified by the State Board of Insurance, the portion, if any, of the assets of such separate account in excess of the reserves and other contract liabilities required to be held in the separate account shall be valued in accordance with the rules otherwise applicable to the company's assets.

(e) Amounts allocated to a separate account in the exercise of the power granted by this Act shall be owned by the company, and the company shall not be, nor hold itself out to be, a trustee with respect to such amounts except under such circumstances as are otherwise provided by this article. If and to the extent so provided under the applicable contracts, that portion of the assets of any such separate account equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the company may conduct. In the event of the insolvency of the company the net assets of each separate variable life insurance account shall be applied to the contractual claims of the owners or beneficiaries of the variable life insurance contracts applicable thereto.

(f) (1) All transfers made into or out of a separate account shall be made only as authorized by the provisions of this Act and shall be by a transfer in cash, except as otherwise provided herein.

(2) No sale, exchange or other transfer of assets may be made by a company between any of its separate accounts or between any other investment account and one or more of its separate accounts unless, in case of a transfer into a separate account, such transfer is made solely to establish the account or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a separate account, is made by a transfer of cash, or by a transfer of securities having a readily determinable market value, provided that such transfer of securities is approved by the State Board of Insurance. The State Board of Insurance may approve other transfers among such accounts if, in its opinion, such transfers would not be inequitable.

(g) To the extent such company deems it necessary to comply with any applicable federal or State laws, such company, with respect to any separate account, including any separate account which is a management investment company or a unit investment trust, may provide for persons having an interest therein appropriate voting and other rights and special procedures for the conduct of the business of such account, including special rights and procedures relating to investment policy, investment advisory services, selection of independent public accountants, and the selection of a committee, the members of which need not be otherwise affiliated with such company, to manage the business of such account.

[1] 15 U.S.C.A. § 80a-1 et seq.

Statement of variable benefits

Sec. 4. Any life insurance contract providing benefits payable in variable amounts delivered or issued for delivery in this State shall contain a statement of the essential features of the procedures to be followed by the insurance company in determining the dollar or unit amount of such variable benefits. Any such life insurance contract under which the benefits vary to reflect investment experience, including a group life insurance contract and any certificate in evidence of variable benefits issued thereunder, shall state that the dollar amount will so vary and shall contain on its first page a statement to the effect that the benefits thereunder are on a variable basis.

Qualification of insurers

Sec. 5. No company shall deliver or issue for delivery within this State variable life insurance contracts unless it is licensed or organized to do a life insurance business in this State, and the State Board of Insurance is satisfied that its condition or method of operation in connection with the issuance of such contracts will not render its operation hazardous to the public or its policyholders in this State. In this connection, the State Board of Insurance shall consider among other things:

(a) The history and financial condition of the company;

(b) The character, responsibility and fitness of the officers and directors of the company; and

(c) The law and regulation under which the company is authorized in the state of domicile to issue variable contracts.

If the company is a subsidiary of an admitted life insurance company, or affiliated with such company through common management or ownership, it may be deemed by the State Board of Insurance to have met the provisions of this section if either it or the parent or the affiliated company meets the requirements hereof.

The provisions of this article shall not be construed to prevent a domestic life insurance company from qualifying to do business in another state, and such companies are authorized to do a variable contract business in another state in accordance with the laws of that state, provided that any such business done and any transaction arising therefrom is capable of being identified separately.

No insurer may file a variable life insurance contract for approval by the State Board of Insurance unless it has complied with such advance clearance procedures as may be established by the State Board of Insurance.

Rules and regulations

Sec. 6. Notwithstanding any other provision of law, the State Board of Insurance shall have sole authority to regulate the issuance and sale of variable life insurance contracts, and to issue such reasonable rules and regulations as may be appropriate to regulate and to carry out the purposes and provisions of this Act and in augmentation thereof. The State Board of Insurance may make such provision as is necessary to achieve conformity with federal law.

Construction of Act; exceptions; grace provisions; reserve liability

Sec. 7. Except for Paragraphs 2, 6, 7, 8, 9, 11, and 12 of Article 3.44, Insurance Code, Article 3.44a, Insurance Code, Paragraph 3 of Article 3.45, Insurance Code, Section 2, Paragraph (1) of Article 3.50, Insurance Code, Article 11.12, Insurance Code, Article 11.13, Insurance Code, and Article 11.14, Insurance Code, and except as otherwise provided in this article, all pertinent provisions of this Code not conflicting with this article shall

apply to such separate accounts and contracts relating thereto. The provisions of this article shall be considered and interpreted as being in conjunction with the provisions of Article 3.72 and other applicable statutes except that any conflict or ambiguity arising from such consideration shall be resolved on the basis of provisions in this article. Any individual variable life insurance contract, delivered or issued for delivery in this State, shall contain grace, reinstatement, and nonforfeiture provisions appropriate to such a contract. Any group variable life insurance contract, delivered or issued for delivery in this State, shall contain a grace provision appropriate to such a contract.

The reserve liability for variable contracts shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality or other contractual guarantees.

Use of account or portfolio

Sec. 8. No separate account or segregated portfolio of investments shall be used for both variable life insurance contracts and variable annuity contracts.

Effective date

Sec. 9. The provisions of this Act shall take effect on September 1, 1971.

Added by Acts 1971, 62nd Leg., p. 1792, ch. 529, § 1, eff. Sept. 1, 1971.

Sections 2 and 3 of the 1971 act provided:

"Sec. 2. This Act is cumulative of and in addition to the authority granted by any other law of this State relating to separate accounts for insurance companies and shall not be deemed to repeal any such laws but all other laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict only.

"Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

CHAPTER FIVE—RATING AND POLICY FORMS

SUBCHAPTER A. MOTOR VEHICLE OR AUTOMOBILE INSURANCE

Art. 5.03. Approved rates as controlling. Higher rates on specific risks; approval procedure; inapplicability to exceptions

On and after the filing and effective date of such classification of such risks and rates, no such insurer shall issue or renew any such insurance at premium rates which are greater or less than, or different from those approved by the Board as just, reasonable, and adequate for the risks to which they respectively apply, and not confiscatory as to any class of insurance carriers authorized by law to write such insurance.

It is expressly provided, however, that notwithstanding any other provision of this chapter to the contrary, a rate or premium for such insurance in excess of the standard rate or premium that has been promulgated or approved by the Board may be used on any specific risk if (1) a written application is made to the Board naming the insurer and stating the coverage and rate proposed, (2) the person to be insured or person authorized to act in relation to the risk to be insured consents to such rate, (3) the reasons for requiring such excess rate or premium are stated in or attached to the application, (4) the person to be insured or person authorized to act for such person signs the application, and (5) the Board approves the application by order or by stamping; provided, however,

that this paragraph shall not be applicable to an automobile owned by an individual or owned jointly by two or more relatives who are residents in the same household provided such automobile is identified and rated by the State Board of Insurance as a private passenger automobile or is a farmer's truck with a low capacity, but this provision of inapplicability to automobiles or a farm truck individually or jointly owned shall not limit current rating practices and exceptions with respect thereto.

Amended by Acts 1971, 62nd Leg., p. 864, ch. 104, § 1, eff. April 30, 1971.

Sections 2 and 3 of the act of 1971 provided:

"Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

"Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict."

SUBCHAPTER C. FIRE INSURANCE AND ALLIED LINES

Art. 5.33. Reducing Hazard

The Board shall have full authority and power to give each city, town, village or locality credit for each and every hazard they may reduce or entirely remove, and also for all added fire fighting equipment, increased police protection, or any other equipment or improvement that has a tendency to reduce the fire hazard of any such city, town, village or locality, and also to give credit for a good fire record made by any city, town, village or locality. Said Board shall also have the power and authority to compel any company to give any or all policy holders credit for any and all hazards said policy holder or holders may reduce or remove. For the purposes of this Article, the installation of a new standard fire hydrant approved by the State Board of Insurance within the required distance of a risk as prescribed by the State Board of Insurance shall constitute a reduction in hazard by the policy holder or holders. Said credit shall be in proportion to such reduction or removal of such hazard and said company or companies shall return to such policy holder or holders such proportional part of the unearned premium charged for such hazard that may be reduced or removed.

Amended by Acts 1971, 62nd Leg., p. 3005, ch. 992, § 1, eff. June 15, 1971.

SUBCHAPTER G. WORKMEN'S COMPENSATION AND LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION INSURANCE

Art. 5.76. Prevention of Injuries and Assignment of Rejected Risks

* * * * * * * * * * *

(c) It shall be the duty of the companies and associations, members of the agency established pursuant to Paragraph (b) of this article, to provide insurance, in the manner herein provided, for any risk under the Workmen's Compensation Law of Texas [1] and/or the Longshoreman's and Harbor Workers' Compensation Act,[2] or for any city, county or any other political subdivision, agency or department of the State authorized to provide workmen's compensation insurance for its employees under any laws of the State of Texas, heretofore or hereafter enacted, which risk shall have been tendered to and rejected by any member of said agency. It shall be the further duty of the companies and associations, members of the agency established pursuant to Paragraph (b) of this article, to provide insurance in the manner herein provided on all policies and claims in existence for any insurance company which has been declared insolvent by the courts of this State or any other state in the same manner as if said policies had been written by servicing companies of this agency. With

respect to said claims in existence at the time of said declaration of insolvency and paid by the agency, the agency shall have the same rights against the receiver of said insolvent company as are provided by the laws of this State for workmen's compensation loss claimants of the insolvent insurance company. From and after the date the rules made and adopted under Paragraph (e) have been approved by the Board the procedures and remedies established under this article shall be the sole and exclusive procedure and remedies, either at law or in equity, of any applicant for such insurance whose insurance has been rejected or cancelled by any company or association.

Subpar. (c) amended by Acts 1971, 62nd Leg., p. 1080, ch. 230, § 1, eff. Aug. 30, 1971.

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[1] Vernon's Ann.Civ.St. art. 8306 et seq.

[2] 33 U.S.C.A. § 901 et seq.

Sections 2 to 4 of the 1971 amendatory act provided:

"Sec. 2. As respects claims for injury sustained prior to the effective date of this Act, no inchoate, vested, matured, existing or other rights, remedies, powers, duties, or authority, either of any employee or legal beneficiary, or of the Board, or of the association, or of any other person shall be in any way affected by any of the amendments or repeals herein made to the original law hereby amended or repealed, but all such rights, remedies, powers, duties, and authority shall remain and be in force as under the original law just as if the amendments or repeals hereby adopted had never been made, and to that end it is hereby declared that as respects such injuries occurring prior to the effective date of this Act, said original law is not repealed, but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties, and authority; and further this Act insofar as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment.

"Sec. 3. If any word, phrase, clause, paragraph, sentence, part, portion or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act in all its particulars and to all other persons and circumstances shall be valid and of full force and effect, and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision and to this end the provisions of this Act are declared to be severable.

"Sec. 4. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only."

CHAPTER SEVEN—SURETY AND TRUST COMPANIES

Art. 7.02. Withdrawal of Unnecessary Deposits

When two or more companies authorized to write fidelity, guaranty and surety insurance in the State of Texas merge or consolidate, and, incident to such merger or consolidation, enter into a total reinsurance contract by which the merged or ceding company is dissolved, and its assets acquired and liabilities assumed by the new or surviving company, the Commissioner of Insurance, upon finding that the contracting companies have on deposit with the State Treasurer two or more deposits made for the same or similar purposes under either former Article 7.03 (repealed by Acts 1957, 55th Legislature, Regular Session, Chapter 388, p. 1162) or Article 8.05 of the Insurance Code of Texas, shall authorize the State Treasurer to retain for a single purpose only the deposit of greater or greatest amount and value and to permit the new or surviving reinsuring company, upon proper showing that there is such duplication of deposits and that the new or surviving company is the owner thereof, to withdraw any or all duplicate or excessive deposits.

Added by Acts 1971, 62nd Leg., p. 1904, ch. 569, § 1, eff. June 1, 1971.

Section 2 of the 1971 act provided that this act shall take effect on June 1, 1971.

Section 3 thereof, an emergency clause, provided in part: "* * * the amend-

ment of the Insurance Code of Texas, repealing former Article 7.03 (Acts 1957, 55th Legislature, Regular Session, Chapter 388, p. 1162), made provision for refund or withdrawal of deposits, previously required to be made thereunder, only by expiration of all policies of insurance written by the depositor prior to August 22, 1957, and the fulfillment of certain other requirements, but made no provision for total reinsurance as adequate protection of all fidelity and surety interests covered by policies issued by a company which, upon merging or consolidating with another company or companies, enters into a total reinsurance contract, has resulted in a required retention of unnecessary duplicate and excessive deposits * * * ".

CHAPTER EIGHT—GENERAL CASUALTY COMPANIES

Art. 8.24. Mexican Casualty Insurance Companies; Policies in Force While Persons or Property Are in Mexico; Requirements for Issuance in State; Premium Tax; Rates; Enforcement

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(j) The State Board of Insurance shall have authority to suspend or revoke the certificate of authority of any insurance carrier authorized to do business in Texas under this Article, if the Board, after notice and opportunity for hearing, shall find that such carrier has systematically, with neglect and with willful disregard, failed to comply with its obligations derived from the contracts of insurance, and the laws applicable thereto, as contained in policies issued in the State of Texas.

Any carrier aggrieved by an order of the Board hereunder shall be entitled to appeal therefrom pursuant to the provisions of Article 1.04(f) of the Insurance Code.

Subsec. (j) added by Acts 1969, 61st Leg., p. 1637, ch. 509, § 1, eff. June 10, 1969. Amended by Acts 1971, 62nd Leg., p. 3039, ch. 1003, § 1, eff. June 15, 1971.

CHAPTER FOURTEEN—GENERAL PROVISIONS FOR MUTUAL ASSESSMENT COMPANIES

Art.
14.64 Issuance of Life Insurance Policies by Local Mutual Aid Associations or Statewide Mutual Assessment Companies [New].

Art. 14.64. Issuance of Life Insurance Policies by Local Mutual Aid Associations or Statewide Mutual Assessment Companies

Each local mutual aid association or statewide mutual assessment company possessing a mortuary fund and expense fund combined in at least the sum of $100,000.00 above all liabilities of such combined funds may issue policies of life insurance as authorized and permitted under the provisions of Chapter Three of this Insurance Code provided that: (1) no individual life shall be insured for more than $5,000.00, (2) each such policy shall be reserved as required under the provisions of Chapter Three of this Insurance Code, and (3) each such life policy shall be issued only upon an endowment or limited pay basis.

Added by Acts 1971, 62nd Leg., p. 1311, ch. 346, § 2, eff. May 24, 1971.

CHAPTER NINETEEN--RECIPROCAL EXCHANGES

Art. 19.12. Exemption from Insurance Laws with Limitations

Reciprocal or inter-insurance exchanges shall be exempt from the operation of all insurance laws of this State except as in this Chapter

specifically provided, or unless reciprocal or inter-insurance exchanges are specifically mentioned in such other laws. In addition to such Articles as may be made to apply by other Articles of this Code, reciprocal or inter-insurance exchanges shall not be exempt from and shall be subject to all of the provisions of Section 5 of Article 1.10 and of Article 1.15 and of Article 1.16 and of Article 5.35 and of Article 5.36 and of Article 5.37 and of Article 5.38 and of Article 5.39 and of Article 5.40 and of Article 6.12 and of Article 8.07 of this Code.

Amended by Acts 1971, 62nd Leg., p. 2942, ch. 973, § 1, eff. June 15, 1971.

CHAPTER TWENTY ONE—GENERAL PROVISIONS

SUBCHAPTER A. AGENTS AND AGENTS' LICENSES

Art. 21.07. Licensing of Agents

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Sec. 7. Expiration and Renewal of License.

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(c) Upon the filing of a request for renewal of license and payment of a renewal fee as hereinafter required for the license, prior to the date of expiration, the current license shall continue in force until th renewal license is issued by the State Board of Insurance or until the State Board of Insurance has refused, for cause, to issue the renewal license, as provided in this Article, and has given notice of the refusal in writing to the insurance carrier and the agent.

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Sec. 14. Fees and Use of Funds.—(a) It shall be the duty of the State Board of Insurance to collect from every agent of any insurance carrier writing insurance in the State of Texas under the provisions of this Article, an annual licensing fee and an initial appointment fee, as provided in Subsection (b) of this section, for each and every appointment by any insurance carrier, which fees shall constitute a fund to be used by the State Board of Insurance to enforce the provisions of this Article 21.07 and all laws of this State governing and regulating agents for such insurance carriers, as provided in Subsection (b) of this section.

(b) (1) For those agents writing life and accident insurance the annual license fee is Ten Dollars ($10) and Four Dollars ($4) for each appointment. The same fees shall be charged for those agents writing only health and accident insurance. (2) For county mutual fire insurance agents writing insurance for any company organized and operating as a county mutual fire insurance company on May 22, 1953, the business of which company is devoted exclusively to the writing of industrial

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fire insurance on a weekly, monthly, or quarterly basis on a continuous premium payment plan, the annual license fee is Five Dollars ($5) and Two Dollars ($2) for each appointment. (3) For any county mutual fire insurance company agent, other than those included in Subdivision (2) of this subsection, the annual license fee is Ten Dollars ($10) and Four Dollars ($4) for each appointment. (4) For agents writing life insurance only for (i) local mutual aid associations, (ii) local mutual burial associations, (iii) statewide mutual assessment corporations, and (iv) stipulated premium companies, the annual license fee is Five Dollars ($5) and Two Dollars ($2) for each appointment. (5) For any other type of insurance carrier licensed to do business in this state, the annual license fee is Ten Dollars ($10) and Four Dollars ($4) for each appointment.

(c) The State Board of Insurance is hereby given full power and authority under the provisions of this Article to use any portion of the funds herein created for the purpose of enforcing the provisions of this Article 21.07; and said State Board of Insurance is authorized to employ such person or persons as it may deem necessary to investigate and make reports upon any and all alleged violations of said laws and misconduct on the part of such agents and to pay the salaries and expenses of such person or persons so designated by it and all office employees and expenses necessary in the enforcement of this Article 21.07 out of the funds created hereunder and such person or persons so appointed by the State Board of Insurance are hereby authorized and empowered to administer the oath and to examine under oath any person deemed necessary in gathering information and evidence and to have the same reduced to writing if deemed necessary and all such expenses shall be paid out of said fund. If any residue for any years shall remain in said fund over and above the amount necessary to carry on the work and investigation and pay the expenses herein provided for, the same shall be carried over to the following year or years and used in the continuation of the enforcement of this Article 21.07 and the insurance laws of this State and all such funds are hereby appropriated for such purpose. The funds collected under this provision shall be paid into the State Treasury at least once each week and kept in a special fund and shall be paid out for salaries, traveling expenses, office expenses and other incidental expenses incurred by the State Board of Insurance hereunder upon proper account duly approved by the State Board of Insurance.

Provided, however, that at the termination of each biennium after the payment of all expenses of enforcement hereinbefore provided, any surplus of the enforcement fund created by the collection of the fees provided herein shall be transferred by the State Treasurer to the Examination Fund of the State Board of Insurance for such use as the State Board of Insurance may deem necessary in furthering the duties of the Examining Division of the State Board of Insurance.

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Amended by Acts 1969, 61st Leg., 2nd C.S., p. 168, ch. 25, § 1, eff. Sept. 19, 1969; Sec. 7 subsec. (c), 14 amended by Acts 1971, 62nd Leg., p. 2952, ch. 978, §§ 1, 2, eff. June 15, 1971.

Art. 21.11—1. Cancellation of Agency Contracts by Fire and Casualty Insurance Companies

Section 1. (a) After an agency contract has been in effect for a period of two years an insurance company writing fire and casualty insurance in this state may not terminate an agency contract with any appointed agent unless the company gives the agent notice in writing of the termination at least six months in advance.

(b) The company shall renew all contracts for fire and casualty insurance for the agent during a period of six months from the effec-

tive date of the termination, but in the event any risk shall not meet current underwriting standards of the company, the company may decline its renewal, provided that the company shall give the agent not less than 60 days' notice of its intention not to renew the contract of insurance.

(c) No new business or increases in liability on renewal or in force business shall be written by the agent for the company after notice of termination without the written approval of the company.

(d) Nothing contained in this Act shall ever be deemed or construed to prohibit an amendment or addendum subsequent to the inception date of the original agency agreement providing in such subsequent amendment or addendum that the original agency agreement may be terminated at a sooner time than is required by this Act provided the agent agrees in writing to such sooner termination.

Sec. 2. During the term of the contract the company shall not refuse to renew such business from the agent as would be in accordance with the company's current underwriting standards.

Sec. 3. The provisions of this article shall not apply to the termination of an agent's contract for insolvency, abandonment, gross and willful misconduct, or failure to pay over to the company money due to the company after his receipt of a written demand therefor, or after revocation of the agent's license by the State Board of Insurance; nor to the termination of agents where the policies and the insurance business is owned by the company and not by the agent.

Sec. 4. All existing contracts presently in effect between an agent and a company writing fire and casualty insurance in the State of Texas are subject to the provisions of this article.

Sec. 5. If it is found, after notice and an opportunity to be heard as determined by the board, that an insurance company has violated this article, the insurance company shall be subject to a civil penalty of not less than $1,000 nor more than $10,000, and it shall be subject to a civil suit by the agent for damages suffered because of the premature termination of the contract by the company.

Added by Acts 1971, 62nd Leg., p. 2951, ch. 977, § 1, eff. Aug. 30, 1971.

Art. 21.14. Licensing of Local Recording Agents and Solicitors; Life, Health and Accident Insurance Excepted; Other Exceptions

* * * * * * * * * * *

Sec. 5a. Requirement as to Knowledge or Instruction for Local Recording Agent's License.—(a) Every applicant for local recording agent's license from and after October 1, 1971, shall upon the successful passage of the examination for local recording agent's license as promulgated by the State Board of Insurance pursuant to the provisions of this Article 21.14 be issued a temporary local recording agent's license. The holder of a temporary local recording agent's license shall have the same authority and be subject to the same provisions of the law as local recording agents until such temporary license shall expire. Each such temporary license so issued shall expire upon the happening of any one of the following, whichever shall first occur, to wit:

(i) The issuance of a local recording agent's license to such person;

(ii) One year from date of issuance of the temporary local recording agent's license.

Each such person receiving a temporary license as set out above shall within one (1) year from the issue date of such temporary license complete to the satisfaction of the State Board of Insurance one of the following courses of study:

(i) Classroom courses in insurance satisfactory to the State Board of Insurance at a school, college, junior college or extension thereof; or

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(ii) An insurance company or agents' association school approved by the State Board of Insurance; or

(iii) A correspondence course in insurance approved by the State Board of Insurance.

Upon the successful completion of any one of the above courses of study within the one year period, the temporary agent shall then be entitled to receive from the State Board of Insurance his local recording agent's license.

(b) Provided, however, none of the provisions of this section shall apply to the following:

(1) To any person holding a license as a local recording agent upon the effective date of this Act.

(2) To any person applying for an emergency local recording agent's license under the provisions of Section 6a of Article 21.14 of the Insurance Code of Texas.

(3) To any person who holds the designation Chartered Property and Casualty Underwriter (C.P.C.U.) from the American Institute for Property Liability Underwriters.

(4) To any person who has a bachelor's degree from a four-year accredited college or university with a major in insurance.

(5) To any person who within two (2) years immediately preceding the filing of his application was a licensed agent in good standing in the state from which he moved to Texas, provided such state makes similar provision for those agents who may move from Texas to such state.

(6) To any person desiring to apply for a license to solicit and write exclusively all forms of insurance authorized to be solicited and written in Texas covering the ownership, operation, maintenance or use of any motor vehicle, its accessories and equipment, designed for use upon the public highways, including trailers and semitrailers. Such person shall continue to apply for and qualify to be licensed under the other provisions of Article 21.14 of the Insurance Code of Texas. Provided, such applicant shall be required to take and pass, to the satisfaction of the State Board of Insurance, an examination, promulgated by said Board, covering only those forms of insurance referred to in this paragraph. Provided, when such a person so applies and qualifies, he shall be issued a license which shall contain on the face of said license the following language: "Agent's license to solicit and write all forms of motor vehicle insurance only." An agent holding such a limited license hereby created shall solicit only those forms of insurance hereinabove provided, but shall be subject to all other laws relating to local recording agents.

(c) There is hereby created an Agents' Education Advisory Board whose duties shall be to advise with and make recommendations to the State Board of Insurance concerning the curriculum, course content and schools to be approved under Subsection (a) above. The members of said Advisory Board shall be appointed by the chairman of the State Board of Insurance and shall serve for one year, from September 1 to August 31, or until their successors are appointed. Said Advisory Board shall be composed of the following persons: Two (2) members, each of whom shall be a resident of Texas and have a minimum of ten (10) years' experience as an executive of a fire and casualty company doing business in Texas and whose company operates an agents' school; two (2) members, each of whom shall be a licensed local recording agent in Texas with a minimum of ten (10) years' experience as an agent; and one (1) member who shall be a teacher of insurance at a four-year accredited college or university in Texas. Said Advisory Board shall meet at the offices of the State Board of Insurance upon call of the chairman of the State Board of Insurance and the members of said Advisory Board shall be paid out of

the Recording Agents License Fund for their actual and necessary expenses incurred in connection with their attendance at said meetings."
Sec. 5a added by Acts 1971, 62nd Leg., p. 2551, ch. 838, § 1, eff. Aug. 30, 1971.

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Sec. 9. Fees Payable Before Examination.—Applicants required to be examined shall, at time and place of examination, pay prior to being examined the following fees: For a local recording agent's license a fee of Ten Dollars ($10.00) and for a solicitor's license a fee of Five Dollars ($5.00).
Sec. 9 amended by Acts 1971, 62nd Leg., p. 2553, ch. 838, § 2, eff. Aug. 30, 1971.

Sec. 10. Renewal Fees.—An applicant for the renewal of a local recording agent's license or for a renewal of a solicitor's license shall pay, at the time the renewal application is filed, a fee of Ten Dollars ($10.00).
Sec. 10 amended by Acts 1971, 62nd Leg., p. 2553, ch. 838, § 3, eff. Aug. 30, 1971.

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SUBCHAPTER D. CONSOLIDATION, LIQUIDATION, REHABILITATION, REORGANIZATION OR CONSERVATION OF INSURERS

Art. 21.28—C. Property and Casualty Insurance Guaranty Act

Title

Section 1. This article shall be known and may be cited as the "Texas Property and Casualty Insurance Guaranty Act."

Purpose

Sec. 2. This Act is for the purposes and findings set forth in Section 1 of Article 21.28–A of the Insurance Code and in supplementation thereto by providing funds in addition to assets of impaired insurers for the protection of the holders of "covered claims" as defined herein through payment and through contracts of reinsurance or assumption of liabilities or of substitution or otherwise.

Scope

Sec. 3. This Act shall apply to all kinds of insurance written by stock and mutual fire insurance companies, casualty insurance companies and fire and casualty insurance companies licensed to do business in this State; and shall also include all kinds of insurance written by county mutual insurance companies, Lloyd's and reciprocal exchanges licensed to do business in this State; but shall not apply to insurance written by farm mutual insurance companies or title insurance companies or title insurance written by any insurer; and shall not apply to mortgage guaranty insurance companies or mortgage guaranty insurance, nor to ocean marine insurance; and shall not apply to Mexican casualty insurance companies or to policies of insurance issued by Mexican casualty insurance companies.

Construction

Sec. 4. This Act shall be liberally construed to effect the purpose under Section 2 which shall constitute an aid and guide to interpretation.

Definitions

Sec. 5. As used in this Act
(1) A. "State Board of Insurance" is the State Board of Insurance of this State.
B. "Commissioner" is the Commissioner of Insurance of this State.

For Annotations and Historical Notes, see V.A.T.S.

(2) "Covered claim" is an unpaid claim of an insured or third party liability claimant which arises out of and is within the coverage and not in excess of the applicable limits of an insurance policy to which this Act applies, issued or assumed (whereby an assumption certificate is issued to the insured) by an insurer licensed to do business in this State, if such insurer becomes an "impaired insurer" after the effective date of this Act and (a) the third party claimant or liability claimant or insured is a resident of this State at the time of the insured event; or (b) the property from which the claim arises is permanently located in this State. "Covered claim" shall also include fifty percent (50%) of unearned premiums but in no event shall a "covered claim" for unearned premiums exceed Five Hundred Dollars ($500). Individual "covered claims" shall be limited to Fifty Thousand Dollars ($50,000) and shall not include any amount in excess of Fifty Thousand Dollars ($50,000). "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool or underwriting association, as subrogation recoveries or otherwise. "Covered claim" shall not include supplementary payment obligations, including but not limited to adjustment fees and expenses, attorneys fees and expenses, court costs, interest and bond premiums, incurred prior to the determination that an insurer is an "impaired insurer" under this Act.

(3) "Insurer" is stock and mutual fire insurance companies, casualty insurance companies and fire and casualty insurance companies licensed to do business in this State; and also is county mutual insurance companies, Lloyd's and reciprocal exchanges licensed to do business in this State; but shall not include farm mutual insurance companies, title insurance companies, mortgage guaranty insurance companies or Mexican casualty insurance companies.

(4) "Impaired insurer" is (a) an insurer which, after the effective date of this Act, is placed in temporary or permanent receivership under an order of a court of competent jurisdiction based on a finding of insolvency, and which has been designated an "impaired insurer" by the Commissioner; or (b) after the effective date of this Act, an insurer placed in conservatorship after it has been deemed by the Commissioner to be insolvent and which has been designated an "impaired insurer" by the Commissioner.

(5) "Payment of covered claims" is actual payment and also is utilization of funds derived from assessments for consummation of contracts of reinsurance or assumption of liabilities or contracts of substitution to provide for liabilities for covered claims.

(6) "Net direct written premiums" is the gross amount of premiums received from policies of insurance issued in this State to which this Act applies, less return premiums and dividends paid or credited to policyholders. The term does not include premiums for indemnity reinsurance accepted from other licensed insurers, and there shall be no deductions for premiums for indemnity reinsurance ceded to other insurers.

(7) "Lines of business" is policies of insurance falling within one of the three following categories:

1. Workmen's Compensation insurance.
2. Automobile insurance.
3. All other insurance to which this Act applies.

Termination of Policies

Sec. 6. This Act shall apply to covered claims existing prior to the determination that an insurer is an impaired insurer and to covered claims arising within thirty (30) days after the determination of impairment, or before the policy expiration date if less than thirty (30) days after the determination of impairment, or before the insured replaces the policy or effects its cancellation, if he does so within thirty (30) days of the determination of impairment.

Upon the determination by the Commissioner that an insurer is an impaired insurer, the Commissioner shall notify the insureds of the impaired insurer of the determination and of their rights under this Act. Such notification shall be by mail at each insured's last known address, where available, but if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation printed in this State shall be sufficient.

Assessments

Sec. 7. Whenever the Commissioner determines that an insurer has become an impaired insurer the receiver appointed in accordance with Article 21.28 of the Insurance Code or the conservator appointed under the authority of Article 21.28–A of the Insurance Code shall promptly estimate the amount of additional funds, by lines of business, needed to supplement the assets of the impaired insurer immediately available to the receiver or the conservator for the purpose of making payment of all covered claims. Thereafter, the Commissioner shall be empowered to make such assessments as may be necessary to produce the additional funds needed to make payment of all covered claims. The Commissioner may make partial assessments as the actual need for additional funds arises for each impaired insurer.

The Commissioner in determining the proportionate amount to be paid by individual insurers under an assessment shall take into consideration the lines of business written by the impaired insurer and shall assess individual insurers in proportion to the ratio that the total net direct written premium collected in the State of Texas by the insurer for such line or lines of business during the next preceding year bears to the total net direct written premium collected by all insurers (except impaired insurers) in the State of Texas for such lines of business. Assessments during a calendar year may be made up to, but not in excess of, two percent (2%) of each insurer's net direct written premium for the preceding calendar year in the lines of business written by the impaired insurer. If the maximum assessment in any calendar year does not provide an amount sufficient for payment of covered claims of impaired insurers, assessments may be made in the next and successive calendar years.

Insurers designated as impaired insurers by the Commissioner shall be exempt from assessment from and after the date of such designation and until the Commissioner determines that such insurer is no longer an impaired insurer.

The Commissioner shall designate the impaired insurer for which each assessment or partial assessment is made and it shall be the duty of each insurer to pay the amount of its assessment to the conservator or receiver, as the case may be, within thirty (30) days after the Commissioner gives notice of the assessment, and assessments may be collected by the conservator or receiver through suits brought for that purpose. Venue for such suits shall lie in Travis County, Texas, and actions to collect such assessments shall have precedence over all other causes on the docket of a different nature. Either party to said action may appeal to the appellate court having jurisdiction over said cause and said appeal shall be at once returnable to said appellate court having jurisdiction over said cause and said action so appealed shall have precedence in said appellate court over all causes of a different character therein pending. Neither the receiver nor the conservator shall be required to give an appeal bond in any cause arising hereunder.

Funds derived from assessments under the provisions of this Act shall not become assets of the impaired insurer but shall be deemed a special fund loaned to the receiver or the conservator for payment of covered claims, which loan shall be repayable to the extent available from the funds of such impaired insurer, as herein provided.

Penalty for Failure to Pay Assessments

Sec. 8. The Commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact business in this State of any insurer who fails to pay an assessment when due.

Any insurer whose certificate of authority to do business in this State is cancelled or surrendered shall be liable for any unpaid assessments made prior to the date of such cancellation or surrender.

Accounting for and Repayment of Assessments

Sec. 9. Upon receipt from an insurer of payment of an assessment or partial assessment, the receiver or conservator shall provide the insurer with a participation receipt which shall create a liability against the impaired insurer, and the holder of such participation receipt shall be regarded as a general creditor of the impaired insurer; provided, however, that with reference to the remaining balance of any portions of assessments received by the receiver or conservator and not expended in payment of 'covered claims' the holders of such participation receipts shall have preference over other general creditors and shall share pro rata with other holders of participation receipts. The receiver or conservator of any impaired insurer shall adopt accounting procedures reflecting the expenditure and use of all funds received from assessments or partial assessments and shall make a final report of the expenditure and use of such funds to the Commissioner, which final report shall set forth the remaining balance, if any, from the funds collected by assessment. The receiver or conservator shall also make any interim reports concerning such accounting as may be required by the Commissioner. Upon completion of the final report the receiver or conservator shall, as soon thereafter as is practicable, refund pro rata the remaining balance of such assessments to the holders of the participation receipts.

Payment of Covered Claims

Sec. 10. When an insurer has been designated by the Commissioner as an impaired insurer, the receiver or conservator, as the case may be, shall marshal all assets of the impaired insurer, including but not limited to those which are designated as or that constitute reserve assets offsetting reserve liabilities for all liabilities falling within the definition of "covered claim" as defined in this Act. The receiver or conservator shall apply all of such assets to the payment of covered claims, but may utilize funds received from assessments in the payment of claims, pending orderly liquidation or disposition of such assets. When all covered claims have been paid or satisfied by the receiver or conservator, any balance remaining from the liquidation or disposition of such assets shall first be applied in repayment of funds expended from assessments. Such repayments shall be credited as remaining balances and be refunded as provided in Section 9 of this Act.

In addition to authorization to make actual payment of covered claims, the receiver or conservator is specifically authorized to utilize such marshalled assets and funds derived from assessments for the purpose of negotiating and consummating contracts of reinsurance or assumption of liabilities or contracts of substitution to provide for outstanding liabilities of covered claims. This Act shall not be construed to impose restrictions or limitations upon the authority granted or authorized the Commissioner, the conservator or the receiver elsewhere in the Insurance Code and other statutes of this State but shall be construed and authorized for use in conjunction with other portions of the Insurance Code dealing with delinquency proceedings or threatened insolvencies or supervisions or conservatorships.

Approval of Covered Claims

Sec. 11. Covered claims against an impaired insurer placed in temporary or permanent receivership under an order of liquidation, rehabilitation or conservation by a court of competent jurisdiction shall be processed and acted upon by the receiver or ancillary receiver in the same manner as other claims as provided in Article 21.28 of the Insurance Code and as ordered by the court in which such receivership is pending; provided, however, that funds received from assessments shall be liable only for the difference between the amount of the covered claims approved by the receiver and the amount of the assets marshalled by the receiver for payment to holders of covered claims; and provided further, that in ancillary receiverships in this State, funds received from assessments shall be liable only for the difference between the amount of the covered claims approved by the ancillary receiver and the amount of assets marshalled by the receivers in other states for application to payment of covered claims within this State. Such funds received from assessments shall not be liable for any amount over and above that approved by the receiver for a covered claim and any action brought by the holder of such covered claim appealing from the receiver's action shall not increase the liability of such funds; provided, however, that the receiver may review his action in approving a covered claim and for just cause modify such approval at any time during the pendency of the receivership.

If a conservator is appointed to handle the affairs of an impaired insurer the conservator shall determine whether or not covered claims should or can be provided for in whole or in part by reinsurance, assumption or substitution. Upon determination by the conservator that actual payment of covered claims should be made the conservator shall give notice of such determination to claimants falling within the class of "covered claims." The conservator shall mail such notice to the latest address reflected in the records of the impaired insurer. If the records of the impaired insurer do not reflect the address of a claimant, the conservator may give notice by publication in a newspaper of general circulation. Such notice shall state the time within which the claimant must file his claim with the conservator, which time shall in no event be less than ninety (90) days from the date of the mailing or publication of such notice. The conservator may require, in whole or in part, that sworn claim forms be filed and may require that additional information or evidence be filed as may be reasonably necessary for the conservator to determine the legality or the amount due under a covered claim. When an impaired insurer has been placed in conservatorship, the funds received from assessments shall be liable only for the difference between the amount of the covered claim approved by the conservator and the amount of assets marshalled by the conservator for payment to holders of covered claims. Any action brought by the holder of such covered claim against the impaired insurer shall not increase the liability of such funds; provided, however, that the conservator may review his action in approving a covered claim and may for just cause modify such approval at any time during the pendency of the conservatorship.

Upon determination by the conservator that actual payment of covered claims should be made or upon order of the court to the receiver to give notice for the filing of claims, any person who has a cause of action against an insured of the impaired insurer under a liability insurance policy issued or assumed by such insurer shall (if such cause of action meets the definition of "covered claim") have the right to file a claim with the receiver or the conservator, regardless of the fact that such claim may be contingent, and such claim may be approved as a "covered claim" (1) if it may be reasonably inferred from the proof presented upon such claim that such person would be able to obtain a judgment upon

such cause of action against such insured; and (2) if such person shall furnish suitable proof that no further valid claims against such insurer arising out of his cause of action other than those already presented can be made; and (3) if the total liability of such insurer to all claimants arising out of the same act of its insured shall be no greater than its total liability would be were it not in liquidation, rehabilitation or conservation. In the proceedings of considering "covered claims" no judgment against an insured taken after the date of the commencement of the delinquency proceedings or the appointment of a conservator shall be considered as evidence of liability, or of the amount of damages, and no judgment against an insured taken by default or by collusion prior to the commencement of the delinquency proceedings or the appointment of a conservator shall be considered as conclusive evidence either (1) of the liability of such insured to such person upon such cause of action, or (2) of the amount of damages to which such person is therein entitled.

The acceptance of payment from the receiver or conservator by the holder of a covered claim or the acceptance of the benefits of contracts negotiated by the receiver or conservator providing for reinsurance or assumption of liabilities or for substitution shall constitute an assignment to the impaired insurer of any cause of action or right of the holder of such covered claim arising from the occurrence upon which the covered claim is based. Such assignment shall be to the extent of the amount accepted or the value of the benefits provided by such contracts of reinsurance or assumption of liabilities or substitution.

Nonduplication of Recovery

Sec. 12. Any person having a claim against an insurer under any provision in an insurance policy other than a policy of an impaired insurer, which is also a covered claim, shall be required to exhaust first his right under such policy. Any amount payable on a covered claim under this Act shall be reduced by the amount of any recovery under such insurance policy.

Any recovery under this Act shall be reduced by the amount of recovery under any other insurance guaranty act, or its equivalent, in any other state. Any person having a covered claim who is a resident of another state shall not be entitled to payment under this Act unless and until he furnishes adequate sworn proof that he has exhausted any and all rights of recovery that he has in his state of residence and the state of residence of the insured under any insurance guaranty act or its equivalent; provided, however, that any nonresident holder of a covered claim for damage to property with a permanent location in this State shall be entitled to payment of the covered claim without first having exhausted his right of recovery in his state of residence.

Release from Conservatorship or Receivership

Sec. 13. An impaired insurer placed in conservatorship or receivership for which assessments have been made under the provisions of this Act shall not be authorized, upon release from conservatorship or receivership, to issue new or renewal insurance policies until such time as the impaired insurer has repaid in full to each holder of a participation receipt the assessment amount paid by the receipt holder or its assigns; provided, however, the Commissioner may, upon application of the advisory association and after hearing, permit the issuance of new policies in accordance with a plan of operations by the released insurer for repayment of assessments. The Commissioner may, in approving such plan, place such restrictions upon the issuance of new or renewal policies as he deems necessary to the implementation of the plan. The Commissioner shall give ten (10) days notice of such hearing to the insurers to whom the participation receipts were issued for an assessment made for the benefit of the released insurer and the holders of the receipts shall be entitled to appear at and participate in such hearing.

Creation of Advisory Association

Sec. 14. There is created by this Act an advisory association to be known as the "Texas Property and Casualty Advisory Association," herein called the "advisory association" to be composed of eight insurers. Within thirty (30) days after the effective date of this Act, the State Board of Insurance shall appoint the insurers who will serve as the initial advisory association. Of the initial advisory association members, two shall be appointed to serve for a one year term of office, two shall be appointed to serve for a two year term of office, two shall be appointed to serve for a three year term of office, and two shall be appointed to serve a four year term of office. Subsequent members of the advisory association shall serve for the term of office as stated above and shall be elected by insurers, subject to the approval of the Commissioner.

The initial members of the advisory association and subsequent members shall be chosen to afford fair representation to all insurers subject to this Act giving due consideration to the various categories of premium income, geographical location and segments of the industry represented in Texas. Vacancies on the advisory association shall be filled for the remaining period of the term in the same manner as the initial appointments.

The advisory association shall conduct its meetings in Austin, Texas, in the Insurance Building of the State of Texas. Meetings shall be held upon call by the Commissioner or upon written request of a majority of the members. Meetings shall not be open to the public and only members of the advisory association, members of the State Board of Insurance, the Commissioner and persons authorized by the Commissioner shall attend such meetings.

The advisory association shall advise and counsel with the Commissioner upon matters relating to the solvency of insurers. The Commissioner shall call a meeting of the advisory association when he determines that an insurer is insolvent or impaired and may call a meeting of the advisory association when he determines that a danger of insolvency or impairment of an insurer exists. The advisory association shall, upon majority vote, notify the Commissioner of any information indicating that an insurer may be unable or potentially unable to fulfill its contractual obligations and request a meeting with the Commissioner. At such meetings the Commissioner may divulge to the advisory association any information in his possession and any records of the State Board of Insurance, including examination reports or preliminary reports from examiners relating to such insurer. The Commissioner may summon officers, directors and employees of an insolvent or impaired insurer (or of an insurer the Commissioner considers to be in danger of insolvency or impairment) to appear before the advisory association for conference or for the taking of testimony. Members of the advisory association shall not reveal information received in such meetings to anyone unless authorized by the Commissioner or the State Board of Insurance or when required as witness in court. Advisory association members shall be subject to the same standard of confidentiality as is imposed upon examiners under Article 1.18 of the Insurance Code, except that no bond shall be required of advisory association members.

The advisory association shall, upon request by the Commissioner, attend hearings before the Commissioner and meet with and advise the Commissioner, the Liquidator or Conservator appointed by the Commissioner, on matters relating to the affairs of an impaired insurer and relating to action that may be taken by the Commissioner, Liquidator or Conservator to best protect the interests of persons holding covered claims against an impaired insurer and relating to the amount and timing of partial assessments and the marshalling of assets and the processing and handling of covered claims.

For Annotations and Historical Notes, see V.A.T.S.

Reports or recommendations made by the advisory association to the Commissioner, Liquidator or Conservator shall not be considered public documents and there shall be no liability on the part of and no cause of action against a member of the advisory association or the advisory association for any report, individual report, recommendation or individual recommendation by the advisory association or members to the Commissioner, Liquidator or Conservator.

Members shall serve without pay but their expenses in attending meetings shall be paid subject to the authorization by the Legislature in its appropriations bills or otherwise, and subject to the rules of the State Board of Insurance. Members shall serve until their successors are appointed.

Any insurer that has an officer, director or employee serving as a member of the advisory association shall not lose the right to negotiate for and enter into contracts of reinsurance or assumption of liability or contracts of substitution to provide for liabilities for covered claims with the Receiver or Conservator of an impaired insurer. The entering into any such contract shall not be deemed a conflict of interest.

The advisory association or any insurer assessed under this Act shall be an interested party under Section 3(h) of Article 21.28 of the Insurance Code.

The State Board of Insurance shall within ninety (90) days after the effective date of this Act promulgate reasonable organizational rules for the association which shall set forth, among other things, quorum and attendance requirements for meetings, procedural rules to be followed at association meetings and rules concerning the replacement of members.

Recognition of Assessments in Rates and Premium Tax Offset

Sec. 15. Insurers shall be entitled to recoup assessments up to one percent (1%) of their net direct written premiums from rates promulgated, established or approved by the State Board of Insurance in the next calendar year. The State Board of Insurance in promulgating, establishing or approving rates shall take into account assessments and refunds of assessments made in accordance with this Act and shall include in the formula forming the basis for promulgating, establishing or approving rates sums sufficient to provide for such recoupment.

Unless the State Board of Insurance has determined that all amounts paid by each insurer on assessments on total net direct written premiums have been included in the rates and premiums as provided above, any amounts not so included shall be allowed to such insurer as a credit against its premium tax under Article 7064, Revised Civil Statutes of Texas, 1925, as amended. The tax credit referred to herein shall be allowed at a rate of twenty percent (20%) per year for five (5) successive years following the date of assessment and at the option of the insurer may be taken over an additional number of years.

Immunity

Sec. 16. There shall be no liability on the part of and no cause of action of any nature shall arise against any insurer subject to this Act or its agents or employees, the advisory association or the Commissioner or his representatives for any action taken by them in the performance of their powers and duties under this Act.

Rules and Regulations

Sec. 17. The State Board of Insurance is authorized and directed to issue such reasonable rules and regulations as may be necessary to carry out the various purposes and provisions of this Act, and in augmentation thereof.

Appeals

Sec. 18. Any action or ruling of the Commissioner under this Act may be appealed as provided in Article 1.04 of the Insurance Code.

The liability of the appealing insurer for an assessment shall be suspended pending appeal by such insurer contesting the amount or legality of such assessment.

Control Over Conflicts

Sec. 19. The provisions of this Act and the powers and functions authorized by this Act are to be exercised to the end that its purposes are accomplished. This Act is cumulative of existing laws, but in the event of conflict between this Act and any other law relating to the subject matter of this Act or its application, the provisions of this Act shall control.

Unconstitutional Application Prohibited

Sec. 20. This Act and law does not apply to any insurer or other person to whom, under the Constitution of the United States or the Constitution of the State of Texas, it cannot validly apply.

Severance Clause

Sec. 21. If any provision of this Act or the application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Added by Acts 1971, 62nd Leg., p. 1362, ch. 360, § 1, eff. May 25, 1971.

Art. 21.28—E. Life, Health and Accident Guaranty Act

Title

Section 1. This article shall be known and may be cited as the "Texas Life, Health and Accident Guaranty Act."

Purpose

Sec. 2. This Act is for the purposes and findings set forth in Section 1 of Article 21.28—A of the Insurance Code and in supplementation thereto by providing funds in addition to assets of impaired insurers for the protection of the holders of "covered claims" as defined herein through payment and through contracts of reinsurance or assumption of liabilities or of substitution or otherwise.

Scope

Sec. 3. This Act shall apply to all kinds of insurance written by mutual assessment companies, local mutual aid associations, local mutual burial associations, Statewide mutual assessment companies and stipulated premium insurance companies licensed to do business in this State, that elect to voluntarily participate under the provisions of this Act.

Construction

Sec. 4. This Act shall be liberally construed to effect the purpose of Section 2, which shall constitute an aid and guide to interpretation.

Definitions

Sec. 5. As used in this Act

(1) A. "State Board of Insurance" is the State Board of Insurance of this State.

B. "Commissioner" is the Commissioner of Insurance of this State.

(2) "Covered claim" is any policy benefit (including, but not limited to, death, disability, hospitalization, medical, premium deposits, advance premiums, supplemental contracts, cash surrender, loan, nonforfeiture, extended coverage, annuities, and coupon and dividend accumulations) to the owner, beneficiary, assignee, certificate holder, or third party beneficiary, arising from an insurance policy to which this Act applies, issued

or assumed by an "insurer" (as defined herein), if such insurer becomes an "impaired insurer" after the effective date of this Act. "Covered claim" shall not include liabilities that are not policy benefits, including but not limited to adjustment fees and expenses, attorneys' fees and expenses, court costs, penalty and bond premiums.

(3) "Insurer" is such mutual assessment companies, local mutual aid associations, local mutual burial associations, Statewide mutual assessment companies and stipulated premium insurance companies, licensed to do business in this State, that voluntarily agree to participate under the provisions of this Act as hereinafter provided.

(4) "Impaired insurer" is (a) an insurer which, after the effective date of this Act, is placed in temporary or permanent receivership under an order of liquidation, rehabilitation or conservation by a court of competent jurisdiction and which has been determined an "impaired insurer" by the Commissioner; or (b) after the effective date of this Act, an insurer placed in conservatorship after it has been deemed by the Commissioner to be insolvent or its condition such as to render the continuance of its business hazardous to the public or to holders of its policies or certificates of insurance and which has been determined an "impaired insurer" by the Commissioner.

(5) "Payment of covered claims" is actual payment and also is utilization of funds derived from assessments for consummation of contracts of reinsurance or assumption of liabilities or contracts of substitution to provide for liabilities for covered claims; and is also a utilization of future income, from assessments, pledged to retire liens against policies assumed or reinsured under such contracts of reinsurance or assumption of liabilities or substitution to provide for liabilities.

(6) "Net direct written premiums" is the gross amount of premiums collected on individual life and accident and health policies and certificates of group life and group accident and health insurance issued after the effective date of this Act, less premiums paid for reinsurance ceded, premium refunds, and dividends on said policies and certificates.

(7) "Lines of business" is policies of insurance falling within one of the two following categories:

1. Life Insurance.
2. Health and Accident Insurance.

Termination of Policies

Sec. 6. This Act shall apply to covered claims existing prior to the determination that an insurer is an impaired insurer and to covered claims arising within one hundred eighty (180) days after the determination of impairment, or before the policy expiration date if less than one hundred eighty (180) days after the determination of impairment, or before the insured replaces the policy or effects its cancellation, if he does so within one hundred eighty (180) days of the determination of impairment.

If the receiver or conservator of an impaired insurer has not provided for payment of covered claims of an impaired insurer within one hundred fifty (150) days after such insurer has been determined an "impaired insurer" by the Commissioner, the Commissioner shall notify the insureds of the impaired insurer of their rights under this Act. Such notification shall be by mail at each insured's last known address, where available, but if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation printed in this State shall be sufficient.

Assessments

Sec. 7. Whenever the Commissioner determines that an insurer has become an impaired insurer the receiver appointed in accordance with Article 21.28 of the Insurance Code or the conservator appointed under the authority of Article 21.28—A of the Insurance Code shall promptly

estimate the amount of additional funds, by lines of business, needed to supplement the assets of the impaired insurer immediately available to the receiver or the conservator for the purpose of making payment of all covered claims. Thereafter, the Commissioner shall be empowered to make such assessments as may be necessary to produce the additional funds needed to make payment of all covered claims. The Commissioner may make partial assessments as the actual need for additional funds arises for each impaired insurer.

The Commissioner in determining the proportionate amount to be paid by individual insurers under an assessment shall take into consideration the lines of business written by the impaired insurer and shall assess individual insurers in proportion to the ratio that the total net direct written premium collected in the State of Texas by the insurer for such line or lines of business during the next preceding year bears to the total net direct written premium collected by all insurers (except impaired insurers) in the State of Texas for such lines of business. Assessments during a calendar year may be made up to, but not in excess of, two percent (2%) of each insurer's net direct written premium for the preceding calendar year in the lines of business written by the impaired insurer. If the maximum assessment in any calendar year does not provide an amount sufficient for payment of covered claims of impaired insurers, assessments may be made in the next and successive calendar years.

Insurers designated as impaired insurers by the Commissioner shall be exempt from assessment from and after the date of such designation and until the Commissioner determines that such insurer is no longer an impaired insurer.

The Commissioner shall designate the impaired insurer for which each assessment or partial assessment is made and it shall be the duty of each insurer to pay the amount of its assessment to the conservator or receiver, as the case may be, within thirty (30) days after the Commissioner gives notice of the assessment, and assessments may be collected by the conservator or receiver through suits brought for that purpose. Venue for such suits shall lie in Travis County, Texas, and actions to collect such assessments shall have precedence over all other causes on the docket of a different nature. Either party to said action may appeal to the appellate court having jurisdiction over said cause and said appeal shall be at once returnable to said appellate court having jurisdiction over said cause and said action so appealed shall have precedence in said appellate court over all causes of a different character therein pending. Neither the receiver nor the conservator shall be required to give an appeal bond in any cause arising hereunder.

Funds derived from assessments under the provisions of this Act shall not become assets of the impaired insurer but shall be deemed a special fund loaned to the receiver or the conservator for payment of covered claims, which loan shall be repayable to the extent available from the funds of such impaired insurer, as herein provided.

Penalty for Failure to Pay Assessments

Sec. 8. The Commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact business in this State of any insurer who fails to pay an assessment when due.

Any insurer whose certificate of authority to do business in this State is cancelled or surrendered shall be liable for any unpaid assessments made prior to the date of such cancellation or surrender.

Accounting for and Repayment of Assessments

Sec. 9. Upon receipt from an insurer of payment of an assessment or partial assessment, the receiver or conservator shall provide the insurer with a participation receipt which shall create a liability against the impaired insurer, and the holder of such participation receipt shall be regard-

ed as a general creditor of the impaired insurer; provided, however, that with reference to the remaining balance of any portions of assessments received by the receiver or conservator and not expended in "payment of covered claims" the holders of such participation receipts shall have preference over other general creditors and shall share pro rata with other holders of participation receipts. The receiver or conservator of any impaired insurer shall adopt accounting procedures reflecting the expenditure and use of all funds received from assessments or partial assessments and shall make a final report of the expenditure and use of such funds to the Commissioner, which final report shall set forth the remaining balance, if any, from the funds collected by assessment. The receiver or conservator shall also make any interim reports concerning such accounting as may be required by the Commissioner. Upon completion of the final report the receiver or conservator shall, as soon thereafter as is practicable, refund pro rata the remaining balance of such assessments to the holders of the participation receipts.

Payment of Covered Claims

Sec. 10. When an insurer has been designated by the Commissioner as an impaired insurer, the receiver or conservator, as the case may be, shall marshal all assets of the impaired insurer, including but not limited to those which are designated as or that constitute reserve assets offsetting reserve liabilities for all liabilities falling within the definition of "covered claim" as defined in this Act. The receiver or conservator shall apply all of such assets to the payment of covered claims, but may utilize funds received from assessments in the payment of covered claims, pending orderly liquidation or disposition of such assets. When all covered claims have been paid or satisfied by the receiver or conservator, any balance remaining from the liquidation or disposition of such assets shall first be applied in repayment of funds expended from assessments. Such repayments shall be credited as remaining balances and be refunded as provided in Section 9 of this Act.

In addition to authorization to make actual payment of covered claims, the receiver or conservator is specifically authorized to utilize such marshaled assets and funds derived from assessments for the purpose of negotiating and consummating contracts of reinsurance or assumption of liabilities or contracts of substitution to provide for outstanding liabilities of covered claims. This Act shall not be construed to impose restrictions or limitations upon the authority granted or authorized the Commissioner, the conservator or the receiver elsewhere in the Insurance Code and other statutes of this State but shall be construed and authorized for use in conjunction with other portions of the Insurance Code dealing with delinquency proceedings or threatened insolvencies or supervisions or conservatorships.

Approval of Covered Claims

Sec. 11. Covered claims against an impaired insurer placed in temporary or permanent receivership under an order of liquidation, rehabilitation or conservation by a court of competent jurisdiction shall be processed and acted upon by the receiver or ancillary receiver in the same manner as other claims as provided in Article 21.28 of the Insurance Code and as ordered by the court in which such receivership is pending; provided, however, that funds received from assessments shall be liable only for the difference between the amount of the covered claims approved by the receiver and the amount of the assets marshaled by the receiver for payment to holders of covered claims; and provided further, that in ancillary receiverships in this State, funds received from assessments shall be liable only for the difference between the amount of the covered claims approved by the ancillary receiver and the amount of assets marshaled by the receivers in other states for application to payment of covered claims within this State. Such funds received from assessments

shall not be liable for any amount over and above that approved by the receiver for a covered claim and any action brought by the holder of such covered claim appealing from the receiver's action shall not increase the liability of such funds; provided, however, that the receiver may review his action in approving a covered claim and for just cause modify such approval at any time during the pendency of the receivership.

If a conservator is appointed to handle the affairs of an impaired insurer the conservator shall determine whether or not covered claims should or can be provided for in whole or in part by reinsurance, assumption or substitution. Upon determination by the conservator that actual payment of covered claims should be made the conservator shall give notice of such determination to claimants falling within the class of "covered claims." The conservator shall mail such notice to the latest address reflected in the records of the impaired insurer. If the records of the impaired insurer do not reflect the address of a claimant, the conservator may give notice by publication in a newspaper of general circulation. Such notice shall state the time within which the claimant must file his claim with the conservator, which time shall in no event be less than ninety (90) days from the date of the mailing or publication of such notice. The conservator may require, in whole or in part, that sworn claim forms be filed and may require that additional information or evidence be filed as may be reasonably necessary for the conservator to determine the legality or the amount due under a covered claim. When an impaired insurer has been placed in conservatorship, the funds received from assessments shall be liable only for the difference between the amount of the covered claim approved by the conservator and the amount of assets marshaled by the conservator for payment to holders of covered claims. Any action brought by the holder of such covered claim against the impaired insurer shall not increase the liability of such funds; provided, however, that the conservator may review his action in approving a covered claim and may for just cause modify such approval at any time during the pendency of the conservatorship.

The acceptance of payment from the receiver or conservator by the holder of a covered claim or the acceptance of the benefits of contracts negotiated by the receiver or conservator providing for reinsurance or assumption of liabilities or for substitution shall constitute an assignment to the impaired insurer of any cause of action or right of the holder of such covered claim is based. Such assignment shall be to the extent of the amount accepted or the value of the benefits provided by such contracts of reinsurance or assumption of liabilities or substitution.

Nonduplication of Recovery

Sec. 12. Any recovery under this Act shall be reduced by the amount of recovery under any other insurance guaranty act, or its equivalent, in any other state. Any person having a covered claim who is a resident of another state shall not be entitled to payment under this Act unless and until he furnishes adequate sworn proof that he has exhausted any and all rights of recovery that he has in his state of residence and the state of residence of the insured under any insurance guaranty act or its equivalent.

Release from Conservatorship or Receivership

Sec. 13. An impaired insurer placed in conservatorship or receivership for which assessments have been made under the provisions of this Act shall not be authorized, upon release from conservatorship or receivership, to issue new or renewal insurance policies until such time as the impaired insurer has repaid in full to each holder of a participation receipt the assessment amount paid by the receipt holder or its assigns; provided, however, the Commissioner may, upon application of the advisory association and after hearing, permit the issuance of new policies

For Annotations and Historical Notes, see V.A.T.S.
in accordance with a plan of operations by the released insurer for repayment of assessments. The Commissioner may, in approving such plan, place such restrictions upon the issuance of new or renewal policies as he deems necessary to the implementation of the plan. The Commissioner shall give ten (10) days notice of such hearing to the insurers to whom the participation receipts were issued for an assessment made for the benefit of the released insurer and the holders of the receipts shall be entitled to appear at and participate in such hearing.

Creation of Advisory Association

Sec. 14. There is created by this Act an advisory association to be known as the "Texas Life, Health and Accident Guaranty Association," herein called the "advisory association" to be composed of four insurers. Within thirty (30) days after this Act is placed in effect by the election of an adequate number of insurers electing to participate hereunder, the State Board of Insurance shall appoint the insurers who will serve as the initial advisory association. Of the initial advisory association members, two shall be appointed to serve for a one year term of office, and two shall be appointed to serve for a two year term of office. Subsequent members of the advisory association shall serve for the term of office as stated above and shall be elected by insurers, subject to the approval of the Commissioner.

The initial members of the advisory association and subsequent members shall be chosen to afford fair representation to all insurers subject to this Act giving due consideration to the various categories of premium income, geographical location and segments of the industry represented in Texas. Vacancies on the advisory association shall be filled for the remaining period of the term in the same manner as the initial appointments.

The advisory association shall conduct its meetings in Austin, Texas, in the Insurance Building of the State of Texas. Meetings shall be held upon call by the Commissioner or upon written request of a majority of the members. Meetings shall not be open to the public and only members of the advisory association, members of the State Board of Insurance, the Commissioner and persons authorized by the Commissioner shall attend such meetings.

The advisory association shall advise and counsel with the Commissioner upon matters relating to the solvency of insurers. The Commissioner shall call a meeting of the advisory association when he determines that an insurer is insolvent or impaired and may call a meeting of the advisory association when he determines that a danger of insolvency or impairment of an insurer exists. The advisory association shall, upon majority vote, notify the Commissioner of any information indicating that an insurer may be unable or potentially unable to fulfill its contractual obligations and request a meeting with the Commissioner. At such meetings the Commissioner may divulge to the advisory association any information in his possession and any records of the State Board of Insurance, including examination reports or preliminary reports from examiners relating to such insurer. The Commissioner may summon officers, director and employees of an insolvent or impaired insurer (or of an insurer the Commissioner considers to be in danger of insolvency or impairment) to appear before the advisory association for conference or for the taking of testimony. Members of the advisory association shall not reveal information received in such meetings to anyone unless authorized by the Commissioner or the State Board of Insurance or when required as witness in court. Advisory association members shall be subject to the same standard of confidentiality as is imposed upon examiners under Article 1.18 of the Insurance Code, except that no bond shall be required of advisory association members.

The advisory association shall, upon request by the Commissioner, attend hearings before the Commissioner and meet with and advise the Commissioner, the liquidator or conservator appointed by the Commissioner, on matters relating to the affairs of an impaired insurer and relating to action that may be taken by the Commissioner, liquidator or conservator to best protect the interests of persons holding covered claims against an impaired insurer and relating to the amount and timing of partial assessments and the marshaling of assets and the processing and handling of covered claims.

Reports or recommendations made by the advisory association to the Commissioner, liquidator or conservator shall not be considered public documents and there shall be no liability on the part of and no cause of action against a member of the advisory association or the advisory association for any report, individual report, recommendation or individual recommendation by the advisory association or members to the Commissioner, liquidator or conservator.

Members shall serve without pay but their expenses in attending meetings shall be paid subject to the authorization of the Legislature in its appropriations bills or otherwise, and subject to the rules of the State Board of Insurance. Members shall serve until their successors are appointed.

Any insurer that has an officer, director or employee serving as a member of the advisory association shall not lose the right to negotiate for and enter into contracts of reinsurance or assumption of liability or contracts of substitution to provide for liabilities for covered claims with the receiver or conservator of an impaired insurer. The entering into any such contract shall not be deemed a conflict of interest.

The advisory association or any insurer assessed under this Act shall be an interested party under Section 3(h) of Article 21.28 of the Insurance Code.

The State Board of Insurance shall within ninety (90) days after the effective date of this Act promulgate reasonable organizational rules for the association which shall set forth, among other things, quorum and attendance requirements for meetings, procedural rules to be followed at association meetings and rules concerning the replacement of members.

Recognition of Assessments in Premium Tax Offset

Sec. 15. An insurer shall be entitled to recoup assessments made in any calendar year in excess of one percent (1%) of its net direct written premiums for the previous calendar year as a credit against its premium tax under Article 7064, Revised Civil Statutes of Texas, 1925, as amended. The tax credit referred to herein shall be allowed at a rate of twenty percent (20%) per year for five (5) successive years following the date of assessments, and at the option of the insurer may be taken over an additional number of years.

Immunity

Sec. 16. There shall be no liability on the part of and no cause of action of any nature shall arise against any insurer subject to this Act or its agents or employees, the advisory association or the Commissioner or his representatives for any action taken by them in the performance of their powers and duties under this Act.

Rules and Regulations

Sec. 17. The State Board of Insurance is authorized and directed to issue such reasonable rules and regulations as may be necessary to carry out the various purposes and provisions of this Act, and in augmentation thereof.

Appeals

Sec. 18. Any action or ruling of the Commissioner under this Act may be appealed as provided in Article 1.04 of the Insurance Code. The liability of the appealing insurer for an assessment shall be suspended pending appeal by such insurer contesting the amount or legality of such assessment.

Election to Participate; Withdrawal

Sec. 19. The provisions of this Act are voluntary only. No Statewide mutual assessment company, local mutual aid association, local mutual burial association, or stipulated premium insurance company shall be covered by the provisions of this Act unless such insurers shall elect to participate under the provisions of this Act. In the event any such Statewide mutual assessment company, local mutual aid association, local mutual burial association, or stipulated premium insurance company shall elect to participate hereunder, it may do so by filing such election in writing upon forms prescribed by the State Board of Insurance and filed with the Commissioner of Insurance; and such election forms shall be signed by the president, secretary, and each director of such electing insurer. Unless and until such written election is so filed, such insurer shall not be obligated under nor receive any benefit from the provisions of this Act. Any such insurer so electing to participate may withdraw from participation under the provisions of this Act provided that a majority of insurers that have elected to participate hereunder consent to such withdrawal. Such election to withdraw shall be upon forms promulgated by the State Board of Insurance and shall be filed with the Commissioner, and such withdrawal shall only be effective two (2) years following the date of such election. Six months prior to the effective date of such withdrawal the withdrawing insurer shall notify all of the holders of its policies or certificates of its withdrawal. Upon filing of election to withdraw an insurer shall cease advertising that its policies are protected under the provisions of this Act.

Effectiveness of Act

Sec. 20. This Act shall not be effective until such date that insurers having combined premium income in the immediately prior calendar year of at least Five Million Dollars ($5,000,000.00) shall elect in writing to participate under the provisions of this Act. Immediately following the receipt of such elections the State Board of Insurance shall enter an order designating those insurers participating under this Act and shall thereafter supplement such order by listing those insurers who subsequently elect to participate and those who subsequently elect to withdraw.

Advertising Procedures

Sec. 21. Within ninety (90) days following the entry of the original Board order as specified in Section 20 of this Act, the State Board of Insurance, following notice and hearing, shall enter an order providing the method, manner, and procedures whereby such participating insurers may advertise that such insurers' policies are protected under the provisions of this Act.

Control Over Conflicts

Sec. 22. The provisions of this Act and the powers and functions authorized by this Act are to be exercised to the end that its purposes are accomplished. This Act is cumulative of existing laws, but in the event of conflict between this Act and any other law relating to the subject matter of this Act or its application, the provisions of this Act shall control.

Unconstitutional Application Prohibited

Sec. 23. This Act and law does not apply to any insurer or other person to whom, under the Constitution of the United States or the Constitution of the State of Texas, it cannot validly apply.

Severance Clause

Sec. 24. If any provision of this Act or the application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Added by Acts 1971, 62nd Leg., p. 2378, ch. 1034, § 1, eff. June 16, 1971.

SUBCHAPTER E. MISCELLANEOUS PROVISIONS

Art. 21.39—A. Asset Protection Act

Title

Section 1. This article shall be known and may be cited as the Asset Protection Act.

Purpose

Sec. 2. This Act is for the purpose of requiring insurers to have and maintain unencumbered assets in an amount equal to reserve liabilities; to provide preferential claims against assets in favor of owners, beneficiaries, assignees, certificate holders, or third party beneficiaries of insurance policies; and to prevent the hypothecation or encumbrance of assets in excess of certain amounts without prior written order of the Commissioner of Insurance.

Scope

Sec. 3. This Act shall apply to all of the following types of domestic insurance companies and to all kinds of insurance written by such companies; and where used herein "insurer" shall mean: all domestic stock and mutual life, health and accident, fire, casualty, fire and casualty and title insurance companies, including mutual assessment companies, local mutual aid associations, local mutual burial associations, Statewide mutual assessment companies, stipulated premium insurance companies, fraternal benefit societies, group hospital service insurance companies, county mutual insurance companies, Lloyd's and reciprocal exchanges and mortgage guaranty insurance companies. This Act shall not apply to variable contracts for which separate accounts are required to be maintained and shall not apply to assessment as needed or farm mutual companies nor to insurance coverage written by assessment as needed or farm mutual companies. This Act shall not apply to an insurance company while subject to a conservatorship order issued by the Commissioner of Insurance nor to an insurance company while a court appointed receiver is in charge of its affairs.

Definitions

Sec. 4. As used in this Act:

established by the insurer for all of its outstanding insurance policies in accordance with the Insurance Code, as amended or as hereafter amended;

2. "Reserve assets" are those assets of an insurer which are authorized investments for policy reserves in accordance with the Insurance Code, as amended or as hereafter amended;

3. "Assets" are all property, real or personal, tangible or intangible, legal or equitable, owned by an insurer;

4. "Claimants" are any owners, beneficiaries, assignees, certificate holders, or third party beneficiaries of any insurance benefit or right

For Annotations and Historical Notes, see V.A.T.S.

arising out of and within the coverage of an insurance policy covered by this Act.

Prohibition of Hypothecation

Sec. 5. Every insurer subject to the provisions of this Act shall at all times have and maintain free and unencumbered assets in an amount equal to its reserve liabilities, and no such insurer shall pledge, hypothecate, or otherwise encumber its assets in an amount in excess of the amount of its capital and surplus; nor shall such insurer pledge, hypothecate or otherwise encumber more than ten per cent (10%) of its reserve assets as herein defined; provided, however, that the Commissioner of Insurance, upon application made to him, may issue a written order approving the hypothecation or encumbrance of any of the assets of such an insurer in any amount upon a finding that such hypothecation or encumbrance will not adversely affect the solvency of such insurer.

Any such insurer which shall pledge, hypothecate, or otherwise encumber any of its assets shall within ten (10) days thereafter report in writing to the Commissioner of Insurance the amount and identity of the assets so pledged, hypothecated, or encumbered and the terms and conditions of such transaction. In addition, each such insurer shall annually or more often if required by the Commissioner file with the Commissioner a statement sworn to by the chief executive officer of the insurer that (a) title to assets in an amount equal to the reserve liability of the insurer which are not pledged, hypothecated or otherwise encumbered is vested in the insurer, (b) the only assets of the insurer which are pledged, hypothecated or otherwise encumbered are as identified and reported in such sworn statement and no other assets of the insurer are pledged, hypothecated or otherwise encumbered, and (c) the terms and provisions of any such transaction of pledge, hypothecation, or encumbrance are as reported in such sworn statement.

Any person, corporation, association or legal entity which accepts a pledge, hypothecation or encumbrance of any asset of an insurer as security for a debt or other obligation of such insurer not in accordance with the terms and limitations of this Act shall be deemed to have accepted such asset subject to a superior, preferential and automatically perfected lien in favor of claimants; provided, however, that such superior, preferential and automatically perfected lien in favor of claimants shall not apply to assets of an insurance company in conservatorship or receivership if the Commissioner of Insurance, in the conservatorship proceeding, or the court in which the receivership is pending, approves the pledge, hypothecation or encumbrance of such assets.

In the event of involuntary or voluntary liquidation of any insurer subject to this Act, claimants of such insurer shall have a prior and preferential claim against all assets of the insurer except those which have been pledged, hypothecated or encumbered in accordance with the terms and limitations of this Act. All claimants shall have equal status and their prior and preferential claim shall be superior to any claim or cause of action against the insurer by any person, corporation, association or legal entity.

Control Over Conflicts

Sec. 6. The provisions of this Act and the powers and functions authorized by this Act are to be exercised to the end that its purposes be accomplished. This Act is cumulative of existing laws, but in the event of conflict between this Act and any other law relating to the subject matter of this Act or its application, the provisions of this Act shall control.

Unconstitutional Application Prohibited

Sec. 7. This Act does not apply to any insurer or other person to whom, under the Constitution of the United States or the Constitution of the State of Texas, it cannot validly apply.

Severance Clause

Sec. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Added by Acts 1971, 62nd Leg., p. 1372, ch. 361, § 1, eff. May 25, 1971.

Art. 21.47. False Statement in Written Instrument; Penalty

Any person who knowingly or wilfully makes, files or uses any instrument in writing required to be made to or filed with the State Board of Insurance or the Insurance Commissioner, either by the Insurance Code or by rule or regulation of the State Board of Insurance, when the instrument in writing contains any false, fictitious, or fraudulent statement or entry with regard to any material fact, shall be fined not more than $5,000 or imprisoned for not more than five years in the State penitentiary, or both.

Added by Acts 1971, 62nd Leg., p. 2449, ch. 789, § 2, eff. June 8, 1971.

Art. 21.49. Catastrophe Property Insurance Pool Act

Declaration and Purpose

Section 1. It is hereby declared by the Legislature that an adequate market for windstorm, hail and fire insurance is necessary to the economic welfare of the State of Texas and that without such insurance the orderly growth and development of the State of Texas would be severely impeded. It is therefore the purpose of this Act to provide a method whereby adequate windstorm, hail and fire insurance may be obtained in certain designated portions of the State of Texas.

Name of Act

Sec. 2. This Act shall be known as the "Texas Catastrophe Property Insurance Pool Act."

Definitions

Sec. 3. In this Act, unless the context clearly dictates to the contrary:

(a) "Board" means the State Board of Insurance of the State of Texas.

(b) "Association" means the Texas Catastrophe Property Insurance Association as established pursuant to the provisions of this Act.

(c) "Plan of Operation" means the plan for providing Texas windstorm and hail insurance in a catastrophe area and Texas fire and explosion insurance in an inadequate fire insurance area which plan has been approved by the Board for operation by the Association pursuant to the provisions of this Act, which plan may, among other things, provide for limits of liability for each structure insured, and/or the corporeal movable property located therein.

(d) "Texas Windstorm and Hail Insurance" means deductible insurance against direct loss to insurable property as a result of windstorm or hail as such terms shall be defined and limited in policies and forms approved by the State Board of Insurance.

(e) "Texas Fire and Explosion Insurance" means insurance against direct loss to insurable property as a result of fire and explosion as such terms shall be defined and limited in policies and forms approved by the State Board of Insurance.

(f) "Insurable Property" means immovable property at fixed locations in a catastrophe area or corporeal movable property located therein (as

may be designated in the plan of operation) which property is determined by the Association, pursuant to the criteria specified in the plan of operation to be in an insurable condition against windstorm, hail and/or fire and explosion as appropriate, as determined by normal underwriting standards; provided, however, that insofar as windstorm and hail insurance is concerned, any structure located within the seacoast territory as defined by the State Board of Insurance in the General Basis Schedule, commenced on or after the 30th day following the publication of the plan of operation, not built or continuing in compliance with building specifications set forth in the plan of operation shall not be an insurable risk under the terms of this Act. A structure, or an addition thereto, which is constructed in conformity with plans and specifications that comply with the specifications set forth in the plan of operation at the time construction commences shall not be declared ineligible for windstorm and hail insurance as a result of subsequent changes in the building specifications set forth in the plan of operation. When repair of damage to a structure involves replacement of items covered in the building specifications as set forth in the plan of operation, such repairs must be completed in a manner to comply with such specifications for the structure to continue within the definition of Insurable Property for windstorm and hail insurance. Nothing in this Act shall preclude special rating of individual risks as may be provided in the plan of operation.

(g) "Net Direct Premiums" means gross direct written premiums less return premiums upon canceled contracts (irrespective of reinsurance assumed or ceded) written on property in this State as defined by the Board of Directors of the Association.

(h) "Catastrophe Area" means a city or county in which it may be determined by the Board, after notice of not less than 10 days and a hearing, that windstorm and hail insurance is not reasonably available to a substantial number of owners of insurable property within such city or county, due to such insurable property being located within a city or county subject to unusually frequent and severe damage resulting from windstorms and/or hailstorms. Such designation shall be revoked by the Board if it determines, after notice of not less than 10 days and a hearing, that windstorm and hail insurance in such catastrophe area is no longer reasonably unavailable to a substantial number of owners of insurable property within such designated city or county. If the Association shall determine that windstorm and hail insurance is no longer reasonably unavailable to a substantial number of owners of insurable property in any designated catastrophe area or areas, then the Association may request in writing that the Board revoke the designation of any or all of such catastrophe areas and, after notice of not less than 10 days and a hearing, but within 30 days of such hearing, the Board shall either approve or reject the Association's request and shall, if such request be approved, revoke such designation or designations.

(i) "Inadequate Fire Insurance Area" means a city or county which is, or is within an area, designated as a catastrophe area, as defined in Paragraph (h), above, and in which it may be determined by the Board, after notice of not less than 10 days and a hearing, that fire and explosion insurance is not reasonably available to a substantial number of owners of insurable property within such city or county. Such designation shall be revoked by the Board if it determines, after 10 days' notice and a hearing, that fire and explosion insurance in such inadequate fire insurance area is no longer reasonably unavailable to a substantial number of owners of insurable property within such designated city or county. If the Association shall determine that fire and explosion insurance is no longer reasonably unavailable to a substantial number of owners of insurable property in any designated inadequate fire insurance area or areas, then the Association may request in writing that the Board revoke

the designation of any or all such inadequate fire insurance areas, and, after notice of not less than 10 days and a hearing, but within 30 days of such hearing, the Board shall either approve or reject the Association's request and shall, if such request is approved, revoke such designation or designations.

(j) "Insurance" as hereinafter used in this Act shall mean the types of insurance described in Paragraphs (d) and (e) of this Section 3.

Creation of the Texas Catastrophe Property Insurance Association

Sec. 4. (a) The Association which is hereby created shall consist of all property insurers authorized to transact property insurance in this State, except those companies that are prevented by law from writing coverages available through the pool on a Statewide basis. Every such insurer shall be a member of the Association and shall remain a member of the Association so long as the Association is in existence, as a condition of its authority to transact the business of insurance in this State. Any insurer which ceases to be a member of the Association shall remain liable on contracts of insurance entered into during its membership in the Association to the same extent and effect as if its membership in the Association had not been terminated.

(b) The organizational plan of certain types of insurers precludes such insurers from writing insurance coverage for the State of Texas, any city, political subdivision or agency of the State. When insuring property of the State of Texas, any city, political subdivision or agency of the State, the Association shall not cause such policies to be issued in such companies, nor shall such companies be included as reinsurers for any policies of insurance in this category.

Operation of the Texas Catastrophe Property Insurance Association

Sec. 5. (a) The Association shall, pursuant to the provisions of this Act and the plan of operation, and with respect to insurance on insurable property, have the power on behalf of its members to cause to be issued policies of insurance to applicants, to assume reinsurance from its members, and to cede reinsurance to its members and to purchase reinsurance on behalf of its members.

(b) On or before 10 days after the effective date of this Act the Board shall appoint a temporary board of directors of the Association which shall consist of seven representatives of members of the Association, selected so as to fairly represent various classes of member insurers. Such temporary board of directors shall prepare and submit a plan of operation and shall serve until the permanent board of directors shall take office in accordance with said plan of operation.

(c) All members of the Association shall participate in its writings, expenses, profits and losses in the proportion that the net direct premiums (excluding premiums on property of the State of Texas, any city, political subdivision or agency of the State) of such member written in this State during the preceding calendar years bears to the aggregate net direct premiums (excluding premiums on property of the State of Texas, any city, political subdivision or agency of the State) written in this State by all members of the Association, as furnished to the Association by the Board after review of annual statements, other reports and other statistics the Board shall deem necessary to provide the information herein required and which the Board is hereby authorized and empowered to obtain from any member of the Association, provided, however, that a member shall, in accordance with the plan of operation, be entitled to receive credit for similar insurance voluntarily written in the area designated by the Board and its participation in the writings in the Association shall be reduced in accordance with the provisions of the plan of opera-

tion. Each member's participation in the Association shall be determined annually in the same manner as the initial determination. Any insurer authorized to write and engaged in writing any insurance, the writing of which required such insurer to be a member of the Association, who becomes authorized to engage in writing such insurance after the effective date of this Act shall become a member of the Association on the 1st day of January immediately following such authorization and the determination of such insurer's participation in the Association shall be made as of the date of such membership in the same manner as for all other members of the Association.

(d) On or before 45 days after the effective date of this Act, the temporary board of directors of the Association shall submit to the Board for review and approval a proposed plan of operation. Such proposed plan shall set forth the number, qualifications, terms of office, and manner of election of the members of the board of directors and shall provide for the efficient, economical, fair, and nondiscriminatory administration of the Association. Such proposed plan may include a preliminary assessment of all members for initial expenses necessary to the commencement of operation, the establishment of necessary facilities, management of the Association, plan for assessment of members to defray losses and expenses, underwriting standards, procedures for the acceptance and cession of reinsurance, procedures for determining the amount of insurance to be provided to specific risks, time limits and procedures for processing applications for insurance, and for such other provisions as may be deemed necessary by the board of directors and the Board to carry out the purposes of this Act. The proposed plan shall be reviewed by the Board and approved, unless it finds that such plan does not properly fulfill the purposes of this Act. In the review of the proposed plan the Board may, in its discretion, consult with the directors of the Association and may seek any further information which it deems necessary for a decision. If the Board approves the proposed plan, it shall certify such approval to the directors and the plan shall become effective 10 days after such certification. If the Board disapproves all or any part of the proposed plan of operation, it shall return the same to the directors with its written statement setting forth the reasons for the disapproval and any recommendations it may wish to make. The directors may alter the plan in accordance with the recommendations of the Board or shall, within 15 days from the date of disapproval, return a new plan to the Board. In the event the Association has not proposed a plan satisfactory to the Board on or before the 14th day of May, 1971, the Board shall certify and adopt a plan under which the Association shall operate.

The Directors of the Association may, subject to the approval of the Board, amend the plan of operation at any time.

In the absence of an appeal, the Association shall adopt amendments to the plan proposed by the Board within 30 days.

Eligibility: Application

Sec. 6. (a) Any person having an insurable interest in insurable property located in an area designated by the Board shall be entitled to apply to the Association for insurance provided for under the plan of operation and for an inspection of the property under such rules and regulations, including an inspection fee, if any, as determined by the Board of Directors of the Association and approved by the State Board of Insurance. The term "insurable interest" as used in this subsection shall be deemed to include any lawful and substantial economic interest in the safety or preservation of property from loss, destruction or pecuniary damage. Application shall be made on behalf of the applicant by a Local Recording Agent and shall be submitted on forms prescribed by the Association. The application shall contain a statement as to

whether or not the applicant has or will submit the premium in full from personal funds, or if not, to whom a balance is or will be due.

(b) If the Association determines that the property is insurable, the Association, upon payment of the premium, shall cause to be issued a policy of insurance as may be provided in the plan for a term of one year.

In the event an agent or some other person, firm, or corporation shall finance the payment of all or a portion of the premium and there is a balance due for the financing of such premium and such balance, or any installment thereof, is not paid within 10 days after the due date, the agent or other person, firm, or corporation to whom such balance is due may request cancellation of the insurance by returning the policy, with proof that the insured was notified of such return, or by requesting the Association to cancel such insurance by notice mailed to the insured and any others shown in the policy as having an insurable interest in the property. Upon completion of cancellation, the Association shall refund the unearned premium, less any minimum retained premium set forth in the plan of operation, to the person, firm, or corporation to whom the unpaid balance is due. In the event an insured requests cancellation of insurance, the Association shall make refund of such unearned premium payable to the insured and the holder of an unpaid balance. The Local Recording Agent, who submitted the application, shall refund the commission on any unearned premium in the same manner.

(c) Any policy issued pursuant to the provisions of this Act may be renewed annually, upon application therefor, so long as the property continues to meet the definition of "insurable property" set forth in Section 3 of this Act.

(d) Each Association member shall cede to the Association 100 per cent of the fire and windstorm insurance written pursuant to, and on the terms and conditions set forth in, the plan of operation.

Deletion of Coverages From Other Policies

Sec. 7. The Board shall prepare endorsements and forms applicable to the standard policies which it has promulgated providing for the deletion of coverages available through the Association and shall promulgate the applicable reduction of premiums and rates for the use of such endorsements and forms.

Rates, Rating Plans and Rate Rules Applicable

Sec. 8. (a) The Association shall file with the Board every manual of classifications, rules, rates which shall include condition charges, every rating plan, and every modification of any of the foregoing which it proposes to use. Every such filing shall indicate the character and the extent of the coverage contemplated and shall be accompanied by the policies and endorsements forms proposed to be used, which said forms and endorsements may be designed specifically for use by the Association and without regard to other forms filed with, approved by, or promulgated by the Board for use in this State.

(b) For the purpose of making such filing the Association may utilize filings made by licensed rating organizations and it may utilize the loss or expense statistics or recommendations collected and furnished to the Board by an advisory organization authorized under Article 5.73, Insurance Code of Texas.

(c) Any filing made by the Association pursuant hereto shall be submitted to the Board and as soon as reasonably possible after the filing has been made the Board shall, in writing, approve, modify, or disapprove the same; provided that any filing shall be determined approved unless modified or disapproved within 30 days after date of filing.

(d) If at any time the Board finds that a filing so approved no longer meets the requirements of this Act, it may, after a hearing held on not

less than 20 days' notice to the Association specifying the matters to be considered at such hearing, issue an order withdrawing its approval thereof. Said order shall specify in what respects the Board finds that such filing no longer meets the requirements of this Act and shall be effective not less than 30 days after its issuance.

(e) All rates shall be made in accordance with the following provisions:

(1) Due consideration shall be given to the past and prospective loss experience within and outside the State of hazards for which insurance is made available through the plan of operation, if any, to expenses of operation including acquisition costs, to a reasonable margin for profit and contingencies, and to all other relevant factors, within and outside the State.

(2) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in such risks on the basis of any or all of the factors mentioned in the preceding paragraph. Such rates may include rules for classification of risks insured hereunder and rate modifications thereof. All such provisions, however, as respects rates, classifications, standards and premiums shall be without prejudice to or prohibition of provision by the Association for consent rates on individual risks if the rate and risk are acceptable to the Association and as is similarly provided for, or as is provided for, in Article 5.26(a), Texas Insurance Code, and this provision or exception on consent rates is irrespective of whether or not any such risk would otherwise be subject to or the subject of a provision of rate classification or eligibility.

(3) Rates shall be reasonable, adequate, not unfairly discriminatory, and nonconfiscatory as to any class of insurer.

(4) Commissions paid to agents shall be reasonable, adequate, not unfairly discriminatory and nonconfiscatory.

(f) For the purpose of this Act the applicant under Section 6(a) hereof shall be considered to have consented to the appropriate rates and classifications authorized by this Act irrespective of any and all other rates or classifications.

(g) All premiums written and losses paid under this Act as appropriate shall be included in applicable classifications for general rate making purposes.

Appeals

Sec. 9. Any person insured pursuant to this Act, or his duly authorized representative, or any affected insurer who may be aggrieved by an act, ruling or decision of the Association, may, within 30 days after such act, ruling or decision, appeal to the Board. In the event the Association is aggrieved by the action of the Board with respect to any ruling, order, or determination of the Board, it may, within 30 days after such action, make a written request to the Board for a hearing thereon. The Board shall hear the Association, or the appeal from an act, ruling or decision of the Association, within 30 days after receipt of such request or appeal and shall give not less than 10 days' written notice of the time and place of hearing to the Association making such request or the person, or his duly authorized representative, appealing from the act, ruling or decision of the Association. Within 30 days after such hearing, the Board shall affirm, reverse or modify its previous action or the act, ruling or decision appealed to the Board. Pending such hearing and decision thereon, the Board may suspend or postpone the effective date of its previous rule or of the act, ruling or decision appealed to the Board. The Association, or the person aggrieved by any order or decision of the

Board may thereafter appeal to the District Court of Travis County, Texas, and not elsewhere, in accordance with Article 1.04(f) of the Insurance Code of Texas.

Immunity From Liability

Sec. 10. There shall be no liability on the part of and no cause of action of any nature shall arise against the Board or any of its staff, the Association or its agents or employees, or against any participating insurer or its agents or employees, for any inspections made under the plan of operation or any statements made in good faith by them in any reports or communications concerning risks submitted to the Association, or at any administrative hearings conducted in connection therewith under the provisions of this Act.

Indemnification

Sec. 11. Each person serving as a director of the Association, each member of the Association, and each officer and employee of the Association shall be indemnified by the Association against all costs and expenses actually and necessarily incurred by him or it in connection with the defense of any action, suit, or proceeding in which he or it is made a party by reason of his or its being or having been a director or member of the Association, or an officer or employee of the Association except in relation to matters as to which he or it has been judged in such action, suit or proceeding to be liable by reason of misconduct in the performance of his or its duties as a director of the Association or a member or officer or employee of the Association, provided, however, that this indemnification shall in no way indemnify a member of the Association from participating in the writings, expenses, profits, and losses of the Association in the manner set out in this Act. Indemnification hereunder shall not be exclusive of other rights to which such member or officer may be entitled as a matter of law.

Annual Report

Sec. 12. The Association shall file in the office of the Board annually a statement which shall summarize the transactions, conditions, operations and affairs of the Association during the preceding year at such times and covering such periods as may be designated by the Board. Such statement shall contain such matters and information as are prescribed by the Board and shall be in such form as is required by it.

Effective Date

Sec. 13. This Act shall become effective from and after passage.

Conflicting Laws

Sec. 14. All laws or parts of laws in conflict herewith are hereby repealed to the extent necessary to accomplish the purposes of this Act.

Partial Invalidity

Sec. 15. If any provision of this Act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 16. [Emergency provision].

Codification

Sec. 17. This Act is hereby codified as Article 21.49 of the Texas Insurance Code.

Application of Act

Sec. 18. This Act does not apply to farm mutual insurance companies, as defined in Article 16.01 of the Insurance Code, nor does it apply to any

For Annotations and Historical Notes, see V.A.T.S.

existing company chartered under old Chapter 12, Title 78, Revised Civil Statutes of Texas, 1925, repealed by Chapter 40, Acts of the 41st Legislature, 1st Called Session, 1929, Chapter 40.'

Acts 1971, 62nd Leg., p. 843, ch. 100, eff. April 29, 1971. Secs. 17, 18 added by Acts 1971, 62nd Leg., p. 2862, ch. 940, § 1, eff. June 15, 1971.

Two other articles numbered 21.49 were added by Acts 1971, 62nd Leg., p. 1334, ch. 356, § 1, and Acts 62nd Leg., p. 2905, ch. 961, § 1, which were redesignated as articles 21.49—1 and 21.49—2, respectively.

Title of Act:

An Act relating to the creation, powers, duties, and procedures of a Texas Catastrophe Property Insurance Pool; setting forth the purpose of such Act; naming such Act; defining certain terms; providing for the creation of the Texas Catastrophe Property Insurance Association; providing for the operation of the Texas Catastrophe Property Insurance Association; providing for eligibility; providing for rates, rating plans, and rate rules; providing for appeals; providing for immunity from liability; providing for indemnification; providing for annual reports; providing an effective date; repealing conflicting laws; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 843, ch. 100.

Art. 21.49—1. Insurance Holding Company System Regulatory Act

Findings

Section 1. (a) It is hereby found and declared that it may not be inconsistent with the public interest and the interest of policyholders and shareholders to permit insurers to:

(1) engage in activities which would enable them to make better use of management skills and facilities;

(2) have free access to capital markets which could provide funds for insurers to use in diversification programs;

(3) implement sound tax planning conclusions; and

(4) serve the changing needs of the public and adapt to changing conditions of the social, economic, and political environment, so that insurers are able to compete effectively and to meet the growing public demand for institutions capable of providing a comprehensive range of financial services.

(b) It is further found and declared that the public interest and the interests of policyholders and shareholders are or may be adversely affected when:

(1) control of an insurer is sought by persons who would utilize such control adversely to the interest of policyholders or shareholders;

(2) acquisition of control of an insurer would substantially lessen competition or create a monopoly in the insurance business in this State;

(3) an insurer which is part of a holding company system is caused to enter into transactions or relationships with affiliated companies on terms which are not fair and reasonable; or

(4) an insurer pays dividends to shareholders which jeopardize the financial condition of such insurer.

(c) It is hereby declared that the policies and purposes of this article are to promote the public interest by:

(1) facilitating the achievement of the objectives enumerated in Subsection (a);

(2) requiring disclosure of pertinent information relating to and approval of changes in control of an insurer;

(3) requiring disclosure and approval of material transactions and relationships between the insurer and its affiliates, including certain dividends to shareholders paid by the insurer; and

(4) providing standards governing material transactions between the insurer and its affiliates.

(d) It is further declared that it is desirable to prevent unnecessary multiple and conflicting regulation of insurers. Therefore, this State shall exercise regulatory authority over domestic insurers and, unless

otherwise provided in this article, not over non-domestic insurers, with respect to the matters contained herein.

Definitions

Sec. 2. As used in this article, the following terms shall have the respective meanings hereinafter set forth, unless the context shall otherwise require:

(a) Affiliate. An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(b) Commissioner. The term "Commissioner" shall mean the Commissioner of Insurance, his deputies, or the State Board of Insurance, as appropriate.

(c) Control. The term "control," including the terms "controlling," "controlled by," and "under common control with," means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds irrevocable proxies representing, 10 percent or more of the voting securities or authority of any other person. This presumption may be rebutted by a showing made in the manner provided by Section 3(i) that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect, where a person exercises directly or indirectly either alone or pursuant to an agreement with one or more other persons such a controlling influence over the management or policies of an authorized insurer as to make it necessary or appropriate in the public interest or for the protection of the policyholders or stockholders of the insurer that the person be deemed to control the insurer.

(d) Holding Company. The term "holding company" means any person who directly or indirectly controls any insurer.

(e) Controlled Insurer. The term "controlled insurer" means an insurer controlled directly or indirectly by a holding company.

(f) Controlled person. The term "controlled person" means any person, other than a controlled insurer who is controlled directly or indirectly by a holding company.

(g) Insurance Holding Company System. The term "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer.

(h) Insurer. The term "insurer" shall include all insurance companies organized or chartered under the laws of this State, or licensed to do business in this State, including capital stock companies, mutual companies, title insurance companies, fraternal benefit societies, local mutual aid associations, Statewide mutual assessment companies, county mutual insurance companies, Lloyds' Plan companies, reciprocal or interinsurance exchanges, stipulated premium insurance companies, and group hospital service companies, except that it shall not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

(i) Person. A "person" is an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organiza-

tion, any similar entity or any combination of the foregoing acting in concert, but shall not include any securities broker performing no more than the usual and customary broker's function.

(j) Securityholder. A "securityholder" of a specified person is one who owns any security of such person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing.

(k) Subsidiary. A "subsidiary" of a specified person is an affiliate controlled by such person directly or indirectly through one or more intermediaries.

(*l*) Voting Security. The term "voting security" shall include any security convertible into or evidencing a right to acquire a voting security.

(m) Notwithstanding any other provision of this article, the following shall not be deemed holding companies: the United States, a state or any political subdivision, agency, or instrumentality thereof, or any corporation which is wholly owned directly or indirectly by one or more of the foregoing.

(n) Notwithstanding any other provision of this article, this article shall not be applicable to any insurance holding company system in which the insurer, the holding company, if any, the subsidiaries, if any, the affiliates, if any, and each and every other member thereof, if any, is privately owned by not more than five (5) securityholders, each of whom is and must be an individual or a natural person, and the commissioner has found that it is not necessary that such holding company system be regulated under this article or certain provisions of this article and has issued a total or partial exemption certificate to such holding company which shall effect the exemption until revoked by the commissioner.

Registration of insurers

Sec. 3. (a) Registration. Every insurer which is authorized to do business in this State and which is a member of an insurance holding company system shall register with the commissioner, except a foreign or non-domestic insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this article. Any insurer which is subject to registration under this section shall register within 60 days after the effective date of this article or 15 days after it becomes subject to registration, whichever is later, unless the commissioner for good cause shown extends the time for registration, and then within such extended time. The commissioner may require any authorized insurer which is a member of an insurance holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by such insurance company with the insurance regulatory authority of its domiciliary jurisdiction.

(b) Information and Form Required. Every insurer subject to registration shall file a registration statement on a form provided by the commissioner, which shall contain current information about:

(1) the identity of every member of the insurance holding company system;

(2) the capital structure, general financial condition, ownership and management of the insurer, its holding company, and the insurer's subsidiaries and, if deemed necessary in the judgment of the commissioner, any of its affiliates;

(3) the following agreements in force, relationships subsisting, and transactions currently outstanding between such insurer and its holding company, its subsidiaries, or its affiliates:

(i) loans, other investments, or purchases, sales or exchanges of securities of any of the affiliates by the insurer or of the insurer by any of its affiliates;

(ii) purchases, sales, or exchanges of assets;

(iii) transactions not in the ordinary course of business;

(iv) guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(v) all management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles; and

(vi) reinsurance agreements covering one or more lines of insurance of the ceding company;

(4) other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the commissioner; and

(5) such filing shall include a copy of the charter or articles of incorporation and bylaws of such insurer's holding company and such insurer's subsidiaries and, if deemed necessary in the judgment of the commission, any of its affiliates.

(c) Materiality. No information need be disclosed on the registration statement filed pursuant to Section 3(b), or the amendments thereto pursuant to Section 3(d), if such information is not material for the purposes of this section. Unless the commissioner by rule, regulation, or order provided otherwise, either single transactions or the cumulative total of all transactions involving sales, purchases, exchanges, loans or extensions of credit, or investments, which involve either one-half of one percent or less of an insurer's admitted assets, or five percent or less of an insurer's surplus, determined by whichever is the lesser, as of the 31st day of December next preceding, shall not be deemed material for purposes of this section, but any such single transaction or the cumulative total of such transactions in excess of the lesser of such percentages shall be deemed material.

(d) Amendments to Registration Statements. Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the commissioner within 15 days after the end of the month in which it learns of each such change or addition; provided, however, that subject to Subsection (c) of Section 4, each registered insurer shall so report all dividends and other distributions to shareholders within two business days following the declaration thereof; and provided further that any transaction authorized by Section 4(d) hereof need not be reported under this subsection.

(e) Termination of Registration. The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.

(f) Consolidated Filing. The commissioner may require or allow two or more affiliated insurers subject to registration hereunder to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

(g) Alternative Registration. The commissioner may allow an insurer which is authorized to do business in this State and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under Subsection (a) and to file all information and material required to be filed under this section.

(h) Exemptions. The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the commissioner by rule, regulation, or order shall exempt the same from the provisions of this section.

(i) Disclaimer. Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such a disclaimer. The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance.

(j) Violations. The failure to file a registration statement or any amendment thereto required by this section within the time specified for such filing shall be a violation of this section.

Transactions within an insurance holding company system

Sec. 4. (a) Transactions with Affiliates. Material transactions by registered insurers with their holding companies, subsidiaries, or affiliates shall be subject to the following standards:

(1) the terms shall be fair and equitable;

(2) charges or fees for services performed shall be reasonable;

(3) the books, accounts, and records of each party shall be so maintained as to clearly and accurately disclose the precise nature and details of the transactions;

(4) expenses incurred and payments received shall be allocated to the insurer on an equitable basis in conformity with customary insurance accounting principles consistently applied; and

(5) the insurer's surplus as regards policyholders following any dividends or distributions to the holding company or shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(b) Adequacy of Surplus. For the purposes of this article, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

(1) the size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

(2) the extent to which the insurer's business is diversified among the several lines of insurance;

(3) the number and size of risks insured in each line of business;

(4) the extent of the geographical dispersion of the insurer's insured risks;

(5) the nature and extent of the insurer's reinsurance program;

(6) the quality, diversification, and liquidity of the insurer's investment portfolio;

(7) the recent past and projected future trend in the size of the insurer's surplus as regards policyholders;

(8) the surplus as regards policyholders maintained by other comparable insurers;

(9) the adequacy of the insurer's reserves; and

(10) the quality and liquidity of investments in subsidiaries made pursuant to Section 6. The commissioner may treat any such investment as a nonadmitted or disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in his judgment such investment so warrants.

(c) Dividends and Other Distributions. (1) No insurer subject to registration under Section 3 shall pay any extraordinary dividend or

make any other extraordinary distribution to its shareholders until (i) 30 days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment, or (ii) the commissioner shall have approved such payment within such 30-day period.

(2) For purposes of this section an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding 12 months exceeds the greater of (i) 10 percent (20 percent if such insurer is a title insurer) of such insurer's surplus as regards policyholders as of the 31st day of December next preceding, or (ii) the net gain from operations of such insurer, if such insurer is a life or title insurer, or the net investment income, if such insurer is not a life or title insurer, for the 12-month period ending the 31st day of December next preceding, but shall not include pro rata distributions of any class of the insurer's own securities.

(3) Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, and such a declaration shall confer no rights upon shareholders until (i) the commissioner has approved the payment of such dividend or distribution or (ii) the commissioner has not disapproved such payment within the 30-day period referred to above.

(d) Commissioner's Approval Required. (1) The prior written approval of the commissioner shall be required for the following transactions between a domestic insurer and any person in its holding company system: sales, purchases, exchanges, loans or extensions of credit, or investments, involving more than either five percent of the insurer's admitted assets or 25 percent of the insurer's surplus, whichever is the lesser, as of the 31st of December next preceding; provided, however, that the commissioner must give his decision of either approval or disapproval within 90 days after notification by the insurer and his failure to so act within such 90 days shall constitute approval of the transaction.

(2) The following transactions between a domestic insurer and any person in its holding company system may not be entered into unless the insurer has notified the commissioner in writing of its intention to enter into any such transaction at least 30 days prior thereto, or such shorter period as he may permit, and he has not disapproved it within such period:

(i) sales, purchases, exchanges, loans or extensions of credit, or investments, involving either more than one-half of one percent but less than five percent of the insurer's admitted assets, or more than five percent but less than 25 percent of the insurer's surplus, whichever is the lesser, as of the 31st day of December next preceding;

(ii) reinsurance treaties or agreements;

(iii) rendering of services on a regular or systematic basis; or

(iv) any material transactions, specified by regulation, which the commissioner determines may adversely affect the interests of the insurer's policyholders or stockholders or of the public.

(3) Nothing herein contained shall be deemed to authorize or permit any transactions which, in the case of a non-controlled insurer, would be otherwise contrary to law.

(4) The commissioner, in reviewing transactions hereunder, shall consider whether the transactions comply with the standards set forth in Subdivision (a) hereof and whether they may adversely affect the interest of policyholders. Any disapproval by the commissioner of any such transactions shall set forth the specific reasons for such disapproval.

(5) The approval of any transaction under this section shall be deemed an amendment under Section 3(d) to an insurer's registration statement without further filing.

Acquisition or retention of control of or merger with domestic insurer

Sec. 5. (a) Filing Requirements. (1) No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, such person would, directly or indirectly, or by conversion or by exercise of any right to acquire, be in control of such insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer unless, at the time any such offer, request, or invitation is made or any such agreement is entered into, or prior to the acquisition of such securities if no offer or agreement is entered into, or prior to the acquisition of such securities if no offer or agreement is involved, such person has filed with the commissioner and has sent to such insurer, and such insurer has sent to its shareholders, a statement containing the information required by this section and such offer, request, invitation, agreement, or acquisition has been approved by the commissioner in the manner hereinafter prescribed.

(2) For purposes of this section a "domestic insurer" shall include any other person controlling a domestic insurer unless such other person is either directly or through its affiliates primarily engaged in business other than the business of insurance.

(b) Content of Statement. The statement to be filed with the commissioner hereunder shall be made under oath or affirmation and shall contain the following information:

(1) the name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in Subsection (a) is to be effected (hereinafter called 'acquiring party'), and

(i) if such person is an individual, his principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past 10 years; and

(ii) if such person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence; an informative description of the business intended to be done by such person and such person's subsidiaries; and a list of all individuals who are or who have been selected to become directors or executive officers of such person, or who perform or will perform functions appropriate to such positions. Such list shall include for each such individual the information required by Paragraph (i) of this subsection;

(2) the source, nature, and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose, and the identity of persons furnishing such consideration, provided, however, that where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such statement so requests;

(3) fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each such acquiring party (or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence), and similar unaudited information as of a date not earlier than 90 days prior to the filing of the statement;

(4) any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management;

(5) the number of shares of any security referred to in Subsection (a), which each acquiring party proposes to acquire, and the terms of the offer, request, invitation, agreement, or acquisition referred to in Subsection (a), and a statement as to the method by which the fairness of the proposal was arrived at;

(6) the amount of each class of any security referred to in Subsection (a) which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party;

(7) a full description of any contracts, arrangements, or understanding with respect to any security referred to in Subsection (a) in which any acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been entered into;

(8) a description of the purchase of any security referred to in Subsection (a) during the 12 calendar months preceding the filing of the statement by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid therefor;

(9) a description of any recommendations to purchase any security referred to in Subsection (a) made during the 12 calendar months preceding the filing of the statement, by any acquiring party, or by anyone based upon interviews or at the suggestion of such acquiring party;

(10) copies of all tender offers for, requests or invitations for tenders of exchange offers for, and agreements to acquire or exchange any securities referred to in Subsection (a), and (if distributed) of additional soliciting material relating thereto;

(11) the terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of securities referred to in Subsection (a) for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto;

(12) such additional information as the commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policyholders and securityholders of the insurer or in the public interest.

If the person required to file the statement referred to in Subsection (a) is a partnership, limited partnership, syndicate, or other group, the commissioner may require that the information called for by Clauses (1) through (12) shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any such partner, member, or person is a corporation or the person required to file the statement referred to in Subsection (a) is a corporation, the commissioner may require that the information called for by Clauses (1) through (12) shall be given with respect to such corporation, each officer and director of such corporation, and each person who is directly or indirectly the beneficial owner of more than 10 percent of the outstanding voting securities of such corporation.

If any material change occurs in the facts set forth in the statement filed with the commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the commissioner and sent to such insurer within two business days after the person learns of such change. Such insurer shall send such amendment to its shareholders.

(c) Alternative Filing Materials. If any offer, request, invitation, agreement, or acquisition referred to in Subsection (a) is proposed to be made by means of a registration statement under the Securities Act of 1933, as amended [1], or in circumstances requiring the disclosure of similar

information under the Securities Exchange Act of 1934, as amended [2], or under a State law requiring similar registration or disclosure, the person required to file the statement referred to in Subsection (a) may utilize such documents in furnishing the information called for by that statement.

(d) Approval by Commissioner; Hearings. (1) The commissioner shall approve any merger or other acquisition of control referred to in Subsection (a) unless, after a public hearing thereon, he finds that:

(i) after the change of control the domestic insurer referred to in Subsection (a) would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(ii) the effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this State or tend to create a monopoly therein;

(iii) the financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders or the interests of any remaining securityholders who are unaffiliated with such acquiring party;

(iv) the terms of the offer, request, invitation, agreement, or acquisition referred to in Subsection (a) are unfair and unreasonable to the securityholders of the insurer;

(v) the plans or proposals which the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair, prejudicial, hazardous, or unreasonable to policyholders or stockholders of the insurer and not in the public interest;

(vi) the competence, trustworthiness, experience, and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control; or

(vii) such acquisition or merger would violate any law of this or any other state or of the United States.

(2) The public hearing referred to in Clause (1) hereof shall be held within 30 days after the statement required by Subsection (a) is filed, and at least 20 days' notice thereof shall be given by the commissioner to the person filing the statement. Not less than seven days' notice of such public hearing shall be given by the person filing the statement to the insurer and to such other persons as may be designated by the commissioner. The insurer shall give such notice to its securityholders. The commissioner shall make a determination within 30 days after the conclusion of such hearing. At such hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent, and any other person whose interests may be affected thereby shall have the right to present evidence, examine and cross-examine witnesses, and offer oral and written arguments in connection therewith.

(e) Mailings to Shareholders; Payment of Expenses. All statements, amendments, or other material filed pursuant to Subsection (a) or (b), and all notices of public hearings held pursuant to Subsection (d), shall be mailed by the insurer to its shareholders within five business days after the insurer has received such statements, amendments, other material, or notices. The expenses of mailing shall be borne by the person making the filing. As security for the payment of such expenses, such person shall file with the commissioner an acceptable bond or other deposit in an amount to be determined by the commissioner.

(f) Exemptions. The provisions of this section shall not apply to:

(1) any offers, requests, invitations, agreements, or acquisitions by the person referred to in Subsection (a) of any voting security referred

to in Subsection (a) which, immediately prior to the consummation of such offer, request, invitation, agreement, or acquisition, was not issued and outstanding;

(2) any transaction which is subject to the provisions of: (i) Article 21.25, Sections 1 through 5, of this code, dealing with the merger or consolidation of two or more insurers and complying with the terms of such article, (ii) Article 11.20 of this code, (iii) Article 11.21 of this code, (iv) Article 14.13 of this code, (v) Article 14.61 of this code, (vi) Article 14.63 of this code, (vii) Article 21.26 of this code, provided that all or 100% of the stock is initially and simultaneously purchased in order to effect a total reinsurance, (viii) Article 22.15 of this code, and (ix) Article 22.19 of this code, provided that the reinsurance is a total direct reinsurance agreement; or

(3) any offer, request, invitation, agreement, or acquisition which the commissioner by order shall exempt therefrom as (i) not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer, or (ii) as otherwise not comprehended within the purposes of this section.

(g) Retention of Control. (1) The following conditions affecting any controlled insurer, regardless of when such control has been acquired, are violations of this article: (i) the violation of this article, or other demonstration of untrustworthiness, by the insurer, its holding company or any controlling person, or any of the officers or directors of either; or (ii) the violation of any provision of Chapter 15 of the Business and Commerce Code, Chapter 785, Acts of the 60th Legislature, 1967, as amended [3], or any other antitrust law of this State by the insurer, the holding company or any affiliate. If, after notice and an opportunity to be heard the commissioner determines that any of the foregoing violations exists, he shall reduce his findings to writing and shall issue an order based thereon and cause the same to be served upon the insurer and upon all persons affected thereby directing any person found to be in violation hereof to take appropriate action to cure such violation. Upon the failure of any such person to comply with such order, Section 3 of Article 1.14 of this code shall become applicable to such person, as well as any other provisions of this article.

(2) The commissioner may require the submission of such information as he deems necessary to determine whether any retention of control complies with this article and may require, as a condition of approval of such retention of control, that all or any portion of such information be disclosed to the insurer's stockholders.

(h) Duty of Insurer. Unless subject to registration under Section 3, or unless it is a foreign insurer not subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this article, or unless acquisition of its control is subject to Subsections (a), (b), and (c) hereof, every authorized insurer shall, on or before November 1, 1971, or within 30 days after any event requiring notice hereunder, whichever is later, notify the commissioner in writing of the identity of any person whom the insurer then knows, or has reason to believe, controls or has taken any action, other than preliminary negotiations or discussions, to acquire control of the insurer.

(i) Violations. The following shall be violations of this section:

(1) the failure to file any statement, amendment, or other material required to be filed pursuant to this section; or

(2) the effectuation or any attempt to effectuate an acquisition of control of, or merger with, a domestic insurer unless the commissioner has given his approval thereto.

(j) Jurisdiction; Consent to Service of Process. The courts of this State are hereby vested with jurisdiction over every person not resident, domiciled, or authorized to do business in this State who files a state-

ment with the commissioner under this section, and over all actions involving such person arising out of violations of this section, and each such person shall be deemed to have performed acts equivalent to and constituting an appointment by such person of the commissioner to be his true and lawful attorney upon whom may be served all lawful process in any action, suit, or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the commissioner to such person at his last known address.

[1] 15 U.S.C.A. § 77a et seq.
[2] 15 U.S.C.A. § 78a et seq.
[3] V.T.C.A.Bus. & C. § 15.01 et seq.

Subsidiaries of insurers

Sec. 6. Any domestic insurer, either by itself or in cooperation with one or more persons, may organize or acquire one or more subsidiaries, as an investment but only as permitted by the investment provisions of the Insurance Code.

Management of controlled insurers

Sec. 7. (a) Notwithstanding the control of an authorized insurer by any person, the officers and directors of the insurer shall not thereby be relieved of any obligation or liability to which they would otherwise be subject by law, and the insurer shall be managed so as to assure its separate operating identity consistent with this code.

(b) Nothing herein shall preclude an authorized insurer from having or sharing a common management or cooperative or joint use of personnel, property, or services with one or more other persons under arrangements meeting the standards of Paragraph (4) of Section 4(a) hereof.

Prohibition of indirect action

Sec. 8. No holding company or controlled person shall directly or indirectly or through another person do or cause to be done for or on behalf of the controlled insurer any act intended to affect, influence, change, or alter the insurance operations of the insurer which, if done by the insurer acting alone, would violate this code. Provided, however, this section shall not limit or prohibit such holding company or person within the holding company system from doing any type of business that would be normal and natural to such person if it were not within the holding company system so long as such business is conducted on behalf of such person.

Examination

Sec. 9. (a) Power of the Commissioner. Subject to the limitation contained in this section and in addition to the powers which the commissioner has under other articles of this code relating to the examination of insurers, the commissioner shall also have the power to order any insurer registered under Section 3 to produce such records, books, or other information papers in the possession of the insurer, its holding company, its subsidiaries, or its affiliates as shall be necessary to ascertain the financial condition or legality of conduct of such insurer. In the event such insurer fails to comply with such order, every holding company, every controlled person, subsidiary, or affiliate within the insurance holding company system shall be subject to examination by order of the commissioner if he has cause to believe that the operations of such persons may materially affect the operations, management, or financial condition of any controlled insurer within the system and that he is unable to obtain relevant information from such controlled insurer. The grounds relied upon by the commissioner for such examination shall be stated in his order, which order shall be subject to judicial review only at the instance of the person sought to be examined. Such examination shall be confined to matters specified in the order. The cost of such examination

shall be assessed against the person examined and no portion thereof shall thereafter be reimbursed to it directly or indirectly by the controlled insurer.

(b) Purpose and Limitation of Examination. The commissioner shall exercise his power under Subsection (a) above only if the examination of the insurer under other sections of this code is inadequate or the interests of the policyholders of such insurer may be adversely affected.

(c) Use of Consultants. The commissioner may retain at the registered insurer's expense such attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as shall be reasonably necessary to assist in the conduct of the examination under Subsection (a) above. Any persons so retained shall be under the direction and control of the commissioner and shall act in a purely advisory capacity.

(d) Expenses. Each registered insurer complying with the commissioner's order and producing for examination records, books, and papers pursuant to Subsection (a) above shall be liable for and shall pay the expense of such examination in accordance with Article 1.16 of this code.

Confidential treatment

Sec. 10. All information, documents, and copies thereof obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to Section 9 and all information reported pursuant to Section 3, shall be given confidential treatment and shall not be subject to subpoena and shall not be made public by the commissioner or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interests of policyholders, shareholders, or the public will be served by the publication thereof, in which event he may publish all or any part thereof in such manner as he may deem appropriate.

Rules and Regulations

Sec. 11. The State Board of Insurance may, upon notice and opportunity for all interested persons to be heard, issue such rules, regulations, and orders as shall be consistent with and to carry out the provisions of this article and to govern the conduct of its business and proceedings hereunder. Respecting any other provisions of this article, the board shall not have any power or authority to change the meaning of any provision of this article by rule or regulation or to promulgate any rule or regulation which is in any way contrary to the underlying and fundamental purposes of this article.

Injunctions: prohibitions against against voting securities: sequestration of voting securities

Sec. 12. (a) Injunctions. Whenever it appears to the commissioner that any insurer or any director, officer, employee, or agent thereof has committed or is about to commit a violation of this article or of any rule, regulation, or order issued by the State Board of Insurance or by the commissioner hereunder, the commissioner may apply to the district court for Travis County for an order enjoining such insurer or such director, officer, employee, or agent thereof from violating or continuing to violate this article or any such rule, regulation, or order, and for such other equitable relief as the nature of the case and the interest of the insurer's policyholders, creditors, and shareholders or the public may require.

(b) Voting of Securities; When Prohibited. No security which is the subject of any agreement or arrangement regarding acquisition, or which is acquired or to be acquired in contravention of the provisions of this article or of any rule, regulation, or order issued by the State Board of Insurance or the commissioner hereunder may be voted at any shareholders' meeting, or may be counted for quorum purposes, and any action

of shareholders requiring the affirmative vote of a percentage of shares may be taken as though such securities were not issued and outstanding; but no action taken at any such meeting shall be invalidated by the voting of such securities, unless the action would materially affect control of the insurer or unless the courts of this State have so ordered. If an insurer or the commissioner has reason to believe that any security of the insurer has been or is about to be acquired in contravention of the provisions of this article or of any rule, regulation, or order issued by the State Board of Insurance or the commissioner hereunder, the insurer or the commissioner may apply to the district court for Travis County or to the district court for the county in which the insurer has its principal place of business to enjoin any offer, request, invitation, agreement, or acquisition made in contravention of Section 5 or any rule, regulation, or order issued by the commissioner thereunder to enjoin the voting of any such security so acquired, to void any vote of such security already cast at any meeting of shareholders, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors, and shareholders or the public may require.

(c) Sequestration of Voting Securities. In any case where a person has acquired or is proposing to acquire any voting securities in violation of this article or any rule, regulation or order issued by the State Board of Insurance or the commissioner hereunder the district court for Travis County or the district court for the county in which the insurer has its principal place of business may, on such notice as the court deems appropriate, upon the application of the insurer or the commissioner seize or sequester any voting securities of the insurer owned directly or indirectly by such person, and issue such orders with respect thereto as may be appropriate to effectuate the provisions of this article. Notwithstanding any other provisions of law, for the purposes of this article the situs of the ownership of the securities of domestic insurers shall be deemed to be in this State.

Criminal proceedings

Sec. 13. Whenever it appears to the commissioner that any insurer or any director, officer, employee, or agent thereof has committed a wilful violation of this article, the commissioner may cause criminal proceedings to be instituted by the district attorney for the county in which the principal office of the insurer is located or if such insurer has no such office in the state, then by the district attorney for Travis County against such insurer, or the responsible director, officer, employee, or agent thereof. Any insurer which wilfully violates this article may be fined not more than $10,000. Any individual who wilfully violates this article may be fined not more than $5,000 or, if such wilful violation involves the deliberate perpetration of a fraud upon the commissioner, imprisoned not more than two years or both.

Receivership

Sec. 14. Whenever it appears to the commissioner that any person has committed a violation of this article which so impairs the financial condition of a domestic insurer as to threaten its insolvency or make the further transaction of its business hazardous to its policyholders, creditors, shareholders, or the public, then the commissioner may proceed as provided in Articles 21.28 and 21.28–A of this code to take possession of the property of such domestic insurer and to conduct the business thereof.

Revocation, suspension, or non-renewal of insurer's license

Sec. 15. Whenever it appears to the commissioner that any person has committed a violation of this article which makes the continued operation of an insurer contrary to the interests of policyholders or the public, the commissioner may, after giving notice and an opportunity to

be heard, determine to suspend, revoke, or refuse to renew such insurer's license or authority to do business in this State for such period as he finds is required for the protection of policyholders or the public. Any such determination shall be accompanied by specific findings of fact and conclusion of law.

Rescission, revocation, and reversal of unauthorized transactions

Sec. 16. Whenever it appears to the commissioner that any person has entered into any transaction or act without having first complied with the provisions of this article applicable to such transaction or act, and in violation hereof, the commissioner may, after giving notice and an opportunity to be heard, determine and order that such transaction or act be set aside, rescinded, revoked, reversed, and rendered void and of no force or effect, so that the parties to such transaction or act shall be returned to the position they would have occupied had not such transaction or act occurred in violation of this article.

Judicial review; mandamus

Sec. 17. (a) Any person aggrieved by any act, determination, rule, regulation, or order or any other action of the commissioner pursuant to this article may appeal therefrom under the procedures provided in Article 1.04 of this code.

'(b) The filing of an appeal pursuant to this section shall stay the application of any such rule, regulation, order, or other action of the commissioner to the appealing party unless the court, after giving such party notice and an opportunity to be heard, determines that such a stay would be detrimental to the interests of policyholders, shareholders, creditors, or the public.

(c) Any person aggrieved by any failure of the commissioner to act or make a determination required by this article may petition the district court for Travis County for a writ in the nature of a mandamus or a peremptory mandamus directing the commissioner to act or make such determination forthwith.

Added as art. 21.49 by Acts 1971, 62nd Leg., p. 1334, ch. 356, § 1, eff. May 25, 1971.

Sections 2 and 3 of the 1971 act provided: "Sec. 2. All laws and parts of laws in this State inconsistent with this article are hereby superseded with respect to matters covered by this article.

"Sec. 3. If any provision of this article or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and for this purpose the provisions of this article are severable."

Art. 21.49—2. Cancellation and Nonrenewal of Certain Policies

The State Board of Insurance is authorized and directed to prescribe, adopt, promulgate, and enforce reasonable rules and regulations as to the cancellation and the nonrenewal of family automobile and residential fire insurance and homeowners policies, including notice requirements thereof, applicable to all insurance companies writing the above-mentioned policies. The State Board of Insurance is also authorized, as it finds necessary, to prescribe, adopt, promulgate, and enforce reasonable rules and regulations as to the cancellation and the nonrenewal of all other policies of insurance regulated by the Board pursuant to Chapter 5, Texas Insurance Code [1], including notice requirements thereof, applicable to all such companies. In prescribing and adopting such rules and regulations. the Board will give consideration to the reasonable needs of the public and to the operations of the insurance companies. The Board shall have authority to alter or amend, as it deems necessary, any and all of the rules and regulations prescribed and adopted by it.

Added as art. 21.49 by Acts 1971, 62nd Leg., p. 2905, ch. 961, § 1, eff. June 15, 1971.

[1] Article 5.01 et seq.

For Annotations and Historical Notes, see V.A.T.S.

Section 2 of the 1971 act provided: "If any word, sentence, or provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable."

Art. 21.50. Mortgage Guaranty Insurance

Definitions

Section 1. The definitions set forth herein shall govern the construction of the terms used in this Article but shall not affect any other provisions of this Code.

(a) "Mortgage guaranty insurance" means:

(1) Insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate, provided the improvement on such real estate is a residential building or buildings designed for occupancy by not more than four families, or a condominium unit.

(2) Insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate, provided the improvement on such real estate is a building or buildings designed for occupancy by five or more families or designed to be occupied for industrial or commercial purposes.

(3) Insurance against financial loss by reason of nonpayment of rent and other sums agreed to be paid under the terms of a written lease for the possession, use or occupancy of real estate, provided the improvement on such real estate is a building or buildings designed to be occupied for industrial or commercial purposes.

(b) "Authorized real estate security" for the purposes of Paragraphs (1) and (2) of Subdivision (a) of this section means an amortized note, bond or other evidence of indebtedness, secured by a mortgage, deed of trust, or other instrument constituting a first lien or charge on real estate; provided:

(1) The real estate loan secured in such manner is one which a bank, savings and loan association, or an insurance company, which is supervised and regulated by a department of this State or an agency of the federal government or an approved seller-servicer of the Federal National Mortgage Association, is authorized to make.

(2) The improvement on such real estate is a building or buildings designed for occupancy as specified by Paragraphs (1) and (2) of Subdivision (a) of this section.

(3) The lien on such real estate may be subject and subordinate to the following:

(i) The lien of any public bond, assessment, or tax, when no installment, call or payment of or under such bond, assessment or tax is delinquent.

(ii) Outstanding mineral, oil or timber rights, rights-of-way, easements or rights-of-way of support, sewer rights, building restrictions or other restrictions or covenants, conditions or regulations of use, or outstanding leases upon such real property under which rents or profits are reserved to the owner thereof.

(c) "Contingency reserve" means an additional premium reserve established for the protection of policyholders against the effect of adverse economic cycles or losses.

Qualifications of insurers

Sec. 2. Qualifications for mortgage guaranty insurers shall be as follows:

(1) An insurer, in order to qualify for writing mortgage guaranty insurance, must have the same minimum capital and surplus as that required of a company by Chapter 8, Texas Insurance Code.[1]

(2) A foreign or alien insurer writing mortgage guaranty insurance shall not be eligible for the issuance of a certificate of authority in Texas unless it has demonstrated a satisfactory operating experience in its state of domicile.

(3) A mortgage guaranty insurance insurer which anywhere transacts any class of insurance other than mortgage guaranty insurance is not eligible for the issuance of a certificate of authority to transact mortgage guaranty insurance in this State nor for the renewal thereof.

(4) A mortgage guaranty insurer which anywhere transacts the classes of insurance defined in Paragraphs (2) and (3) of Subdivision (a) of Section 1 is not eligible for the issuance of a certificate of authority to transact in this State the class of mortgage guaranty insurance defined in Paragraph (1) of Subdivision (a) of Section 1.

Unearned premium reserve; computation

Sec. 3. The unearned premium reserve on mortgage guaranty insurance shall be computed in accordance with the other applicable sections of this Code, except that on all policies covering a risk period of more than one year the unearned premium reserve shall be computed in accordance with standards promulgated by the State Board of Insurance after appropriate hearings.

Loss reserve; determination

Sec. 4. On such insurance, the case basis method shall be used to determine the loss reserve, which shall include a reserve for claims incurred but not reported.

Contingency reserve; withdrawals; releases to surplus

Sec. 5. In addition to the capital, surplus and reserves specified in Sections 2, 3 and 4 hereof, each mortgage guaranty insurer shall establish a contingency reserve, which shall be reported as a liability in the insurer's financial statements. To provide for and maintain such reserve, the company shall annually contribute to such reserve fifty per cent (50%) of the earned premiums on its mortgage guaranty insurance business. The earned premiums so reserved may be released to the insurer's surplus, annually, after they have been so maintained for 120 months. However, withdrawals may be made from such reserve by the insurer in any given year in which the insurer can demonstrate to the State Board of Insurance that the incurred losses for such year exceed thirty-five per cent (35%) of the corresponding earned premiums for such year. The amount so withdrawn and released for such losses shall reduce any subsequent annual release to surplus from the established contingency reserve by an amount equal to the amount so withdrawn, and any balance in excess of the normal annual release from such reserve shall carry over and be deducted from subsequent annual releases.

Outstanding total liability; limit

Sec. 6. A mortgage guaranty insurer shall not at any time have outstanding a total liability, net of reinsurance, under its aggregate mortgage guaranty insurance policies exceeding 25 times its capital, surplus and contingency reserve, such liability to be computed on the basis of the insurer's liability under its election as provided in Section 7 and such liability for leases to be computed on the basis of the insurer's liability

as determined by the State Board of Insurance. In the event that any insurer has outstanding total liability exceeding 25 times its capital, surplus and contingency reserve, it shall cease transacting new mortgage guaranty business until such time as its total liability no longer exceeds 25 times its capital, surplus and contingency reserve.

Real estate liens; coverage against loss for nonpayment of principal, etc.; limit

Sec. 7. A mortgage guaranty insurer shall limit its coverage for the class of insurance defined in Paragraphs (1) and (2) of Subdivision (a) of Section 1 to a maximum of twenty per cent (20%) of the entire indebtedness to the insured, or in lieu thereof, a mortgage guaranty insurer may elect to pay the entire indebtedness to the insured and acquire title to the authorized real estate security.

Loans secured by properties in single-housing or contiguous tracts; limit

Sec. 8. A mortgage guaranty insurer shall not insure loans secured by properties in a single housing tract or a contiguous tract in excess of ten per cent (10%) of the insurer's capital, surplus and contingency reserve. In determining the amount of such risk, applicable reinsurance in any assuming insurer authorized to transact mortgage guaranty insurance in this State shall be deducted from the total direct risk insured. "Contiguous," for the purposes of this section, means not separated by more than one-half mile.

Advertising of "insured loans"

Sec. 9. No bank, savings and loan association or insurance company, or an approved seller-servicer of the Federal National Mortgage Association, any of whose authorized real estate securities are insured by a mortgage guaranty insurance company, may state in any brochure, pamphlet, report or any form of advertising that the real estate loans of the bank, savings and loan association, insurance company or an approved seller-servicer of the Federal National Mortgage Association are "insured loans" unless the brochure, pamphlet, report or advertising also clearly states that the loans are insured by private insurers and the names of the private insurers are given and shall not make any such statement at all unless such insurance is by an insurer certificated to write in this State.

Application of other laws

Sec. 10. All the applicable provisions of this Code and of other statutes of this State, except as the same may be in conflict herewith, shall apply to the operation and conduct of mortgage guaranty insurance business.

Added by Acts 1971, 62nd Leg., p. 1066, ch. 222, § 1, eff. Aug. 30, 1971.

[1] See article 8.05.

CHAPTER TWENTY TWO—STIPULATED PREMIUM INSURANCE COMPANIES

Art. 22.23. Issuance of Life Insurance Policies by Stipulated Premium Companies

Each stipulated premium company possessing capital and unencumbered surplus of at least the combined total sum of $100,000.00 may issue

policies of life insurance as authorized and permitted under the provisions of Chapter Three of this Insurance Code provided that: (1) no individual life shall be insured for more than $5,000.00, (2) each such policy shall be reserved and reinsured as required under the provisions of Chapter Three of this Insurance Code, and (3) each such life policy shall be issued only upon an endowment or limited pay basis."

Added by Acts 1971, 62nd Leg., p. 1311, ch. 346, § 1, eff. May 24, 1971.

TITLE 79—INTEREST—CONSUMER CREDIT—CONSUMER PROTECTION

SUBTITLE TWO—CONSUMER CREDIT

CHAPTER TWO—GENERAL PROVISIONS

Art. 5069—2.02. Creation of the office of consumer credit commissioner and division of consumer protection

(1) There is hereby created the Office of Consumer Credit Commissioner of the State of Texas. The Commissioner shall be appointed by the Finance Commission and shall serve at the pleasure of the Finance Commission. The Consumer Credit Commissioner shall be an employee of the Finance Commission, subject to its orders and directions.

(2) The Consumer Credit Commissioner shall, from time to time, as directed by the Finance Commission, submit to the Finance Commission a full and complete report of the receipts and expenditures of this Office, and the Finance Commission may, from time to time, examine the financial records of the Office of Consumer Credit Commissioner, or cause them to be examined. In addition, the Office of Consumer Credit Commissioner shall be audited from time to time by the state auditor in the same manner as state departments, and the actual costs of such audit shall be paid to the state auditor from the funds of the Office of the Consumer Credit Commissioner. The Finance Commission shall report to the Governor of the State of Texas the receipts and disbursements of the Office of Consumer Credit Commissioner for each calendar year.

(3) There is hereby created the Division of Consumer Protection under the direction and supervision of the Consumer Credit Commissioner. The Consumer Credit Commissioner shall have authority to appoint and remove, and prescribe the duties of, such assistant commissioners, examiners and employees as may be necessary to maintain and operate the Office of the Consumer Credit Commissioner and the Division of Consumer Protection.

(4) The Consumer Credit Commissioner shall enforce the provisions of Chapters 2, 3, 4, 5, 6, 7, 8, and 9 of this Title in person through assistant commissioners or any examiner or employee. The Consumer Credit Commissioner through the Division of Consumer Protection shall enforce Chapter 10 of this Title. The Consumer Credit Commissioner, each assistant commissioner, each examiner and each employee shall not be personally liable for damages occasioned by his official act or omissions except when such acts or omissions are corrupt or malicious. The Attorney General shall defend any action brought against any of the abovementioned officers or employees by reason of his official act or omission whether or not at the time of the institution of the act the defendant has terminated his services with the Office of the Consumer Credit Commissioner.

(5) The Consumer Credit Commissioner, assistant commissioners, examiners and employees shall, before entering upon the duties of office, take an oath of office and make a fidelity bond in the sum of Ten Thousand Dollars payable to the Finance Commission and its successors in office, in individual, schedule or blanket form, executed by a surety appearing upon the list of approved sureties acceptable to the Finance Commission. The bond shall be in form approved by the Finance Commission.

(6) The Consumer Credit Commissioner shall also have responsibility to coordinate, encourage, aid and assist public and private agencies, organizations and groups, and consumer credit institutions in the development and operation of voluntary educational and debt counseling programs designed to promote the prudent and beneficial use of consumer credit by citizens of the State.

(7) The Consumer Credit Commissioner through the Division of Consumer Protection shall also have the responsibility to coordinate, encourage, aid and assist public and private agencies, organizations and groups and consumer protection institutions in the development and operation of voluntary education consumer protection programs designed to promote prudent and informed consumer action by the citizens of the State.
Amended by Acts 1971, 62nd Leg., p. 2379, ch. 739, § 1, eff. June 8, 1971.

CHAPTER THREE—REGULATED LOANS

Art. 5069—3.17. Repealed by Acts 1971, 62nd Leg., p. 2764, ch. 894, § 18, eff. Aug. 30, 1971

See, now, art. 5069—51.01 et seq.

SUBTITLE THREE—CONSUMER PROTECTION

CHAPTER TEN—DECEPTIVE TRADE PRACTICES

Art. 5069—10.01. Definitions

* * * * * * * * * * *

(b) "Deceptive practices" means any one or more of the following:

* * * * * * * * * * *

(12) engaging in any act or practice which is deceptive to the consumer.
Sec. (b), subsec. (12) amended by Acts 1971, 62nd Leg., p. 3059, ch. 1018, § 1, eff. Aug. 30, 1971.

* * * * * * * * * * *

(16) [Blank].

(17) Basing a charge for the repair of any item in whole or in part upon a guarantee or warranty instead of upon the value of the actual repairs made and work to be performed upon the item without stating separately the charge for the repair work and the charge for the warranty or guarantee if any.
Sec. (b), subsec. (17) added by Acts 1971, 62nd Leg., p. 3056, ch. 1016, § 1, eff. Aug. 30, 1971.

Article 5069—10.04. Restraining orders

(a) Whenever the Consumer Credit Commissioner through the Division of Consumer Protection receives a written complaint or has reason to believe that any person is engaging in, has engaged in, or is about to engage in any practice declared by Article 10.02 of this Chapter to be unlawful, and that proceedings would be in the public interest, he may request the Attorney General to bring an action in the name of the State against such person to restrain by temporary or permanent injunction the use of such method, act, or practice. The action shall be brought in the District Court of the county in which such person resides or does business, or with the consent of the parties, in the District Court of Travis County, Texas. The court is authorized to issue temporary or permanent injunctions to restrain and prevent violations of this Chapter, and such injunctions shall be issued without bond.

For Annotations and Historical Notes, see V.A.T.S.

(b) Whenever the Attorney General has reason to believe that any person is engaging in, has engaged in, or is about to engage in any act or practice declared by Article 10.02 of this Chapter to be unlawful, and that proceedings would be in the public interest, he may bring an action in the name of the state against the person to restrain by temporary or permanent injunction the use of such method, act, or practice. Venue in such an action shall be as provided in Section (a) of this Article. The court is authorized to issue temporary or permanent injunctions to restrain and prevent violations of this chapter, and such injunctions shall be issued without bond.

Amended by Acts 1971, 62nd Leg., p. 2380, ch. 739, § 2, eff. June 8, 1971.

Art. 5069—10.05. Voluntary compliance

In the administration of this Chapter, the Attorney General or the Consumer Credit Commissioner through the Division of Consumer Protection may accept an assurance of voluntary compliance with respect to any act or practice deemed to be violative of this Chapter from any person who is engaging in, has engaged in, or is about to engage in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the District Court in the county in which the alleged violator resides or does business, or in the District Court of Travis County, Texas. Such assurance of voluntary compliance shall not be considered an admission of violation for any purpose. Matters thus closed may at any time be reopened by the Attorney General or the Commissioner for further proceedings in the public interest.

Amended by Acts 1971, 62nd Leg., p. 2381, ch. 739, § 2, eff. June 8, 1971.

Art. 5069—10.06. Reports and examinations

Whenever the Consumer Credit Commissioner through the Division of Consumer Protection has reason to believe that a person is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful by this Chapter, or when he reasonably believes it to be in the public interest to conduct an investigation to ascertain whether any person is engaging in, has engaged in, or is about to engage in any such act or practice, he may:

(a) require the person to file on the prescribed forms a statement or report in writing, under oath or otherwise, as to all the facts and circumstances concerning the alleged violation and such other data and information as the Commissioner may deem necessary;

(b) examine under oath any person in connection with the alleged violation;

(c) examine any merchandise or sample thereof he may deem necessary and proper; and

(d) pursuant to an order of the appropriate court, impound any sample of merchandise that is produced in accordance with this Chapter, and retain it in his possession until the completion of all proceedings in connection with which the merchandise is produced.

Amended by Acts 1971, 62nd Leg., p. 2381, ch. 739, § 2, eff. June 8, 1971.

Art. 5069—10.07. Civil investigative demand

(a) Whenever the Consumer Credit Commissioner through the Division of Consumer Protection believes that any person may be in possession, custody, or control of the original or a copy of any documentary material relevant to the subject matter of an investigation of a possible violation of this Chapter, he may execute in writing and serve upon such a person, a civil investigative demand requiring such person to produce such documentary material and permit inspection and copying.

(b) Each such demand shall:

(1) state the statute and section thereof, the alleged violation of which is under investigation, and the general subject matter of the investigation;

(2) describe the class or classes of documentary material to be produced thereunder with reasonable specificity so as fairly to indicate the material demanded;

(3) prescribe a return date within which the documentary material is to be produced; and

(4) identify the members of the Division of Consumer Protection to whom such documentary material is to be made available for inspection and copying.

(c) No such demand shall:

(1) contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this State; or

(2) require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of this State.

(d) Service of any such demand may be made by:

(1) delivering a duly executed copy thereof to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person;

(2) delivering a duly executed copy thereof to the principal place of business in this State of the person to be served; or

(3) mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served at the principal place of business in this State or, if said person has no place of business in this State, to his principal office or place of business.

(e) Documentary material demanded pursuant to the provisions of this Article shall be produced for inspection and copying during normal business hours at the principal office or place of business of the person served, or at such other times and places as may be agreed upon by the person served and the Commissioner.

(f) No documentary material produced pursuant to a demand under this Article shall, unless otherwise ordered by a court for good cause shown, be produced for inspection or copying by, nor shall the contents thereof be disclosed to, any person other than the authorized employee of the Commissioner or the Attorney General without the consent of the person who produced such material; provided, that, under such reasonable terms and conditions as the Commissioner through the Division of Consumer Protection shall prescribe, such documentary material shall be available for inspection and copying by the person who produced such material or any duly authorized representative of such person. The Commissioner or any attorney designated by him may use such documentary material or copies thereof as he determines necessary in the enforcement of this Chapter, including presentation before any court. Any such material which contains trade secrets shall not be presented except with the approval of the court in which the action is pending after adequate notice to the person furnishing such material.

(g) At any time before the return date specified in the demand, or within twenty days after the demand has been served, whichever period is shorter, a petition to extend the return date for, or to modify or set aside the demand, stating good cause, may be filed in the District Court in the county where the parties reside, or the District Court of Travis County, Texas.

(h) A person upon whom a demand is served pursuant to the provisions of this Article shall comply with the terms thereof unless otherwise provided by a court order."

Amended by Acts 1971, 62nd Leg., p. 2381, ch. 739, § 2, eff. June 8, 1971.

For Annotations and Historical Notes, see V.A.T.S.

CHAPTER FIFTY-ONE—PAWNSHOPS [NEW]

Art. 5069—51.01. Short Title

This Act shall be known and may be cited as the "Texas Pawnshop Act.

Acts 1971, 62nd Leg., p. 2757, ch. 894, § 1, eff. Aug. 30, 1971.

Title of Act:

An Act to be known as the "Texas Pawnshop Act", providing definitions, requiring licensing and establishing requirements for licenses, setting license fees, providing for revocation, suspension, surrender and reinstatement of licenses upon certain conditions, providing for examinations, specifying books and records to be kept and authorizing the issuance of regulations, setting documentation requirements, eliminating pledgors' liability, limiting charges, establishing a right to redeem and a minimum redemption period, creating a presumption upon delivery of pawn tickets, providing for lost or destroyed pawn tickets, prohibiting certain practices, establishing penalties and providing for administrative enforcement thereof, repealing inconsistent provisions, providing severability, and declaring an emergency. Acts 1971, 62nd Leg., p. 2757, ch. 894.

Art. 5069—51.02. Definitions

The following definitions apply where such words appear in this Act:

(a) "Person"—means an individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized.

(b) "Pawnbroker"—means any person engaged in the business of lending money on the security of pledged goods; or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

(c) "Pledged goods"—means tangible personal property other than choses in action, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

(d) "Pawnshop"—means the location at which or premises in which a pawnbroker regularly conducts business.

(e) "Month"—means that period of time from one date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last day of such following month, and when computations are made for a fraction of a month, a day shall be one-thirtieth of a month.

(f) "Commissioner"—means the Consumer Credit Commissioner as defined in Article 2.01(1) of Chapter 274, Acts of 60th Legislature, Regular Session, 1967 (Article 5069—2.01(1), Vernon's Texas Civil Statutes), or his successor.

Acts 1971, 62nd Leg., p. 2757, ch. 894, § 2, eff. Aug. 30, 1971.

Art. 5069—51.03. License Required

No person shall engage in business as a pawnbroker without first obtaining a license from the Commissioner specifically authorizing engagement in such business.

Acts 1971, 62nd Leg., p. 2757, ch. 894, § 3, eff. Aug. 30, 1971.

Art. 5069—51.04. Application for Pawnship License—Contents, Bond, Statutory Agent, Minimum Assets

(a) Applications for a pawnshop license shall be under oath, shall state the full name and place of residence of the applicant, or, if the applicant be a partnership, of each member thereof, or, if the applicant be a corporation, of each officer or major stockholder thereof, shall state the place where the business is to be conducted and shall state such other relevant information as the Commissioner may require. A separate license is required for each place of business operated under this Act.

(b) Each applicant for a pawnshop license at the time of filing application shall file with the Commissioner, if he so requires, a bond satisfactory to him and in an amount not to exceed Five Thousand Dollars for each license with a surety company qualified to do business in this State. The aggregate liability of such surety shall not exceed the amount stated in the bond. The said bond shall run to the State for the use of the State and of any person or persons who may have a cause of action against the obligor of said bond under the provisions of this Act. Such bond shall be conditioned that the obligor will comply with the provisions of this Act and of all rules and regulations lawfully made by the Commissioner hereunder, and will pay to the State and to any such person or persons any and all amounts of money that may become due or owing to the State or to such person or persons from said obligor under and by virtue of the provisions of this Act during the time such bond is in effect.

(c) Each licensee shall maintain on file with the Commissioner a written appointment of a resident of this State as his agent for service of all judicial or other process or legal notice, unless the licensee has appointed an agent under another statute of this State. In case of noncompliance, such service may be made on the Commissioner.

(d) Each licensee shall maintain net assets of at least Twenty-Five Thousand Dollars, either used or readily available for use in the conduct of the business of each licensed pawnshop.

Acts 1971, 62nd Leg., p. 2758, ch. 894, § 4, eff. Aug. 30, 1971.

Art. 5069—51.05. Issuance or Denial of License; Fees

(a) On filing of such application, bond, proof of insurance and payment of the annual license fee and an investigation fee of Two Hundred Dollars, the Commissioner shall investigate the facts and if he finds the financial responsibility, experience, character and general fitness of the applicant are such as to warrant belief that the business will be operated lawfully and fairly, within the purposes of this Act, he shall grant such application and issue to the applicant a license which will evidence his authority to do business under the provisions of this Act. Provided, that if a license is granted pursuant to an application filed after June 30 of any year, the license fee for the balance of such year shall be Fifty Dollars.

(b) If the Commissioner does not so find, he shall notify the applicant, who shall, on request within thirty days, be entitled to a hearing on such application within sixty days after the date of said request. The investigation fee shall be retained by the Commissioner, but the annual fee shall be returned to the applicant in the event of denial.

For Annotations and Historical Notes, see V.A.T.S.

(c) The Commissioner shall grant or deny each application for a license within sixty days from its filing with the required fees, or, from the hearing thereon, if any, unless the period is extended by written agreement between the applicant and the Commissioner.

(d) Provided, that within sixty days after the effective date of this Act, any person licensed to do business under Article 5069—3.01, et seq., Vernon's Texas Civil Statutes, Chapter 3 of Subtitle 2, Chapter 274, Acts of the 60th Legislature, Regular Session, 1967, also known as the Texas Credit Code, upon surrender of such license and the payment of a transfer fee not to exceed Five Dollars, shall be issued a license under the provisions of this Act for the same place of business, or, alternatively, any such person may retain the license to do business under Chapter 3 of the Texas Credit Code and shall be issued a license under the provisions of this Act for the same place of business upon payment of a transfer fee not to exceed Twenty-five Dollars and there shall be no annual fee for the license issued under the provisions of this Act so long as the license to do business under Chapter 3 of the Texas Credit Code is retained and annually renewed by the licensee and so long as business is conducted pursuant to both such licenses at one common place of business. In neither case shall the minimum assets requirement apply to the license issued under this Act, so long as such license is held by the original licensee or his heirs.

Acts 1971, 62nd Leg., p. 2758, ch. 894, § 5, eff. Aug. 30, 1971.

Art. 5069—51.06. Effect of License; Annual Fee

(a) Each license shall state the name of the licensee and the address at which the business is to be conducted. The license shall be displayed at the place of business named in the license. The license shall not be transferable or assignable except upon approval by the Commissioner.

(b) A separate license shall be required for each pawnshop operated under this Act. The Commissioner may issue more than one license to any one person upon compliance with the provisions of this Act as to each license. When a licensee wishes to move his pawnshop to another location, he shall give thirty days' written notice to the Commissioner, who shall amend the license accordingly.

(c) Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee, on or before each December 1st, shall pay the Commissioner One Hundred Dollars for each license held by him as the annual fee for the succeeding calendar year. If the annual fee remains unpaid fifteen days after written notice of delinquency has been given to the licensee by the Commissioner, the license shall thereupon expire, but not before December 31st of any year for which an annual fee has been paid.

Acts 1971, 62nd Leg., p. 2759, ch. 894, § 6, eff. Aug. 30, 1971.

Art. 5069—51.07. Revocation, Suspension, Surrender, Reinstatement of Licenses

(a) The Commissioner may, after notice and hearing, suspend or revoke any license if he finds that:

(1) The licensee has failed to pay any fee or charge properly imposed by the Commissioner under the authority of this Act, or that

(2) The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of this Act; or that

(3) Any fact or condition exists which, if it has existed or had been known to exist at the time of the original application for such license, clearly would have justified the Commissioner in refusing to issue such license.

(b) The hearing shall be held upon twenty days' notice in writing, setting forth the time and place thereof and a concise statement of the facts alleged to warrant suspension or revocation and its effective date shall be set forth in a written order accompanied by findings of fact and a copy thereof shall be forthwith delivered to the licensee. Such order, findings, and the evidence considered by the Commissioner shall be filed with the public records of the Commissioner.

(c) Any licensee may surrender any license by delivering it to the Commissioner with written notice of its surrender, but such surrender shall not affect the licensee's civil or criminal liability for acts committed prior thereto.

(d) No revocation, suspension, or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any pledgor.

(e) The Commissioner may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which clearly would have justified the Commissioner in refusing originally to issue such license under this Act.

(f) On application of any person and payment of the cost thereof, the Commissioner shall furnish under his seal and signature a certificate of good standing or a certified copy of any license.

Acts 1971, 62nd Leg., p. 2759, ch. 894, § 7, eff. Aug. 30, 1971.

Art. 5069—51.08. Examinations

At such times as the Commissioner may deem necessary, the Commissioner, or his duly authorized representative, may make an examination of the place of business of each licensee and may inquire into and examine the transactions, books, accounts, papers, correspondence and records of such licensee insofar as they pertain to the business regulated by this Act. Such books, accounts, papers, correspondence and records shall also be open for inspection at any reasonable time by any peace officer, without need of judicial writ or other process. In the course of an examination, the Commissioner or his duly authorized representative shall have free access to the office, place of business, files, safes, and vaults of such licensee, and shall have the right to make copies of any books, accounts, papers, correspondence and records. The Commissioner or his duly authorized representative may, during the course of such examination, administer oaths and examine any person under oath upon any subject pertinent to any matter about which the Commissioner is authorized or required by this Act to consider, investigate, or secure information. Any licensee who fails or refuses to let the Commissioner or his duly authorized representative or any peace officer examine or make copies of such books, or other relevant documents shall thereby be deemed in violation of this Act and such failure or refusal shall constitute grounds for the suspension or revocation of such license. The information obtained in the course of any examination or inspection shall be confidential and privileged, except for use in a criminal investigation or prosecution. Each licensee shall pay to the Commissioner an amount assessed by the Commissioner to cover the cost of such examinations, not to exceed Two Hundred Fifty Dollars in any calendar year, and in the event a licensee hereunder is also licensed to do business under Chapter 3 of the Texas Credit Code, Chapter 3 of Subtitle 2, Chapter 274, Acts of the 60th Legislature, Regular Session, 1967,[1] in the same place of business licensed hereunder, the aggregate charges for examinations authorized by the

said Chapter 3 of the Texas Credit Code and by this Act shall not exceed Two Hundred Fifty Dollars in any calendar year.

Acts 1971, 62nd Leg., p. 2760, ch. 894, § 8, eff. Aug. 30, 1971.

[1] Article 5069—3.01 et seq.

Art. 5069—51.09. Form of Books and Records; Regulations

(a) Each licensee shall keep, consistent with accepted accounting practices, adequate books and records relating to the licensee's pawn transactions, which books and records shall be preserved for a period of at least two years from the date of the last transaction recorded therein.

(b) The Commissioner may make regulations necessary for the enforcement of this Act and consistent with all its provisions. Before making a regulation the Commissioner shall give each licensee at least thirty days' written notice of a public hearing, stating the time and place thereof and the terms or substance of the proposed regulation. At the hearing, any licensee or other person may be heard and may introduce evidence, data, or arguments or place the same on file. The Commissioner, after consideration of all relevant matters presented, shall adopt and promulgate every regulation in written form, stating the date of adoption and date of promulgation. Each regulation shall be entered in a permanent record book which shall be a public record and be kept in the Commissioner's office. A copy of every regulation shall be mailed to each licensee, and no regulation shall become effective until the expiration of at least twenty days after such mailing. On the application of any person and payment of the cost thereof, the Commissioner shall furnish such person a certified copy of any such regulation.

Acts 1971, 62nd Leg., p. 2761, ch. 894, § 9, eff. Aug. 30, 1971.

Art. 5069—51.10. Pawn Ticket

The pawnbroker, at the time the pawn transaction is entered, shall deliver to the pledgor a memorandum or ticket on which shall be clearly set forth the following:

(a) The name and address of the pawnshop;

(b) The name and address of the pledgor and pledgor's description or the distinctive number from pledgor's driver's license or military identification;

(c) The date of the transaction;

(d) An identification and description of the pledged goods, including serial numbers if reasonably available;

(e) The amount of cash advanced or credit extended to the pledgor, designated as the "Amount Financed";

(f) The amount of the pawn service charge, designated as the "Finance Charge";

(g) The total amount (the Amount Financed plus the Finance Charge) which must be paid to redeem the pledged goods on the maturity date, designated as the "Total of Payments";

(h) The "Annual Percentage Rate", computed in accordance with the regulations issued by the Federal Reserve Board of the United States pursuant to the Truth-in-Lending Act, Title I, Act of May 29, 1968, Public Law 90–321, 82 Stat. 146, as amended [1];

(i) The maturity date of the pawn transaction;

(j) A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the specified maturity date.

Acts 1971, 62nd Leg., p. 2761, ch. 894, § 10, eff. Aug. 30, 1971.

[1] 15 U.S.C.A. § 1601 et seq.

Art. 5069—51.11. Pledgor's Liability Prohibited

A pledgor shall have no obligation to redeem pledged goods or make any payment on a pawn transaction.
Acts 1971, 62nd Leg., p. 2762, ch. 894, § 11, eff. Aug. 30, 1971.

Art. 5069—51.12. Pawn Service Charge

No pawnbroker may contract for, charge or receive any amount as a charge for credit in connection with a pawn transaction other than a pawn service charge, and no pawn service charge may exceed the charge disclosed in the pawn ticket or other memorandum delivered to the pledgor. The pawn service charge may not exceed an amount equal to twenty percent of any amount of Thirty Dollars or less financed for one month, fifteen per cent of the total amount when the total amount is greater than Thirty Dollars but not in excess of One Hundred Dollars financed for one month, two and one-half percent of the total amount when the total amount is greater than One Hundred Dollars but not in excess of Three Hundred Dollars financed for one month, and one percent of the total amount when the total amount is greater than Three Hundred Dollars financed for one month, with proportionate adjustment for lesser periods of time, and in no case shall the amount financed exceed $2,500.00. In the event pawned merchandise is redeemed by the pledgor prior to the maturity date of the pawn transaction, that portion of the pawn service charge in excess of Fifteen Dollars shall be reduced by an amount equal to one-thirtieth of the total pawn service charge for each day between the day on which redemption occurs and the original maturity date. The maturity date of any pawn transaction may be changed to a subsequent date by agreement between the pledgor and the pawnbroker evidenced by a written memorandum, a copy of which shall be supplied the pledgor, which shall clearly set out the new redemption date and any additional pawn service charge to be paid. No pawnbroker shall separate or divide a pawn transaction into two or more transactions for the purpose or with the effect of obtaining a total pawn service charge in excess of that authorized for an amount financed equal to the total of the amounts financed in the resulting transactions.
Acts 1971, 62nd Leg., p. 2762, ch. 894, § 12, eff. Aug. 30, 1971.

Art. 5069—51.13. Unredeemed Pledged Goods

Pledged goods not redeemed by the pledgor on or before the date fixed and set out in the pawn ticket issued in connection with any transaction shall be held by the pawnbroker for at least sixty days following such date, and may be redeemed by the pledgor within such period by the payment of the originally agreed redemption price, and the payment of an additional pawn service charge equal to one-thirtieth of the original monthly pawn service charge for each day following the original maturity date including the day on which the pledged goods are finally redeemed. Pledged goods not redeemed within sixty days following the originally fixed maturity date may thereafter, at the option of the pawnbroker be forfeited and become the property of the pawnbroker.
Acts 1971, 62nd Leg., p. 2762, ch. 894, § 13, eff. Aug. 30, 1971.

Art. 5069—51.14. Presentation of Ticket; Presumption

Except as otherwise provided by this Act, any person properly identifying himself and presenting a pawn ticket to the pawnbroker shall be presumed to be entitled to redeem the pledged goods described therein.
Acts 1971, 62nd Leg., p. 2762, ch. 894, § 14, eff. Aug. 30, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Art. 5069—51.15. Lost or Destroyed Ticket

If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make affidavit of the loss, destruction or theft of the ticket.

Acts 1971, 62nd Leg., p. 2762, ch. 894, § 15, eff. Aug. 30, 1971.

Art. 5069—51.16. Prohibited Practices

A pawnbroker shall not:

(a) Accept a pledge from a person under the age of eighteen years.

(b) Make any agreement requiring the personal liability of a pledgor in connection with a pawn transaction.

(c) Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor under this Act.

(d) Fail to exercise reasonable care to protect pledged goods from loss or damage.

(e) Fail to return pledged goods to a pledgor upon payment of the full amount due the pawnbroker on the pawn transaction.

(f) Make any charge for insurance in connection with a pawn transaction.

(g) Enter any pawn transaction which has a maturity date more than one month after the date of the transaction.

(h) Display for sale in storefront windows or sidewalk display case so that same may be viewed from the street, any pistol, dirk, dagger, blackjack, hand chain, sword cane, knuckles made of any metal or any hard substance, switchblade knife, springblade knife, or throwblade knife, or depict same on any sign or advertisement which may be viewed from the street.

Acts 1971, 62nd Leg., p. 2763, ch. 894, § 16, eff. Aug. 30, 1971.

Art. 5069—51.17. Penalties and Administrative Enforcement

(a) Any person who engages in the business of operating a pawnshop without first securing the license prescribed by this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not in excess of One Thousand Dollars or by confinement in the County Jail for not more than six months, or both.

(b) Any licensee who violates this Act by contracting for, charging or receiving a pawn service charge in excess of that authorized by this Act or by failing to perform any duty imposed herein or by the commission of any act or practice herein prohibited shall forfeit the right to collect twice the amount of the pawn service charge contracted for in the pawn transaction and upon the pledgor's request shall be obligated to return to the pledgor the pledged goods delivered to the licensee in connection with the pawn transaction upon payment of the balance remaining due, provided that there shall be no penalty for a violation resulting from an accidental and bona fide error, corrected upon discovery.

(c) Any licensee who violates this Act by contracting for, charging or receiving a pawn service charge in excess of twice the amount authorized by this Act shall forfeit the right to collect any amount on the pawn transaction and upon the pledgor's request shall be obligated to return to the pledgor the pledged goods delivered to the licensee in connection with the pawn transaction, provided that there shall be no penalty for a violation resulting from an accidental and bona fide error, corrected upon discovery.

(d) In addition to any other penalty which may be applicable, any licensee who willfully violates any provision of this Act or who willfully makes a false entry in any records specifically required by this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not in excess of $1,000.00.

(e) Compliance with the provisions of this Act may be enforced by the Commissioner, who may exercise, for such purpose, any authority conferred upon him by law.

Acts 1971, 62nd Leg., p. 2763, ch. 894, § 17, eff. Aug. 30, 1971.

Art. 5069—51.18. Repealer

Chapter 274, Acts of the 60th Legislature, Regular Session, 1967, codified as Article 5069—1.01, et seq., Vernon's Texas Civil Statutes, and also known as the Texas Credit Code, is amended by repealing Article 3.17 [31] thereof.

Acts 1971, 62nd Leg., p. 2764, ch. 894, § 18, eff. Aug. 30, 1971.

Art. 5069—51.19. Severability

If any provision of this Act, or the application thereof to any person or circumstance is held invalid, this invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

Acts 1971, 62nd Leg., p. 2764, ch. 894, § 19, eff. Aug. 30, 1971.

Art. 5115b. Counties of 68,000 to 71,150; contracts with cities for jails or jail facilities

Section 1. That any county having a population of not less than 68,000 nor more than 71,150 according to the last preceding federal census, in lieu of providing and maintaining its own jail, is hereby authorized to provide safe and suitable jail, jails or jail facilities for such counties by contracting with the city which is the county seat of any such county, for incarceration of the counties' prisoners in the jail, jails or jail facilities owned by said city or cities, on a daily per capita basis, for the lease of a portion of the jail, jails or jail facilities owned by such city or for joint operation and maintenance of the jail, jails or jail facilities owned and operated by such city for the mutual use and benefit of any such county and city, provided said jail, jails or jail facilities meet the requirements set forth in Chapter 277, Section 1, page 637, Acts 1957, 55th Legislature (Article 5115, Revised Civil Statutes of Texas, 1925, as amended). The Commissioners Court of any such county and the governing body of any such city are hereby authorized and empowered to enter into contracts for the incarceration of any such county's prisoners at a daily per capita rate equal to the cost of maintaining prisoners in said jail, jails or jail facilities or at a daily rate mutually agreed upon by the contracting counties and cities; contracts for lease of a portion of the jail, jails or jail facilities at a rate based upon the proportion of the total area of the jail, jails or jail facilities that is occupied by such counties' prisoners; and contracts for the joint maintenance and operation of such jail, jails or jail facilities determining the respective obligations of each for the maintenance and operation of any such jail or jails, provided that any such contract for lease or for joint maintenance and operation shall not exceed 20 years. Such contracts where not in conflict with the Constitution of the State of Texas may provide for custody, control and operation of such jail, jails or jail facilities, including providing for a jailer to be custodian of such jail, jails or jail facilities, which said jailer shall be under the control and supervision of the sheriff of such county and shall be appointed by the sheriff with the advice and consent of the Commissioners Court and the governing body of such city; providing that the salary of such jailer shall be in an amount as may be now or hereafter authorized by law for a deputy sheriff of such county and may be paid by such city or cities and by such counties in such proportions as may be agreed upon by such contracts as herein provided. Where not expressly provided to the contrary herein, any such jailer, his rights, duties, salary and tenure of office shall be controlled by the laws governing deputy sheriffs.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1821, ch. 542, § 23, eff. Sept. 1, 1971.

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Art. 5139E—1. Juvenile Boards

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(2) The Juvenile Board created in the foregoing Section is established and constituted in each county wherein there are two (2) District Courts, one of which is composed of one (1) county only, the other of which is composed of two (2) counties; and in such one-county Judicial District there is located a city with a population of not less than 57,500 nor more than 59,000 according to the last preceding federal census.

Sec. (2) amended by Acts 1971, 62nd Leg., p. 1851, ch. 542, § 135, eff. Sept. 1, 1971.

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Art. 5139E—2. Appointment of judge of court of domestic relations as juvenile board member in counties of 75,800 to 78,000

In any county having a population of not less than 75,800 and not more than 78,000 according to the last preceding federal census, the Commissioners Court may name the judge of the court of domestic relations as an additional member of the juvenile board and may pay him for his services on the board in an amount not to exceed the additional compensation allowed other members of the county juvenile board.

Amended by Acts 1971, 62nd Leg., p. 1837, ch. 542, § 84, eff. Sept. 1, 1971.

Art. 5139L. Juvenile Board in Fannin County

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Sec. 2A. The board may appoint a juvenile officer who shall have the powers and duties prescribed by Article 5142, Revised Civil Statutes of Texas, 1925, as amended. All claims for expenses of the juvenile officer shall be certified by the chairman of the board as being necessary in the performance of the duties of the juvenile officer. The commissioners court shall provide the necessary funds for payment of the salary and expenses of the juvenile officer.

Sec. 2A added by Acts 1971, 62nd Leg., p. 903, ch. 129, § 1, eff. May 10, 1971.

Art. 5139M. Juvenile Board in Bowie County

Suspension

Acts 1971, 62nd Leg., p. 1302, ch. 342, provides in part:

"Section 1. (a) The Northeast Texas Juvenile Board, having jurisdiction in the counties of Bowie, Cass, Red River, Morris, and Titus, is created. * * *"

"Sec. 6. * * *

(b) Nothing in this Act repeals existing statutes creating juvenile boards in the counties within the jurisdiction of the Northeast

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Texas Juvenile Board, but the effect of those statutes shall be suspended for as long as a county is within the jurisdiction of the Northeast Texas Juvenile Board."

See article 5139 EEE.

Art. 5139N. Cass County Juvenile Board

Suspension

Acts 1971, 62nd Leg., p. 1302, ch. 342, provides in part:

*"Section 1. (a) The Northeast Texas Juvenile Board, having jurisdiction in the counties of Bowie, Cass, Red River, Morris, and Titus, is created. * * * "*

*"Sec. 6. * * **

(b) Nothing in this Act repeals existing statutes creating juvenile boards in the counties within the jurisdiction of the Northeast Texas Juvenile Board, but the effect of those statutes shall be suspended for as long as a county is within the jurisdiction of the Northeast Texas Juvenile Board."

See article 5139 EEE.

Art. 5139O. Titus County Juvenile Board

Suspension

Acts 1971, 62nd Leg., p. 1302, ch. 342, provides in part:

*"Section 1. (a) The Northeast Texas Juvenile Board, having jurisdiction in the counties of Bowie, Cass, Red River, Morris, and Titus, is created. * * * "*

*"Sec. 6. * * **

(b) Nothing in this Act repeals existing statutes creating juvenile boards in the counties within the jurisdiction of the Northeast Texas Juvenile Board, but the effect of those statutes shall be suspended for as long as a county is within the jurisdiction of the Northeast Texas Juvenile Board."

See article 5139 EEE.

Art. 5139T. Juvenile Boards in Angelina, Cherokee and Nacogdoches Counties

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Sec. 2. As compensation for the added duties imposed upon the members of each Juvenile Board, each member thereof may be allowed additional compensation not to exceed Forty-eight Hundred Dollars ($4800.00) per year, to be fixed by the Commissioners Court of the County, and paid monthly in twelve (12) equal installments out of the general fund or any available fund of the County. Such compensation shall be in addition to all other compensation now provided or allowed by law for County Judges and District Judges and shall not be counted as fees of office.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 1191, ch. 290, § 1, eff. May 19, 1971.

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Art. 5139*II*. Juvenile Boards in Comal, Hays, Caldwell, Austin and Fayette Counties

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Sec. 2. As compensation for the added duties hereby imposed upon them, members of the juvenile boards in Comal, Hays, and Caldwell

Counties may each be allowed additional compensation of not more than $300 per annum; members of the juvenile boards of Fayette and Austin Counties may each be allowed additional compensation of not more than $1,200 per annum. The additional compensation shall be paid monthly in twelve (12) equal installments out of the general fund or other available fund of the county concerned. Such compensation shall be in addition to all other compensation now provided or allowed by law for county and district judges.
Sec. 2 amended by Acts 1971, 62nd Leg., p. 1783, ch. 523, § 1, eff. June 1, 1971.

Art. 5139HH. Morris County Juvenile Board

Suspension

Acts 1971, 62nd Leg., p. 1302, ch. 342, provides in part:

*"Section 1. (a) The Northeast Texas Juvenile Board, having jurisdiction in the counties of Bowie, Cass, Red River, Morris, and Titus, is created. * * *"*

*"Sec. 6. * * *"*

(b) Nothing in this Act repeals existing statutes creating juvenile boards in the counties within the jurisdiction of the Northeast Texas Juvenile Board, but the effect of those statutes shall be suspended for as long as a county is within the jurisdiction of the Northeast Texas Juvenile Board."

See article 5139 EEE.

Art. 5139JJ. Victoria County Juvenile Board

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Sec. 2. As compensation for the additional duties hereby imposed, each member of the juvenile board shall be allowed additional compensation, to be fixed by the Commissioners Court and paid in twelve (12) equal installments out of the general fund or other available fund of the county. Such compensation shall be in addition to all other compensation now provided or allowed by law for county and district judges.
Sec. 2 amended by Acts 1971, 62nd Leg., p. 1012, ch. 198, § 1, eff. May 13, 1971.

Sec. 3. The Commissioners Court of Victoria County may appoint a chief probation officer and such other personnel as may be necessary for the proper functioning of the probation department. Salaries of the personnel of the county probation department shall be fixed by the Commissioners Court. The Commissioners Court of Victoria County shall provide the necessary funds for payment of salaries and expenses essential to the proper operation of the probation department. The Commissioners Court may also allow additional compensation to the county clerk of Victoria County for the added duties imposed upon him as clerk of the juvenile court.
Sec. 3 amended by Acts 1971, 62nd Leg., p. 1012, ch. 198, § 1, eff. May 13, 1971.

Art. 5139MM. Dawson County Juvenile Board

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Sec. 3. The juvenile board created by this Act shall have all the powers conferred on juvenile boards created under Article 5139 of the Revised Civil Statutes of Texas, 1925, and any amendments thereto. The board may appoint a juvenile officer, whose salary shall be fixed by the Commissioners Court of Dawson County in an amount not to exceed Six Thousand, Four Hundred Dollars ($6,400.) per year. The ju-

venile officer shall have the powers and duties prescribed by Article 5142 of the Revised Civil Statutes of Texas, 1925, and any amendments thereto. All claims for expenses of the juvenile officer shall be certified by the chairman of the juvenile board as being necessary in the performance of the duties of the juvenile officer, and the Commissioners Court of Dawson County shall provide the necessary funds for the payment of the salary and expenses of the juvenile officer. The same person may serve as the juvenile officer and as one of the citizen members of the Dawson County Juvenile Board, but in such case he shall receive only the compensation fixed for the juvenile officer.
Sec. 3 amended by Acts 1971, 62nd Leg., p. 1627, ch. 454, § 1, eff. May 26, 1971.

Art. 5139VV. Harris County Juvenile Board

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Composition

Sec. 2. The juvenile board consists of the county judge, the judges of the juvenile courts, a judge selected by the judges of those district-level courts hearing primarily family law matters, a judge selected by the judges of those district-level courts hearing primarily civil matters, and a judge selected by the judges of those district-level courts hearing primarily criminal matters.
Sec. 2 amended by Acts 1971, 62nd Leg., p. 2635, ch. 866, § 1, eff. June 9, 1971.

Officers

Sec. 3. The chairman of the board shall be selected from the members of the board at an election to be held annually at the first meeting in January.
Sec. 3 amended by Acts 1971, 62nd Leg., p. 2635, ch. 866, § 1, eff. June 9, 1971.

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Art. 5139WW. Van Zandt County Juvenile Board

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Compensation

Sec. 5.

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(b) If the board appoints a juvenile officer, the commissioners court shall pay the juvenile officer a salary in the amount the commissioners court shall determine reasonable and shall allow him an amount for expenses that does not exceed $1,800 a year. The commissioners court shall provide money for paying the salary and certified expenses of the juvenile officer. The chairman of the board shall certify to the commissioners court the expenses of the juvenile officer which are necessary for the juvenile officer to properly perform his duties.
Sec. 5(b) amended by Acts 1971, 62nd Leg., p. 2416, ch. 765, § 1, eff. Aug. 30, 1971.

Art. 5139BBB. Nueces County Juvenile Board

Creation

Section 1. The Juvenile Board of Nueces County is created.

Composition of board

Sec. 2. The juvenile board is composed of the judges of the district courts having jurisdiction in Nueces County, the county judge, and the judges of any courts of domestic relations having jurisdiction in Nueces County.

Chief probation officer and assistants; appointment

Sec. 3. There shall be one chief probation officer who shall be appointed by the juvenile board. The chief probation officer shall appoint assistant probation officers, subject to confirmation by the juvenile board. The number of assistant probation officers shall be determined by the juvenile board, subject to the approval of the commissioners court.

Term of office; suspension or removal

Sec. 4. The term of office of the chief probation officer and assistant probation officers shall be for a period of two years. The juvenile board may at any time, for good cause, suspend or remove any juvenile officer, whether chief or assistant.

Compensation of probation officers

Sec. 5. The compensation of all probation officers shall be fixed by the juvenile board, subject to the approval of the commissioners court.

Control over juvenile officers by board; rules and regulations

Sec. 6. The juvenile board shall have direction and control over all juvenile officers and may make rules and regulations to implement that direction and control.

Supervision of institutions; appointment of superintendents, confirmation by board, term, salary and suspension or removal

Sec. 7. All homes, schools, farms, and any other institutions or places of housing maintained and used chiefly by the county for the training, education, and support or correction of juveniles shall be under the control and supervision of the juvenile board. The superintendent of each institution shall be appointed by the chief probation officer for a term of two years, and each appointment shall be confirmed by the juvenile board. The salary of each superintendent shall be fixed by the commissioners court. Each superintendent may at any time, for good cause, be suspended or removed by the appointing authority.

Records, visitations and reports of probation officers

Sec. 8. A probation officer shall keep a record which will, at all times, show the names of all dependent or delinquent juveniles within the county and the names and addresses of the persons having custody of the juveniles. Visitations by the officers shall be made at such reasonable times as may be directed by the juvenile board, and written reports shall be made to the juvenile board showing such facts relating to the environment, treatment, education, and welfare of the minors as directed by the juvenile board.

Change in custody of juveniles; court order

Sec. 9. No person or institution, having legal custody of a dependent or delinquent juvenile, may deliver the juvenile to the custody of another person without an order of a court of competent jurisdiction within the county, sitting as a juvenile court, authorizing the change in custody. A copy of an order effecting change in custody shall be transmitted to the juvenile officers of the county.

Visitation of institutions; orders or regulations, compliance, entry in book, delivery of copy to superintendent; reports

Sec. 10. The members of the juvenile board shall make visitations, at reasonable intervals, to the institutions in the county in which dependent or delinquent juveniles are kept, maintained, or educated. The juvenile board may adopt any order or regulation, pertaining to the welfare of the juveniles, found necessary or for the welfare of the juveniles. Any person having in legal custody a dependent or delinquent juvenile shall comply with the orders and regulations of the juvenile board. Any order or regulation shall be entered of record by the chief probation officer in a book kept for the purpose and shall be open for public inspection. A copy of any order or regulation certified by the probation officer shall be delivered to the superintendent, or person in charge or control, of any institution in which dependent or delinquent juveniles are kept, maintained, or educated. The juvenile board may, by order or regulation, require of the superintendent or person in charge reports giving the board such information relating to the juveniles or institutions as may be required by the juvenile board.

Suspension or termination of assistants; notice and hearing

Sec. 11. The chief probation officer may at any time, with the approval of the juvenile board, for good cause shown, suspend or terminate the employment and service of any assistant after the assistant has been duly notified and afforded an opportunity to be heard by the board.

Surety bonds; juvenile officers and superintendents

Sec. 12. The juvenile board shall have authority to require and approve a good and sufficient surety or personal bond for the faithful performance of duty of any juvenile officer or superintendent of any of the institutions enumerated in this Act, in such sum as may be determined by the board.

Investigation and report to board on welfare of minor; receipts and disbursements, entry in book and audit

Sec. 13. The juvenile board, or any member, may at any time require any probation officer to make an investigation and report the facts relating to the welfare of any minor or any child abandonment or desertion cases or proceedings. The board may require the officer to receive and disburse, under orders of the board, for the benefit of any such minor, any sums of money required to be paid into court for the maintenance of the minor. The officer shall enter all such receipts and disbursements in a well-bound book kept for the purpose in the probation office subject to public inspection, showing all such receipts and disbursements. The book shall be audited by the county auditor.

Child abandonment and desertion cases; assignment of assistant district attorney to represent board and probation officers

Sec. 14. The district attorney shall assign an assistant district attorney in his office for the special duty of representing the juvenile board and the probation officers in safeguarding and protecting the rights relating to the welfare of any minor or juvenile in child abandonment and desertion cases or proceedings.

Compensation of board members; payment

Sec. 15. The members of the Nueces County Juvenile Board, in consideration of the additional duties imposed upon them, shall receive additional annual compensation of not less than $4,200 nor more than $6,000,

as determined by the commissioners court. The compensation provided for in this section shall be paid by the commissioners court and is in addition to all other compensation allowed by law to such officers; provided that the compensation herein provided shall be the sole and only compensation which may be paid to members of the juvenile board in consideration of their services on such Board, such compensation to be in lieu of any compensation for such services which may be provided by other statutory provisions concerning juvenile boards.

Probation officers; automobiles; expenses; office

Sec. 16. The commissioners court may furnish automobiles to the probation officers to be used in the official work of the probation department and may provide for the maintenance and operation of the automobiles. If the commissioners court does not furnish automobiles to the probation officers in the discharging of their duties, it shall allow them such reasonable amounts as may be necessary for the use and operation of their personally owned automobiles. The commissioners court shall allow the probation officers such other expenses incurred in the discharge of their duties as it deems reasonable and proper, subject to the approval of the county auditor; it shall allow necessary funds to maintain and operate the office of the probation department.

Effect of act on current juvenile officers

Sec. 17. Nothing in this Act shall be construed to affect the status of a person serving as juvenile officer or assistant juvenile officer on the effective date of this Act or to require a new appointment of the officers during their current terms of office.

Acts 1971, 62nd Leg., p. 679, ch. 64, eff. April 20, 1971.

Title of Act:

An Act relating to the establishment of the Nueces County Juvenile Board and the juvenile probation department; maintaining in office those persons serving as juvenile officers on the effective date of this Act; and declaring an emergency. Acts 1971, 62nd Leg., p. 679, ch. 64.

Art. 5139CCC. Johnson County Juvenile Board

Section 1. The county judge of Johnson County and the judge of the judicial district which includes Johnson County shall constitute the juvenile board of that county. The judge of the court which is designated as the juvenile court of Johnson County shall be chairman of the board and its chief administrative officer.

Sec. 2. As compensation for the additional duties imposed upon them, the county and district judges who are members of the board shall each be allowed additional compensation of not more than $3,600.00 per year, payable in 12 equal monthly installments out of the general fund or any other available fund of Johnson County. The compensation shall be set by the Commissioners Court of Johnson County.

Sec. 3. This Act shall be cumulative of existing laws relating to compensation of judges of the district courts and county judges.

Sec. 4. The Juvenile Board of Johnson County shall appoint a juvenile officer for Johnson County, who shall meet all the qualifications and perform all the duties of a juvenile officer as prescribed by the laws of this State. The juvenile officer shall be paid a salary as fixed by the Commissioners Court, to be paid out of the general fund or any other available fund of Johnson County. The juvenile board by majority vote shall have the power to discharge any appointee and such discharge need not be approved by the Commissioners Court.

Acts 1971, 62nd Leg., p. 885, ch. 116, eff. May 10, 1971.

Title of Act:

An Act relating to the creation of a juvenile board for Johnson County; setting board membership and compensation; providing for a juvenile officer; and declaring an emergency. Acts 1971, 62nd Leg., p. 885, ch. 116.

For Annotations and Historical Notes, see V.A.T.S.

Art. 5139DDD. Deaf Smith County Juvenile Board

Section 1. The Commissioners Court of Deaf Smith County is hereby authorized to establish a Juvenile Board for Deaf Smith County to be called the Deaf Smith County Juvenile Board, which shall be composed of seven nonsalaried members; the county judge of Deaf Smith County being one member, two members appointed by the Hereford City Commission; two members appointed by the Deaf Smith County Commissioners Court; and two members appointed by the Board of Trustees of the Hereford Independent School District. The terms of office of the appointive members of this board shall be for alternating terms of two years each. The terms of three of the appointed members, one each from the city, county, and school district, will expire on December 31 of each odd-numbered year, and the terms of the remaining three appointed members, one each from the city, county, and school district, will expire on December 31 of each even-numbered year. It is understood that the terms of three members originally appointed will expire on December 31, 1971, and that the terms of the remaining three members originally appointed will expire on December 31, 1972. The members of the board shall select a chairman from among their number.

Sec. 2. The Deaf Smith County Juvenile Board shall have all the powers conferred on juvenile boards created under Article 5140, Revised Civil Statutes of Texas, 1925, and any amendments thereto. If the board determines that it is desirable to have a juvenile officer and/or officers for Deaf Smith County, it may appoint a juvenile officer and/or officers for a term not to exceed two years, at the end of which term, the board may appoint another juvenile officer or officers for succeeding terms not exceeding two years for each term. No person or persons shall be disqualified from serving as juvenile officer for the reason that he has previously served in that capacity.

Sec. 3. The person or persons appointed as juvenile officer shall be a person trained, qualified, and experienced in the field of juvenile and parental counseling, and/or having such other qualifications as may be specified by the Deaf Smith County Board. The board shall be the final judge of the qualifications for such juvenile officer or officers. The juvenile officer shall have all the powers and duties prescribed by Article 5142, Revised Civil Statutes of Texas, 1925, and any amendments thereto, and shall be directly accountable to the Juvenile Board. The juvenile officer or officers shall receive an annual salary and shall receive an annual allowance for expenses in amounts to be fixed by the Commissioners Court of Deaf Smith County.

Sec. 4. The Commissioners Court of Deaf Smith County may enter into an agreement with the city commission of Hereford and the board of trustees of the Hereford Independent School District to provide the necessary funds for payment of the salary and expenses of the juvenile department, such agreement to extend for such period of time as the three governing bodies may determine from time to time. The agreement shall provide that Deaf Smith County pay 33⅓ percent, the City of Hereford pay 33⅓ percent, and the Hereford Independent School District pay 33⅓ percent of funds necessary for the payment of the salary or salaries and other expenses of the juvenile department.

Sec. 5. The City of Hereford and the Hereford Independent School District are hereby authorized to appropriate and expend the necessary funds for implementation of this statute.

Acts 1971, 62nd Leg., p. 891, ch. 120, eff. May 10, 1971.

Title of Act:

An Act relating to the creation of a Juvenile Board for Deaf Smith County; and declaring an emergency. Acts 1971, 62nd Leg., p. 891, ch. 120.

Art. 5139EEE. Northeast Texas Juvenile Board

Section 1. (a) The Northeast Texas Juvenile Board, having jurisdiction in the counties of Bowie, Cass, Red River, Morris, and Titus, is created.

(b) The board is composed of the county judges of Bowie, Cass, Red River, Morris, and Titus Counties and the judges of each district court having jurisdiction in any of those counties.

Sec. 2. (a) As compensation for the added duties imposed upon members of the Northeast Texas Juvenile Board, each member may be allowed additional annual compensation of not less than $1,200, to be fixed by the commissioners courts of the participating counties and paid monthly in 12 equal installments out of the general funds of the counties on a pro rata basis according to the population of each county in the last preceding federal census.

(b) The commissioners court of each county may reimburse any judge of a juvenile court in that county for actual and necessary expenses incurred in attending seminars and other educational or instructional meetings pertaining to juvenile problems. The amount payable to any juvenile judge under this subsection is limited to a maximum of $600 per year.

Sec. 3. The board has all the powers and duties prescribed for juvenile boards created under Article 5139, Revised Civil Statutes of Texas, 1925, as amended.

Sec. 4. (a) The judges of the juvenile courts within the area of jurisdiction of the board shall appoint, by a decision of a majority of the judges, a chief juvenile probation officer. The appointment is subject to the approval of the juvenile board. The judges may remove the chief juvenile probation officer at any time, subject to the approval of the board. The commissioners courts shall pay the chief juvenile probation officer an annual salary of not less than $8,400. The salary shall be paid on a pro rata basis according to the population of each county in the last preceding federal census. Subject to the approval of the judges of the juvenile courts and the Northeast Texas Juvenile Board, the chief juvenile probation officer may appoint one juvenile probation officer for each 30,000 population in each county, according to the last preceding federal census and additional juvenile probation officers as the board determines to be necessary. The board shall fix the salaries of the juvenile probation officers, subject to the approval of the commissioners courts. The commissioners court of each county shall provide the fund for the salaries and reasonable expenses of the officers.

(b) Subject to the approval of the judges of the juvenile courts, the chief juvenile probation officer may employ one secretary and may employ as many additional secretaries as the board determines to be necessary, at a salary not to exceed $6,000 for each secretary, which salary shall be recommended by the chief juvenile probation officer.

(c) A person appointed or employed under the provisions of this Act may be removed from office at any time by the power appointing him.

Sec. 5. (a) The juvenile probation officers of Bowie, Cass, Red River, Morris, and Titus Counties shall:

(1) investigate all cases referred to them by the juvenile courts or the juvenile board;

(2) be present in the juvenile court and represent the interests of the juvenile when the case is heard;

(3) furnish to the court and juvenile board any information or assistance required;

(4) take charge of any child before and after the trial; and

(5) perform other services for the child as may be required by the court.

(b) The juvenile probation officers of Bowie, Cass, Red River, Morris, and Titus Counties have the powers granted to juvenile probation officers by general law.

Sec. 6. (a) Nothing in this Act may be construed to affect the status of a person serving as a juvenile officer on the effective date of this Act or to require a new appointment of the officers.

(b) Nothing in this Act repeals existing statutes creating juvenile boards in the counties within the jurisdiction of the Northeast Texas Juvenile Board, but the effect of those statutes shall be suspended for as long as a county is within the jurisdiction of the Northeast Texas Juvenile Board.

Acts 1971, 62nd Leg., p. 1302, ch. 342, eff. May 24, 1971.

Title of Act:

An Act relating to the establishment of the Northeast Texas Juvenile Board, having jurisdiction in the counties of Bowie, Cass, Red River, Morris, and Titus; maintaining the status of juvenile probation officers in those counties on the effective date of this Act; suspending the operation of the juvenile boards existing in those counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1302, ch. 342.

Art. 5139FFF. Eastland County Juvenile Board

Section 1. There is established a county juvenile board in Eastland County. The board is composed of the county judge, the judge of the 91st district court, the county attorney, and the sheriff. The official title of the board shall be the Eastland County Juvenile Board. The judge of the court which is designated as the juvenile court of the county shall be the chairman of the board and its chief administrative officer.

Sec. 2. For the added duties hereby imposed on the members of the board, the commissioners court of the county may allow the members of the board compensation from the county general fund. This compensation shall be in addition to any other salary received by the members of the board.

Sec. 3. The juvenile board established by this Act shall have all the powers conferred on juvenile boards created under Article 5139, Revised Civil Statutes of Texas, 1925, as amended.

Sec. 4. The juvenile board of Eastland County, with the consent of the commissioners court, may appoint a juvenile officer for Eastland County, who shall meet all the qualifications and perform all the duties of a juvenile officer as prescribed by the laws of this state. The juvenile officer shall be paid a salary as fixed by the juvenile board and approved by the commissioners court.

Acts 1971, 62nd Leg., p. 1576, ch. 426, eff. Aug. 30, 1971.

Title of Act:

An Act relating to creation of the Juvenile board of Eastland County; and declaring an emergency. Acts 1971, 62nd Leg., p. 1576, ch. 426.

Art. 5142c—1. Juvenile officers for counties within 23rd and 130th Judicial Districts

Section 1. In Brazoria, Fort Bend, Matagorda, and Wharton counties, which comprise the 23rd and 130th Judicial Districts, the District Judges of such two judicial districts shall appoint a juvenile officer and such assistants as in their judgment may be necessary for a term of two years. The salaries of the juvenile officer and his assistants shall be fixed by the Commissioners Court of the four counties within the districts and shall be paid in equal monthly installments by such counties out of the General Fund thereof. Such juvenile officers and their assistants may be allowed

such expenses as the Commissioners Court of such counties may think reasonable and proper."

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1823, ch. 542, § 27, eff. Sept. 1, 1971.

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Art. 5142c—4. Juvenile officer for Grayson County

Section 1. The commissioners court of Grayson County may appoint a juvenile officer, an assistant juvenile officer, and a clerk or secretary for the office of the juvenile officer.

Sec. 2. The commissioners court may pay the juvenile officer a salary of not more than $650 per month and may allow him not more than 10 cents per mile for transportation expenses when he supplies his own automobile. The commissioners court may pay the assistant juvenile officer a salary of not more than $525 per month and may allow him not more than 10 cents per mile for transportation expenses when he supplies his own automobile. The clerk or secretary shall receive a salary to be set by the commissioners court.

Amended by Acts 1971, 62nd Leg., p. 929, ch. 143, § 1, eff. May 10, 1971.

TITLE 83—LABOR

CHAPTER SIX—FEMALE EMPLOYEES

Art. 5172a. Hours of work for female employees

Factories, mines, mills, etc.

Section 1. No female employed in any factory, mine, mill, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant, rooming house, theater, moving picture show, barber shop, beauty shop, roadside drink and/or food vending establishment, telegraph, telephone or other office, express or transportation company, State institution, or any other establishment, institution or other business enterprise, shall be required by her employer to work in excess of nine (9) hours in any twenty-four (24) hour day, nor more than fifty-four (54) hours in any one calendar week, without the consent of the affected employee.

Seats for female employees

Sec. 2. Every employer owning or operating any factory, mine, mill, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant or rooming house, theater or moving picture show, barber shop, beauty shop, telegraph or telephone company, or other office, express or transportation company; the superintendent of any State institution or any other establishment, institution or enterprise where females are employed as provided in the preceding Section, shall provide and furnish suitable seats, to be used by such employees when not engaged in the active duties of their employment and shall give notice to all such employees by posting a notice in a conspicuous place on the premises of such employment, in letters not less than one inch in height, that all such employees will be permitted to use such seats when not so engaged.

Exceptions

Sec. 3. The two (2) preceding Sections shall not apply to:

(1) Female employees employed in any bona fide executive, administrative, professional, or outside sales capacity.

Extraordinary emergencies; overtime pay

Sec. 4. In case of extraordinary emergencies, such as great public calamities, or where it becomes necessary for the protection of human life or property, longer hours may be worked; but for such time not less than one and one-half times the regular rate at which such female is employed shall be paid to such female with her consent. Unless otherwise provided herein, any female employee who works more than forty (40) hours per week shall be entitled to receive from the employer pay at a rate not less than one and one-half times the regular rate for which such female is employed for all hours in excess of nine (9) hours per day, provided the employee actually works more than forty (40) hours per week.

Violations; penalty

Sec. 5. Any employer, overseer, superintendent, foreman, or other agent of any such employer who shall permit any female to work in any place mentioned in Section 1 of this Act more than the number of hours provided therein in any one day of twenty-four (24) hours in any one calendar week, or who shall violate any of the other provisions or requirements of the Act in any respect, or who having furnished and provided suitable seats as provided for in Section 2, shall by intimidation, instruction, threats, or in any manner, prevent such female from sitting thereon, when not attending the duties of her position, shall be fined

not less than Fifty ($50.00) Dollars nor more than Two Hundred ($200.-00) Dollars. Each day of such violation and each calendar week of such violation, and each employee permitted to work in said places more than the hours so specified in this Chapter, and every other violation of the provisions of this Chapter, shall be considered a separate offense.

Saving clause

Sec. 6. That in the event any Section or part of a Section of the provision of this Act be held invalid, unconstitutional, or inoperative, this shall not affect the validity of the remaining Sections, or parts of Sections of this Act; but the remainder of the Act shall be given effect as if said invalid, unconstitutional or inoperative Section, or part of Section or provision, had not been included. In the event any penalty, right or remedy created or given in any Section or part of this Act is held invalid, unconstitutional or inoperative, this shall not affect the validity of any other penalty, right or remedy created or given either in the whole Act or in the Section thereof containing such invalid, unconstitutional or inoperative part; and if any exception to, or any limitation upon any general provision herein contained shall be held to be unconstitutional or invalid, the general provisions shall nevertheless stand effective and valid as if the same had been enacted without such limitation or exceptions.

Amended by Acts 1971, 62nd Leg., p. 1671, ch. 473, § 1, eff. Aug. 30, 1971.

CHAPTER TEN—INDUSTRIAL COMMISSION

Art. 5190.1 Development of Employment, Industrial and Health Resources Act

Citation of Act

Section 1. This Act may be cited as the "Act for Development of Employment, Industrial and Health Resources of 1971.

Definitions

Sec. 2. When used in this Act, unless otherwise apparent from the context:

(a) "City" means any municipality of this State incorporated under the provisions of (i) any general or special law provided the municipality has the power to levy an ad valorem tax of not less than $1.50 on each $100 valuation of taxable property therein, or (ii) the home rule amendment to the Constitution.

(b) "Commission" means the Texas Industrial Commission.

(c) "Cost" as applied to a project or medical project means and embraces the cost of acquisition, including the cost of the acquisition of all land, rights-of-way, property rights, easements and interests acquired for such construction, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenue, other expenses necessary or incident to determining the feasibility and practicability of constructing any such project or medical project, administrative expense and such other expense as may be necessary or incident to the acquisition thereof, the financing of such acquisition and the placing of the same in operation.

(d) "County" means a political subdivision of the State of Texas created and established under Article IX, Section 1, of the Constitution of Texas;

(e) "District" means a conservation and reclamation district established under authority of Article XVI, Section 59 or Article III, Section 52 of the Constitution of Texas.

(f) "Governing body" means the board, council, commission or legislative body of the issuer.

(g) "Issuer" means a city, county or district.

(h) "Lessee" means a corporation established under the Texas Non-Profit Corporation Act [1] that incurs a contractual obligation with an issuer as the lessor.

(i) "Medical project" means the land, buildings, equipment, facilities and improvements (one or more) found by the governing body to be required for public health, research, and medical facilities, any one or all, within this State, irrespective of whether in existence or required to be acquired or constructed after the making of such finding by the governing body.

(j) "Project" means the land, buildings, equipment, facilities and improvements (one or more) found by the governing body to be required or suitable for the promotion of industrial development and for use by manufacturing or industrial enterprise, irrespective of whether in existence or required to be acquired or constructed after the making of such finding by the governing body.

(k) "Ultimate lessee" means the person, firm, corporation, or company which leases a project or medical project from a lessee.

[1] Article 1396—1.01 et seq.

Bonds payable from revenue

Sec. 3. Bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the State, the issuer or of any other political subdivision or agency of this State or a pledge of the faith and credit of any of them, but such bonds shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the State, the issuer or any political subdivision or agency of the State shall be obligated to pay the same or the interest thereon except from revenues of the particular project or medical project for which they are issued and that neither the faith and credit nor the taxing power of the State, the issuer or any political subdivision or agency thereof is pledged to the payment of the principal of or the interest on such bonds. The issuer shall not be authorized to incur financial obligations which cannot be paid from revenues realized from the lease of a project or medical projects.

Powers of issuers

Sec. 4. (a) In addition to any other powers which it may now have, each issuer shall have without any other authority the following powers:

(1) to acquire, whether by construction, purchase, devise, gift, or lease or any one or more of such methods, one or more medical projects or projects, located within this State, and within or partially within its limits, provided that as to a city, such project or medical project may be situated outside its territorial limits if within its extraterritorial jurisdiction as provided by the Municipal Annexation Act [1];

(2) to lease to a lessee any or all of its projects and medical projects for such rentals and upon such terms and conditions as the governing body may deem advisable and as shall not conflict with the provisions of this Act;

(3) to issue revenue bonds for the purpose of defraying all or part of the cost of acquiring or improving any project or medical project, and to secure the payment of such bonds as provided in this Act;

(4) to sell and convey all or any part of any real or personal property acquired as provided by Subdivision (a) of this section, and make such order respecting the same as may be deemed conducive to the best interest of the issuer. No issuer shall have the power to operate any project as a business or in any manner except as the lessor thereof, nor shall they have any power to acquire any such project, or any part thereof, by the exercise of eminent domain. Land previously acquired by an issuer in the exercise of the power of eminent domain may be sold, leased or otherwise utilized under the provisions of this Act, provided the governing body determines (a) that such use will not interfere with the purpose for which such land was originally acquired or is no longer needed for such purpose, and (b) at least seven years have elapsed since such land was so acquired, and (c) such land was not acquired for park purposes unless such sale or lease of park land has been approved at an election held under authority of Article 1112, Revised Civil Statutes of Texas, 1925, as amended.

[1] Article 970a.

Lease agreements; Commission approval; rules and regulations; filing; appeal

Sec. 5. No issuer shall institute proceedings to authorize bonds under the provisions of Section 6(a) or 6(c) until the Commission has given tentative approval to the suggested contents of the lease agreement, and if a lessee is permitted to sublease, the Commission has also tentatively approved the financial responsibility of the ultimate lessee.

The Commission shall prescribe rules and regulations setting forth minimum standards for lease agreements and guidelines with respect to financial responsibilities of the lessee and ultimate lessee, if any, but in no event shall the Commission give final approval to any agreement unless it affirmatively finds the lessee and ultimate lessee have the business experience, financial resources and responsibility to provide reasonable assurance that all bonds and interest thereon to be paid from or by reason of such agreement will be paid as the same become due.

Appeal from any adverse ruling or decision of the Commission under this section may be made by an issuer to the District Court of Travis County. The substantial evidence rule shall apply.

Rules, regulations and guidelines promulgated by the Commission, and amendments thereto, shall be effective only after they have been filed with the Secretary of State.

Issuance of bonds; resolution of intent, publication; protest; election, procedures

Sec. 6. (a) Before issuing any bonds hereunder the governing body shall adopt a resolution declaring its intention to do so, stating the amount of bonds proposed to be issued, the purpose for which the bonds are to be issued, and the tentative date upon which the governing body proposes to authorize the issuance of such bonds. Such resolution shall be published once a week for at least two consecutive weeks in at least one newspaper of general circulation in the territorial limits of the issuer. The first publication shall be made not less than 14 days prior to the tentative date fixed in such resolution for the authorization of the bonds. If 10 percent of the qualified electors of the issuer shall file a written protest against the issuance of such bonds on or before the tentative date specified for the authorization of such bonds, then an election on the question of the issuance of such bonds shall be called and held as herein provided.

If no such protest be filed, then such bonds may be issued without an election at any time within a period of two years after the tentative date

specified in the resolution; provided, however, the governing body of such issuer, in its discretion, may call an election on such question, in which event it shall not be necessary to publish the notice of its intention to issue bonds.

(b) Where an election is called, notice thereof shall be published once a week for at least two consecutive weeks, in at least one newspaper of general circulation within the territorial limits of the issuer. The first publication of such notice shall be made not less than 14 days prior to the date fixed for such election. The election shall be conducted in accordance with the general laws of Texas pertaining to general elections, except as modified by the provisions of this Act. The order calling the election shall specify the date, place or places of holding the election, the presiding judge and alternate judge for each voting place, and shall provide for clerks as provided in the Election Code. Only qualified property taxpaying electors who own taxable property which has been duly rendered for taxation shall be permitted to vote at such election.

The form of ballot shall be in conformity with Sections 61, 62, and 63, Texas Election Code, as amended (Article 6.05, 6.06, 6.07, Vernon's Texas Election Code), so that ballots provide for voting for or against the proposition: "The issuance of revenue bonds for the (medical project or project)."

Within 10 days after such election is held, or as soon thereafter as possible, the governing body of the issuer shall convene and canvass the returns of the election, and in the event such election results are favorable (majority vote) to the proposition such governing body shall so find and declare and shall be (subject to the provisions of Section 5) authorized to proceed with the authorization of bonds.

(c) A series of bonds may be issued for each project or medical project and any of such projects may be combined in a single series of bonds if the governing body, in the exercise of its discretion, deems the same to be in the best interest of the issuer, but each project or medical project shall be considered separately with respect to the provisions of Section 5, 6(a), 6(b) and 6(c).

(d) Bonds shall be issued and delivered within three years of the tentative approval of the Commission, or within three years of the final judgment in any litigation affecting the validity of the bonds or the provision made for their payment, whichever date is later. Nothing herein shall be construed as prohibiting the Commission from conditioning its approval of the project or medical project upon the completion of the financing thereof within a lesser period of time.

Form of bonds; use of proceeds; interim receipts or temporary bonds; approval and registration

Sec. 7. Each issuer is hereby authorized to provide by resolution, from time to time, for the issuance of revenue bonds for the purpose of paying all or any part of the cost of acquiring, constructing, enlarging or improving a project or medical project, except revenue bonds for a medical project may not be authorized by a district. The principal of and the interest on such bonds shall be payable solely from the funds provided for such payment and from the revenues of the particular project for which such bonds were authorized. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times, not exceeding forty years from their date, as may be determined by the issuer and may be made redeemable before maturity, at the option of the issuer, at such price or prices and under such terms and conditions as may be fixed by the issuer prior to the issuance of the bonds.

The issuer shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the

State. Provision may be made for execution of the bonds and coupons (if any) under the provisions of Chapter 204, Acts of the 57th Legislature, 1961, as amended (Article 717j—1, Vernon's Texas Civil Statutes). In cases where any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. The bonds may be issued in coupon or in registered form, or both, as the issuer may determine, and provisions may be made for the registration of any coupon bonds as to the principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. If the duty of such reconversion is imposed on the Trustee in a Trust Agreement the substituted coupon bonds need not be reapproved by the Attorney General of Texas, and they shall remain incontestable. The issuer may sell bonds so the net interest cost (as defined in Chapter 3, Acts of the 61st Legislature, 1969, as amended, Article 717k—2, Vernon's Texas Civil Statutes) shall not exceed 10 percent per annum and such bonds shall be sold to the highest bidder for cash (not exchanged for property).

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project or medical project for which issued, and shall be disbursed in such manner and under such restrictions, if any, provided in the resolution authorizing their issuance or in the trust agreement securing the same. If the proceeds of the bonds of any issue shall exceed the cost of the project or medical project for which the same shall have been issued, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the issuer may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable or definitive bonds when such bonds shall have been executed and are available for delivery. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Act.

Before any issuer may deliver any bonds authorized hereunder to the purchaser thereof, the proceedings authorizing their issuance and securing the bonds shall be presented to the Attorney General of Texas for examination and approval. If the bonds shall have been duly authorized in accordance with the Constitution and laws of the State and constitute valid and binding obligations of the Authority, according to their tenor and effect, and proper revenues have been pledged to their payment, he shall approve the bonds. Without such approval the bonds cannot be so issued and delivered to the purchaser. The bonds when approved shall be registered by the Comptroller of Public Accounts of the State of Texas. After such approval and registration the bonds shall be incontestable.

Refunding bonds

Sec. 8. An issuer is hereby authorized to provide by resolution for the issuance of its revenue refunding bonds for the purpose of refunding any bonds then outstanding, issued on account of a project or medical project, which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the issuer, for the additional purpose of constructing improvements, extensions or enlargements to the project or medical project in connection with which the bonds to be refunded shall have been issued. The issuance of such bonds, the maturities and other details

thereof, the rights of the holders thereof, and the rights, duties and obligations of the issuer in respect of the same, shall be governed by the provisions of this Act insofar as the same may be applicable. Within the discretion of the issuer the refunding bonds may be issued in exchange for outstanding bonds or may be sold and the proceeds used for the purpose of redeeming outstanding bonds.

Trust agreement as security

Sec. 9. Any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the issuer and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the State. Any such trust agreement may pledge or assign lease revenues to be received from a lessee or ultimate lessee.

The trust agreement may evidence a pledge of the lease income to be received for the use of any project or medical projects for the payment of principal of and interest on such bonds as the same shall become due and payable and may provide to create and maintain reserves for such purposes. Any such trust agreement or any resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the issuer, or lessee in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the project or medical project in connection with which such bonds shall have been authorized, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the issuer. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, any such trust agreement may contain such provisions as the issuer may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of any such trust agreement may be treated as a part of the cost of the operation of the project or medical project.

Default in payment; enforcement; option to purchase

Sec. 10. Each bond issued under the provisions of this Act shall contain substantially the following language: "No pecuniary obligation is or may be imposed upon the issuer of this bond in the event there is a failure to pay all or part of the principal or interest thereon, except the issuer is obligated to apply rental income it receives from the project (or medical project) to such purposes."

Any agreement between a lessee and ultimate lessee relating to any project shall be for the benefit of the issuer as shall any agreement between the issuer and the lessee. Any such agreement shall contain a provision that, in the event of a default in the payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings, mortgage, or instrument such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the project in accordance with such resolution, mortgage or instrument.

Any mortgage to secure bonds issued thereunder may also provide that, in the event of a default in the payment thereof or the violation of

any agreement contained in the mortgage, the mortgage may be foreclosed and sold under proceedings in equity or in any other manner now or hereafter permitted by law. Such mortgage may also provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor.

An issuer may grant a lessee or ultimate lessee an option to purchase all or any part of a project or medical project when all bonds of the issuer delivered to provide such facilities have been paid or provision has been made for their final payment, provided during the time the bonds or interest thereon remains unpaid there is no failure to pay the lease rentals at the time and in the manner as the same become due, provided a payment shall be deemed paid when and as due if no event of default is declared and the payment is made within 15 calendar days of the date it was scheduled to become due. The provisions of this law are procedurally exclusive for authority to convey or grant an option to purchase, and reference to no other law shall be required.

Removal of business from existing facilities

Sec. 11. No issuer may acquire or construct any project or medical project for any individual, firm, partnership, or corporation, or make or permit any lease to any individual, firm, partnership, or corporation where the effect of such lease shall be to remove lessee's business from existing facilities within the State of Texas.

Authority of governing body; conditions of approval

Sec. 12. Except as limited by the provisions of this law or as limited by the rules, regulations and guidelines of the Commission, each governing body shall have full and complete authority with respect to bonds, lease agreements and the provisions thereof.

No bonds shall be approved by the Attorney General until the Commission has given final approval to the lease agreement, nor shall such bonds be approved if any authorizing proceedings or provisions for security and payment of lease payments are not in conformity with this law.

Advertising for contracts; performance bonds; leasing restriction

Sec. 13. All contracts for construction or purchases involving the expenditure of more than $2,000 may be made only after advertising in the manner provided by Chapter 163, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 2368a, Vernon's Texas Civil Statutes). The provisions of Article 5160, Revised Civil Statutes of Texas, 1925, as amended, relating to performance and payment bonds, shall apply to construction contracts let by the issuer.

Bonds shall not be issued to acquire existing facilities for the purpose of again leasing the same to the same industrial concern or one controlled by such industrial concern and it shall be the duty of the Commission to investigate such matters before giving its tentative approval of any project or medical project.

Bonds and profits not taxable; bonds and coupons deemed security

Sec. 14. In carrying out the purposes of this Act, the issuer will be performing an essential public function and any bonds issued by it and their transfer and the issuance therefrom, including any profits made in the sale thereof, shall at all times be free from taxation by the State or any municipality or political subdivision thereof.

Bonds issued under the provisions of this Act, and coupons (if any) representing interest thereon, shall when delivered be deemed and construed (i) to be a "Security" within the meaning of Chapter 8, Investment Securities, of the Uniform Commercial Code (Chapter 785, Acts of the 60th Legislature, Regular Session, 1967),[1] and shall be exempt securities under

For Annotations and Historical Notes, see V.A.T.S.

the Texas Securities Act. A lease agreement under this Act shall not be a security within the meaning of the Texas Securities Act.

[1] V.T.C.A.Bus. & C. § 8.101 et seq.

Legal and authorized investments; security for deposit of public funds

Sec. 15. Bonds approved by the Attorney General 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 guardians, and for any sinking funds of cities, towns, villages, counties, school districts and other political corporations or subdivisions 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 and other political corporations or subdivisions of the State of Texas, and shall be lawful and sufficient security for said deposits at their face value when accompanied by all unmatured coupons, if any, appurtenant thereto.

Relocation of highway, etc. at sole expense of political subdivision

Sec. 16. In the event any city, county, navigation district or other political subdivision, in the exercise of the power of relocation, or any other power, makes necessary the relocation, raising, lowering, rerouting, or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telegraph or telephone properties and facilities, or pipelines, all such necessary relocation, raising, lowering, rerouting, changing of grade, or alteration of construction shall be accomplished at the sole expense of the city, county, navigation district or other political subdivision. The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, rerouting, or changing the grade of, or alteration of construction to provide comparable replacement, without enhancement, of such facilities, after deducting therefrom the net salvage value derived from the old facility.

Qualification of electors

Sec. 17. The Legislature hereby recognizes there is some confusion as to the proper qualification of electors in the light of recent court decisions. It is the intention of this Act to provide a permitted procedure for an election to authorize the issuance of revenue bonds, but in each instance the authority shall be predicated upon the expression of the will of the majority of those who cast valid ballots at an election called for the purpose. Should the governing body calling an election determine that all qualified electors, including those who own taxable property which has been duly rendered for taxation, should be permitted to vote at an election (by reason of the aforesaid court decisions), nothing herein shall be construed as a limitation upon the power to call and hold an election, provided provision is made for the voting, tabulating, and counting of the ballots of the resident qualified property taxpaying electors who own taxable property which has been duly rendered for taxation separately from those who are qualified electors, and in any election so called a majority vote of the resident qualified property taxpaying voters who own taxable property which has been duly rendered for taxation and a majority vote of the qualified electors, including those who own taxable property which has been duly rendered for taxation, shall be required to sustain the proposition.

Purpose and effectiveness of Act

Sec. 18. It is hereby found, determined and declared:

(a) that the present and prospective health, safety, right to gainful employment and general welfare of the people of this State requires as

a public purpose the promotion and development of new and expanded industrial manufacturing, medical and research enterprises;

(b) that community industrial development corporations in Texas have themselves invested substantial funds in successful industrial development projects and experience difficulty in undertaking additional such projects by reason of the partial inadequacy of their own funds or funds potentially available from local subscription sources and by reason of limitations of local financial institutions in providing additional and sufficiently sizable first mortgage loans;

(c) that communities in this State are at a critical disadvantage in competing with communities in other states for the location or expansion of such enterprises by virtue of the availability and prevalent use in all other states of financing and other special incentives, therefore, the issuance of revenue bonds by political subdivisions of the State as hereinafter provided for the promotion of industrial development, employment, public health and research is hereby declared to be in the public interest and a public purpose.

This law shall be effective without the necessity of a constitutional amendment to the full extent permitted by present provisions of the Texas Constitution. With respect to the powers granted herein, any provision of this law which may be effective only as the result of a change in the Texas Constitution shall become effective upon the adoption of the amendment proposed by Senate Joint Resolution No. 33 in the 62nd Legislature, the Legislature recognizing such constitutional amendment may be required to enable districts to proceed under this law. In no event shall any appropriation be made by the Legislature to pay all or any part of the obligation of any issuer under the provisions of this Act, and any expenses incurred by the Commission shall be paid out of funds appropriated to that agency.

Construction of Act; severability

Sec. 19. Nothing in this Act shall be construed to violate any provision of the federal or State constitutions, and all acts done under this Act shall be in such manner as will conform thereto, whether expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such constitutions, the issuer shall have the power by resolution to provide an alternative procedure conformable with such constitutions. If any provision of this Act should be invalid, such fact shall not affect the validity of any other provisions of this Act, and the Legislature hereby declares that it would have enacted the valid provisions of this Act notwithstanding the invalidity of any other provision or provisions hereof.

Acts 1971, 62nd Leg., p. 2555, ch. 840, June 9, 1971.

Title of Act:

An Act to be known as the Act for Development of Employment, Industrial and Health Resources of 1971, relating to the promotion of industrial development, employment, public health and research by certain political subdivisions of the State of Texas; authorizing such subdivisions to acquire certain properties, to issue revenue bonds, and to lease, sell or convey said properties, for the promotion of industrial development, employment, public health and research; providing the procedures to be followed and making certain findings with respect to the need for such facilities; providing for regulation by the Texas Industrial Commission; and declaring an emergency. Acts 1971, 62nd Leg., p. 2555, ch. 840.

Art. 5190.2. Rural Industrial Development Act

Citation of Act

Section 1. This Act may be cited as the "Texas Rural Industrial Development Act."

Definitions

Sec. 2. When used in this Act, unless otherwise apparent from the context:

(a) "Commission" means the Texas Industrial Commission.

(b) "Cost" as applied to a project means and embraces the cost of acquisition, including the rights, easements and interests acquired for such construction, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenue, other expenses necessary or incident to determining the feasibility and practicability of constructing any project, administrative expense and such other expense as may be necessary or incident to the acquisition thereof, the financing of such acquisition and the placing of the same in operation.

(c) "Federal agency" shall mean and include the United States of America, the President of the United States of America, and any department of or corporation, agency or instrumentality heretofore or hereafter created, designated or established by the United States of America.

(d) "Industrial Development Agency" means a corporation established under the Texas Non-Profit Corporation Act [1] to promote and encourage industrial development within the State or a designated area of the State whose articles of incorporation provide that upon dissolution or winding up of its corporate affairs any property remaining after payment of debts of the corporation shall be conveyed, transferred, or vest in a city or county or be conveyed to a nonprofit corporation established for similar purposes.

(e) "Project" means the land, buildings, equipment, facilities and improvements (one or more) found by the Commission to be required or suitable for the promotion of industrial development and for use by manufacturing or industrial enterprise, irrespective of whether in existence or required to be acquired or constructed after the making of such finding by the Commission. A project must be located in a rural area, and more than one project may be located in the same rural area.

(f) "Responsible buyer" shall mean any person, partnership, or corporation found by the Commission to be financially responsible to assume the obligation prescribed by an industrial development agency in connection with the acquisition and operation of a project.

(g) "Responsible tenant" shall mean any person, partnership, or corporation found by the Commission to be financially responsible to assume all rental and all other obligations prescribed by an industrial development agency in connection with the leasing and operation of a project.

(h) "Rural area" means an area which is predominately rural in character, being one which the Commission after public hearing defines and declares to be a rural area in that it (1) sustained out-migration of population between the then last two federal censuses or (2) an area that sustained a gain in population less than the average for standard State statistical metropolitan areas between the then last two federal censuses, or (3) an area in which manufacturing employment is less than the average for standard State statistical metropolitan areas according to the then preceding federal census; provided, however, no area of the State shall be included in more than one rural area, nor shall any one rural area contain territory in more than four counties. Rural areas may be defined and redefined by the Commission from time to time, after public hearing.

[1] Article 1396—1.01 et seq.

Loan to agency from Commission; amount, interest, etc.

Sec. 3. When it has been determined by the Commission (upon application of an industrial development agency and hearing thereon) that the

establishment of a particular project of such industrial development agency has accomplished or will accomplish the public purposes of this Act, the Commission may contract to loan such industrial development agency an amount not in excess of a percentage of the cost of such project, as established or to be established as hereinafter set forth, subject, however, to the following conditions:

The Commission may contract to loan the industrial development agency an amount not in excess of 40% of the cost of such project if it has determined that the industrial development agency holds funds or property in an amount or value equal to not less than 10% of the cost of the project, which funds or property are then available for and are pledged to be applied to the establishment of such project.

Prior to the making of any loan the Commission shall have determined that the industrial development agency has obtained from other independent and responsible financial sources a firm commitment for all other funds, over and above the loan of the Commission and such funds or property as the industrial development agency may hold necessary for payment of all of the cost of establishing the project, and that the sum of all these funds, together with the machinery and equipment to be provided by the responsible tenant or responsible buyer, is adequate for the completion and operation of the industrial development project.

Any such loan of the Commission shall be for such period of time and shall bear interest at such rate as shall be determined by the Commission and shall be secured by bond or note of the industrial development agency and by mortgages on the project for which such loan was made, such mortgage to be second and subordinate only to the mortgage securing the first lien obligation issued to secure the commitment of funds from the aforesaid independent and responsible sources and used in the financing of the project.

In those instances where a federal agency participates in the financing of a project through a loan or a grant such participation shall be considered an independent and responsible source to the extent of the obligation of the federal agency to so participate under a loan or grant or similar agreement, and in such instance the Commission may accept a bond or note of the industrial agency and a mortgage on the project inferior to all first and second lien obligations, provided (a) the participation of the federal agency exceeds the loan by the Commission and (b) the federal agency's participation is conditioned upon its participation being secured by a lien superior to that of the Commission.

Money loaned by the Commission to the industrial development agencies shall be withdrawn from the Industrial Development Fund and paid over to the industrial development agency in such manner as shall be provided and prescribed by the rules and regulations of the Commission.

All payments of interest on said loans and installments of principal shall be deposited by the Commission as received in the Industrial Development Fund.

Loan application; hearings and examinations

Sec. 4. No loan shall be made by the Commission except upon application by an industrial development agency, (in such form as may be required by the Commission) which shall include the following:

(a) A general description of the industrial development project and a general description of the industrial or manufacturing enterprise for which the project has been or is to be established.

(b) A legal description of all real estate necessary for the project.

(c) Such plans and other documents as may be required to show type, structure and general character of the project.

(d) A general description of the type, classes and number of employees employed or to be employed in the operation of the industrial development project.

(e) Cost or estimates of cost of establishing the project.

(f) A general description and statement of value of any property, real or personal, of the industrial development agency applied or to be applied to the establishment of the project;

(g) A statement of cash funds previously applied, or then held by the industrial development agency which are available for and are to be applied to the establishment of the project;

(h) Evidence of the arrangement made by the industrial development agency for the financing of all cost of the project over and above the participation of the industrial development agency;

(i) Information on the responsible tenant to which the industrial development agency has leased or will lease the project or of the responsible buyer to which the industrial development agency has sold or will sell the project.

(j) A copy of the lease or sales agreement entered into or to be entered into by and between the industrial development agency and its responsible tenant or responsible buyer.

The Commission shall hold such hearings and examinations as to each loan application received as shall be necessary to determine whether the public purposes of this Act will be accomplished by the granting of a loan.

Powers of Commission; staff services

Sec. 5. In addition to other powers conferred upon the Commission by the provisions hereof the Commission through its staff shall:

(a) cooperate with industrial development agencies in their efforts to promote the expansion of industrial, manufacturing and development activity in rural areas;

(b) determine, upon proper application of industrial development agencies, whether the declared public purpose of this Act has been accomplished or will be accomplished by the establishment by such industrial development agencies of an industrial development project in rural areas;

(c) conduct examinations and investigations and hear testimony and take proof, under oath or affirmation, at public hearings, on any matter material for its information and necessary to the determination and designation of rural areas and the establishment of industrial development projects therein;

(d) make, upon proper application of industrial development agencies, loans to such industrial development agencies of money held in the Industrial Development Fund for projects in rural areas and to provide for the repayment and redeposit of such allocation and loans in its manner hereinafter provided;

(e) accept grants from and enter into contracts with any federal agency in the accomplishment of the purposes of this Act;

(f) take title by foreclosure to any project where such acquisition is necessary to protect any loan previously made therefor by the Commission and to pay all costs arising out of such foreclosure and acquisition from moneys held in the Industrial Development Fund and sell, transfer and convey any such project to any responsible buyer; in the event such sale, transfer and conveyance cannot be effected with reasonable promptness, the Commission may, in order to minimize financial losses and sustain employment, lease such projects to a responsible tenant or tenants;

(g) purchase first mortgages and make payments on first mortgages on any industrial development project where such purchase or payment

is necessary to protect any loan previously made therefor by the Commission and sell, transfer, convey and assign any such first mortgage. Moneys so used in the purchase of any first mortgages or any payments thereon, shall be withdrawn from the Industrial Development Fund, and any moneys derived from the sale of any first mortgages shall be deposited in the Industrial Development Fund.

The Texas Industrial Commission shall provide staff services for the program herein provided, including liaison between the Commission and industrial development agencies and related organizations, and between the Commission and other agencies of the State whose facilities and services may be useful to the Commission in its work. The Commission may employ counsel, engineering, financial or other consultants as required in the carrying out of its duties and responsibilities hereunder. The Commission may obtain such professional services in cooperation with other State agencies or may retain persons or firms that may or may not be employed full, part-time, or as consultants for other agencies.

The Commission shall have no power at any time to borrow money, incur pecuniary obligations, or in any manner to pledge the credit or taxing power of the State of Texas or any of its municipalities or political subdivisions.

Default in payment; enforcement; advertising for contracts; performance bonds; leasing restriction; benefit demonstrated

Sec. 6. When the Commission makes a loan to an industrial development agency, it shall be provided in the instruments evidencing such loan that in the event of default in the payment of the principal of or the interest on such obligation or in the performance of any agreement contained in such proceedings, mortgage, or instrument, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the project in accordance with such mortgage or instrument.

In instances where the Commission makes a loan, all contracts for construction of a project involving the expenditure of more than $2,000 may be made only after advertising in the manner provided by Chapter 163, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 2368a, Vernon's Texas Civil Statutes). The provisions of Article 5160, Revised Civil Statutes of Texas, 1925, as amended, relating to performance and payment bonds, shall apply to construction contracts.

No loan shall be made to acquire existing facilities for the purpose of again leasing the same to the same industrial concern or one controlled by such industrial concern.

The Commission shall not approve any loan unless it finds that the benefit to the rural area in which the project is situated will exceed the financial commitment of the Commission and that the approval of the particular project will aid in the alleviation of unemployment within the State or assist in the industrial development of the State and that such project will be of benefit to the State and its taxpayers.

Hearing, notice; rules and regulations, filing; appeal

Sec. 7. In those instances where the Commission is required to make a determination or ruling, the same shall only be made after a public hearing. Notice of such hearing shall be given to the Secretary of State, Austin, Texas, at least 12 hours before the hearing is scheduled to begin but any hearing may be recessed from time to time (without the giving of additional notice) as the regulations of the Commission may provide.

Rules, regulations and guidelines promulgated by the Commission, and amendments thereto, shall be effective only after they have been filed with the Secretary of State.

Appeal from any adverse ruling or decision of the Commission under this section may be made by an issuer to the District Court of Travis County. The substantial evidence rule shall apply.

Purpose of Act

Sec. 8. It is hereby found, determined and declared:

(a) that the present and prospective health, safety, right to gainful employment and general welfare of the people of this State requires as a public purpose the promotion and development of new and expanded industrial and manufacturing enterprises;

(b) that community industrial development corporations in Texas have themselves invested substantial funds in successful industrial development projects and experience difficulty in undertaking additional such projects by reason of the partial inadequacy of their own funds or funds potentially available from local subscription sources and by reason of limitations of local financial institutions in providing additional and sufficiently sizable mortgage loans;

(c) that communities in this State are at a critical disadvantage in competing with communities in other states for the location or expansion of such enterprises by virtue of the availability and prevalent use in all other states of financing and other special incentives; therefore, this Act provides for the promotion of industrial development and employment and is hereby declared to be in the public interest and a public purpose.

Appropriations; special revolving fund

Sec. 9. Funds for the implementation and administration of this Act shall be provided by the General Appropriations Bill.

A special account in the Treasury of the State of Texas to be known as the Rural Industrial Development Fund is hereby created and the amount so appropriated hereby and any subsequent appropriation made by the Legislature for such purpose, as well as such other deposits as principal and interest on loans are repaid shall be deposited in said fund. It is the intent of this Act that the Industrial Development Fund shall operate as a revolving fund whereby all appropriations and payments made thereto may be applied and reapplied to the purposes of this Act. To the extent the constitution requires such funds be appropriated and reappropriated for the aforesaid purpose, such action is hereby taken and such funds are hereby appropriated and reappropriated and it shall be the duty of the Legislature to take the same action in the future to the extent required by the constitution.

Construction of Act; severability

Sec. 10. Nothing in this Act shall be construed to violate any provision of the federal or State constitutions, and all acts done under this Act shall be in such manner as will conform thereto, whether expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such constitutions, the issuer shall have the power by resolution to provide an alternative procedure conformable with such constitutions. If any provision of this Act should be invalid, such fact shall not affect the validity of any other provisions of this Act, and the Legislature hereby declares that it would have enacted the valid provisions of this Act notwithstanding the invalidity of any other provision or provisions hereof.

Acts 1971, 62nd Leg., p. 2570, ch. 843, eff. June 9, 1971.

Title of Act:

An Act to be known as the Texas Rural Industrial Development Act, relating to the promotion of industrial development and employment by the making of loans by the Texas Industrial Commission; providing

the procedures to be followed; making certain findings with respect to the need for appropriating and reappropriating funds to carry out the purposes of the Act; and declaring an emergency. Acts 1971, 62nd Leg., p. 2570, ch. 843.

CHAPTER THIRTEEN—EMPLOYMENT AGENTS

Art. 5221a—6. Private Employment Agency Law

* * * * * * * * * * *

Creation and composition of the board

Sec. 3.

* * * * * * * * * * *

(d) The Board shall be composed of four members who at the time of their appointment operate an agency which is a part of a multiple-office or franchise operation; five members who at the time of their appointment operate an agency which is a single-office operation. Not more than one person from any one multiple-office or franchise operation may serve on the board simultaneously. For the purpose of this section agencies belonging or subscribing to a referral system shall not be considered as a multiple-office or franchise operation because of such membership in or subscription to such referral service.

(e) Except for the initial appointees, the members of the board hold office for terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. In making the initial appointments, the governor shall designate three for terms expiring on January 31, 1971, three for terms expiring on January 31, 1973, and three for terms expiring on January 31, 1975. If any member of the board ceases to own an interest in a private employment agency, he automatically vacates his office, which shall be filled by appointment as in the case of other vacancies.

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Sec. 3, subsecs. (d), (e) amended by Acts 1971, 62nd Leg., p. 2424, ch. 772, § 1, eff. June 8, 1971.

* * * * * * * * * * *

Conduct

Sec. 13. (a) Employment agencies licensed under this act shall not:

(1) impose any fees for the registration of applicants for employment or any other fee of applicants except for the furnishing of employment referrals which result in the applicant obtaining employment;

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Sec. 13(a), subsec. (1) amended by Acts 1971, 62nd Leg., p. 2424, ch. 772, § 2, eff. June 8, 1971.

Section 3 of the 1971 amendatory act provided: "The members of the Texas Private Employment Agency Regulatory Board holding office on the effective date of this Act shall continue to hold office for the terms to which they were appointed. Upon expiration of the terms of present board members, the governor shall make appointments to fill such vacancies so as to effectuate the ratio of four members of the board from multiple-office or franchise operations and five members of the board from single-office operations."

CHAPTER FOURTEEN—UNEMPLOYMENT COMPENSATION

Art. 5221b—1. Benefits

* * * * * * * * * * *

(b) Benefit Amount for Total Unemployment: Each eligible individual who is totally unemployed in any benefit period shall be paid with respect to such benefit period, benefits at the rate of one twenty-fifth (1/25) of his wages received from employment by employers during that quarter in his base period in which wages were highest, provided that:

(1) If such rate is not an even multiple of One Dollar ($1), it shall be adjusted to the next higher multiple of One Dollar ($1); and

(2) Such rate shall not be more than Sixty-three Dollars ($63) per benefit period nor less than Fifteen Dollars ($15) per benefit period.

* * * * * * * * * * *

(e) Benefit Wage Credits: "Benefit wage credits" means those wages as defined in this subsection of the Act, which are used in determining an individual's right to benefits. "Wages" as used in this Section shall be as defined in subsection (n) of Section 19 of this Act, except that the four-thousand-two-hundred-dollar limitation on wages as set out in subsection (n) (1) of Section 19 shall not be applicable for the purposes of this Section 3 to remuneration received after December 31, 1971; provided that, for the purposes of this Section 3, wages received by an individual in any calendar year after December 31, 1967, shall include all remuneration from each employer for employment up to the maximum amount of wages as defined in the Federal Insurance Contributions Act (Section 3121, Chapter 21, Subtitle C, Internal Revenue Code of 1954), as amended, or as it may hereafter be amended; and provided further, that wages which have been used to qualify an individual for regular benefits under this Act or under any other unemployment compensation law shall not be used again to qualify such individual for regular benefits.

If an employer fails to report wages which were paid to a claimant during a base period when requested by the Commission, the Commission may establish wage credits for such claimant for such base period on the basis of the best information which has been obtained by the Commission.

(f) Equal Treatment: Benefits based on services for all employers in employment defined in subsection 19(f) shall be payable in the same amount, on the same terms, and subject to the same conditions; provided that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two (2) successive academic years, or during a similar period between two (2) regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms.

Subsec. (b) amended by Acts 1971, 62nd Leg., p. 2777, ch. 900, § 1, eff. Jan. 1, 1972; Subsec. (e) amended by Acts 1971, 62nd Leg., p. 2733, ch. 892, § 1, eff. Jan. 1, 1972; Subsec. (f) added by Acts 1971, 62nd Leg., p. 2733, ch. 892, § 1, eff. Jan. 1, 1972.

Art. 5221b—2a. Prohibitions against denial of benefits

(a) Benefits shall not be denied to an individual because he is in training with the approval of the Commission, nor shall such individual be denied benefits with respect to any benefit period in which he is in training with the approval of the Commission by reason of the application of provisions in this Act relating to availability for work, active search for work, or refusal to apply for, or a refusal to accept, suitable work. Approval of training shall be in accordance with rules prescribed by the Commission.

(b) Benefits shall not be denied or reduced to an individual solely because he files a claim in another state (or a contiguous country with which the United States has an agreement with respect to unemployment compensation) or because he resides in another state (or such a contiguous country) at the time he files a claim for unemployment compensation.

Acts 1936, 44th Leg., 3rd C.S. p. 1993, ch. 482, § 4–A, added by Acts 1971, 62nd Leg., p. 2734, ch. 892, § 2, eff. Jan. 1, 1972.

Art. 5221b—3. Disqualification for benefits

* * * * * * * * * * *

(a) If the Commission finds that he has left his last work voluntarily without good cause connected with his work. Such disqualification shall be for not less than one (1) nor more than twenty-five (25) benefit periods following the filing of a valid claim, as determined by the Commission according to the circumstances in each case.

* * * * * * * * * * *

(f) In determining the number of benefit periods during which any individual is entitled to receive benefits in a benefit year, the Commission shall deduct any period of disqualification as provided in subsections (a), (b), and (c) of this Section from the total number of benefit periods during which he would otherwise be entitled to receive benefits except for such disqualification; provided, that in no case shall the number of benefit periods so deducted exceed the number of benefit periods during which the claimant is then eligible to receive benefits except for such disqualification; and provided further, that in no event shall a disqualification imposed under subsection (a) or (c) of this Section result in a total reduction of the claimant's benefit rights in his benefit year.

(g) For the duration of any period of unemployment with respect to which the Commission finds that such individual has left his most recent work for the purpose of attending an established educational institution; provided, that this subsection shall not apply during a period in which an individual is in training with the approval of the Commission.

Subsecs. (a), (f), (g) amended by Acts 1971, 62nd Leg., p. 2734, ch. 892, § 3, eff. Jan. 1, 1972.

Art. 5221b—4a. Extended benefits

(a) Definitions: As used in this Section, unless the context clearly requires otherwise:

(1) 'Extended benefit period' means a period which:

(A) begins with the third (3rd) week after whichever of the following weeks occurs first:

(i) a week for which there is a national 'on' indicator, or

(ii) a week for which there is a State 'on' indicator; and

(B) ends with either of the following weeks, whichever occurs last:

(i) the third (3rd) week after the first (1st) week for which there is both a national "off" indicator and a State "off" indicator, or

(ii) the thirteenth (13th) consecutive week of such period;

Provided, that no extended benefit period may begin by reason of a State "on" indicator before the fourteenth (14th) week following the end of a prior extended benefit period which was in effect with respect to this State; and

Provided further, that no extended benefit period may begin with a week beginning before January 1, 1972.

(2) There is a national "on" indicator for a week if the United States Secretary of Labor determines that, for each of the three (3) most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent (4.5%).

(3) There is a national "off" indicator for a week if the United States Secretary of Labor determines that, for each of the three (3) most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent (4.5%).

(4) There is a State "on" indicator for this State for a week if the Commission determines, in accordance with the regulations of the United States Secretary of Labor, that, for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment (not seasonally adjusted) under this Act:

(A) equaled or exceeded one hundred and twenty percent (120%) of the average of such rates for the corresponding 13-week period ending in each of the preceding two (2) calendar years, and

(B) equaled or exceeded four percent (4%).

(5) There is a State "off" indicator for this State for a week if the Commission determines, in accordance with the regulations of the United States Secretary of Labor, that, for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment (not seasonally adjusted) under this Act:

(A) was less than one hundred and twenty percent (120%) of the average of such rates for the corresponding 13-week period ending in each of the preceding two (2) calendar years, or

(B) was less than four percent (4%).

(6) "Rate of insured unemployment," for purposes of paragraphs (4) and (5) of this subsection, means the percentage derived by dividing:

(A) the average weekly number of individuals filing claims in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the Commission on the basis of the Commission's reports to the United States Secretary of Labor, by

(B) the average monthly employment covered under this Act for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such 13-week period.

(7) "Regular benefits" means benefits payable to an individual under this Act or under any other state law (including benefits payable to federal civilian employees and ex-servicemen pursuant to 5 U.S.C. Chapter 85 [1]) other than extended benefits.

(8) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. Chapter 85) payable to an individual under the provisions of this Section for benefit periods of unemployment in his eligibility period.

(9) "Eligibility period" of an individual means the period consisting of the benefit periods in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any benefit periods thereafter which begin in such period.

(10) "Exhaustee" means an individual who, with respect to any benefit period of unemployment in his eligibility period:

(A) has received, prior to such benefit period, all of the regular benefits that were available to him under this Act or any other state law

(including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. Chapter 85) in his current benefit year that includes such benefit period;

Provided, that, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wage credits that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits, or

(B) had a benefit year that expired prior to such benefit period and has no, or insufficient, wage credits on the basis of which he could establish a new benefit year that would include such benefit period; and

(C) (i) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act [2] the Trade Expansion Act of 1962 [3], the Automotive Products Trade Act of 1965 [4], or such other federal laws as are specified in regulations issued by the United States Secretary of Labor, and

(ii) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee.

(11) "State Law" means the unemployment compensation law of any state that is approved by the United States Secretary of Labor under Section 3304 of the Internal Revenue Code of 1954 [5].

(b) Effect of State Law Provisions Relating to Regular Benefits on Claims for, and the Payment of, Extended Benefits: The provisions of this Act, and the rules or regulations of the Commission which apply to claims for, and the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits except when the result would be inconsistent with the other provisions of this Section.

(c) Eligibility Requirements for Extended Benefits: An individual shall be eligible to receive extended benefits with respect to any benefit period of unemployment in his eligibility period only if the Commission finds that with respect to such benefit period:

(1) he is an "exhaustee" as defined in subsection (a) (10) of this Section, and

(2) he satisfies the requirements of this Act for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

(d) Weekly Extended Benefit Amount: The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

(e) Total Extended Benefit Amount: The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be fifty percent (50%) of the total amount of regular benefits which were payable to him under this Act in his applicable benefit year.

(f) (1) Beginning and termination of extended benefit period: Whenever an extended benefit period is to become effective in this State (or in all states) as a result of a State or a national "on" indicator, or an extended benefit period is to be terminated in this State as a result of State and national 'off' indicators, the Commission shall make a public announcement thereof in accordance with rules prescribed by the Commission.

(2) Computations required by the provisions of subsection (a) (6) of this Section shall be made by the Commission in accordance with regulations prescribed by the United States Secretary of Labor.

For Annotations and Historical Notes, see V.A.T.S.

(g) Financing:

(1) Extended benefits shall be paid from the Unemployment Compensation Fund.

(2) Payments made by the Federal Government for its share of extended benefits shall be deposited into the Unemployment Compensation Fund.

(3) Fifty percent (50%) of the extended benefit payments based on wage credits from a reimbursing employer shall be charged to the account of such employer and reimbursed by such employer in the same manner as regular benefit payments, and such payments shall not be used in determining the replenishment ratio provided for in subsection 7(c) (5) of this Act [6].

(4) Fifty percent (50%) of extended benefit payments based on wage credits from a taxed employer shall be deemed chargebacks and charged to the account of such employer and used in determining the benefit ratio of such employer unless it was determined that chargebacks were not to be made against the account of the employer when regular benefits with respect to an individual were paid. Fifty percent (50%) of extended benefit payments based on wage credits from a taxed employer (whether or not charged to an employer) shall be used in the numerator of the replenishment ratio. Chargebacks resulting from the payment of extended benefits shall be used in the denominator of the replenishment ratio.

(5) When a taxed base period employer is notified of a claim for benefits under subsection 7(c) (2) of this Act [7], such notice shall state that if the claim results in the payment of extended benefits, the maximum potential chargeback may be increased by as much as twenty-five percent (25%). No further notice of potential chargeback regarding extended benefit payments need be given to a taxed base period employer when the extended benefits are paid.

Amended by Acts 1971, 62nd Leg., p. 2735, ch. 892, § 4, eff. Jan. 2, 1972.

[1] 5 U.S.C.A. § 8501 et seq.
[2] 45 U.S.C.A. § 351 et seq.
[3] 19 U.S.C.A. § 1801 et seq.
[4] 19 U.S.C.A. § 2001 et seq.
[5] 26 U.S.C.A. (I.R.C.1954) § 3304.
[6] Article 5221b—5(c) (5).
[7] Article 5221b—5(c) (2).

Acts 1971, 62nd Leg., p. 2733, ch. 892, in sections 12 to 14 provided:

"Sec. 12. All laws or parts of laws in conflict herewith, insofar as they do conflict herewith, are hereby repealed but such repeal shall in no way be construed as forfeiting or waiving any rights of the State of Texas or of the Texas Employment Commission, which have accrued thereunder, including, without limiting or without being limited thereto, the right to collect contributions, interest, or penalties that have accrued, and the right of prosecution for violation of any provision thereof; nor shall such repeal in any way be construed as forfeiting or waiving the rights of any individual to benefits which accrued thereunder; provided that the Commission's determination of the benefit year, the benefit amount for total unemployment, and the duration of benefits made with respect to an initial claim filed prior to January 1, 1972, shall be effective for the remainder of such benefit year, and provided further, that nothing in this Section shall be construed as preventing Section 6-A of the Act from being effective on and after January 1, 1972.

"Sec. 13. If any word, phrase, sentence, paragraph, subsection or section of this Act shall be held invalid or unconstitutional, such holding shall not invalidate any other word, phrase, sentence, paragraph, subsection, or section hereof, and the Legislature hereby expressly declares that it would have passed such remaining words, phrases, sentences, paragraphs, subsections, and sections despite such invalidity.

"Sec. 14. This Act takes effect on January 1, 1972."

Art. 5221b—5. Contributions

* * * * * * * * * * *

(c) Experience rating:

(1) Each employer's contribution rate shall be two and seven-tenths percent (2.7%) until his account has been chargeable with benefits throughout each calendar month of the four (4) consecutive calendar quarters immediately preceding the date as of which such employer's rate is determined. The contribution rate of each employer who has had at last four (4) such calendar quarters of compensation experience shall be determined as provided below; except that the contribution rate of any employing unit which becomes an employer for the first time during the calendar year 1972, other than one which first becomes an employer because of the provisions of subsection 19(f) (2) of this Act [1], shall be one percent (1%) rather than two and seven-tenths percent (2.7%) until such time as his account has been chargeable with benefits for four (4) consecutive calendar quarters and an experience rate is computed for him in accordance with this Act.

* * * * * * * * * * *

(4) The benefit ratio of each employer shall be a percentage equal to the total of his chargebacks for the thirty-six (36) consecutive completed calendar months immediately preceding the date as of which the employer's tax rate is determined divided by his total taxable wages for the same months on which contributions have been paid to the Commission on or before the last day of the month in which the computation date occurs; provided that, in the event the employer has less than three (3) years but at least four (4) calendar quarters of compensation experience throughout which his account has been chargeable with benefits, his benefit ratio shall be a percentage equal to the total of all of his chargebacks for all completed calendar months immediately preceding the date as of which such employer's tax rate is determined divided by his total taxable wages for the same months on which contributions have been paid to the Commission on or before the last day of the month in which the computation date occurs.

(5) The replenishment ratio for a calendar year is a quotient, stated to the nearest hundredth, derived from the following numerator and denominator.

The numerator of the replenishment ratio shall be the total amount of benefits paid from the Unemployment Compensation Fund during the twelve (12) months ending September 30, of the preceding year, that are based on wage credits from taxed employers, less for the same period:

(A) the total amount of refunds of regular benefits that were based on wage credits from taxed employers and fifty percent (50%) of the refunds of extended benefits that were based on wage credits from taxed employers, and

(B) the total amount of regular benefit warrants canceled that were based on wage credits from taxed employers and fifty percent (50%) of the extended benefit warrants canceled that were based on wage credits from taxed employers, and

(C) fifty percent (50%) of the extended benefits paid that were based on wage credits from taxed employers.

The denominator of the replenishment ratio shall be the total amount of chargebacks to the accounts of all taxed employers during the twelve (12) months ending September 30, of the preceding year.

The replenishment ratio for each calendar year shall be determined prior to the due date of the first contribution payment with respect to wages for employment paid in that year and such replenishment ratio thus determined shall not be affected or revised by virtue of any subsequent adjustment of any chargebacks of any employer.

For Annotations and Historical Notes, see V.A.T.S.

(6) The tax rate for each rated employer shall be in accordance with the following table based upon the replenishment ratio and his benefit ratio:

When the Replenishment Ratio is	If the Employer's Benefit Ratio percentage does not exceed:								
1.00	0.10	0.20	0.30	0.40	0.50	0.60	0.70	0.80	0.90
...									
1.20	0.08	0.16	0.25	0.33	0.41	0.50	0.58	0.66	0.75
1.21	0.08	0.16	0.24	0.33	0.41	0.49	0.57	0.66	0.74
1.22	0.08	0.16	0.24	0.32	0.40	0.49	0.57	0.65	0.73
1.23	0.08	0.16	0.24	0.32	0.40	0.48	0.56	0.65	0.73
1.24	0.08	0.16	0.24	0.32	0.40	0.48	0.56	0.64	0.72
1.25	0.08	0.16	0.24	0.32	0.40	0.48	0.56	0.64	0.72
1.26	0.07	0.15	0.23	0.31	0.39	0.47	0.55	0.63	0.71
1.27	0.07	0.15	0.23	0.31	0.39	0.47	0.55	0.62	0.70
1.28	0.07	0.15	0.23	0.31	0.39	0.46	0.54	0.62	0.70
1.29	0.07	0.15	0.23	0.31	0.38	0.46	0.54	0.62	0.69
1.30	0.07	0.15	0.23	0.30	0.38	0.46	0.53	0.61	0.69
1.31	0.07	0.15	0.22	0.30	0.38	0.45	0.53	0.61	0.68
1.32	0.07	0.15	0.22	0.30	0.37	0.45	0.53	0.60	0.68
1.33	0.07	0.15	0.22	0.30	0.37	0.45	0.53	0.60	0.67
1.34	0.07	0.14	0.22	0.29	0.37	0.44	0.52	0.59	0.67
1.35	0.07	0.14	0.22	0.29	0.37	0.44	0.51	0.59	0.66
1.36	0.07	0.14	0.22	0.29	0.36	0.44	0.51	0.58	0.66
1.37	0.07	0.14	0.21	0.29	0.36	0.43	0.51	0.58	0.65
1.38	0.07	0.14	0.21	0.28	0.36	0.43	0.50	0.57	0.65
1.39	0.07	0.14	0.21	0.28	0.35	0.43	0.50	0.57	0.64
1.40	0.07	0.14	0.21	0.28	0.35	0.42	0.50	0.57	0.64
1.41	0.07	0.14	0.21	0.28	0.35	0.42	0.49	0.56	0.63

When the Replenishment Ratio is	If the Employer's Benefit Ratio percentage does not exceed:								
1.00	0.10	0.20	0.30	0.40	0.50	0.60	0.70	0.80	0.90
...									
1.42	0.07	0.14	0.21	0.28	0.35	0.42	0.49	0.56	0.63
1.43	0.06	0.13	0.20	0.27	0.34	0.41	0.48	0.55	0.62
1.44	0.06	0.13	0.20	0.27	0.34	0.41	0.48	0.55	0.62
1.45	0.06	0.13	0.20	0.27	0.34	0.41	0.48	0.55	0.62
1.46	0.06	0.13	0.20	0.27	0.34	0.41	0.47	0.54	0.62
1.47	0.06	0.13	0.20	0.27	0.34	0.40	0.47	0.54	0.61
1.48	0.06	0.13	0.20	0.27	0.33	0.40	0.47	0.54	0.60
1.49	0.06	0.13	0.20	0.26	0.33	0.40	0.46	0.53	0.60
1.50	0.06	0.13	0.20	0.26	0.33	0.40	0.46	0.53	0.60
1.51	0.06	0.13	0.19	0.26	0.33	0.39	0.46	0.52	0.59
1.52	0.06	0.13	0.19	0.26	0.32	0.39	0.46	0.52	0.59
1.53	0.06	0.13	0.19	0.26	0.32	0.39	0.45	0.52	0.58
1.54	0.06	0.12	0.19	0.25	0.32	0.38	0.45	0.51	0.58
1.55	0.06	0.12	0.19	0.25	0.32	0.38	0.45	0.51	0.58
1.56	0.06	0.12	0.19	0.25	0.32	0.38	0.44	0.51	0.57
1.57	0.06	0.12	0.19	0.25	0.31	0.38	0.44	0.50	0.57
1.58	0.06	0.12	0.18	0.25	0.31	0.37	0.44	0.50	0.56
1.59	0.06	0.12	0.18	0.25	0.31	0.37	0.44	0.50	0.56
1.60	0.06	0.12	0.18	0.25	0.31	0.37	0.43	0.50	0.56
...									
...									

The Employer's Tax Rate Shall Be:									
	0.1%	0.2%	0.3%	0.4%	0.5%	0.6%	0.7%	0.8%	0.9%

When the Replenishment Ratio is	If the Employer's Benefit Ratio percentage does not exceeed:								
1.00	1.00	1.10	1.20	1.30	1.40	1.50	1.60	1.70	1.80
...									
1.20	0.83	0.91	1.00	1.08	1.16	1.25	1.33	1.41	1.50
1.21	0.82	0.90	0.99	1.07	1.15	1.23	1.32	1.40	1.48
1.22	0.81	0.90	0.98	1.06	1.14	1.22	1.31	1.39	1.47
1.23	0.81	0.89	0.97	1.05	1.13	1.21	1.30	1.38	1.46
1.24	0.80	0.88	0.96	1.04	1.12	1.20	1.29	1.37	1.45
1.25	0.80	0.88	0.96	1.04	1.12	1.20	1.28	1.36	1.44
1.26	0.79	0.87	0.95	1.03	1.11	1.19	1.26	1.34	1.42
1.27	0.78	0.86	0.94	1.02	1.10	1.18	1.25	1.33	1.41
1.28	0.78	0.85	0.93	1.01	1.09	1.17	1.25	1.32	1.40
1.29	0.77	0.85	0.93	1.00	1.08	1.16	1.24	1.31	1.39
1.30	0.76	0.84	0.92	1.00	1.07	1.15	1.23	1.30	1.38
1.31	0.76	0.83	0.91	0.99	1.06	1.14	1.22	1.29	1.37
1.32	0.75	0.83	0.90	0.98	1.06	1.13	1.21	1.28	1.36
1.33	0.75	0.82	0.90	0.97	1.05	1.12	1.20	1.27	1.35
1.34	0.74	0.82	0.89	0.97	1.04	1.12	1.19	1.26	1.34
1.35	0.74	0.81	0.88	0.96	1.03	1.11	1.18	1.25	1.33
1.36	0.73	0.80	0.88	0.95	1.02	1.10	1.17	1.25	1.32
1.37	0.72	0.80	0.87	0.95	1.02	1.09	1.16	1.24	1.31
1.38	0.72	0.79	0.86	0.94	1.01	1.08	1.15	1.23	1.30
1.39	0.71	0.79	0.86	0.93	1.01	1.08	1.15	1.22	1.29
1.40	0.71	0.78	0.85	0.93	1.00	1.07	1.14	1.21	1.28
1.41	0.70	0.78	0.85	0.92	0.99	1.06	1.13	1.20	1.27
1.42	0.70	0.77	0.84	0.91	0.98	1.05	1.12	1.19	1.26
1.43	0.69	0.76	0.84	0.91	0.97	1.04	1.11	1.18	1.25
1.44	0.69	0.76	0.83	0.90	0.97	1.04	1.11	1.18	1.25
1.45	0.68	0.76	0.82	0.89	0.96	1.03	1.10	1.17	1.24
1.46	0.68	0.75	0.82	0.89	0.95	1.02	1.09	1.16	1.23
1.47	0.68	0.74	0.81	0.88	0.95	1.02	1.08	1.15	1.22
1.48	0.67	0.74	0.81	0.87	0.94	1.01	1.08	1.14	1.21
1.49	0.67	0.73	0.80	0.87	0.93	1.00	1.07	1.14	1.20
1.50	0.66	0.73	0.80	0.86	0.93	1.00	1.06	1.13	1.20

When the Replenishment Ratio is	If the Employer's Benefit Ratio percentage does not exceed:								
1.00	1.00	1.10	1.20	1.30	1.40	1.50	1.60	1.70	1.80
...									
1.51	0.66	0.72	0.79	0.86	0.92	0.99	1.05	1.12	1.19
1.52	0.65	0.72	0.78	0.85	0.92	0.98	1.05	1.11	1.18
1.53	0.65	0.71	0.78	0.84	0.91	0.98	1.04	1.11	1.17
1.54	0.64	0.71	0.77	0.84	0.90	0.97	1.03	1.10	1.16
1.55	0.64	0.70	0.77	0.83	0.90	0.96	1.03	1.09	1.16
1.56	0.64	0.70	0.76	0.83	0.89	0.96	1.02	1.08	1.15
1.57	0.63	0.70	0.76	0.82	0.89	0.95	1.01	1.08	1.14
1.58	0.63	0.69	0.75	0.82	0.88	0.94	1.01	1.07	1.13
1.59	0.62	0.69	0.75	0.81	0.88	0.94	1.00	1.06	1.13
1.60	0.62	0.68	0.75	0.81	0.87	0.93	1.00	1.06	1.12
...									
...									

The Employer's Tax Rate Shall Be:									
	1.0%	1.1%	1.2%	1.3%	1.4%	1.5%	1.6%	1.7%	1.8%

For Annotations and Historical Notes, see V.A.T.S.

When the Replenishment Ratio is	If the Employer's Benefit Ratio percentage does not exceed:								
1.00	1.90	2.00	2.10	2.20	2.30	2.40	2.50	2.60	2.70
...									
1.20	1.58	1.66	1.75	1.83	1.91	2.00	2.08	2.16	2.25
1.21	1.57	1.65	1.73	1.81	1.90	1.98	2.06	2.14	2.23
1.22	1.55	1.63	1.72	1.80	1.88	1.96	2.04	2.13	2.21
1.23	1.54	1.62	1.70	1.78	1.86	1.95	2.03	2.11	2.19
1.24	1.53	1.61	1.69	1.77	1.85	1.93	2.01	2.09	2.17
1.25	1.52	1.60	1.68	1.76	1.84	1.92	2.00	2.08	2.16
1.26	1.50	1.58	1.66	1.74	1.82	1.90	1.98	2.06	2.14
1.27	1.49	1.57	1.65	1.73	1.81	1.88	1.96	2.04	2.12
1.28	1.48	1.56	1.64	1.71	1.79	1.87	1.95	2.03	2.10
1.29	1.47	1.55	1.62	1.70	1.78	1.86	1.93	2.01	2.09
1.30	1.46	1.53	1.61	1.69	1.76	1.84	1.92	2.00	2.07
1.31	1.45	1.52	1.60	1.67	1.75	1.83	1.90	1.98	2.06
1.32	1.43	1.51	1.59	1.66	1.74	1.81	1.89	1.96	2.04
1.33	1.42	1.50	1.57	1.65	1.72	1.80	1.87	1.95	2.03
1.34	1.41	1.49	1.56	1.64	1.71	1.79	1.86	1.94	2.01
1.35	1.40	1.48	1.55	1.62	1.70	1.77	1.85	1.92	2.00
1.36	1.39	1.47	1.54	1.61	1.69	1.76	1.83	1.91	1.98
1.37	1.38	1.45	1.53	1.60	1.67	1.75	1.82	1.89	1.97
1.38	1.37	1.44	1.52	1.59	1.66	1.73	1.81	1.88	1.95
1.39	1.36	1.43	1.51	1.58	1.65	1.72	1.79	1.87	1.94
1.40	1.36	1.43	1.50	1.57	1.64	1.71	1.78	1.85	1.92
1.41	1.34	1.41	1.48	1.56	1.63	1.70	1.77	1.84	1.91
1.42	1.33	1.40	1.47	1.54	1.61	1.69	1.76	1.83	1.90
1.43	1.32	1.39	1.46	1.53	1.60	1.67	1.74	1.81	1.88
1.44	1.31	1.38	1.45	1.52	1.59	1.66	1.73	1.80	1.87
1.45	1.31	1.37	1.44	1.51	1.58	1.65	1.72	1.79	1.86
1.46	1.30	1.36	1.43	1.50	1.57	1.64	1.71	1.78	1.84
1.47	1.29	1.36	1.42	1.49	1.56	1.63	1.70	1.76	1.83
1.48	1.28	1.35	1.41	1.48	1.55	1.62	1.68	1.75	1.82
1.49	1.27	1.34	1.40	1.47	1.54	1.61	1.67	1.74	1.81
1.50	1.26	1.33	1.40	1.46	1.53	1.60	1.66	1.73	1.80
1.51	1.25	1.32	1.39	1.45	1.52	1.58	1.65	1.72	1.78
1.52	1.25	1.31	1.38	1.44	1.51	1.57	1.64	1.71	1.77
1.53	1.24	1.30	1.37	1.43	1.50	1.56	1.63	1.69	1.76
1.54	1.23	1.29	1.36	1.42	1.49	1.55	1.62	1.68	1.75
1.55	1.22	1.29	1.35	1.41	1.48	1.54	1.61	1.67	1.74
1.56	1.21	1.28	1.34	1.41	1.47	1.53	1.60	1.66	1.73
1.57	1.21	1.27	1.33	1.40	1.46	1.52	1.59	1.65	1.71
1.58	1.20	1.26	1.32	1.39	1.45	1.51	1.58	1.64	1.70

When the Replenishment Ratio is	If the Employer's Benefit Ratio percentage does not exceed:								
1.00	1.90	2.00	2.10	2.20	2.30	2.40	2.50	2.60	2.70
...									
1.59	1.19	1.25	1.32	1.38	1.44	1.50	1.57	1.63	1.69
1.60	1.18	1.25	1.31	1.37	1.43	1.50	1.56	1.62	1.68
...									
...									

The Employer's Tax Rate Shall Be:								
1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%

When the Replenishment Ratio is	If the Employer's Benefit Ratio percentage does not exceed:								
1.00	2.80	2.90	3.00	3.10	3.20	3.30	3.40	3.50	3.60
...									
1.20	2.33	2.41	2.50	2.58	2.66	2.75	2.83	2.91	3.00
1.21	2.31	2.39	2.47	2.56	2.64	2.72	2.80	2.89	2.97
1.22	2.29	2.37	2.45	2.54	2.62	2.70	2.78	2.86	2.95
1.23	2.27	2.35	2.43	2.52	2.60	2.68	2.76	2.84	2.92
1.24	2.25	2.33	2.41	2.50	2.58	2.66	2.74	2.82	2.90
1.25	2.24	2.32	2.40	2.48	2.56	2.64	2.72	2.80	2.88
1.26	2.22	2.30	2.38	2.46	2.53	2.61	2.69	2.77	2.85
1.27	2.20	2.28	2.36	2.44	2.51	2.59	2.67	2.75	2.83
1.28	2.18	2.26	2.34	2.42	2.50	2.57	2.65	2.73	2.81
1.29	2.17	2.24	2.32	2.40	2.48	2.55	2.63	2.71	2.79
1.30	2.15	2.23	2.30	2.38	2.46	2.53	2.61	2.69	2.76
1.31	2.13	2.21	2.29	2.36	2.44	2.51	2.59	2.67	2.74
1.32	2.12	2.19	2.27	2.34	2.42	2.50	2.57	2.65	2.72
1.33	2.11	2.18	2.25	2.33	2.40	2.48	2.55	2.63	2.70
1.34	2.08	2.16	2.23	2.31	2.38	2.46	2.53	2.61	2.68
1.35	2.07	2.14	2.22	2.29	2.37	2.44	2.51	2.59	2.66
1.36	2.05	2.13	2.20	2.27	2.35	2.42	2.50	2.57	2.64
1.37	2.04	2.11	2.18	2.26	2.33	2.40	2.48	2.55	2.62
1.38	2.02	2.10	2.17	2.24	2.31	2.39	2.46	2.53	2.60
1.39	2.01	2.08	2.15	2.23	2.30	2.37	2.44	2.51	2.58
1.40	2.00	2.07	2.14	2.21	2.28	2.35	2.42	2.50	2.57
1.41	1.98	2.05	2.12	2.19	2.26	2.34	2.41	2.48	2.55
1.42	1.97	2.04	2.11	2.18	2.25	2.32	2.39	2.46	2.53
1.43	1.95	2.02	2.09	2.16	2.23	2.30	2.37	2.44	2.51
1.44	1.94	2.01	2.08	2.15	2.22	2.29	2.36	2.43	2.50
1.45	1.93	2.00	2.06	2.13	2.20	2.27	2.34	2.41	2.48
1.46	1.91	1.98	2.05	2.12	2.19	2.26	2.32	2.39	2.46
1.47	1.90	1.97	2.04	2.10	2.17	2.24	2.31	2.38	2.44
1.48	1.89	1.95	2.02	2.09	2.16	2.22	2.29	2.36	2.43
1.49	1.87	1.94	2.01	2.08	2.14	2.21	2.28	2.34	2.41
1.50	1.86	1.93	2.00	2.06	2.13	2.20	2.26	2.33	2.40
1.51	1.85	1.92	1.98	2.05	2.11	2.18	2.25	2.31	2.38
1.52	1.84	1.90	1.97	2.03	2.10	2.17	2.23	2.30	2.36
1.53	1.83	1.89	1.96	2.02	2.09	2.15	2.22	2.28	2.35
1.54	1.81	1.88	1.94	2.01	2.07	2.14	2.20	2.27	2.33
1.55	1.80	1.87	1.93	2.00	2.06	2.12	2.19	2.25	2.32
1.56	1.79	1.85	1.92	1.98	2.05	2.11	2.17	2.24	2.30
1.57	1.78	1.84	1.91	1.97	2.03	2.10	2.16	2.22	2.29
1.58	1.77	1.83	1.89	1.96	2.02	2.08	2.15	2.21	2.27
1.59	1.76	1.82	1.88	1.94	2.01	2.07	2.13	2.20	2.26
1.60	1.75	1.81	1.87	1.93	2.00	2.06	2.12	2.18	2.25
...									
...									
The Employer's Tax Rate Shall Be:	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%	3.4%	3.5%	3.6%

For Annotations and Historical Notes, see V.A.T.S.

When the Replenishment Ratio is	If the Employer's Benefit Ratio percentage does not exceed:								
1.00	3.70	3.80	3.90	4.00	4.10	4.20	4.30	4.40	4.50
...									
1.20	3.08	3.16	3.25	3.33	3.41	3.50	3.58	3.66	3.75
1.21	3.05	3.14	3.22	3.30	3.38	3.47	3.55	3.63	3.71
1.22	3.03	3.11	3.19	3.27	3.36	3.44	3.52	3.60	3.68
1.23	3.00	3.08	3.17	3.25	3.33	3.41	3.49	3.57	3.65
1.24	2.98	3.06	3.14	3.22	3.30	3.38	3.46	3.54	3.62
1.25	2.96	3.04	3.12	3.20	3.28	3.36	3.44	3.52	3.60
1.26	2.93	3.01	3.09	3.17	3.25	3.33	3.41	3.49	3.57
1.27	2.91	2.99	3.07	3.14	3.22	3.30	3.38	3.46	3.54
1.28	2.89	2.96	3.04	3.12	3.20	3.28	3.35	3.43	3.51
1.29	2.86	2.94	3.02	3.10	3.17	3.25	3.33	3.41	3.48
1.30	2.84	2.92	3.00	3.07	3.15	3.23	3.30	3.38	3.46
1.31	2.82	2.90	2.97	3.05	3.12	3.20	3.28	3.35	3.43
1.32	2.80	2.87	2.95	3.03	3.10	3.18	3.25	3.33	3.40
1.33	2.78	2.85	2.93	3.00	3.08	3.15	3.23	3.30	3.38
1.34	2.76	2.83	2.91	2.98	3.05	3.13	3.20	3.28	3.35
1.35	2.74	2.81	2.88	2.96	3.03	3.11	3.18	3.25	3.33
1.36	2.72	2.79	2.86	2.94	3.01	3.08	3.16	3.23	3.30
1.37	2.70	2.77	2.84	2.91	2.99	3.06	3.13	3.21	3.28
1.38	2.68	2.75	2.82	2.89	2.97	3.04	3.11	3.18	3.26
1.39	2.66	2.73	2.80	2.87	2.94	3.02	3.09	3.16	3.23
1.40	2.64	2.71	2.78	2.85	2.92	3.00	3.07	3.14	3.21
1.41	2.62	2.69	2.76	2.83	2.90	2.97	3.04	3.12	3.19
1.42	2.60	2.67	2.74	2.81	2.88	2.95	3.02	3.09	3.16
1.43	2.58	2.65	2.72	2.79	2.86	2.93	3.00	3.07	3.14
1.44	2.56	2.63	2.70	2.77	2.84	2.91	2.98	3.05	3.12
1.45	2.55	2.62	2.68	2.75	2.82	2.89	2.96	3.03	3.10
1.46	2.53	2.60	2.67	2.73	2.80	2.87	2.94	3.01	3.08
1.47	2.51	2.58	2.65	2.72	2.78	2.85	2.92	2.99	3.06
1.48	2.50	2.56	2.63	2.70	2.77	2.83	2.90	2.97	3.04
1.49	2.48	2.55	2.61	2.68	2.75	2.81	2.88	2.95	3.02
1.50	2.46	2.53	2.60	2.66	2.73	2.80	2.86	2.93	3.00
1.51	2.45	2.51	2.58	2.64	2.71	2.78	2.84	2.91	2.98
1.52	2.43	2.50	2.56	2.63	2.69	2.76	2.82	2.89	2.96
1.53	2.41	2.48	2.54	2.61	2.67	2.74	2.81	2.87	2.94
1.54	2.40	2.46	2.53	2.59	2.66	2.72	2.79	2.85	2.92
1.55	2.38	2.45	2.51	2.58	2.64	2.70	2.77	2.83	2.90
1.56	2.37	2.43	2.50	2.56	2.62	2.69	2.75	2.82	2.88
1.57	2.35	2.42	2.48	2.54	2.61	2.67	2.73	2.80	2.86
1.58	2.34	2.40	2.46	2.53	2.59	2.65	2.72	2.78	2.84
1.59	2.32	2.38	2.45	2.51	2.57	2.64	2.70	2.76	2.83
1.60	2.31	2.37	2.43	2.50	2.56	2.62	2.68	2.75	2.81
...									
...									
The Employer's Tax Rate Shall Be:	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%

The Commission is authorized to extend the foregoing table by supplying additional replenishment ratios and by supplying additional employer benefit ratios using the same mathematical principles used in constructing said table.

Provided, that when the amount in the Unemployment Compensation Fund on the October 1 computation date immediately preceding the calendar year for which rates are being computed is in excess of the ceiling hereinafter defined, a reduction in the tax rate shown on the foregoing table, or as it may be extended, by one-tenth of one percent (1/10 of 1%) for each Five Million Dollars ($5,000,000) or fraction thereof by which the amount in the Unemployment Compensation Fund is in excess of the ceiling shall be granted to each employer entitled to an experience tax rate, provided that no employer shall receive a tax

rate reduction greater than two and two-tenths percent (2.2%) under this provision; provided further, notwithstanding the foregoing provisions, that no employer shall be permitted to pay contributions at a rate less than one-tenth of one percent (1/10 of 1%) and that no employer shall be required to pay contributions at a rate greater than four percent (4%) except as hereinafter provided. When the amount in the Unemployment Compensation Fund on the October 1 computation date immediately preceding the calendar year for which rates are being computed is less than Two Hundred Twenty-five Million Dollars ($225,000,000), an increase in the tax rate by one-tenth of one percent (1/10 of 1%) for each Five Million Dollars ($5,000,000) or fraction thereof by which the amount in the Unemployment Compensation Fund is less than Two Hundred Twenty-five Million Dollars ($225,000,000) shall be applied to the tax rate of each employer eligible for an experience tax rate, including any employer whose tax rate would otherwise be limited to four percent (4%).

The ceiling for the Unemployment Compensation Fund referred to in the preceding paragraph shall be Three Hundred Five Million Dollars ($305,000,000) for the computation date of October 1, 1972, and shall be increased by Five Million Dollars ($5,000,000) to Three Hundred Ten Million Dollars ($310,000,000) for the computation date of October 1, 1973, and shall be increased by Five Million Dollars ($5,000,000) for the computation date of each succeeding year until it reaches Three Hundred Twenty-five Million Dollars ($325,000,000) for the computation date of October 1, 1976, and it shall remain at Three Hundred Twenty-five Million Dollars ($325,000,000) for each computation date thereafter.

* * * * * * * * * * *

Subsec. (c) (1) amended by Acts 1971, 62nd Leg., p. 2738, ch. 892, § 5, eff. Jan. 1, 1972; Subsec. (c) (4), amended by Acts 1971, 62nd Leg., p. 2777, ch. 900, § 2, eff. Jan. 1, 1972, Subsec. (c) (5) amended by Acts 1971, 62nd Leg., p. 2738, ch. 892, § 5, Subsec. (c) (6) amended by Acts 1971, 62nd Leg., p. 2778, ch. 900, § 2, eff. Jan. 1, 1972.

[1] Article 5221b—17(f) (2).

Art. 5221b—5a. Reimbursements

(a) Reimbursing Employers: Payments in lieu of contributions shall be made in accordance with the provisions of this Section. An employer making payments in accordance with this Section shall be referred to as a "reimbursing employer" and such payments shall be referred to as "reimbursements."

(b) Payments by a Reimbursing Employer: At the end of each calendar quarter the Commission shall bill each reimbursing employer for an amount equal to the amount of the regular benefits plus one-half (½) of the amount of the extended benefits paid during such quarter which are attributable to service in the employ of such employer, and reimbursements shall be paid by the reimbursing employer to the Commission for the fund in accordance with such rules as the Commission may prescribe.

(c) Allocation of Benefit Costs: Each employer that is liable for reimbursements shall pay to the Commission for the fund the amount of the regular benefits plus the amount of one-half (½) of the extended benefits paid which are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one (1) employer and one (1) or more of such employers are liable for reimbursements, the amount payable to the fund by each such employer that is liable for reimbursements shall be determined in accordance with the provisions of the following subparagraph (1) or subparagraph (2):

(1) Proportionate Allocation (When Fewer Than All Base Period Employers Are Liable for Reimbursements): If benefits paid to an indi-

For Annotations and Historical Notes, see V.A.T.S.

vidual are based on wage credits paid by one (1) or more employers who are liable for reimbursements and on wage credits paid by one (1) or more employers who are liable for contributions, the amount of reimbursement payable by each employer that is liable for reimbursements shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wage credits paid to the individual by such employer bears to the total base period wage credits paid to the individual by all of his base period employers.

(2) Proportionate Allocation (When All Base Period Employers Are Liable for Reimbursement): If benefits paid to an individual are based on wages paid by two (2) or more employers that are liable for reimbursements, the amount of reimbursement payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wage credits paid to the individual by such employer bears to the total base period wage credits paid to the individual by all of his base period employers.

(d) Records and Reports: Reimbursing employers shall maintain records and submit reports in accordance with subsection 11(e) of the Act [1] and rules prescribed by the Commission.

(e) Collections: If any reimbursing employer shall fail to pay reimbursements due under this Act on the date on which they are due and payable, as prescribed by the Commission, or if any such employer shall fail to submit records and reports as prescribed by the Commission, such employer shall be subject to the provisions set forth in Section 14 of this Act [2]; provided, that where Section 14 refers to contributions due from employers such Section shall be regarded as also referring to reimbursements due from reimbursing employers.

(f) Waiver of Rights: Reimbursing employers are entitled to the rights and privileges and subject to the duties and responsibilities of all provisions of this Act except the provisions of Section 7 [3]. Section 7 shall be inapplicable to reimbursing employers (except where specifically mentioned therein) and an election to become a reimbursing employer shall constitute a waiver of the rights afforded under Section 7 of the Act.

(g) Continued Liability: All regular benefits paid and one-half (½) of extended benefits paid which are attributable to service in the employ of a reimbursing employer during the period for which he elected reimbursement pursuant to Section 8 [4] shall be reimbursed by the employer even though the employer may no longer be a reimbursing employer when the benefit payments are made.

(h) Group Accounts: Two (2) or more reimbursing employers may file a joint application with the Commission for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purpose of this paragraph. Upon approval of the application, the Commission shall establish a group account for such employers effective as of the beginning of the calendar quarter in which the Commission received the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than two (2) years and thereafter until terminated at the discretion of the Commission or upon application by the group, and such termination shall be effective only at the beginning of the next calendar year. Upon establishment of the account, each member of the group shall be liable for reimbursements with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bears to the total wages paid during such quarter for service performed in the employ of all members of the group. Each member of the group shall keep true

and accurate employment records and submit such reports as the Commission may require with respect to persons employed by such member. The Commission shall prescribe such rules as may be necessary with respect to the type of records to be kept by and reports to be submitted by groups of employers, applications for the establishment, maintenance and termination of group accounts that are authorized by this paragraph, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts of reimbursements that are payable under this paragraph by members of the group and the time and manner of such payments.

(i) Authority to Terminate Elections: If any nonprofit organization is delinquent in making reimbursements as provided under this Section, the Commission may terminate such organization's election to make reimbursements as of the beginning of the next taxable year and such termination shall be effective for that and the succeeding taxable year.

(j) Bond: In the discretion of the Commission, any nonprofit organization (or group of such organizations) that elects to become liable for reimbursements may be required to execute and file with the Commission a surety bond approved by the Commission. The amount of such bond shall be determined in accordance with rules prescribed by the Commission. The Commission may require adjustments to be made in a previously filed bond if it deems such action appropriate. Failure by any organization covered by such bond to pay the full amount of reimbursements when due, together with any applicable interest and penalties provided for under this Act, shall render the surety liable on such bond to the extent of the bond, as though the surety was such organization. If any nonprofit organization fails to make bond when directed to do so by the Commission, the Commission may terminate such employer's election to make reimbursements as of the beginning of the next taxable year and such termination shall be effective for that and the succeeding taxable year.

(k) Additional Safeguards: The Commission is authorized to provide such additional safeguards as may be needed to ensure that reimbursing employers pay the reimbursements required under this Section.

(*l*) Benefit Payments: Benefits based upon wages earned from a reimbursing employer shall be paid from the fund, but such benefits paid and reimbursements for such benefits shall not be used in computing the replenishment ratio provided for in subsection 7(c) (5) of this Act [5].

Acts 1936, 44th Leg., 3rd C.S., p. 1993, ch. 482, § 7–A, added by Acts 1971, 62nd Leg., p. 2738, ch. 892, § 6, eff. Jan. 1, 1972.

[1] Article 5221b—9(e).
[2] Article 5221b—12.
[3] Article 5221b—5.
[4] Article 5221b—6.
[5] Article 5221b—5(c) (5).

Art. 5221b—6. Duration of coverage and elections

(a) Any employing unit which is or becomes an employer subject to this Act within any calendar year shall be subject to this Act during the whole of such calendar year.

(b) (1) A nonprofit organization (or group of organizations) as described in Section 501(c) (3) of the Internal Revenue Code of 1954 [1] which is exempt from income tax under Section 501(a) of such Code [2] and is subject to this Act may file an election to pay reimbursements as provided in Section 7–A of this Act [3] in lieu of paying contributions as provided in Section 7 of this Act.[4] Such election shall be made within forty-five (45) days after the date notice is mailed to the employer that he is subject to the provisions of this Act. The election will be effective January 1 of the year in which the employer became subject to this Act and such election shall be for a minimum period of two (2) calendar years and cannot

be terminated prior to that time, except as provided in subsections 7–A(i) and 7–A(j) of this Act.[5] An election may be withdrawn by a written application by the employer filed with the Commission not later than thirty (30) days prior to the beginning of the year with respect to which the employer wishes to change his method of payment. Thereafter, there must again be a minimum of two (2) calendar years and a timely application filed before the method of payment may again be changed.

An election to pay reimbursements in lieu of paying contributions will be terminated at any time coverage is terminated under this Act. An employer whose election has been terminated as the result of termination of coverage shall upon again becoming an employer subject to this Act be given an opportunity to file another election to pay reimbursements in lieu of paying contributions under the same terms and conditions described above.

(2) The State of Texas, a branch or department thereof, or an instrumentality thereof may voluntarily elect (except with respect to a State hospital or a State institution of higher education) coverage as a subject employer for a period of not less than two (2) calendar years and shall for the same period file an election to pay reimbursements for benefits paid as provided in Section 7–A of this Act or to pay contributions as provided in Section 7 of this Act.

(3) A political subdivision of the State of Texas may voluntarily elect coverage for not less than two (2) calendar years and such election may be made with respect to (A) all services performed for the political subdivision, or (B) all services performed for all institutions of higher education and all hospitals operated by the political subdivision, or (C) all services performed for one (1) or more separate parts or divisions of the political subdivision; and, if such election is made, the employer shall pay reimbursements for benefits as provided in Section 7–A of this Act.

(4) All elections under subsections 8(b) (2) and 8(b) (3) of this Act may be terminated after the minimum required period by filing with the Commission a written request for termination not later than thirty (30) days preceding the last day of a calendar year, and such termination shall be effective January 1 of the following year.

(5) Any employing unit other than one to which subsection 8(b) (1), 8(b) (2), or 8(b) (3) of this Act is applicable, not otherwise subject to this Act, may voluntarily elect coverage as an employer subject to this Act for a period of not less than two (2) calendar years and shall with the written approval of such election by the Commission become an employer subject hereto to the same extent as all other employers as of the date stated in such approval.

(6) Any employing unit for which services that do not constitute employment as defined in this Act are performed may file with the Commission a written election that all such services performed by individuals in its employ in one (1) or more distinct establishments or places of business shall be deemed to constitute employment for all purposes of this Act for not less than two (2) calendar years. Upon the written approval of such election by the Commission, such services shall be deemed to constitute employment subject to this Act from and after the date stated in such approval and during the period of the election.

(c) (1) No employing unit shall cease to be an employer subject to this Act except as of the first day of January of any calendar year, and only then if such employer files with the Commission, within the period from January 1 through March 31 of such year, a written application for termination of coverage, and the Commission finds that there were no twenty (20) different days within the preceding calendar year, each day being in a different calendar week, during each of which days such employing unit employed one (1) or more individuals in employment subject to this Act and that said employer did not pay any wages in any quarter of the preceding year in the total amount of One Thousand Five Hundred

Dollars ($1,500) or more; provided, that, if the employing unit is an employer subject to this Act under subsection 19(f) (3),[6] the phrase 'four (4) or more individuals' shall be substituted for the phrase 'one (1) or more individuals' in this subparagraph; and provided further, that this subsection has no applicability to an employer subject to this Act under subsection 19(f) (6).[7]

(2) Regardless of whether or not an application for termination of coverage has been filed, an employing unit shall cease to be an employer subject to this Act as of the first day of January of any year if the Commission finds that the employing unit has not had any individuals in employment on any one (1) or more days within the three (3) immediately preceding consecutive calendar years.

(d) Any employing unit which is or becomes an employer subject to this Act, and which under the provisions of this Section ceases to be an employer subject to this Act, and subsequent to such time again becomes an employer subject to this Act by reason of any of the provisions thereof, shall upon again becoming an employer subject to this Act be considered a new employer without regard to any rights acquired by it during the time that it had theretofore been an employer.

Amended by Acts 1971, 62nd Leg., p. 2741, ch. 892, § 7, eff. Jan. 1, 1972.

[1] 26 U.S.C.A. (I.R.C.1954) § 501(c) (3).
[2] 26 U.S.C.A. (I.R.C.1954) § 501(a).
[3] Article 5221b—5a.
[4] Article 5221b—5.
[5] Article 5221b—5a(i), (j).
[6] Article 5221b—17(f) (3).
[7] Article 5221b—17(f) (6).

Art. 5221b—13. Protection of rights and benefits

(a) Waiver of Rights Void: No agreement by an individual to waive, release, or commute his rights to benefits or any other rights under this Act shall be valid, except that an employer's waiver under the terms of subsections 7(c) (7) [1] or 7–A(f) [2] of this Act shall be valid. No agreement by any individual in the employ of any person or concern to pay all or any portion of an employer's contributions or reimbursements, required under this Act from such employer, shall be valid. No employer shall directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions or reimbursements required from him or require or accept any waiver of any right hereunder by any individual in his employ. Any employer or officer or agent of an employer who violates any provision of this subsection shall, for each offense, be fined not less than One Hundred Dollars ($100) nor more than One Thousand Dollars ($1,000), or be imprisoned for not more than six (6) months, or both.

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Subsec. (a) amended by Acts 1971, 62nd Leg., p. 2743, ch. 892, § 8, eff. Jan. 1, 1972.

[1] Article 5221b—5(c)7.
[2] Article 5221b—5a(f).

Art. 5221b—14. Penalties

(a) Whoever makes a false statement or representation, knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this Act or under the unemployment compensation law of any other state, or under any Act or Program of the United States administered by the Commission, either for himself or for any other person, shall be punished by fine of not less than One Hundred Dollars ($100), nor more than Five Hundred Dollars ($500), or by imprisonment for not less than thirty (30) days nor longer

than one (1) year, or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

Subsec. (a) amended by Acts 1971, 62nd Leg., p. 2783, ch. 900, § 3, eff. Jan. 1, 1972.

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Art. 5221b—15a. Reciprocal arrangements

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(b) The Commission shall participate in any arrangements for the payment of benefits on the basis of combining an individual's wages and employment covered under this Act with his wages and employment covered under the unemployment compensation laws of other states or the Federal Government, or both, which are approved by the United States Secretary of Labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of benefits in such situations and which include provisions for:

(1) Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two (2) or more state unemployment compensation laws, and

(2) Avoiding the duplicate use of wages and employment by reason of such combining.

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Subsec. (b) amended by Acts 1971, 62nd Leg., p. 2743, ch. 892, § 9, eff. Jan. 1, 1972.

Art. 5221b—17. Definitions

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(d) "Contributions" means the money payments (taxes) to the State Unemployment Compensation Fund required under Section 7 of this Act [1]. Employers who pay contributions under this Act may be referred to as "taxed employers."

* * * * * * * * * * *

(f) "Employer" means:

(1) Any employing unit, other than one to which paragraph (3) or (6) below is applicable, which during any calendar quarter in the current calendar year or the preceding calendar year paid wages of One Thousand Five Hundred Dollars ($1,500) or more, or on each of some twenty (20) days during the current calendar year or during the preceding calendar year, each day being in a different calendar week, employed at least one (1) individual in employment for some portion of the day;

(2) Any individal or employing unit which acquired the organization, trade, or business, or substantially all of the assets thereof, of another which at the time of such acquisition was an employer subject to this Act;

(3) Any employing unit which is a nonprofit organization as described in Section 501(c) (3) of the Internal Revenue Code of 1954 [2] which is exempt from income tax under Section 501(a) of such Code [3] and which on each of some twenty (20) days during the current calendar year or during the preceding calendar year, each day being in a different calendar week, employed four (4) or more individuals in employment for some portion of the day;

(4) Any employing unit which has elected to become an employer under Section 8 of this Act [4];

(5) Any employing unit which is liable for the payment of taxes under the Federal Unemployment Tax Act [5] for the current calendar year;

(6) A hospital or an institution of higher education (or a group of such organizations) located in this State and operated by this State or by this State and one (1) or more other states or by an instrumentality thereof for which services are performed which constitute employment; provided, that any such hospital or institution shall be a reimbursing employer under the provisions of Section 7–A of this Act [6];

(7) Any employing unit not an employer by reason of any other paragraph of this subsection which, as a condition for approval of this Act for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such Act, to be an "employer" under this Act.

(g) (1) "Employment" means any service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied, provided that any services performed by an individual for wages shall be deemed to be employment subject to this Act unless and until it is shown to the satisfaction of the Commission that such individual has been and will continue to be free from control or direction over the performance of such services both under his contract of service and in fact. The term "employment" shall include but shall not be limited to:

(A) The services of any individual who performs services for remuneration for any person as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry cleaning services for his principal; and

(B) The services of a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis on the solicitation on behalf of, and the transmission to, his principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations;

(C) Paragraphs (A) and (B) above are applicable if the contract of service contemplates that substantially all of such services are to be performed personally by such individual; except that services of an individual shall not be included in the term 'employment' under the provisions of this paragraph if such individual has a substantial investment in facilities used in connection with the performance of such services (other than in facilities for transportation), or if the services are in the nature of a single transaction not part of a continuing relationship with the person for whom the services are performed.

(2) (A) The term "employment" shall include an individual's entire service performed within or both within and without this State, if the service is localized in this State; or if the service is not localized in any state but some of the service is performed in this State and (i) the base of operations is in this State, or, if there is no base of operations then the place from which such service is directed or controlled is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this State.

(B) The term "employment" shall include an individual's entire service within the United States, even though performed entirely outside this State, if (i) the service is not localized in any state, and (ii) he is one of a class of employees who are required to travel outside this State in performance of their duties, and (iii) his base of operations is in this State, or, if there is no base of operations then the place from which his service is directed or controlled is in this State.

(3) (A) Service not covered under paragraph (2) of this subsection and performed entirely without this State, and to which paragraph 3(C),

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below, is not applicable, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state, shall be deemed to be employment subject to this Act if the individual performing such services is a resident of this State and the Commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this Act.

(B) Services covered by reciprocal agreements authorized by this Act between the Commission and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this State, shall be deemed to be employment, if the Commission has approved an election of the employing unit for whom such services were performed pursuant to which the entire service of such individual during the period covered by such election is deemed to be employment subject to this Act.

(C) The term "employment" shall include any service performed on or in connection with an American vessel or American aircraft which is defined as employment in Section 3306(c) of the Internal Revenue Code of 1954 [7] and which is not excepted from the definition of employment in Section 3306(c) (4) of such Code [8] provided the operating office from which such vessel or aircraft is ordinarily and regularly supervised, managed, directed and controlled is within this State.

(D) The term "employment" shall include any service (other than service which is deemed 'employment' under the provisions of subsections (g)(2) and (g)(3) of this Section or the parallel provisions of another state's law) performed after 1971 outside the United States (except in a contiguous country with which the United States has an agreement relating to unemployment compensation or in the Virgin Islands) by a citizen of the United States as an employee of an American employer, if:

(i) the employer's principal place of business in the United States is located in this State; or

(ii) the employer has no place of business in the United States, but:

(I) the employer is an individual who is a resident of this State; or

(II) the employer is a corporation which is organized under the laws of this State; or

(III) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this State is greater than the number who are residents of any one (1) other state; or

(iii) none of the criteria of divisions (i) and (ii) of this subparagraph is met but the employer has elected coverage in this State or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this State.

(E) The term "American employer" as used in subsection 19(g) (3) (D) of this Act [9] means a person who is:

(i) an individual who is a resident of the United States;

(ii) a partnership, if two-thirds (⅔) or more of the partners are residents of the United States;

(iii) a trust, if all of the trustees are residents of the United States; or

(iv) a corporation organized under the laws of the United States or of any state.

(F) The term "United States" as used in subsection 19(g) (3) (D) of this Act includes the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(G) In the event Texas is the state of jurisdiction for services covered under subsection 19(g) (3) (D) of this Act, said employer shall so notify all employees whose service is defined as "employment" in this subparagraph.

(4) Service shall be deemed to be localized within a state, if:

(A) The service is performed entirely within such state; or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(5) The term "employment" shall not include:

(A) Service with respect to which unemployment compensation is payable under an Unemployment Compensation System established by an Act of Congress; provided that the Commission is hereby authorized to enter into agreements with the proper agencies under such Act of Congress, which agreements shall become effective ten (10) days after publication thereof in the manner provided in subsection 11(b) of this Act for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this Act, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this Act.

(B) Agricultural labor, which is hereby defined as all services performed:

(i) on a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(ii) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(iii) in connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15(g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, 3; 12 U.S.C. 1141j)[10], or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(iv) (I) in the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half (½) of the commodity with respect to which such service is performed;

(II) in the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in subparagraph (I) above, but only if such operators produced more than one-half (½) of the commodity with respect to which such service is performed;

(III) the provisions of subparagraphs (I) and (II) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(v) on a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

As used in this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

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(C) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(D) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) years in the employ of his father or mother;

(E) Service performed in the employ of a church, convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(F) Service performed in the employ of this State or of any other state, or of any political subdivision thereof, or any instrumentality of any one (1) or more of the foregoing which is wholly owned by this State or by one (1) or more states or political subdivisions; and any service performed in the employ of any instrumentality of this State or of one (1) or more states or political subdivisions to the extent that the instrumentality is with respect to such service, exempt under the Constitution of the United States from the tax imposed by Section 3301 of the Internal Revenue Code of 1954 [11] provided that effective January 1, 1972, this exclusion from the definition of employment is not applicable to services performed in the employ of a State or instrumentality thereof for a State hospital or State institution of higher education;

(G) Service performed in the employ of a foreign government (including services as a consular or other officer or employee, or a nondiplomatic representative);

(H) Service performed in the employ of an instrumentality wholly owned by a foreign government (i) if the service is of a character similar to that performed in foreign countries by the employees of the United States Government or of an instrumentality thereof; and (ii) if the Commission finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar services performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(I) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to State law;

(J) Service performed by an individual for a person as an insurance agent or an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission;

(K) Service performed by an individual under the age of eighteen (18) years in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(L) Service covered by an arrangement between the Commission and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election are deemed to be performed entirely within such agency's state or under such federal law;

(M) Service performed in the employ of the United States Government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this Act,

except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this Act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services; provided, that if this State shall not be certified for any year by the Social Security Board or successor under Section 1603(c) of the Internal Revenue Code of 1954 [12], the payments required by such instrumentalities with respect to such year shall be refunded by the Commission from the fund in the same manner and within the same period as is provided in subsection 14(j) of this Act [13] with respect to contributions erroneously collected;

(N) Service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

(O) Service performed in the employ of a nonprofit, religious, or State school which is not an institution of higher education;

(P) Service performed in the employ of a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitative or remunerative work;

(Q) Service performed as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training;

(R) Service performed in the employ of a hospital in a State prison or other State correctional institution, by an inmate of the prison or correctional institution;

(S) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university;

(T) Service performed by an individual under the age of twenty-two (22) who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employing unit, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers; and

(U) Service performed in the employ of a hospital, if such service is performed by a patient of such hospital.

(6) Included and Excluded Service: If the services performed during one-half (½) or more of any pay period by an individual for the person employing him constitute employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than one-half (½) of any such pay period by an individual for the person employing him do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection, the term "pay period" means a period (of not more than thirty-one (31) consecutive days) for which a payment of remuneration is ordinarily made to the individual by the person employing him. This subsection shall not be ap-

plicable with respect to services performed in any pay period by an individual for the person employing him, where any of such service is excepted by subsection 19(g) (5) (A) of this Act [14].

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(n) "Wages" means all remuneration paid for personal services, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include:

(1) That part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to Four Thousand Two Hundred Dollars ($4,200) with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during any such calendar year;

(2) The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents), or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of:

(A) Retirement, or

(B) Sickness or accident disability, or

(C) Medical or hospitalization expenses in connection with sickness or accident disability, or

(D) Death;

(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

(4) Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six (6) calendar months following the last calendar month in which the employee worked for such employer;

(5) Any payment made to, or on behalf of, an employee or his beneficiary:

(A) From or to a trust described in Section 401(a) of the Internal Revenue Code of 1954 [15] which is exempt from tax under Section 501(a) of said Code [16] at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or

(B) Under or to an annuity plan which, at the time of such payment, is a plan described in Section 403(a) of the Internal Revenue Code of 1954 [17], or

(C) Under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in Section 405(a) of the Internal Revenue Code of 1954 [18];

(6) The payment by an employer (without deduction from the remuneration of the employee):

(A) Of the tax imposed upon an employee under Section 3101 of the Internal Revenue Code of 1954 [19] (or the corresponding section of prior law);

(7) Remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

(8) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of sixty-five (65), if he did not work for the employer in the period for which such payment is made;

(9) Within any calendar year that part of an individual's remuneration from a single employer which, after Four Thousand Two Hundred Dollars ($4,200) has been paid him upon which contributions have been paid under the unemployment law of any state, is paid with respect to employment.

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(p) "Institution of higher education" means an educational institution which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

(4) Is a public or other nonprofit institution.

(5) Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of this Section.

(q) "Hospital" means any establishment or facility located in this State and operated by this State or by this State and one (1) or more other states or by an instrumentality or political subdivision thereof, offering services and beds for use beyond twenty-four (24) hours for two (2) or more nonrelated individuals requiring diagnosis, treatment or care for illness, whether mental or physical, injury, deformity, abnormality, or pregnancy, and regularly maintaining clinical laboratory services, diagnostic X-ray services, or other treatment facilities.

Subsecs. (d), (f), (g), (n) amended by Acts 1971, 62nd Leg., p. 2743, ch. 892, §. 10, eff. Jan. 1, 1972; Subsecs. (p) (q) added by Acts 1971, 62nd Leg., p. 2751, ch. 892, § 11, eff. Jan. 1, 1972.

[1] Article 5221b—5.
[2] 26 U.S.C.A. (I.R.C.1954) § 501(c) (3).
[3] 26 U.S.C.A. (I.R.C.1954) § 501(a).
[4] Article 5221b—6.
[5] 26 U.S.C.A. (I.R.C.1954) § 3301 et seq.
[6] Article 5221b—5a.
[7] 26 U.S.C.A. (I.R.C.1954) § 3306(c).
[8] 26 U.S.C.A. (I.R.C.1954) § 3306(c) (4).
[9] Subsection (g) (3) (D) of this article.
[10] 12 U.S.C.A. § 1141j, subsec. (g).
[11] 26 U.S.C.A. (I.R.C.1954) § 3301.
[12] 26 U.S.C.A. (I.R.C.1954) § 1603(c).
[13] Article 5221b—12(j).
[14] Subsection (g) (5) (A) of this article.
[15] 26 U.S.C.A. (I.R.C.1954) § 401(a).
[16] 26 U.S.C.A. (I.R.C.1954) § 501(a).
[17] 26 U.S.C.A. (I.R.C.1954) § 403(a).
[18] 26 U.S.C.A. (I.R.C.1954) § 405(a).
[19] 26 U.S.C.A. (I.R.C.1954) § 3101.

Art. 5221b—22d. Coverage of State employees

The State of Texas hereby elects, with respect to all services performed in the employ of this State or any branch or department thereof or any instrumentality thereof which is not otherwise an employer subject to this Act, to become a reimbursing employer subject to this Act, and all services performed in the employ of this State or of any branch or department or instrumentality thereof shall be deemed to constitute employment. This election does not apply to political subdivisions of this State.

Acts 1936, 44th Leg., 3rd C.S., p. 1993, ch. 482, § 29, added by Acts 1971, 62nd Leg., p. 2783, ch. 900, § 4, eff. Jan. 1, 1972.

For Annotations and Historical Notes, see V.A.T.S.

Art. 5221b—22e. Conformity with federal statutes

If any provision of this Act is held not to conform with Federal statute(s) by the Secretary of Labor, the Texas Employment Commission is hereby authorized to administer this Act so as to conform with the provisions of the Federal statute(s) until such time as the Legislature meets in its next session and has an opportunity to amend this Act.
Acts 1936, 44th Leg., 3rd C.S., p. 1993, ch. 482, § 30, added by Acts 1971, 62nd Leg., p. 2784, ch. 900, § 5, eff. Jan. 1, 1972.

CHAPTER SIXTEEN—MISCELLANEOUS PROVISIONS

Art. 5221e—1. Migrant labor camps; licensing

Definitions

Section 1. The following words and phrases shall mean:

(a) Migrant labor camp: One or more buildings or structures, tents, trailers, or vehicles, contiguous or grouped, together with the land appertaining thereto, established, operated, or used as living quarters for fifteen or more seasonal, temporary, or migrant persons, and occupied for more than three days, whether or not rent is paid or reserved in connection with the use or occupancy of such premises.

(b) Person: An individual or group of individuals, association, partnership, or corporation.

(c) Migrant agricultural worker: An individual who is employed in agriculture or performing agricultural labor on a seasonal or temporary basis and residing away from his usual home or residence.

Necessity of license and posting; time limit for existing camps

Sec. 2. No person shall establish, maintain, or operate any migrant labor camp in this state without first obtaining a license therefor from the State Commissioner of Health. Such license shall be posted and kept posted in the migrant labor camp to which it applies at all times during maintenance or operation. Operators of migrant labor camps now in existence shall have 150 days from the date of promulgation of rules and regulations issued under this Act in which to obtain a license; provided, however, the regulations adopted by the State Board of Health under this Act shall not become effective until July, 1971.

Application; fee; temporary permit pending inspection

Sec. 3. Application for a license to establish, operate, or maintain a migrant labor camp shall be made to the State Commissioner of Health on a form and under regulations prescribed by him. The application shall state the location and ownership of the existing or proposed migrant labor camp, the approximate number of persons to be accommodated, the probable periods of use, and any other information the State Board of Health may require. The application shall be accompanied by a license fee which shall be in accordance with the following schedule:

Family Type Housing (Both Sexes)	
2 to 10 dwelling units	$20
11 to 30 dwelling units	$35
31 or more dwelling units	$50
Dormitory Type Housing (Single Sex)	
24 beds or less	$15
25 beds or more	$20

Upon receipt of the application and fee the person shall be issued a temporary license permitting operation of the camp until such time as an official inspection visit can be made by an authorized representative of the State Commissioner of Health.

License; issuance; nontransferability; expiration; renewal

Sec. 4. After an inspection has been made, if the camp meets the reasonable, minimum standards of construction, sanitation, equipment, and operation required by regulations issued under and in accordance with this Act, the State Commissioner of Health shall issue, in the name of the State Department of Health, the necessary license to operate a migrant labor camp. The license, unless sooner revoked, shall expire one year after the date of issuance unless renewed, and it shall not be transferable. All applications for renewal shall be filed with the State Commissioner of Health not less than 30 days prior to its expiration, on forms furnished by the State Department of Health and accompanied by renewal fee in accordance with the schedule in Section 3 of this Act.

Failure to pass inspection; revalidation of temporary permit for period; re-inspection

Sec. 5. After an inspection has been made, if the camp does not meet the reasonable, minimum standards of construction, sanitation, equipment, and operation required by regulations issued under and in accordance with this Act, the State Commissioner of Health will revalidate the temporary permit for a period not to exceed 6 months, at the discretion of the duly authorized representative who made the inspection, to permit the person sufficient time to prepare the camp to pass inspection. When the person is confident the camp is ready he may request an inspection or wait for the inspection visit that will automatically take place at the termination of the revalidation period.

Suspension or revocation of license; complaint; hearing; procedure; re-application for license

Sec. 6. The State Commissioner of Health is hereby authorized to suspend or revoke a license issued in accordance with the provisions of this Act, for violation of any of the provisions of this Act or the rules and regulations issued pursuant thereto. The duly authorized representative of the State Commissioner of Health shall have the power to issue a complaint to the State Commissioner of Health for violation of any of the provisions of this Act or any regulations lawfully promulgated by said State Board of Health. Provided further, that the said person, as defined in this Act, is entitled to a fair hearing in the county in which the migrant labor camp is located and to be represented by legal counsel if desired, and shall be given written notice after a reasonable time following the complaint, stating the grounds of complaint, date, time, and place set for hearing. If the State Commissioner of Health finds that the complaint is true, such license may then be suspended or revoked as herein provided. Following revocation, a new application, accompanied by the respective fee, shall be considered by the State Commissioner of Health, if, when, and after the conditions upon which revocation was based have been corrected and evidence of this fact has been furnished. A new license shall then be granted after proper inspection has been made and it is found that the provisions of this Act have been complied with and the rules and regulations promulgated thereunder have been satisfied.

Rules and regulations

Sec. 7. The State Board of Health shall make and promulgate such reasonable rules and regulations as may be determined to be necessary to protect the health and safety of persons living in migrant labor camps, prescribing standards for living quarters at such camps, including provisions relating to construction of camps, sanitary conditions, water

supply, toilets, sewage disposal, refuse and garbage storage, collection, and disposal, light, air, safety, protection from fire hazards, equipment, maintenance and operation of the camp, and such other matters as they may determine to be appropriate or necessary for the protection of the health and safety of occupants. Said Board of Health shall have the authority to modify or repeal any of these rules and regulations as deemed necessary.

Care of facilities by employees and occupants

Sec. 8. Every employee and occupant of a migrant labor camp using the sanitary and other facilities furnished for his convenience shall comply with all applicable rules, regulations, and standards promulgated in accordance with the provisions of this Act for the care and upkeep of such facilities, that the Board of Health has determined to be necessary to protect the health and safety of all employees and occupants.

Inspection; notice; right of entry

Sec. 9. The State Commissioner of Health or his duly authorized representative, after giving notice or having made a reasonable attempt to give notice to the camp operator, may enter and inspect migrant labor camps at reasonable hours and investigate such facts, conditions, and practices or matters as may be necessary or appropriate to determine whether any person has violated any provisions of this Act or whether rules, regulations, and standards of the State Board of Health pertaining hereto are being violated.

Review of commissioner's decisions

Sec. 10. All decisions of the State Commissioner of Health hereunder may be reviewed in the county, or district, court of the county in which such migrant labor camp is located or contemplated.

Violations; penalties; injunction; appeal

Sec. 11. (a) Any person, as defined in this Act, establishing, conducting, maintaining, or operating any migrant labor camp, within the meaning of this Act, without first obtaining a license therefor as provided herein or without having secured renewal of license as provided by this Act or who shall violate any of the provisions of this Act, or regulations lawfully promulgated thereunder; and

(b) any employee or occupant who does not use the sanitary facilities furnished for his convenience, or who commits an act of vandalism or misuse of the facilities, or who violates applicable regulations lawfully promulgated within the meaning of this Act shall be guilty of a misdemeanor, and upon conviction hereof be subject to a fine of not more than $25; but if the violation is committed after a conviction of such employee or occupant under the provisions of this Act has become final, such person, employee, or occupant shall be subject to imprisonment for not more than 30 days, or a fine of not more than $100, or both imprisonment and fine.

In addition to other remedies, the Commissioner of Health or his designated representative is hereby authorized to apply to the district court for, and such court shall have jurisdiction upon hearing and for good cause shown to grant, a temporary or permanent injunction restraining and enjoining any person, as defined in this Act, employee, or occupant from violating any of the provisions of this Act. Such person, employee, or occupant, so enjoined, shall have the right to appeal such injunction, temporary or permanent, to the Supreme Court of the State of Texas, as in other cases.

Enforcement

Sec. 12. It shall be the duty of the State Commissioner of Health to enforce the provisions of this Act.

Conflicting laws repealed

Sec. 13. All laws or parts of laws in conflict herewith are hereby repealed.

Severability

Sec. 14. If any section, sentence, subdivision, or clause herein shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Acts 1971, 62nd Leg., p. 2446, ch. 788, eff. June 8, 1971.

Title of Act:

An Act relating to the State Department of Health; providing definitions; requiring the licensing of migrant labor camps; providing for the application, issuance, suspension, and revocation of licenses; authorizing State Board of Health to issue rules and regulations for the enforcement of this Act; providing for responsibility of employee and occupant; providing for right of entry; providing for review of decisions of State Commissioner of Health; providing penalty for violations; providing for enforcement; repealing conflicting laws; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 2446, ch. 788.

Art. 5221f. Mobile Homes Standards Act

Short title

Section 1. This Act may be cited as the Texas Mobile Homes Standards Act.

Definitions

Sec. 2. As used in this Act, unless the context requires a different definition:

(1) "Mobile home" means a movable or portable dwelling constructed to be towed by a motor vehicle on its own chassis, over Texas roads and highways under special permit, connected to utilities, and designed without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity or of two or more units, separately towable but designed to be joined into one integral unit.

(2) "Seal" means a device or insignia issued by the department to indicate compliance with the standards, rules and regulations established by the department or the board for mobile homes.

(3) "Dealer" means any person, other than a manufacturer, as defined herein, firm or corporation, who sells or offers for sale three or more mobile homes in any consecutive twelve month period.

(4) "Manufacturer" means any person who manufactures mobile homes and sells to dealers or to the public.

(5) "Department" means the Bureau of Labor Statistics.

(6) "Board" means the Performance Certification Board.

Performance certification board

Sec. 3. (a) There is hereby created the Performance Certification Board which shall promulgate standards and requirements for the manufacture of mobile homes in this State.

(b) The board shall consist of nine citizens of the State appointed by the Governor, including one representative of an incorporated municipality, one representative of an insurer of mobile homes, one manufacturer of industrialized housing, two manufacturers of mobile homes, one

architect, one structural engineer, one electrical engineer and one representative of the consumers of Texas.

(c) The members of the board shall hold office for staggered terms of six years with the terms of three members expiring on September 1st of odd numbered years. In the initial appointments to the board, the Governor shall designate three members to serve for two years, three to serve for four years, and three to serve for six years. Each member shall hold office until his successor is appointed and has qualified.

(d) If a vacancy occurs in the office of one of the members of the board, the position shall be filled by a person appointed by the Governor, and the person so appointed shall serve only to the end of the unexpired term.

(e) The chairman of the board shall be selected by the Governor and serve at his pleasure. In the event of the chairman's absence or disability, the members of the board shall elect a temporary chairman by a majority vote of those present at a meeting.

(f) A member of the board is not entitled to salary for duties performed as a member of the board, but he shall be entitled to $25 each day he is in attendance at meetings or hearings or on authorized business of the board, including time spent in traveling to and from the place of the meeting, hearing or other authorized business. Each member of the board shall also be entitled to reimbursement for travel and other necessary expenses incurred in performing official duties.

(g) The chairman, or in his absence a temporary chairman selected by the members of the board present at the meeting, shall preside at all meetings of the board. The board shall have regular meetings at times specified by a majority vote of the board. The chairman may call special meetings at any time. He shall call a special meeting on written request by two or more members of the board. A majority of the board shall constitute a quorum to transact business.

(h) All staff assistance deemed necessary by the board to carry out the functions and duties assigned to it in this Act shall be provided by the department and shall function under the supervision of the administrative head of the department.

Establishment of uniform standards code

Sec. 4. (a) The board shall adopt such standards and requirements for the installation of plumbing, heating, and electrical systems in mobile homes as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public.

(1) Said standards and requirements shall be reasonably consistent with the fundamental principles adopted, recommended, or issued as ANSI Standard A119.1 and as amended from time to time by the American National Standards Institute (ANSI) applicable to mobile homes.

(2) It is unlawful for any person to sell or offer for sale within this State any mobile home manufactured after the effective date of this Act unless such mobile home meets the plumbing, heating and electrical installation requirements adopted by the board pursuant to this Act.

(b) The board shall adopt such standards and requirements for the body and frame design and construction of mobile homes as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public.

(1) Said standards and requirements shall be reasonably consistent with the fundamental principles adopted, recommended, or issued as ANSI Standard A119.1 and amended from time to time by the American National Standards Institute (ANSI), successor to the United States of America Standards Institute (USASI) applicable to mobile homes as defined herein.

(2) It is unlawful for any person to sell or offer for sale within this State any mobile home manufactured more than twelve months after the

formal adoption and promulgation of standards and requirements for the body and frame design and construction of mobile homes unless such mobile homes meet said standards and requirements.

(c) The board may adopt and promulgate any changes in and additions to the standards referred to in Subsections (a) and (b) of this section made by the American National Standards Institute.

(d) At least 30 days before the adoption or promulgation of any change in or addition to the standards authorized in Subsection (c) of this section, the board shall mail to all manufacturers possessing valid certificates of acceptability a notice including:

(1) a copy of the proposed changes and additions; and

(2) the time and place that the board will consider any objections to the proposed changes and additions.

(e) After giving the notice required by Subsection (d) of this section, the board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any matter.

(f) The adoption of requirements and standards or modification, amendment or repeal of requirements and standards shall require the approval of the board.

(g) Every requirement or standard or modification, amendment or repeal of a requirement or standard adopted by the board shall state the date it shall take effect.

(h) Every requirement or standard or modification, amendment or repeal of a requirement or standard shall, immediately after adoption, be certified by the chairman of the board, or in his absence or where he is unable to act, by the temporary chairman.

(i) Immediately after their promulgation, the board shall publish all requirements and standards or amendments thereto.

(j) The standards and requirements adopted or promulgated by the board for the installation of plumbing, heating and electrical systems in mobile homes and for the body and frame design and construction of mobile homes shall be known as the Uniform Standards Code for Mobile Homes (hereinafter referred to as the "Code").

Regulations

Sec. 5. (a) It is unlawful for any manufacturer to manufacture mobile homes in this State more than twelve months after the formal adoption and promulgation of standards and requirements for the body and frame design and construction of mobile homes unless such manufacturer has been issued a certificate of acceptability for such mobile homes from the department. This provision shall not, however, apply to mobile homes manufactured in this state and designated for delivery to and sale in a state that has a code that is inconsistent with this Act.

(b) The department shall require that the manufacturer establish and submit to the department for approval, systems for quality control and transportation, prior to the issue of certificates of acceptability.

(1) The department shall issue a certificate of acceptability to any manufacturer within or without this state upon receipt of an application from such manufacturer to which is attached an affidavit certifying that any mobile home manufactured by the applicant will be built in compliance with the code.

(2) Each application by a manufacturer for a certificate of acceptability shall be accompanied by quality control plans which will provide adequate evidence that the mobile homes for which a certificate of acceptability is requested will in fact be manufactured in compliance with the code.

(3) Prior to the issuance of a certificate of acceptability to a manufacturer, the department shall require the submission of a description

For Annotations and Historical Notes, see V.A.T.S.

of a transportation system which will provide adequate evidence that movement of the mobile homes will not result in deviasions from requirements set out in the Code.

(c) No mobile home for which a certificate of acceptability had been issued shall be modified in any way prior to installation without prior written approval of the department.

(d) The board may determine that the standards for mobile homes established by a state or a recognized body or agency or the federal government are at least equal to the Code. If the department finds that such standards are actually enforced then it shall issue a certificate of acceptability for such mobile homes.

(e) The department shall make and enforce rules and regulations reasonably required to effectuate the provisions of this Act and may amend or revoke any rule it makes.

(f) At least 30 days before the adoption or promulgation of any change in or addition to the rules and regulations authorized in Subsection (e) of this section the department shall mail to all manufacturers possessing valid certificates of acceptability a notice including:

(1) a copy of the proposed changes and additions; and

(2) the time and place that the department will consider any objections to the proposed changes and additions.

(g) After giving the notice required by Subsection (f) of this section, the department shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any matter.

(h) Every rule or regulation or modification, amendment or repeal of a rule or regulation adopted by the department shall state the date it shall take effect.

(i) Immediately after their promulgation, the department shall publish all rules and regulations or amendments thereto.

Dealers

Sec. 6. It is unlawful for any dealer within or without this State to sell or offer for sale to dealers or to the public of this State any mobile home manufactured more than twelve months after the adoption or promulgation of the Code unless said mobile home complies with the Code, bears a seal of approval issued by the department, and is the manufactured product of a manufacturer possessing a current certificate of acceptability issued by the department.

Seal of approval

Sec. 7. (a) No manufacturer who has received a certificate of acceptability from the department may sell or offer for sale in this State mobile homes unless such mobile homes bear a seal of approval issued by and purchased from the department.

(b) Any dealer who has acquired a used mobile home without a seal may apply to the department for a seal along with an affidavit that the unit has been brought up to or meets the Code.

In-plant inspection

Sec. 8. (a) The department is empowered to inspect, at the place of manufacture, all mobile homes for which it has issued certificates of acceptability. The department may, at its discretion, accept in-plant inspection reports by a recognized body or agency having follow up in-plant inspection service certifying that the mobile homes comply with the terms and conditions of the certificate of acceptability.

(b) The department may establish and require such training programs in the concept, techniques, and inspection of mobile homes for the personnel of local governments, as the department considers necessary.

Sec. 9. [Blank].

Employment of state inspectors

Sec. 10. (a) The department may set qualification, employ and fix the compensation of such state inspectors as the department deems necessary to carry out the functions of this Act.

(b) To carry out the provisions of the Act, the department may authorize the state inspectors to travel within or without the state for the purpose of inspecting the manufacturing facilities for mobile homes or for any other purpose in connection with the Act.

Fees and charges

Sec. 11. (a) The board with the advice of the department shall establish a schedule of fees to pay the cost incurred by the department for the work relating to the administration and enforcement of this Act.

(b) The board shall set a fee for the issuance and annual renewal of certificates of acceptability which shall not exceed $100 per year.

(c) The board shall also set a charge for the issuance of seals of approval which shall not exceed $3 per seal.

(d) All fees shall be paid to the state treasury and placed in a special account for the use of the department in the administration and enforcement of this Act.

Penalties

Sec. 12. (a) Any manufacturer who violates or fails to comply with this Act shall be notified in writing setting forth facts describing the alleged violation and instructed to correct the violation within 60 days. Should the manufacturer fail to make the necessary correction(s) within the specified time, the department may, after notice and hearing, suspend or revoke any certificate of acceptability if it finds that:

(1) the manufacturer has failed to pay the fees authorized by this Act; or that

(2) the manufacturer, either knowingly or without the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of this Act.

(b) The hearing shall be held upon 15 days' notice in writing setting forth the time and place thereof and a concise statement of the facts alleged to sustain the suspension or revocation and its effective date shall be set forth in a written order accompanied by findings of fact and a copy thereof shall be forthwith delivered to the manufacturer. Such order, findings, and the evidence considered by the department shall be filed with the public records of the department.

(c) The department may obtain injunctive relief from any court of competent jurisdiction to enjoin the sale or delivery of any mobile home in this state upon an affidavit of the department specifying the manner in which such mobile home does not conform to the requirements of this Act or to the rules and regulations issued by the department pursuant hereto.

(d) Any person who manufacturers, sells, or offers for sale a mobile home in this state in violation of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding Two Hundred Dollars ($200) per day or by confinement not exceeding 30 days, or both.

Appeals

Sec. 13. (a) The board shall hear appeals brought by any person or party regarding the application to such person or party of any rule, regulation or standard promulgated pursuant to this Act.

(b) The board shall promulgate such rules and regulations as necessary to the conduct of hearings on appeals provided for in this Section.

Amended by Acts 1971, 62nd Leg., p. 2765, ch. 896, § 1, eff. Sept. 1, 1971.

Sections 2 to 4 of the 1971 amendatory act provided:

"Sec. 2. Effective Date. This Act shall take effect on September 1, 1971.

"Sec. 3. Applicability. No mobile home manufactured or sold prior to the time limitation included in this Act shall be affected by its provisions.

"Sec. 4. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

TITLE 84—LANDLORD AND TENANT

Art. 5238. [5490] [3251] Owners of buildings lien

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

TITLE 86—LANDS—PUBLIC

CHAPTER TWO—SURVEYORS AND SURVEYS

1. LICENSED LAND SURVEYORS

Art. 5275. Oath and bond

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 5333. [5452] Application and delivery

Repeals

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

CHAPTER FOUR—OIL AND GAS

Art. 5344c. Oil, gas and mineral leases; terms; extension

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Sec. 2. Any lease heretofore granted and in good standing covering any of the lands or areas referred to in Section 1 of this Act, upon application by any owner thereof to the Commissioner of the General Land Office before December 1, 1971, may be amended under the terms of this Act so as to provide that such lease shall remain in effect as long after the expiration of its primary term as oil, gas, or other mineral covered by such lease is produced therefrom, provided any amendment executed by virtue of this Act shall include only those minerals covered in the original agreement to which said amendment is made; and providing further, that in amending such leases same shall be amended and renewed separately as to each mineral thereunder, except as to "oil and gas" which may be contained in one lease and each such lease shall remain in effect as long after the expiration of its primary term as such mineral covered by such lease is produced therefrom in paying quantities. The School Land Board shall fix the consideration for each such amendment, which shall not be less than Two Dollars ($2) per acre, provided that any such amendment shall not change the original consideration in any lease to the extent that the state shall thereafter receive less than the original royalty provided in said leases. If the consideration so fixed is paid in cash within ninety (90) days after such consideration has been fixed, the Commissioner of the General Land Office shall execute and deliver to the owner of such lease an instrument evidencing such amendment. If the consideration is not paid within the ninety (90) days, the application shall be conclusively presumed to have been withdrawn. This Act shall not authorize the Commissioner of the General Land Office or the School Land Board to change or amend the lease involved in any other respect.

Sec. 2 amended by Acts 1963, 58th Leg., p. 485, ch. 174, § 1; Acts 1965, 59th Leg., p. 1537, ch. 672, § 1, eff. June 18, 1965; Acts 1969, 61st Leg., p. 1498, ch. 449, § 1, eff. June 10, 1969; Acts 1971, 62nd Leg., p. 2368, ch. 1030, § 1, eff. June 15, 1971.

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Art. 5348. General provisions

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 5348a. Distribution of funds

The proceeds arising from activities which effect [1] lands belonging to the public free school fund or the permanent fund of the several asylums, shall be credited to the permanent funds of said respective institutions. All proceeds paid or collected from activities under this law affecting the lands belonging to the permanent fund of the University of Texas shall be credited by the State Treasurer to the available fund of such institution, and all such funds shall be held by the Board of Regents of the University in a special building fund and shall be expended only for the erection of buildings and equipping same, or for other permanent improvements. All proceeds arising from the activities affecting lands other than those belonging in the public free school fund, the University and the several asylums, shall be credited to the same fund.

Acts 1925, 39th Leg., p. 415, ch. 175, § 2. Renumbered from Art. 2593a by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 16(d), eff. Aug. 30, 1971.

[1] Probably should read "affect."

Section 16(c) of the 1971 act provided: "This section has no effect except as to the official citation of the article affected."

Art. 5382e. Continuation or extension of leases after expiration of primary term

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Sec. 2. If, at the expiration of the primary term of any Oil or Gas lease heretofore or hereafter issued by the Commissioner of the General Land Office covering areas described in Section 1 hereof, production of oil or gas has not been obtained on the leased premises but drilling operations are being conducted thereon in good faith and in good and workmanlike manner, the lessee may, on or before the expiration of the primary term, file in the General Land Office written application to the Commissioner of the General Land Office for a thirty (30) day extension of such lease, accompanied by payment of Three Thousand Dollars ($3,000.00) for six hundred forty (640) acres or less, and Six Thousand Dollars ($6,000.00) for more than six hundred forty (640) acres, and the Commissioner shall, in writing, extend such lease for a thirty (30) day period from and after the expiration of the primary term and so long thereafter as oil or gas is produced in paying quantities; provided further, that lessee may, so long as such drilling operations are being conducted, make like application and payment during any thirty (30) day extended period for an additional extension of thirty (30) days and, upon receipt of such application and payment, the Commissioner shall, in writing, again extend the lease so that same shall remain in force for such additional thirty (30) day

period and so long thereafter as oil or gas is produced in paying quantities; provided, however, that no lease shall be extended under the provisions of this section for more than a total of three hundred ninety (390) days from and after the expiration of the primary term unless production in paying quantities has been obtained."

Sec. 2 amended by Acts 1971, 62nd Leg., p. 1075, ch. 227, § 1, eff. May 17, 1971.

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Section 2 of the amendatory act of 1971, an emergency clause, provided in part: "* * * the present law relating to extensions of the term of oil and gas leases issued by the Commissioner of the General Land Office permits extensions for only 180 days which is insufficient for deep drilling * * *."

CHAPTER SEVEN—GENERAL PROVISIONS

Art. 5421c. Regulating sale and lease of school lands, public lands and river bed; Board of Mineral Development created

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Prevention of mineral development by governmental action; refund of money paid

Sec. 11a. If a lessee is prevented from exploring, developing, drilling, or producing minerals from the tract leased to him as a result of the action of any agency of the United States or of this state, during the entire primary term of the lease, he is entitled to a refund of all money paid for bonus, delay rentals, and other fees under the lease as provided by legislative appropriation, either on verification of the claim by the School Land Board or on the judgment of a court of competent jurisdiction. A lessee having a claim under this section is given permission to bring suit against the state within two years after the expiration of the lease in any court of competent jurisdiction to recover those moneys paid."

Sec. 11a added by Acts 1971, 62nd Leg., p. 1698, ch. 491, § 1, eff. May 27, 1971.

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Art. 5421c—7. Prospecting state lands for minerals, including fissionable materials

Lands, waters and minerals to which applicable; application for permit; rental payments

Section 1. Any tract of land belonging to the State, including all islands, salt and freshwater lakes, bays, inlets, marshes and reefs owned by the State within tidewater limits, and that part of the Gulf of Mexico within the jurisdiction of Texas, and all unsold surveyed public free school land and all rivers and channels belonging to the State and any lands sold with a reservation in favor of the State of minerals thereunder, shall be subject to prospect for all other minerals, except oil, gas, coal, lignite, sulphur, salt, and potash, shell, sand and gravel, and except uranium, and thorium, other fissionable materials, on any lands sold with a reservation in favor of the State of minerals thereunder, by any person, firm or corporation desiring to prospect same by the filing of an application with the Commissioner of the General Land Office, designating the area to be prospected, each such application shall be for an area not in excess of six hundred forty (640) acres with a ten percent (10%) tolerance for tracts, sections, and surveys that contain more than 640 acres. Such application must be accompanied by rental payment of not less than twenty-five cents (25¢) per acre.

For Annotations and Historical Notes, see V.A.T.S.

Amended by Acts 1963, 58th Leg., p. 933, ch. 362, § 1, eff. Aug. 23, 1963; Acts 1971, 62nd Leg., p. 2853, ch. 934, § 1, eff. June 15, 1971.

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Leases; issuance; royalty

Sec. 3. The leases shall be issued by the Commissioner of the General Land Office in accordance with the provisions of this Act and shall be for a primary term of five (5) years and as long thereafter as the minerals covered thereby are produced in paying quantities. The royalty shall be not less than 1/16th of the value of the minerals produced under said lease. The Commissioner may include in such leases such other provisions as he may deem necessary for the protection of the interests of the State.

Amended by Acts 1971, 62nd Leg., p. 2853, ch. 934, § 2, eff. June 15, 1971.

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Section 3 of the 1971 act amended art. 5421c-10 and sections 4 and 5 thereof provided:

"Sec. 4. Nothing herein shall alter or affect any rights granted by any prospecting permit issued under Chapter 497, Acts of the 54th Legislature, 1955 (Article 5421c—7, Vernon's Texas Civil Statues), prior to the effective date of this Act or by any prospecting permit issued pursuant to an application filed under said article prior to the effective date of this Act, or by any lease which may be issued pursuant to any such prospecting permit, or by any lease issued under said article prior to the effective date of this Act.

"Sec. 5. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications thereto, and to this end the provisions of this Act are declared to be severable."

Art. 5421c—10. Leasing of certain minerals

Owner of soil as state agent for leasing purposes; terms and conditions

Section 1. The State hereby constitutes the owner of the soil its agent for the purpose of leasing, upon such terms and conditions as may be prescribed by the School Land Board, to any person, firm or corporation, the coal, lignite, sulphur, potash, uranium, and thorium (as well as any minerals produced in conjunction with any of same) that may be upon and within surveys, and portions of surveys, heretofore sold with all minerals reserved to the State.

Authority to lease; forms; bonuses, rentals and royalties

Sec. 2. The owner of the soil is hereby authorized to lease to any person, firm or corporation, the coal, lignite, sulphur, potash, uranium and thorium that may be thereon or therein, upon the lease forms prepared by the General Land Office. All of said minerals may be leased together or separately. For any lease so made and executed, the lessee shall pay to the State sixty percent (60%) of all bonuses agreed to be paid therefor, and sixty percent (60%) of all rentals and royalties payable thereunder, and the lessee shall pay to the owner of the soil forty percent (40%); provided that, in the event of production, the State shall receive not less than one-sixteenth (1/16th) of the value of said minerals so produced.

Acts 1967, 60th Leg., p. 35, ch. 16, eff. March 15, 1967. Secs. 1, 2 amended by Acts 1971, 62nd Leg., p. 2853, ch. 934, § 3, eff. June 15, 1971.

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Arts. 5421h—1, 5421h—2. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Art. 5421k—3. Sale of land in Cayo Del Oso to city of Corpus Christi; validation

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Improvement of land; title to land

Sec. 4. The City of Corpus Christi, its agents or assigns shall improve such portions of the land covered by said patent or any corrected patent as such city, its agents or assigns, deems suitable and proper therefor. Such improvement shall consist of the raising or filling to a height of at least three (3) feet above the level of mean high tide, except for such part as may be devoted to channels, canals, or waterways. Title to any portion of such land (except that devoted to channels, canals, or waterways) that has not been so improved by filling to such height before July 1, 1977, shall revert to the State of Texas, and from and after that date neither said city nor its assigns shall have any right, title, claim, or interest to such portion which has not been so improved. No title shall revert, however, to the State of Texas as to any portion or portions which are filled to such height before July 1, 1977, including portions which are devoted to channels, canals, or waterways appurtenant to or used in connection with any portion so improved.

Sec. 4 amended by Acts 1965, 59th Leg., p. 91, ch. 34, § 1, eff. Aug. 30, 1965; Acts 1971, 62nd Leg., p. 1414, ch. 392, § 1, May 26, 1971.

Powers of city to convey or retain land; other powers

Sec. 5. Said city may retain all or any part of the land subject to this Act, and it may convey all or any part or parts of such land to others. As to each tract or parcel of land which the city conveys to another or others, each such conveyance or conveyances shall:

(A) Contain a condition subsequent, which shall provide that such grantee or grantees shall by the date specified in the conveyance, which date shall in no event be later than July 1, 1977, improve the particular tract or parcel of land included in such conveyance to the extent that it will be filled to a height of at least three (3) feet above mean high tide, except for such portions thereof as may be devoted to channels, canals, or waterways. If the date specified in the conveyance is a date prior to July 1, 1977, such condition subsequent shall provide that if said condition is breached, title to the tract or parcel of land covered by said conveyance that is not so improved (except for such portions as may be devoted to channels, canals, or waterways) shall revert to the City of Corpus Christi, and the right of reentry retained by said city in the conveyance shall be immediately exercised; and said city may thereafter retain such portion or portions of such tract or parcel, or may convey such portion or portions in the same manner as provided above. If the date specified in the conveyance is July 1, 1977, such condition subsequent shall provide if said condition is breached, title to such portion or portions of the tract or parcel of land covered by said conveyance that are not so improved (except for such portions as may be devoted to channels, canals, or waterways) shall revert to the State of Texas;

(B) Provide that such portion or portions of the tract or parcel of land covered by the conveyance which have been so improved, including such portions thereof as may be devoted to channels, canals, or waterways appurtenant to or used in connection with any portion so improved, shall, upon the written application to the City of Corpus Christi describing the improved area and the area devoted to channels, canals, or waterways appurtenant or used in connection therewith, be by the city by ordinance or resolution released of the condition subsequent and a proper recordable release shall be executed and delivered. Any such ordinance or resolution of said city shall be binding upon all parties concerned, including the State of Texas, as to the making of the improvements in accordance herewith; provided, however, that in the event the

For Annotations and Historical Notes, see V.A.T.S.

City of Corpus Christi conveys or leases all or any part of said land to any other person, persons, firms, corporation or entity of any nature, said city shall pay to the Texas Permanent Free School Fund a sum equal to one-half (½) of the reasonable market value thereof."

Sec. 5 amended by Acts 1965, 59th Leg., p. 91, ch. 34, § 2, eff. Aug. 30, 1965; Acts 1971, 62nd Leg., p. 1414, ch. 392, § 2, eff. May 26, 1971.

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Sections 3 to 5 of the 1971 amendatory act provided:

"Sec. 3. All laws or parts of laws in conflict herewith are hereby repealed or modified to the extent of such conflict.

"Sec. 4. This Act shall be and is cumulative of all former grants and authorities from the State of Texas to the City of Corpus Christi.

"Sec. 5. If any provision of this Act or the application thereof to any person or circumstance shall be held by a court of competent jurisdiction to be invalid or unconstitutional, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby, and to this end it is the declaration of the Legislature that the provisions of this Act are severable."

INDIAN LANDS

Art. 5421z. Indian Affairs

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SUBCHAPTER B. ALABAMA-COUSHATTA INDIAN RESERVATION

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Leases to tribal members for residential purposes

Sec. 21A. The Tribal Council, with the approval of the Commission, may execute lease agreements under which any member of the tribe, as lessee, may occupy for residential purchase, for a term of not more than 50 years with the option to renew for a term of not more than 50 years, any designated lot or tract of land which may be included in the 1,280-acre tract conveyed to the Alabama Indians by authority of Chapter XLIV, Acts of the 5th Legislature, 1854.

SUBCHAPTER C. TIGUA INDIAN COMMUNITY

* * * * * * * * * * *

Tribal council may issue bonds

Sec. 27. Subject to the written approval of the Commission, the Tribal Council may issue revenue bonds or any other evidences of indebtedness in order to finance the construction of improvements on the Reservation and for the purpose of additional lands necessary therefor or for improvements of the income and economic conditions of the Reservation. The bonds or other evidences of indebtedness may be secured by the income from one or more revenue producing properties, interests, or facilities on all lands which are owned by the State of Texas for the use and benefit of the Tigua Indian Community.

Maturity; redemption

Sec. 28. All bonds issued by the Tribal Council shall mature serially or otherwise not more than 40 years from the date of issuance, and they

may be made redeemable prior to maturity, at the option of the Tribal Council, with the written approval of the Commission, at times and prices and under terms and conditions prescribed in the authorizing proceedings.

Form, conditions, details of bonds

Sec. 29. Subject to the restrictions contained in this Act, the Tribal Council and the Commission have complete discretion in fixing the form, conditions, and details of the bonds; and the bonds may be refunded or otherwise refinanced whenever the Tribal Council, with the approval of the Commission, deems such action to be necessary or appropriate.

Sale; terms; price; interest

Sec. 30. The bonds may be sold, either at public or private sale, at a price and under terms determined by the Tribal Council and the Commission to be the most advantageous price and terms reasonably obtainable. However, the interest cost of the money received may not exceed eight per cent per year, computed with relation to the absolute maturity of the bonds in accordance with standard bond interest tables currently in use by insurance companies and investment houses, excluding from such computation, however, the amount of any premium to be paid on redemption of any bonds prior to maturity.

Expenses; fees

Sec. 31. The Tribal Council, with the approval of the Commission, may employ attorneys, fiscal agents, and financial advisors in connection with the issuance and sale of bonds; and proceeds from the sale of the bonds may be used to pay their fees and all other expenses of the issuance and sale of the bonds.

Bonds as investments and security

Sec. 32. All bonds issued under this Act are legal, authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of all political subdivisions and public agencies of the State, and when accompanied by all unmatured coupons appurtenant to the bonds, are lawful and sufficient security for deposits in the amount of the par value of the bonds.

Pledge of revenues and income

Sec. 33. The Tribal Council, with the approval of the Commission, may pledge the rents, royalties, revenue, and income from revenue producing properties and facilities of all lands which is owned by the State of Texas for the use and benefit of the Tigua Indian Community. In making such a pledge, the Tribal Council may specifically reserve the right to issue, with the approval of the Commission, additional bonds which will be on a parity with, or subordinate to, the bonds then being issued.

Disposition of revenues

Sec. 34. All revenues realized from the leasing of all lands which is owned by the State of Texas for the use and benefit of the Tigua Indian Community shall be paid to the Commissioner of the General Land Office, and he shall immediately place such money in a depository or depositories designated in writing by the Tribal Council and the Commission. These funds shall be placed in a special account known as the Tigua Indian Community Mineral Fund and shall be expended for such purposes as the Tribal Council shall recommend, with the approval of the Commission.

Debt against state

Sec. 35. No obligation created by a contract, bond, note, or other evidence of indebtedness issued by the Tribal Council under this Act shall be construed as creating a debt against the State; and every such contract, bond, note or other evidence of indebtedness shall contain this clause: "The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation."

Acts 1965, 59th Leg., p. 552, ch. 279, eff. Sept. 1, 1965. Amended by Acts 1967, 60th Leg., p. 662, ch. 276, § 1, eff. May 23, 1967; Sec. 21A added by Acts 1971, 62nd Leg., p. 1816, ch. 541, § 1, eff. June 1, 1971; Secs. 27–35 added by Acts 1971, 62nd Leg., p. 2369, ch. 730, § 1, eff. June 8, 1971.

TITLE 89—LIBRARY AND HISTORICAL COMMISSION

Art. 5442b. Regional historical resource depositories

Definitions

Section 1. In this Act, unless the context requires a different meaning:

(1) "Commission" means the Texas Library and Historical Commission.

(2) "Historical resource" means any book, publication, newspaper, manuscript, paper, document, memorandum, record, map, picture, photograph, microfilm, sound recording, or other material of historical interest or value.

(3) "Depository" means a regional historical resource depository authorized under this Act.

(4) "State Librarian" means the director and librarian of the Texas State Library.

Designation of regional depositories

Sec. 2. In order to provide for an orderly, uniform, state-wide system for the retention and preservation of historical resources on a manageable basis and under professional care in the region of origin or interest, the Texas Library and Historical Commission is hereby authorized to designate the library of a state-supported institution of higher learning or a depository library, as that term is defined by Section 2, Chapter 438, Acts of the 58th Legislature, 1963, as amended (Article 5442a, Vernon's Texas Civil Statutes), to serve as a regional historical resources depository.

Area served; resource preservation, etc.

Sec. 3. The commission shall specify the geographical area of the state to be served by the designated depository and the methods of accessioning, cataloguing, housing, preserving, servicing, and caring for the historical resources which may be placed in the depository by or in the name of the commission.

Transfer or loan of resources

Sec. 4. (a) The commission may transfer to a depository historical resources which are under the custody and control of the commission.

(b) The commission may lend to a depository, for purposes of research or exhibit, and for such length of time and on such conditions as the commission may determine, historical resources which are under the custody and control of the commission.

(c) The commission may transfer historical resources placed by or in the name of the commission in a depository to another depository.

Offer, acceptance and loan of resources

Sec. 5. (a) County commissioners, other custodians of public records, and private parties may offer, and the librarian of a depository may accept, historical resources for preservation and retention in the depository.

(b) County commissioners, other custodians of public records, and private parties may lend historical resources to a depository for such length of time and on such conditions as the commission may prescribe.

Removal of resources

Sec. 6. Nothing in this Act shall be construed so as to prevent the commission from removing historical resources placed by or in the name of the commission in depositories if the commission determines that such removal would insure the safety or availability of the historical resources.

Rules and regulations; notice and hearing; publication

Sec. 7. (a) Proposed initial rules and regulations necessary to the administration of the system of depositories shall be formulated by the State Librarian.

(b) These proposed rules and regulations shall be published in the official publication of the Texas State Library. Such publication shall include notice of a public hearing before the commission on the proposed rules and regulations to be held on a date certain not less than 30 nor more than 60 days following the date of such publication.

(c) Following the public hearing, the commission shall approve the proposed rules and regulations or return them to the State Librarian with recommendations for change. If the commission returns the proposed rules and regulations to the State Librarian, the State Librarian shall consider the recommendations for change and resubmit the proposed rules and regulations to the commission for its approval.

(d) Revised rules and regulations shall be adopted under the same procedure provided in this Act for the adoption of the initial rules and regulations.

Duties of state librarian

Sec. 8. The State Librarian shall supervise the system of depositories and shall promulgate the rules and regulations approved by the commission.

Appropriations

Sec. 9. The legislature may appropriate funds to the Texas Library and Historical Commission sufficient for the purpose of carrying out the provisions of this Act.

Conflicting laws repealed

Sec. 10. All laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Acts 1971, 62nd Leg., p. 1731, ch. 503, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the designation, authority, and regulation of regional historical resource depositories; and declaring an emergency. Acts 1971, 62nd Leg., p. 1731, ch. 503.

Art. 5444a. Legislative reference library

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Sec. 5. The board shall appoint a director who shall serve for a period of one year from September 1st of each year, unless sooner discharged by said board for any reason. The salary of the director shall be fixed by the board. The director may, with the approval of the board, employ professional and clerical personnel at salaries fixed by the board.

Acts 1969, 61st Leg., p. 154, ch. 55, eff. Sept. 1, 1969. Sec. 5 amended by Acts 1971, 62nd Leg., p. 1112, ch. 243, § 1, eff. May 17, 1971.

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Art. 5444b. State Law Library

Definitions

Section 1. In this Act, unless the context requires a different meaning:

(1) "Library" means the State Law Library.

(2) "Board" means the State Law Library Board.

(3) "Director" means the director of the State Law Library.

Transfer of functions and duties to library; status as state agency

Sec. 2. The functions and duties now performed by the library of the Supreme Court under Article 1722, Revised Civil Statutes of Texas, 1925, are transferred to the State Law Library, which is established as an independent agency of the State.

Board; members or representatives; compensation

Sec. 3. (a) The library is under the control of, and administered by, the State Law Library Board composed of the chief justice of the Supreme Court, the presiding judge of the Court of Criminal Appeals, and the Attorney General. Each member of the board may designate a personal representative to serve for him.

(b) Members of the board or their designated representatives are not entitled to compensation for service on the board, but each member or representative is entitled to reimbursement for actual and necessary expenses incurred in attending meetings and performing official duties, to be paid out of funds appropriated to the board.

Legal reference facility; use

Sec. 4. The library shall maintain a legal reference facility to include the statutes and case reports from the several states and legal journals and periodicals. The facility shall be maintained for the use and information of the members and staff of the:

(1) Supreme Court;

(2) Court of Criminal Appeals;

(3) Attorney General's Department;

(4) commissions, agencies, and boards of the other branches of State government; and

(5) citizens of the State.

Director; staff personnel; salaries

Sec. 5. The board shall employ a director of the library and shall fix his salary. The director shall be accountable only to the board and shall serve at the pleasure of the board. The director may, with the approval of the board, employ professional and clerical personnel at salaries fixed by the board.

Transfer of books, etc. to library

Sec. 6. All books, documents, files, records, equipment, and property of all kinds owned and used by the Supreme Court Library, the Court of Criminal Appeals library, and the Attorney General's library are transferred to the State Law Library.

State Law Library Fund; Appropriations; transfers to Fund; effect upon other law libraries

Sec. 7. During the biennium ending August 31, 1973, the Comptroller of Public Accounts is hereby authorized and directed to set up an account to be known as the State Law Library Fund and is authorized and directed to transfer into such account from time to time moneys appropriated to the Supreme Court for the purpose of operating and administering the Supreme Court Library. For the purpose of operating and administering the library for the Court of Criminal Appeals, the Comptroller is authorized and directed to transfer into such account from time to time such amounts as may be necessary for such court's appropriation for consumable supplies and materials or other designation for its library purposes. For the purpose of operating and administering the library for the Attorney General, the Comptroller is authorized and directed to

For Annotations and Historical Notes, see V.A.T.S.

transfer into such account from time to time such amounts as may be necessary from the appropriation to the Attorney General's office for consumable supplies and materials or other designation for its library purposes. Such transfers may be made on the direction of the Chief Justice of the Supreme Court, the Presiding Judge of the Court of Criminal Appeals, and the Attorney General, respectively. Moneys in the State Law Library Fund may be expended by the board or its duly authorized representative for the purpose of maintaining, operating, and keeping up to date the State Law Library. Moneys appropriated for use of the libraries of the Supreme Court, Court of Criminal Appeals, and the Attorney General's office during the present biennium shall not be affected by this Act.

Transfer of books, etc. to University of Texas Law School library

Sec. 8. The library may transfer any books, papers, and publications located in and belonging to the library to the library of the Law School of The University of Texas. The transfer may be made only on the unanimous vote of the members of the board. By majority vote, the board may recall any books, papers, or publications transferred by authority of this section.

Rules and regulations

Sec. 9. The board shall make all reasonable rules and regulations which are necessary to insure efficient operation of the library.

Acts 1971, 62nd Leg., p. 2359, ch. 722, eff. June 8, 1971.

Title of Act:

An Act relating to the creation of the State Law Library to be operated and administered by the State Law Library Board; transferring the function, duties and libraries of the library of the Supreme Court, Court of Criminal Appeals, and the Attorney General's office to the State Law Library; transferring to the board the money appropriated to the Supreme Court, Court of Criminal Appeals, and Attorney General's office for the operation and administration of their libraries; repealing Article 1722, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency. Acts 1971, 62nd Leg., p. 2359, ch. 722.

Section 10 of the 1971 act repealed art. 1722.

TITLE 90—LIENS

CHAPTER ONE—JUDGMENT LIEN

Art. 5447. [5611-2-3] Abstracts of judgments

Each clerk of a court, when the person in whose favor a judgment was rendered, his agent, attorney or assignee, applies therefor, shall make out, certify under his hand and official seal, and deliver to such applicant upon the payment of the fee allowed by law, an abstract of such judgment showing:

(1) The names of the plaintiff and of the defendant in such judgment;

(2) The birthdate and driver's license number of the defendant, if available to the clerk of the court;

(3) The number of the suit in which the judgment was rendered;

(4) Defendant's address if shown in the suit in which judgment is rendered, and if not, the nature of citation and the date and place citation is served;

(5) The date when such judgment was rendered;

(6) The amount for which the judgment was rendered and balance due thereon; and

(7) The rate of interest specified in the judgment.

Each justice of the peace shall also make and deliver an abstract of any judgment rendered in his court in the manner herein provided, certified under his hand.

Amended by Acts 1971, 62nd Leg., p. 2419, ch. 768, § 1, eff. Aug. 30, 1971.

Art. 5448. [5610-4-5-9] Recording judgments

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

CHAPTER TWO—MECHANICS, CONTRACTORS AND MATERIAL MEN

Art. 5453. [5622-3] Securing lien

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 5459. [5628] [3301] Priority of lien

Section 1. The lien herein provided for shall attach to the house, building, improvements or railroad for which they were furnished or the work was done, in preference to any prior lien or encumbrance or mort-

For Annotations and Historical Notes, see V.A.T.S.

gage upon the land upon which the houses, buildings or improvements, or railroad have been put, or labor performed, and the person enforcing the same may have such house, building or improvement, or any piece of the railroad property, sold separately; provided, any lien, encumbrance or mortgage on the land or improvement at the time of the inception of the lien herein provided for shall not be affected thereby, and holders of such liens need not be made parties in suits to foreclose liens herein provided for.

Sec. 2. The time of the inception of the lien, as used in this article, shall mean the occurrence of the earliest of any one of the following events:

(a) The actual commencement of construction of the improvements or the delivery of material to the land upon which the improvements are to be located for use thereon for which the lien herein provided results, provided such commencement or material is actually visible from inspection of the land upon which the improvements are being made; or

(b) If the agreement for the construction of the improvements or any part thereof or the agreement to perform labor or furnish material or provide specially fabricated material in connection with such construction resulting in the lien herein provided for is written, the recording of such agreement in the Mechanic's Lien Records of the county in which said land is located; or

"(c) If the agreement for the construction of the improvements or any part thereof or the agreement to perform labor or furnish material or provide specially fabricated material in connection with such construction resulting in the lien herein provided for is oral, the recording of an affidavit in the Mechanic's Lien Records of the county in which said land is located stating that the lien claimant has entered into an agreement with the owner of such property or with the owner's contractor or subcontractor for construction of improvements thereon, which affidavit shall contain a description of the land, the name and address of the lien claimant, the name and address of the person with whom the lien claimant has contracted for such improvements, labor, materials, or specially fabricated materials, and a general description of the improvements contracted for.

Amended by Acts 1971, 62nd Leg., p. 1082, ch. 231, § 1, eff. May 17, 1971.

Art. 5472c. Bond to indemnify against liens

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 5472d. Bond to pay liens or claims

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

CHAPTER THREE—OIL AND MINERAL PROPERTY

Art. 5476a. Securing lien; contents of affidavit

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 5476b. Furnishing under a single contract

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

CHAPTER FIVE—FARM, FACTORY AND STORE OPERATIVES

Art. 5486. [5645] Liens, how fixed

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

CHAPTER SEVEN—OTHER LIENS

Art. 5503. Possessory lien

(a) Whenever any article, implement, utensil or vehicle shall be repaired with labor and material, or with labor and without furnishing material by any carpenter, mechanic, artisan, or other workman in this State, such carpenter, mechanic, artisan, or other workman is authorized to retain possession of said article, implement, utensil, or vehicle until the amount due on same for repairing by contract shall be fully paid off and discharged. In case no amount is agreed upon by contract, then said carpenter, mechanic, artisan, or other workman shall retain possession of such article, implement, utensil or vehicle, until all reasonable, customary and usual compensation shall be paid in full.

(b) In the event that a mechanic or other workman shall relinquish possession of a motor vehicle due to the acceptance or receipt of any check, draft, or written order for the payment of the indebtedness due thereon, and in the event that payment is stopped on such check, draft, or written order, the possessory lien established by the preceding paragraph (a) shall not be deemed to be released or relinquished, and the person to whom

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said lien has accrued shall be entitled to possession of said motor vehicle until the indebtedness due thereon shall have been paid. This paragraph (b) shall not be applicable to a bona fide purchaser of such motor vehicle subsequent to any stop payment order.

(c) In the event of a lawsuit relating to possession of a motor vehicle and the indebtedness due thereon a Court, in its discretion, may award reasonable attorney's fees to the prevailing party.

Pars. (b), (c) added by Acts 1971, 62nd Leg., p. 2441, ch. 784, art. II, § 1, eff. Aug. 30, 1971.

Art. 5506a. Hospital or clinic's lien for services on cause of action of persons injured

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Release ineffectual as against claims; exceptions as to liens

Sec. 3. No release of any claim or demand on account of any such injuries, or in respect of any such verdict, report, decision, decree, award, judgment, or final order, made and rendered, as hereinbefore mentioned, executed by any such injured person, or by any person entitled thereto, shall be valid or effectual between the parties thereto or otherwise, unless prior to the execution and delivery thereof, all such charges of any such hospital or institution or clinic, furnishing hospital services, which has filed its, his, or their lien as hereinafter provided, shall have been paid in full, or to the extent of a full and true consideration paid and given to the injured person by the other party or parties to such release named therein or paid and given by any other person or corporation in behalf of such other party or parties, or unless such release shall also have been executed by the person, corporation, association, or institution maintaining such hospital; and every such verdict, report, decision, decree, award, judgment, or final order shall remain in force and effect until all such charges of any hospital or institution shall have been paid in full or to the extent of any such verdict, report, decision, decree, award, judgment or order; provided such hospital, institution, or clinic furnishing said services does not charge more than a reasonable and regular rate for such services, in no event to exceed Fifty Dollars ($50) per day for room and meals, in addition to all other services furnished by such hospital for not longer than 100 days; and the fact that such hospital's method of classification regarding ability to pay for said services is intended solely to secure such hospital's lien on a medically indigent's cause of action for personal injuries shall not be construed as avoiding the provisions of this lien statute; provided that a notice in writing containing the name and address of the injured person, the date of the accident, the name and location of the hospital or clinic rendering the service, and if known, the name of the person or persons, firm or firms, corporation or corporations, alleged to be liable to pay damages to such injured person for such injuries so received, shall be filed in the office of the County Clerk of the county in which such injury shall have occurred, prior to the payment of any moneys to such injured person or his legal representative or other person entitled thereto as damages for or on account of such injuries. Provided further that this lien shall not attach to any claim for amounts due the injured person under the Workmen's Compensation Act of the State of Texas, or Federal Liability Act, or Federal Longshoremen's or Harbor Workers' Act. Provided further, that the lien provided for in this Act shall not attach to any claim for amounts due the injured person by any person, firm, association, corporation, or receiver, or receivers, or his, its, or their employees, owning and/or operating a railroad in this State, where such person, firm, association, corporation, or receivers, or receiver, or his, its, or their employees, maintain a hospital, furnishing hospitalization to injured persons, where the said injured person is actually receiving treat-

ment, care and maintenance in the hospital so owned by such person, firm, association, corporation, receiver or receivers, or his, its, or their employees.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 2420, ch. 769, § 1, eff. June 8, 1971.

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Repeals

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

TITLE 92—MENTAL HEALTH

II. MENTAL HEALTH AND RETARDATION ACT [NEW]

ARTICLE 2. TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Art. 5547—202. Texas Department of Mental Health and Mental Retardation

Composition of department

Sec. 2.01. The Texas Department of Mental Health and Mental Retardation shall consist of a Texas Board of Mental Health and Mental Retardation, a Commissioner of Mental Health and Mental Retardation, a Deputy Commissioner for Mental Health Services, a Deputy Commissioner for Mental Retardation Services, a staff under the direction of the Commissioner and the Deputy Commissioners, and the following facilities and institutions together with such additional facilities and institutions as may hereafter by law be made a part of the Department:

(1) the Central Office of the Department;
(2) the Austin State Hospital;
(3) the San Antonio State Hospital;
(4) the Terrell State Hospital;
(5) the Wichita Falls State Hospital;
(6) the Rusk State Hospital;
(7) the Big Spring State Hospital;
(8) the Confederate Women's Home;
(9) the Kerrville State Hospital and its Legion Annex;
(10) the Vernon Center and Annex;
(11) the Austin State School and its Austin State School Annex;
(12) the Travis State School;
(13) the Mexia State School;
(14) the Abilene State School;
(15) the Lufkin State School;
(16) the Richmond State School;
(17) the Denton State School;
(18) the Corpus Christi State School;
(19) the Lubbock State School;
(20) the Texas Research Institute of Mental Sciences;
(21) the Dallas Neuropsychiatric Institute for Treatment, Research and Teaching;
(22) the Beaumont State Center for Human Development;
(23) the Amarillo State Center for Human Development;
(24) the San Antonio State Center for Human Development;
(25) the El Paso State Center for Human Development;
(26) the Fort Worth State Mental Health Out-patient Clinic;
(27) the Dallas State Mental Health Out-patient Clinic;
(28) the Rio Grande State Center for Mental Health and Mental Retardation;
(29) the San Angelo Center;
(30) the Leander Rehabilitation Center.

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Deputy commissioners

Sec. 2.08. (a) The Commissioner shall appoint a Deputy Commissioner for Mental Health Services and a Deputy Commissioner for Mental Retardation Services. Each appointment is subject to the approval of the Board.

(b) To be qualified for appointment as Deputy Commissioner for Mental Health Services, a person must be a physician licensed to practice in this state and have at least three years of specialized training in psychiatry.

(c) To be qualified for appointment as Deputy Commissioner for Mental Retardation Services, a person must have proven administrative ability and professional qualifications, including at least five years of broad experience and knowledge in the field of mental retardation.

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Acts 1965, 59th Leg., p. 165, ch. 67, § 1, eff. Sept. 1, 1967. Sec. 2.06 amended by Acts 1967, 60th Leg., p. 774, ch. 326, § 1, eff. May 27, 1967; Sec. 2.13 amended by Acts 1967, 60th Leg., p. 155, ch. 82, § 1, eff. Aug. 28, 1967; Sec. 2.17 amended by Acts 1967, 60th Leg., p. 543, ch. 239, § 1, eff. May 20, 1967; Sec. 2.20 amended by Acts 1967, 60th Leg., p. 577, ch. 261, § 1, eff. Aug. 28, 1967; Secs. 2.01, 204, 213, 217 amended by Acts 1969, 61st Leg., p. 2010, ch. 688, § 2, eff. Sept. 1, 1969; Sec. 2.01 amended by Acts 1971, 62nd Leg., p. 2089, ch. 643, § 1, eff. Aug. 30, 1971; Sec. 2.08 amended by Acts 1971, 62nd Leg., p. 1589, ch. 432, § 1, eff. May 26, 1971.

TITLE 93—MARKETS AND WAREHOUSES

CHAPTER TWO—WAREHOUSES AND WAREHOUSEMEN

Art. 5577b. Grain warehouses and warehousemen

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Bond requisites

Sec. 7.

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(d) In no event shall the liability of the surety on any bond required by this Act accumulate for each successive license period during which the bond is in force. The liability of the surety is limited in the aggregate to the face amount of the bond.

Acts 1969, 61st Leg., p. 2415, ch. 811, emerg. eff. June 14, 1969. Sec. 7, subsec. (d) amended by Acts 1971, 62nd Leg., p. 2630, ch. 862, § 1, eff. June 9, 1971.

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CHAPTER SEVEN—WEIGHTS AND MEASURES

Art.
5736g. Dairy advisory board on milk testing apparatus; public hearings; notice; action by commissioner; emergencies; appeal [New].

Art. 5736a. Babcock test for butter fat; other milk testing apparatus; approval

The Babcock test is hereby adopted as the official dairy test for use in the State of Texas, to be used by every person, firm, association, partnership, and/or corporation paying for milk or cream on the basis of the butterfat content of such commodity or commodities; in addition to the Babcock test, other milk testing apparatus to determine the butterfat or other component parts of milk may also be approved, if the Commissioner of Agriculture and the Dairy Advisory Board shall determine that other testing apparatus also meets specifications necessary to accurately determine the butterfat content or other component parts of milk, and the method of operating the test, or tests, shall comply in every detail with standard rules governing the Babcock or other butterfat or milk testing apparatus, and the Commissioner of Agriculture is hereby authorized to enforce the correct operation of the Babcock or other butterfat or milk test, or tests, and, after public hearing, to issue all rules and regulations necessary to enforce the provisions of this Act. The Commissioner of Agriculture and the Dairy Advisory Board shall approve milk testing apparatus on the basis of performance, accuracy and testing specifications, and is prohibited from officially approving any milk testing apparatus by brand, trade or manufacturer's name.

It is further provided that no milk testing apparatus shall be officially employed to determine butterfat content or other component parts of milk in the State of Texas until it has been approved by the Association of Official Analytical Chemists (AOAC).

Amended by Acts 1971, 62nd Leg., p. 1215, ch. 296, § 1, eff. May 24, 1971.

Art. 5736g. Dairy advisory board on milk testing apparatus; public hearings; notice; action by commissioner; emergencies; appeal

Section 1. [Amends art. 5736a].

Sec. 2. (a) There is hereby created a Dairy Advisory Board for the purpose of advising with the Texas Commissioner of Agriculture in the conducting of public hearings for the purpose of determining the type of dairy testing apparatus to be used in the State of Texas that may be used to determine butterfat content and/or component parts of milk.

(b) The Advisory Board shall consist of three (3) members as follows: One (1) member shall represent the dairy processing industries; one (1) member shall represent the dairy production industry; and one (1) member shall represent consumers.

(c) The Advisory Board members shall be appointed for two (2) year periods with the effective date of the first appointments to commence January 1, 1972 and extend through December 31, 1974. Advisory Board members shall be appointed by the Governor with the advice and consent of the Senate.

(d) Frequency of public hearings shall be determined by the Commissioner of Agriculture with the approval of a majority of the Advisory Board members.

Sec. 3. (a) At all hearings before the Texas Commissioner of Agriculture and the Dairy Advisory Board, parties in interest shall have the right to appear in person and by counsel, and to present oral and written evidence. If requested by a party in interest, a record shall be made of all evidence offered by such party and all other evidence considered by the Commissioner of Agriculture and the Dairy Advisory Board. The Commissioner of Agriculture shall swear witnesses and take their testimony under oath.

(b) Prior to the approval, modification or rejection of any milk testing apparatus to be used in Texas to determine the butterfat or other component parts of milk the Commissioner of Agriculture and the Dairy Advisory Board shall give at least thirty (30) days notice of its intended action. The notice shall include a statement of the nature or purpose of the hearing, as well as, the time and place of the hearing. The notice shall be published not less than thirty (30) nor more than sixty (60) days prior to such intended action in a newspaper of general circulation in Travis County and in each of the five (5) most populous counties in Texas, according to the latest U. S. Census. In addition, the notice is to be mailed to all persons who have made timely written requests of the Commissioner of Agriculture for advance notice of such hearings.

(c) Any action taken by the Commissioner of Agriculture and the Dairy Advisory Board shall not become effective before ninety (90) days following such hearing and adoption.

(d) If the Commissioner of Agriculture and the Dairy Advisory Board find that an imminent peril to the public health, safety or welfare requires adoption, modification or rejection of any milk testing apparatus to be used in Texas to determine butterfat or other component parts of milk, upon fewer days than thirty (30) days notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon abbreviated notice and hearing that it finds practical, to take emergency action. Such emergency action may be effective for a period of not longer than one hundred twenty (120) days renewable once for a period not exceeding sixty (60) days.

(e) Any party in interest aggrieved by any order, ruling or decision of the Texas Commissioner of Agriculture and the Dairy Advisory Board may within thirty (30) days after the date of entry, file in the District Court of Travis County, Texas, a petition against the Texas Commissioner of

Agriculture and the Dairy Advisory Board officially as defendant, alleging therein, in brief detail, the order, ruling or decision complained of in praying for a reversal or modification thereof.

Sec. 4. It is the express intent of this legislation that the Dairy Advisory Board serve in an advisory capacity only.

Acts 1971, 62nd Leg., p. 1215, ch. 296, §§ 2–4, eff. May 24, 1971.

Section 5 of the 1971 Act was a severability provision.

TITLE 94—MILITIA—SOLDIERS, SAILORS AND MARINES

CHAPTER ONE—MILITIA AND STATE MILITARY FORCES

Art. 5765. [5764] General Provisions

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Reemployment of person called to active duty

Sec. 7A. (a) No private employer may terminate the employment of a permanent employee who is a member of the State Military Forces because the employee is ordered to active duty by proper authority during an emergency of any kind within this state. The member is entitled to return to the same employment that he held at the time he was ordered to active duty.

(b) To be entitled to take advantage of the right to reemployment granted in Subsection (a) of this section, the member must, as soon as practical upon his release from duty, give written or actual notice of his intention to return to his employment.

(c) A person who is injured because of a violation of this section is entitled to just damages, recoverable at law, in an amount not to exceed six months' compensation at the rate at which he was compensated at the time he was ordered to active duty. In addition to damages, the injured person is entitled to recover reasonable attorney's fees, to be approved by the court.

(d) It is a defense in an action brought under this section that the employer's circumstances changed to such an extent during the time that the member was ordered to active duty that reemployment was impossible or unreasonable.

Amended by Acts 1965, 59th Leg., p. 1601, ch. 690, § 1, eff. Aug. 30, 1965; Sec. 7A added by Acts 1971, 62nd Leg., p. 1750, ch. 512, § 1, eff. Aug. 30, 1971.

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CHAPTER THREE—NATIONAL GUARD

Art. 5783. Service and Duties

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Active state service

Sec. 8. The Military Forces of this state, including the Texas State Guard, when called into active service of this state in time of war, insurrection, invasion or imminent danger thereof, or in the prevention thereof, or in preparation against the same, or under any other existing statutory or constitutional authority of this state, shall, during their time of service, be entitled to and shall receive the same pay as is now or may hereafter be established by the laws for Armed Forces of the United States; provided, however, that if such pay is less than the current state per diem, as authorized in the current appropriations act, then in that event, members of the Military Forces of this state ordered or called into the service of this state shall not receive less than the current state per

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diem rate for their state military service. This amount shall be an emolument for services and considered salary or base pay. Any food, shelter, or transportation furnished by the state in association with such active duty service shall not detract from or in any way lessen the amount of compensation to be received by the individual concerned. It is the intent of the Legislature to use the current state per diem as a reference point to the emolument to be received in order that as inflation occurs, it will not be necessary to amend this statute to provide for increased compensation to offset the inflation.

Acts 1963, 58th Leg., p. 209, ch. 112, § 1. Sec. 10 amended by Acts 1967, 60th Leg., p. 166, ch. 87, § 1, eff. Aug. 28, 1967; Sec. 8 amended by Acts 1971, 62nd Leg., p. 1133, ch. 252, § 1, eff. Aug. 30, 1971.

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Section 2 of the 1971 amendatory act was a severability provision.

Art. 5789. Awards, Decorations and Medals

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Rules and regulations pertaining to awards, decorations, medals and ribbons

Sec. 7.

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(d) Texas Outstanding Service Medal. It may be presented to any member of the state military forces whose performance has been such as to merit recognition for service performed in a superior and clearly outstanding manner.

Acts 1963, 58th Leg., p. 209, ch. 112, § 1, eff. Aug. 23, 1963. Sec. 7, subsec. (d) added by Acts 1971, 62nd Leg., p. 995, ch. 183, § 1, eff. May 13, 1971.

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CHAPTER THREE A—MISCELLANEOUS PROVISIONS

Art. 5890e. State of emergency; police power; use of militia

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Local powers during state of emergency

Sec. 7. Such cities or towns shall have full power and authority to provide by ordinance for the exercise of all powers reasonably necessary to protect the health, security, peace, life and property of the city and its inhabitants, during the period of such civil emergency. Specifically, but not in limitation of said powers which said cities may exercise, said cities may provide by ordinance, after reasonable notice, having due regard to the circumstances and exigencies of the emergency at the time of said notice, given in a newspaper of general circulation or through television or radio serving the affected area or by circulating notice or by posting signs at conspicuous places within the affected area, the following:

(a) Imposition of a general or limited curfew regulating or prohibiting any person or persons from being or remaining, or loitering or con-

gregating on any street, alley, park, public property; or any other place where they have no right or authority to be during said curfew.

(b) Limitation or prohibition of the sale or dispensing of beer, wine, liquor, and any and all other alcoholic beverages.

(c) Limitation or prohibition of the sale or dispensing of gasoline or other liquid flammable or combustible products, dynamite or other explosives, and firearms or ammunition.

(d) Limitation upon or prohibition against the operation of any establishment selling, distributing, dispensing, or giving away any of the items enumerated in Subparagraphs (a), (b), and (c) hereinabove.

(e) Establishment of temporary, emergency housing for persons rendered homeless, or occupants of abodes not fit for human habitation, as a result of such natural disaster or man-made calamity, or for purposes of governmental operations, for not longer than three hundred sixty (360) consecutive days after commencement of such natural disaster or man-made calamity, or until termination of the emergency period by local governing body declaration, whichever first occurs, upon any and all lands to which such cities or towns have right of possession or custody, whether the same shall be deraigned from grantors, donors, or lessors by purchase, dedication, or otherwise, irrespective of local zoning ordinances, rules and regulations, or deed restrictions, effective at the time of or during the establishment of such housing.

(f) Upon finding by the local governing body of substantial disruption of the local (city or community) free, competitive market in the purchase or sale of hereinafter designated classes of goods and services, promulgation of maximum retail prices chargeable or collectible in such cities or towns, for a period of not more than fifteen (15) days or until earlier termination of the subject emergency period by local governing body declaration, whichever first occurs, after the occurrence of a natural disaster or man-made calamity, on the purchase and sale of the following classes of goods and services, in whole or in part:

(1) Groceries, beverages, toilet articles, and ice;

(2) Construction and building materials and supplies, electrical and gas generating and transmission equipment, parts, and accessories;

(3) Charcoal, briquettes, matches, candles, lamp illumination-and heat unit-carbides, dry batteries, light bulbs, flashlights, and hand lanterns;

(4) Hand tools (manual and power), earth-moving equipment and machinery, automotive parts, supplies, and accessories;

(5) Apartment, duplex, multi-family dwelling, rooming house, hotel and motel rentals, insofar as such regulations are not inconsistent with the National Housing Act, as amended, concerning Federally insured housing units;

(6) Gasolines, diesel oils, motor oils, kerosenes, grease, and automotive lubricants;

(7) Restaurant, cafeteria, and boarding-house meals;

(8) Medicines, pharmaceuticals, medical instruments, equipment, and supplies;

(9) Blankets, quilts, bedspreads, bed linens, mattresses, bed springs, bedsteads, towels, and toilet paper.

No rule or regulation promulgated hereunder shall provide any maximum price for an item of goods or services enumerated above which is less than the arithmetically averaged, prevailing retail price for such item as of the date of the occurrence of such natural disaster or man-made calamity. Such prevailing retail price may be determined by statistical sampling as the local governing body may direct. Alternatively, however,

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the local governing body may set the maximum retail price for any or all items of goods and services enumerated above by declaring, in ordinance, that the price charged by the purveyor of such affected good or service within the jurisdictional limits of the local governing body on the said occurrence-date shall be the maximum retail price lawfully chargeable by the purveyor of such affected good or service. An added special transportation cost for any regulated goods may be permitted by the local governing body.

The local governing body promulgating such price maximums by declaring prevailing prices shall establish an appeals procedure whereby any person dissatisfied with such body's determination of any such price on the occurrence date is promptly afforded a public hearing and shall be permitted to present evidence of such price, be represented by counsel, and have access to all data and computations employed by the governing body in determining such price. Resort to such appeal shall be prerequisite to contest of the validity of such price determination in a court of law.

All district courts having jurisdiction within the county wherein such city or town is situated shall have concurrent jurisdiction of appeals under this Section's provisions for price regulation. The substantial evidence rule shall apply in all such cases. The burden of proof of the invalidity of such price determination shall rest upon the contestant.

In no event shall such city or town, its governing body, officers, employees, or agents be held pecuniarily liable for any losses or damages attributable to its regulation of prices hereunder.

In promulgating maximums hereunder, the declaration by the local governing body that the arithmetically averaged, prevailing price of any item charged on the occurrence-date in such town or city by the purveyors thereof shall be the maximum retail price chargeable by such purveyors for the period of price control shall be deemed sufficient for the invocation of the regulatory power herein provided.

Declaration in this manner, however, shall not preclude subsequent establishment of a higher maximum retail price during the permissible regulatory period or the employment of a method of price calculation different from the method initially employed, so long as such method conforms to the terms of this Act.

(g) In the event of occurrence of a man-made calamity or natural disaster any local governing body whose territorial jurisdiction is affected thereby, under the terms of this Act, may remove, by ordinance or order, on one reading, the operation, in whole or in part, of the competitive bidding requirements of Article 2368a, Vernon's Texas Civil Statutes, and applicable local law, whether in Charter, ordinance, or order, for a period of not more than ninety (90) days after the calamity or disaster occurrence-date, provided, each such ordinance or order shall be preceded by final passage and approval of an ordinance or order of such local governing body declaring its finding of the existence of a prevalent man-made calamity or natural disaster, pursuant to the terms of this Act. Further provided, however, that, in the event of such action, the local governing body shall diligently solicit and procure, insofar as practicable, bids, quotations, or estimates of material, labor, and other costs for those purchases, goods, and works described in said Article 2368a, Vernon's Texas Civil Statutes, prior to entering into contract therefor and shall award such contract, if award be made, to the lowest and best bid, quotation, or estimate received.

Duration of local state of emergency

Sec. 8. The declaration of state of emergency by any city or town as provided for in this statute, except as otherwise expressly provided herein, shall automatically terminate at the end of seven (7) days after

the time of declaration of said state of emergency, unless declared for a shorter period or terminated at an earlier time by the governing body of said city or town. Subject to the prior approval by the Governor, such state of emergency, and all powers incident thereto, may be extended by the governing body of said city or town for as may successive like periods of not in excess of seven (7) days after the time of declaration as may be reasonably necessary to protect the health, life, and property of the city and its inhabitants.

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Violations

Sec. 10. Any violations of the provisions of this Act or any orders, rules, or regulations or ordinances promulgated hereunder shall be (a) punishable as a misdemeanor and shall subject the offender to a fine of not more than Two Hundred Dollars ($200) or not more than sixty (60) days incarceration, or both, upon conviction thereof, or (b) subject such violators to the processes of temporary restraining orders, temporary and permanent injunctions, as to such alleged violations, under the Rules of Civil Procedure of the State of Texas and applicable law. Such prosecutions for misdemeanor and suits for injunction may be instituted by the Governor or the local governing body in any court of competent jurisdiction within the State.

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Acts 1969, 61st Leg., p. 2658, ch. 877, eff. June 21, 1969; Secs. 7, 8, 10 amended by Acts 1971, 62nd Leg., p. 2996, ch. 990, §§ 1–3, eff. Aug. 30, 1971.

Sections 4 to 7 of the 1971 amendatory act provided:

"Sec. 4. All Acts and governmental proceedings of cities and towns within the state included in disaster areas, as declared by the President of the United States, their governing bodies, officers, employees, contractors, and agents, performed in the year 1970 under expressed authority of Article 5890e aforesaid, are hereby in all respects validated as of the date of such Acts or proceedings.

"Sec. 5. All other provisions of Article 5890e, Vernon's Texas Civil Statutes, are hereby kept in full force and effect.

"Sec. 6. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

"Sec. 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared to be severable. If any section, paragraph, sentence, clause, phrase, or word of this Act shall, for any reason, be finally adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such final judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, or word thereof so found unconstitutional or invalid."

CHAPTER FIVE A—SECURITY PERSONNEL

Art. 5891A—1. Repealed by Acts 1971, 62nd Leg., p. 3323, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

See, now, V.T.C.A. Education Code, § 51.212.

Art. 5891A—2. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

Article 5891A—2 authorizing employment of school security personnel, and enacted by Acts 1971, 62nd Leg., p. 2426, (H.B. 1007) ch. 774, eff. June 8, 1971, was codified by Acts 1971, 62nd Leg., p. 3356, ch. 1024, art. 2, § 32, as V.T.C.A. Education Code, § 21.308.

TITLE 97—NAME

CHAPTER ONE—ASSUMED NAME

Art. 5924. Business under assumed names

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 5925. Change of ownership

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

TITLE 97A—NATIONAL GUARD ARMORY BOARD [NEW]

Art. 5931—1. Composition

There is hereby created the Texas National Guard Armory Board to be composed of the two senior officers of the Texas Army National Guard, and the senior officer of the Texas Air National Guard. The Board shall be composed of three members actively serving in the Texas Army National Guard and the Texas Air National Guard and the term of office for members of the Texas National Guard Armory Board shall be of six years' duration without regard to organizational structure of the National Guard. Any member's retirement being of any nature from active service with the Texas Army National Guard or Texas Air National Guard shall constitute a vacancy to be filled in accordance with this Act. In the event of a vacancy, the person qualifying for the position shall complete the unexpired term of his predecessor. Each officer of the Texas Army National Guard or the Texas Air National Guard who may thereafter fill the position qualifying him for membership on the Texas National Guard Armory Board, as provided in this Act, shall be certified by the Governor of Texas to the Secretary of State, who shall notify the officer concerned within 10 days after the occurrence of the vacancy. Each member of the Texas National Guard Armory Board shall, within 15 days from the date of his receipt of notice of his eligibility to serve to fill a vacancy, qualify by taking and filing with the Secretary of State the constitutional oath of office.

The senior and junior, in length of service, of the members on said Board shall be, respectively, chairman and treasurer thereof, and the persons holding such office shall change as length of service may determine when changes in the membership of said Board occur.

In the event any member of the Board is unable to serve because of his induction into federal service or the induction of his military unit into federal service, the Governor of Texas shall designate the next senior officer of the Texas National Guard as successor in function, who shall thereupon be and become a member of the Board only for the duration of such term of induction into federal service; thereafter the military successor in function of the Texas National Guard shall qualify as a member of the Board.

It is further provided that none of the members of this Board shall at the time hold any other office or position of honor, trust, or profit under the state or federal government, except as a member of the Texas National Guard.

Should any officer fail to qualify as a member of the Board under the provisions of the State Constitution or the provisions of this Act, the next senior officer in military rank to qualify shall be certified by the Governor of Texas to the Secretary of State as provided in this Act.
Acts 1967, 60th Leg., p. 415, ch. 186, § 1, eff. May 12, 1967. Amended by Acts 1971, 62nd Leg., p. 1661, ch. 470, § 1, eff. May 27, 1971.

Section 4 of the 1971 amendatory act was a severability provision, and section 5 there- of repealed all conflicting laws to the extent of conflict.

Art. 5931—5. Specific powers

The Board shall possess but is not limited to the following powers:

(1) to sue and be sued;

(2) to enter into contracts in connection with any matter within the objects, purposes or duties of the Board;

(3) to have and use a corporate seal;

For Annotations and Historical Notes, see V.A.T.S.

(4) to appoint, employ and pay, and dismiss an executive secretary, and also such other officials, counsel, lawyers, agents, and employees as may be necessary to carry out the objects, purposes and duties of the Board, and to prescribe their duties and fix their compensation;

(5) to adopt, and from time to time to change or amend, all necessary bylaws for the conduct of the business and affairs of the Board;

(6) to acquire, by gift or purchase, for use as building sites or for any other purposes deemed by said Board to be necessary in connection with or for the use of units of the Texas National Guard, property of any and every description, whether real, personal or mixed, including, but without limitation on the foregoing, leasehold estates in real property, and hold, maintain, sublease, convey, and exchange or sell as hereinafter provided, such property, in whole or in part, and/or pledge the rents, issues and profits thereof in whole or in part; also, to acquire, by gift or purchase, or by construction of the same, furniture and equipment suitable for Armory purposes and to hold, maintain, sublease, convey and exchange or sell as hereinafter provided, such furniture and equipment, in whole or in part;

(7) to construct buildings on any of its real property, whether held in fee simple or otherwise, and to furnish and equip the same and to hold, manage and maintain all of said property and to lease to the State of Texas, in the same manner as hereinafter provided with respect to other property, the buildings, and the sites thereon situated, which it may construct, and to lease and sublease, convey and exchange, or sell as hereinafter provided, in whole or in part, all of its property and/or pledge the rents, issues and profits of all of said property, wherever located, in whole or in part; provided, however, that before any building is constructed by said Board on the lands comprising any state camps, the site therefor, in maximum area 200,000 square feet, shall, promptly on said Board's request therefor to the Adjutant General of Texas, be selected and described by a board of officers appointed from time to time for the purpose by the said Adjutant General, and such description shall be certified to said Armory Board and a copy thereof shall be furnished to and preserved in the office of said Adjutant General; and provided further, that when so selected and described and constructed upon, such sites shall be and become the property of the said Armory Board, for all purposes contemplated by the Act of which this section is a part, as fully and absolutely as if the same had been acquired by a gift to or purchase by said Armory Board;

(8) from time to time, to borrow money, and to issue and sell bonds, debentures, and other evidences of indebtedness for the purpose of acquiring one or more building sites and buildings, and for the purpose of constructing, remodeling, repairing, and equipping one or more buildings, such bonds, debentures, or other evidences of indebtedness to be fully negotiable and to be secured as follows: by a pledge of, and payable solely from, the rents, issues, and profits of all of the property of the Board; of the property acquired or constructed by the Board, in whole or in part, with the proceeds of the borrowing transactions. Provided, however, that interest falling due within 24 months after the issuance and sale of any particular bonds, debentures, or other evidences of indebtedness, or any series thereof, may be paid out of the proceeds of the sale thereof. Any such bonds, debentures, or other evidences of indebtedness may be issued in series, and if so issued, all series thereof issued under or secured by the same trust indenture or trust agreement, shall rank equally, without preference or priority of one series over another, whether by reason of the date of issue or negotiation thereof or date of maturity thereof or for any other reason. All such bonds, debentures, or other evidences of indebtedness and interest thereon, shall be exempt from taxation (except inheritance taxes) by the State of Texas or by any municipal corporation, county or political subdivision, or taxing district of the State. All bonds,

debentures, or other evidences of indebtedness authorized and issued under authority of this Act 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 for all public funds of the State of Texas including, but not limited to, the permanent free school fund, and for the sinking funds of cities, towns, villages, counties, school districts, or other political subdivisions or corporations of the State of Texas. Such bonds, debentures, or other evidences of indebtedness 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, debentures, or other evidences of indebtedness shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto. Said bonds, debentures, or other evidences of indebtedness may be sold by the Board in any manner it may determine; provided, that no bonds, debentures, or other evidences of indebtedness shall be issued and sold at a price which will be such that the interest costs of the money received by the Board from the sale thereof will exceed six percent per annum, computed to maturity according to standard tables of bond values, and provided further, that no bonds, debentures, or other evidences of indebtedness shall be sold unless and until same shall have been approved by the Attorney General of the State of Texas and registered with the Comptroller of Public Accounts. The Board shall have power from time to time to execute and deliver trust deeds and trust agreements whereunder any bank or trust company authorized by the laws of the State or of the United States of America to accept and execute trusts in the State, or any individual selected by the Board, may be named and act as trustee. Any such trust deed or trust agreement shall be signed in the name and on behalf of the Board by the chairman of the Board and countersigned by the treasurer thereof and the corporate seal of the Board shall be affixed thereto and such seal attested by the executive secretary of the Board; and any such trust deed or trust agreement may, if it name such bank or trust company to act as trustee, contain provisions for the deposit with the trustee thereunder and the disbursement by such trustee of the proceeds of the bonds, debentures, or other evidences of indebtedness issued thereunder or secured thereby, and/or the rents, issues, and profits of all property acquired or constructed out of such proceeds, and, whether or not such bank or trust company be named as trustee, may also contain such provisions for the protection and enforcement of the rights and remedies of the trustee and the holders of such bonds, debentures, or other evidences of indebtedness as the Board may approve, including provisions for the acceleration of the maturity of any such bonds, debentures, or other evidences of indebtedness upon default by the Board in the performance or observance of any of the covenants or provisions of such bonds, debentures, or other evidences of indebtedness or of the trust deed or trust agreement whereunder the same are issued or secured. Any such trust deed or trust agreement shall provide that all bonds, debentures, or other evidences of indebtedness issued at any time thereunder shall be equally secured thereby but any such trust deed or trust agreement may contain and impose upon the Board limitations and conditions governing the right of the Board to issue additional bonds, debentures, or other evidences of indebtedness. All such bonds, debentures, or other evidences of indebtedness shall be signed by the chairman of the Board, countersigned by the treasurer thereof, and the corporate seal of the Board shall be thereto affixed, and such seal attested by the executive secretary of the Board, and in case any officer of the Board who shall have signed or attested any such bond, debenture, or other evidence of indebtedness shall cease to be such officer before

such bond, debenture, or other evidence of indebtedness shall have been actually issued by the Board, such bond, debenture, or other evidence of indebtedness may nevertheless be validly issued by the Board. Such bonds, debentures, or other evidences of indebtedness may be issued in fully registered form without interest coupons, or in coupon form registerable as to principal only, or in bearer form with coupons attached. All of the coupons shall be authenticated by the facsimile signature of the treasurer of the Board; and

(9) to execute and deliver leases, or subleases in the case of buildings located upon leasehold estates acquired by the Board, demising and leasing to the State of Texas through the Adjutant General, who shall execute the same for said State, for such lawful term as may be determined by the Board, any building or buildings, and the equipment therein and the site or sites therefor, to be used for Armory and other purposes and to renew such leases or subleases from time to time; provided, however, that if at any time the State of Texas shall fail or refuse to pay the rental reserved in any such lease or sublease, or shall fail or refuse to lease or sublease any such building and site, or to renew any existing lease or sublease thereon at the rental provided to be paid, then the Board shall have the power to lease or sublease such building or equipment and the site therefor to any person or entity and upon such terms as the Board may determine. The law requiring notice and competitive bids shall not apply to leasing or subleasing of such property. The annual rental (which may be made payable in such installments as the Board shall determine) to be charged the State of Texas for the use of such property leased or subleased to it by the Board shall be sufficient to provide for the operation and maintenance of the property so leased or subleased, to pay the interest on the bonds, debentures, or other evidences of indebtedness, if any, issued for the purpose of acquiring, constructing, or equipping any such property, to provide for the retirement of such bonds, debentures, or other evidences of indebtedness, if any, and the payment of the expenses incident to the issuance thereof, as well as the necessary and proper expenses of the Board not otherwise provided for.

Acts 1967, 60th Leg., p. 416, ch. 186, § 1, eff. May 12, 1967. Amended by Acts 1971, 62nd Leg., p. 1662, ch. 470, § 2, eff. May 27, 1971.

Art. 5931—9. Transfers and sales

The Board may receive from the Adjutant General state-owned National Guard Camps and all land, improvements, buildings, facilities, installations, and personal property in connection therewith, and administer the same along with any of the Board's other property, or make proper disposal of such property otherwise when designated by the Board and the Adjutant General as 'Surplus' when in the best interest of the Texas National Guard, its successors or components. The Armory Board is further authorized to remove, dismantle, and sever, or to authorize the removal, dismantling, and severance of any of said property to accomplish the above purposes. All such property when designated for sale, shall be sold by the Armory Board to the highest bidder for cash, and all funds received from such sale shall be deposited in the State Treasury to the credit of the Texas National Guard Armory Board for the use and benefit of the Texas National Guard or their successors or components; provided, however, that the Board may reject any or all bids received and further provided, that none of the funds received from sales may be expended except by legislative appropriation.

Acts 1967, 60th Leg., p. 419, ch. 186, § 1, eff. May 12, 1967. Amended by Acts 1971, 62nd Leg., p. 1665, ch. 470, § 3, eff. May 27, 1971.

TITLE 99—NOTARIES PUBLIC

Art. 5949. [6002] [3503] Notary public

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Procedure for appointment; application; contents; duties of county clerks

3. Appointments to the office of Notary Public shall be made as follows:

Any person desiring appointment as a Notary Public shall make application in duplicate to the county clerk of his county of residence, or the county in which the applicant seeks to act as Notary Public, on forms prescribed by the Secretary of State, which includes his name as it will be used in acting as such Notary Public, his post-office address, his social security number, if any, a statement that he has never been convicted of a crime involving moral turpitude, and shall satisfy the clerk that he is at least twenty-one (21) years of age and otherwise qualified by law for the appointment which is sought. One copy of each application, along with the names of all persons making such application shall be sent in duplicate by the county clerk to the Secretary of State with the certificate of the county clerk that according to the information furnished him, such person is eligible for appointment as Notary Public for such county. The Secretary of State shall act upon all such names submitted at the earliest practicable time and notify the county clerk whether such appointment or appointments have been made. Upon receiving notice from the Secretary of State of such appointments, the county clerk shall forthwith notify all persons so appointed to appear before him within fifteen (15) days from the date of such appointment and qualify as hereinafter provided. The appointment of any person failing to qualify within the time allowed shall be void, and if any such person desires thereafter to qualify, his name shall be resubmitted in the same maner as hereinabove provided.

Sec. 3 amended by Acts 1965, 59th Leg., p. 182, ch. 74, § 1, eff. April 8, 1965; Acts 1965, 59th Leg., p. 1517, ch. 660, § 1, eff. Aug. 30, 1965; Acts 1971, 62nd Leg., p. 2352, ch. 716, § 1, eff. June 8, 1971.

* * * * * * * * * * *

Bond

7. Any person appointed a Notary Public, before entering upon his official duties, shall execute a bond in the sum of One Thousand ($1,000.00) Dollars with two or more solvent individuals, or one solvent surety company authorized to do business in this State, as surety, such bond to be approved by the county clerk of his county, payable to the Governor, and conditioned for the faithful performance of the duties of his office; and shall also take and subscribe his name and social security number to the official oath of office which shall be endorsed on said bond with the certificate of the official administering the same. Said bond shall be deposited in the office of the county clerk and shall not be void on the first recovery, and may be sued on in the name of the party injured from time to time until the whole amount thereof has been recovered. Any such person shall be deemed to be qualified when he has taken the official oath of office, furnished the bond and paid the fees herein provided for, all within the time allowed therefor.

Sec. 7 amended by Acts 1971, 62nd Leg., p. 2353, ch. 716, § 2, eff. June 8, 1971.

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For Annotations and Historical Notes, see V.A.T.S.

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

TITLE 100—OFFICERS—REMOVAL OF

Art. 5966a. State Judicial Qualifications Commission

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Censure Procedures

Sec. 6A. Procedures to be employed by the commission in the exercise of its power of censure, as provided in Article V, Section 1–a, Subsection (6), of the Texas Constitution, will be determined by the commission following a hearing held before it as provided in Article V, Section 1–a, Subsection (8), of the Texas Constitution.

Acts 1967, 60th Leg., p. 1159, ch. 516, eff. June 14, 1967. Sec. 6A added by Acts 1971, 62nd Leg., p. 2407, ch. 757, § 1, eff. June 8, 1971.

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Art. 5972. "Incompetency"

(a) By "incompetency" as used herein is meant gross ignorance of official duties, or gross carelessness in the discharge of them; or an officer may be found to be incompetent when, by reason of some serious physical or mental defect, not existing at the time of his election, he has become unfit or unable to discharge promptly and properly the duties of his office.

(b) In the case of a justice of the peace who is not a licensed attorney, "incompetency" also includes the failure to successfully complete within one year from the date he is first elected, or if he is in office on the effective date of this Act, one year from the effective date of this Act, a forty-hour course in the performance of his duties; said course to be completed in any accredited state-supported school of higher education.

Amended by Acts 1971, 62nd Leg., p. 1110, ch. 241, § 1, eff. Aug. 30, 1971.

Section 2 of the 1971 amendatory act provided: "Persons having served two terms or more as a duly elected justice of the peace are exempted from provisions of subsection (b) of this Act."

TITLE 101—OFFICIAL BONDS

Art. 6000. [6078] [3575] [3434] Bond to be recorded

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

TITLE 102—OIL AND GAS

GENERAL PROVISIONS

Art. 6008c. Mineral Interest Pooling Act

* * * * * * * * * * *

Sec. 2. (a) When two or more separately owned tracts of land are embraced within a common reservoir of oil or gas for which the Railroad Commission of Texas (hereinafter called 'Commission') has established the size and shape of proration units, whether by temporary or permanent field rules, and where there are separately owned interests in oil and gas within an existing or proposed proration unit in the common reservoir, and the owners have not agreed to pool their interests, and where at least one of the owners of the right to drill has drilled or has proposed to drill a well on the existing or proposed proration unit to the common reservoir, the Commission, to avoid the drilling of unnecessary wells, or to protect correlative rights, or to prevent waste, shall, on the application to the Commission of the owner of any interest in oil and gas in an existing proration unit or with respect to a proposed unit, the owner of any working interest or any owner of an unleased tract other than a royalty owner, establish a unit and pool all of the interests therein within an area containing the approximate acreage of such proration unit, which unit shall in no event exceed 160 acres for an oil well or 640 acres for a gas well plus 10% tolerance. The applicant shall set forth in detail the nature of voluntary pooling offers made to the owners of the other interests in the proposed unit, and the Commission shall dismiss such application if it finds that a fair and reasonable offer to voluntarily pool has not been made by the applicant. An offer by any owner of a royalty or any other interest in oil or gas within an existing proration unit to share on the same yardstick basis as the other owners within the existing proration unit are then sharing shall be considered a fair and reasonable offer. The Commission shall not require the owner of a mineral interest, the productive acreage of which is equal to or in excess of the standard proration unit for the reservoir, to pool his interest with others, unless requested by the holder of an adjoining mineral interest, the productive acreage of which is smaller than such pattern, who has not been provided a reasonable opportunity to pool voluntarily, in which event the Commission shall pool the smaller tract with adjacent acreage on a fair and reasonable basis and may authorize a larger allowable for such unit if it exceeds the size of the standard proration unit for the reservoir. The Commission shall only pool such acreage which at the time of its order reasonably appears to lie within the productive limits of the reservoir.

Acts 1965, 59th Leg., p. 24, ch. 11, eff. Aug. 30, 1965. Sec. 2, subsec. (a) amended by Acts 1971, 62nd Leg., p. 2793, ch. 903, § 1, eff. June 15, 1971.

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Art. 6029b. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

This article encompassed the "Salt Water Haulers Permit Act", and was derived from Acts 1967, 60th Leg., p. 844, ch. 355. See, now, V.T.C.A. Water Code, §§ 24.001 et seq.

NATURAL GAS

Art. 6066d. Liquefied Petroleum Gas Code

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Categories and fees of dealers

Sec. 6. A prospective dealer in Liquefied Petroleum Gas may make application to the Liquefied Petroleum Gas Division as provided in Section 9 of this Act, for a license to engage in any or all of the following categories of dealers, and the following first year and renewal license fees are hereby fixed and assessed for each such category:

(1) Manufacturers or Fabricators. The manufacture, fabrication, assembly and/or sale of Liquefied Petroleum Gas containers, tanks, and/or equipment. The application and first year license fee shall be Five Hundred Dollars ($500.00). Thereafter the annual renewal license fee shall be Three Hundred Dollars ($300.00) per annum.

(2) Limited Installers or Repairmen. The installation, service and/or repair of cooking and space heating appliances, excluding water heaters, floor furnaces and central heating units, and excluding the installation of Liquefied Petroleum Gas systems of equipment other than an appliance connector approved by the Liquefied Petroleum Gas Division. The application and first year license fee shall be Fifty Dollars ($50.00). Thereafter the annual renewal license fee shall be Twenty-five Dollars ($25.00) per annum.

(3) Wholesalers or Jobbers. Any person who is not a producer or refiner who sells Liquefied Petroleum Gas to transporters, industrial consumers, processors, distributors and/or retail dealers. The application and first year license fee shall be Five Hundred Dollars ($500.00). Thereafter the annual renewal license fee shall be One Hundred Fifty Dollars ($150.00) per annum.

(4) Carriers. The transportation only of Liquefied Petroleum Gas by carriers for hire or contract. The application and first year license fee shall be Five Hundred Dollars ($500.00). Thereafter the annual renewal license fee shall be One Hundred Fifty Dollars ($150.00) per annum.

(5) General Installers and Repairmen. The sale, service, installation, and/or repair of containers, tanks, systems, piping, and equipment which utilize Liquefied Petroleum Gas, and the service, installation, and/or repair of appliances which utilize Liquefied Petroleum Gas. The application and first year license fee shall be Fifty Dollars ($50.00). Thereafter the annual renewal license fee shall be Thirty-five Dollars ($35.00) per annum.

(6) Retail and Wholesale Dealers. The transportation, storage, sale, distribution, and/or delivery of Liquefied Petroleum Gas at retail or wholesale, including the sale, service, installation and/or repair of Liquefied Petroleum Gas containers, tanks, piping, and/or equipment, and further including the service, installation, and/or repair of Liquefied Petroleum Gas appliances. The application and first year license fee shall be Five Hundred Dollars ($500.00). Thereafter the annual renewal license fee shall be One Hundred Fifty Dollars ($150.00) per annum.

(7) Carburetors. The installation, service and/or repair of Liquefied Petroleum Gas motor fuel carburetion systems and equipment. The application and first year license fee shall be Fifty Dollars ($50.00). Thereafter the annual renewal license fee shall be Twenty-five Dollars ($25.00) per annum.

(8) Bottle Exchanges. The operation of an Interstate Commerce Commission bottle, filling and/or container exchange including the buy-

ing and selling, but not the delivery, pickup or other transportation, of Interstate Commerce Commission bottles or containers. The application and first year license fee shall be One Hundred Dollars ($100.00). Thereafter the annual renewal license fee shall be Fifty Dollars ($50.00) per annum.

(9) Service Station. The operation of a Liquefied Petroleum Gas motor fuel service station only. The application and first year license fee shall be Fifty Dollars ($50.00). Thereafter the annual renewal license fee shall be Twenty-five Dollars ($25.00) per annum.

(10) Municipal Corporations. The operation of a Liquefied Petroleum Gas system through mains, meters or pipes by any incorporated city, village or town. The application and first year license fee shall be One Hundred Fifty Dollars ($150.00). Thereafter the annual renewal license fee shall be One Hundred Fifty Dollars ($150.00) per annum.

(11) Bottle Dealers. The transportation, delivery, and pickup of Interstate Commerce Commission bottles and/or containers. The application and first year license fee shall be Five Hundred Dollars ($500.00). Thereafter the annual renewal license fee shall be One Hundred Fifty Dollars ($150.00) per annum.

(12) Bottle Installers. The installation and/or connection of Interstate Commerce Commission bottles and/or containers. The application and first year license fee shall be One Hundred Dollars ($100.00). Thereafter the annual renewal license fee shall be Fifty Dollars ($50.00) per annum.

Sec. 6 amended by Acts 1969, 61st Leg., p. 1334, ch. 408, § 1, eff. June 2, 1969; Acts 1971, 62nd Leg., p. 1710, ch. 494, § 1, eff. Sept. 1, 1971.

Limitation of Authority of Dealers

Sec. 7. No dealer in Liquefied Petroleum Gas authorized under any one or more of the categories thereof set forth in Section 6 of this Act shall do or perform any of the activities set forth in another category thereof for which he is not authorized without qualifying therefor. In the event a dealer in Liquefied Petroleum Gas shall elect and qualify for license under more than one category in Section 6, he shall pay the required application and first year license fee and the subsequent renewal license fees for each such category; provided, however, no dealer, other than one qualifying under category (1) shall be required to pay renewal license fees totaling more than One Hundred Fifty Dollars ($150.00) per annum regardless of the number of categories for which he is licensed; and no dealer licensed under category (1), 'Manufacturers and Fabricators,' shall be required to pay renewal license fees totaling more than Three Hundred Dollars ($300.00) per annum, regardless of the number of categories for which he is licensed.

Sec. 7 amended by Acts 1971, 62nd Leg., p. 1712, ch. 494, § 2, eff. Sept. 1, 1971.

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Application and Hearings for License as Dealer in LPG

Sec. 9. A. Applications. All applications for a license as a dealer in Liquefied Petroleum Gas shall be submitted to the Liquefied Petroleum Gas Division on printed forms furnished by the Liquefied Petroleum Gas Division and shall contain such pertinent information as the Liquefied Gas Division shall require. The application and first year license fee, as provided in Section 6 of this Act, together with proof of satisfactory completion of any required examinations shall accompany each original application.

B. Hearings. The Commission shall cause to be held quarterly public hearings on the second Monday in the months of January, April,

July and October of each and every year hereafter on all such applications; or upon such other occasions as the Commission may, in compliance herewith, deem necessary. Provided further, that in the event that the second Monday should fall on a holiday, such hearings shall be held on the first weekday immediately next following such holiday.

(1) Notice. Notice of each such hearing setting forth the name, address, business location and the name or style of each such applicant and the category or categories applied for under Section 6 of this Act shall be posted in a conspicuous place in the Office of Director of the Liquefied Petroleum Gas Division in Travis County, Texas, at least thirty (30) days prior to the date of such hearing.

(2) Nature of the Hearing. For each category under Section 6 of this Act, the Commission shall cause to be prepared an examination, to be based upon the recognized standard codes and practices promulgated by the Railroad Commission of the State of Texas, affecting such category, such as will require an applicant, or in case the applicant is a partnership, firm, corporation, unincorporated association, or any other business entity, or in the case the applicant is not actively engaged in Liquefied Petroleum Gas operations, the individual who is or shall be directly responsible for and actively supervising the operations of the dealership at each such outlet or location, in order to become a dealer in such category to make good and sufficient proof that he can and will meet the safety requirements provided in this Act, and by the rules and regulations of the Railroad Commission insofar as the same apply to such category.

(3) Order. If upon a public hearing so held, such an applicant should be found to be qualified to receive a license as a dealer in Liquefied Petroleum Gas for one or more of the categories applied for, the Commission shall then cause to be entered an order to that effect upon its records noting the category or categories for which applicant has been found to be qualified or in the event applicant failed to qualify said fact shall be entered in a like manner.

(4) Examination Fees. Each applicant shall pay to the Commission in advance an examination fee for each required examination, which shall not be refundable, as follows:

(a) For categories 3 and 4 in Section 6:	$25.00
(b) For category 6 in Section 6:	50.00
(c) For all other categories in Section 6 for which an examination is required:	5.00

(5) First Year License. A license shall be issued by the Commission to said applicant in the name under or by which he conducts or proposes to conduct his business as such a dealer. Such license shall run to the dealership to or in connection with which it was issued and it shall confer no rights or privileges separate and apart from such dealership.

(6) Renewal License. Each license as an authorized dealer in Liquefied Petroleum Gas shall be renewable upon the timely payment or tender of the renewal license fee established and assessed therefor, and by furnishing the Commission with a bond as required in Section 23 of this Act, a certificate of insurance evidencing that the insurance required in Section 24 of this Act is in full force and effect, and such other information and data as may reasonably be required by the Commission.

C. Special Requirements for Retail and Wholesale Dealers. In the event any person shall make application for license as a Retail and Wholesale Dealer under the provisions of Category 6 of Section 6 of this Act, the Commission, in addition to other requirements herein, shall cause to be conducted an actual inspection of the facilities, bulk storage equipment, transportation equipment, and dispensing equipment of the applicant, to verify satisfactory compliance with all current safety laws, regu-

lations and practices. Such inspection shall be performed within 30 days following receipt by the Commission of the application and proof of compliance with the examination and other requirements herein.
Sec. 9 amended by Acts 1971, 62nd Leg., p. 1712, ch. 494, § 3, eff. Sept. 1, 1971.

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Registration of Trucks

Sec. 11. A. Transport Trucks, Transport Trailers and Delivery Trucks. Each transport truck, transport trailer or other motor vehicle equipped with a Liquefied Petroleum Gas cargo tank and each truck used principally for transporting or delivering Liquefied Petroleum Gas in portable containers shall be required to be registered hereunder.

B. Registration Forms and Annual Fees. Forms for the registration of such trucks or motor vehicles shall be furnished by the Commission and shall contain such information as the Commission shall require. The registration fee for such trucks or motor vehicles shall be Twenty Dollars ($20.00) per truck or motor vehicle per annum.

C. Motor Carrier Laws and Department of Public Safety. Nothing contained in this Act shall be construed to alter, modify, amend or revoke all or part of the Motor Carrier Laws of this State, and the Department of Public Safety of the State of Texas shall cooperate with the Commission in the administration and enforcement of this Act and the rules, regulations and/or standards promulgated thereunder insofar as same apply to motor vehicles.
Sec. 11 amended by Acts 1971, 62nd Leg., p. 1713, ch. 494, § 4, eff. Sept. 1, 1971.

Fees

Sec. 12. All renewal registration and license fees established and assessed under this Act shall be payable by the fifteenth day of each September of each and every year hereafter. Application, first year examination, and other nonrecurring fees shall be payable in full in advance.
Sec. 12 amended by Acts 1971, 62nd Leg., p. 1714, ch. 494, § 5, eff. Sept. 1, 1971.

Sec. 13. Repealed by Acts 1971, 62nd Leg., p. 1714, ch. 494, § 6, eff. Sept. 1, 1971.

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Insurance

Sec. 24. No person shall be issued a license as an authorized dealer in Liquefied Petroleum Gas under any of the categories of Section 6 of this Act nor shall any such existing license be continued or renewed hereafter unless such person shall take out and maintain, so long as he continues in business as such a dealer, with a reliable insurance carrier qualified to do business in this State, the following kinds and amounts of insurance policies to guarantee payment of damages proximately resulting from the negligent acts of such person while engaged in any of the activities hereinafter set forth:

A. Automobile bodily injury and property damage insurance coverages on each and every motor vehicle, including trailers and semitrailers, used in the transportation of Liquefied Petroleum Gas, in an amount to be fixed by the Commission under such reasonable rules and regulations as it may prescribe; provided the minimum amount of such coverages shall not be less than the amounts required as proof of financial responsibility under the provisions of the Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes).

B. Manufacturers and Contractors liability policy in an amount to be fixed by the Commission under such reasonable rules and regulations as it may prescribe.

C. Workmen's compensation or employer's liability coverage.

Sec. 24 amended by Acts 1971, 62nd Leg., p. 1714, ch. 494, § 7, eff. Sept. 1, 1971.

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TITLE 103—PARKS

1. STATE PARKS BOARD

Art. 6067b. Health and safety rules and regulations; notice; enforcement; penalties; disposition of revenue

Section 1. The Parks and Wildlife Commission is hereby authorized to promulgate reasonable rules and regulations governing the health, safety and protection of persons and property within State parks, historic sites, scientific areas, or forts administered by the Parks and Wildlife Department, as may hereafter be necessary. Said rules and regulations may be promulgated to govern the conservation, preservation and use of State property whether natural features or constructed facilities; the abusive, disruptive or destructive conduct of persons; the activities of park users including camping, swimming, boating, fishing or other recreational activities; the disposal of garbage, sewage or refuse; the possession of pets or animals; the regulation of traffic and parking; and the conduct of individuals which endangers the health or safety of park users or their property.

Sec. 2. Before the Commission may adopt a rule or regulation as authorized by this Act, it must:

(1) Publish notice in at least three newspapers having general circulation in this State of its intention to adopt the rule or regulation; provided further, that if said rule or regulation specifically applies to one park only, said notice shall be published on two consecutive weeks in the county where said park is located and at least one week prior to the date of the hearing hereafter authorized;

(2) Said notice shall state the time and place of a public hearing on the proposed rule or regulation, contain a statement of such rule or regulation, and state that interested persons may obtain additional copies of the proposed rule or regulation from the Department prior to the hearing;

(3) a. More than one week, but less than three weeks after the notice is published, a hearing shall be conducted at the time and place stated in the notice at which time all interested persons shall be allowed to express their views on the proposed rule or regulation.

b. Provided further, that all specific or general rules or regulations which apply to a State park, historic site, scientific area or fort shall be posted in a conspicuous place at each such park, site or fort and a copy of said rules and regulations shall be made available to persons using said parks, upon request.

c. The Commission may, if it so chooses, in a rule or regulation adopted under the procedures established by this Act, provide for the following penalties:

1. For a first conviction, a fine not to exceed $25.00;

2. For a second conviction for violation of the same rule or regulation by the same individual during a six-month period, a fine not to exceed $50.00;

3. For a third or subsequent conviction of the violation of the same rule or regulation by the same individual during a one-year period, a fine not to exceed $200.00.

d. In addition, any person causing, contributing to, or directly or indirectly responsible for disruptive, destructive or violent conduct which endangers the health, safety or lives of persons, animals or property may be removed from a park, historic site, scientific area or fort for a period no greater than forty-eight (48) hours, except that such person may be enjoined from reentry for a longer period for cause shown by a court of competent jurisdiction. Any person, before removal, shall be placed on notice of the provisions of this section and given an opportunity to correct such conduct as described herein.

Sec. 3. This Act may be enforced by any duly constituted peace officer of this State, including but not limited to the duly appointed employees of the Texas Parks and Wildlife Department designated as peace officers by authority of Article 978f–5c Penal Code of Texas, 1965. A citation may be issued by such officer for violation of a regulation on such form as may be promulgated by the Parks and Wildlife Commission.

Sec. 4. All revenue collected from fines imposed upon violators of regulations duly promulgated by authority of this Act shall be transmitted and deposited to the credit of the State Parks Fund established by Chapter 168, Acts of the 42nd Legislature, Regular Session, 1931, as amended by Chapter 431, Acts of the 47th Legislature, Regular Session, 1941.[1]

Sec. 5. No rule or regulation promulgated by the Parks and Wildlife Commission under the authority of this Act shall have the effect of, or be construed so as to repeal or amend any penal statute in existence at the effective date of this Act or which may hereafter be passed or amended by the Legislature.

Acts 1971, 62nd Leg., p. 1403, ch. 383, eff. May 26, 1971.

[1] Article 6070a.

Section 6 of the 1971 act provided: "If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect to within the invalid provisions or application, and to this end the provisions of this Act are declared to be severable."

Title of Act:

An Act authorizing the Parks and Wildlife Commission to promulgate rules governing health, safety and protection of persons and property within State parks, historic sites, scientific areas and forts; requiring a public hearing after due notice; requiring the posting of rules in said State parks, historic sites, scientific areas and forts; providing penalties; calling for enforcement by peace officers and duly constituted Departmental employees; requiring revenue collected be deposited in State Park Fund; providing no rule promulgated repeal or amend existing penal statutes; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 1403, ch. 383.

Art. 6067c. Age of state facility users

All state park facilities may be used by any person 18 years of age or older without being accompanied by an adult.

Acts 1971, 62nd Leg., p. 2416, ch. 764, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the use of state park facilities by persons 18 years of age or older; and declaring an emergency. Acts 1971, 62nd Leg., p. 2416, ch. 764.

Art. 6069c. Texas State Railroad; transfer of certain powers to Parks and Wildlife Department

Section 1. The Board of Managers of the Texas State Railroad shall continue to exercise control and management of the right-of-way and

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trackage of the Texas State Railroad from Mile Post 0.0 at Palestine, Texas, extending eastwardly to Mile Post 3.69, and to exercise the powers, duties, and authority over such right-of-way and trackage which are granted to the Board of Managers by Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550(a), Vernon's Texas Civil Statutes).

Sec. 2. Subject to the provisions of Section 1 of this Act and the adoption of a formal resolution of transfer by the Texas Parks and Wildlife Commission, and after the effective date of this Act, the Parks and Wildlife Commission shall assume all of the powers, duties and authority heretofore granted to the Board of Managers by Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550(a), Vernon's Texas Civil Statutes), insofar as such powers, duties, and authority are not inconsistent with any other provision of this Act. Following receipt of written notice by the Board of Managers of the Texas State Railroad from the Parks and Wildlife Commission of the adoption of the formal resolution, said board shall transfer all records, files, and documents of whatever nature possessed by it pertaining to the Texas State Railroad to the Parks and Wildlife Department, with the exception of the property referred to in Section 1 of this Act.

Sec. 3. The Parks and Wildlife Department may operate any part of the Texas State Railroad, with the exception of the property referred to in Section 1 of this Act, as a part of the State Parks System for park and recreational purposes and all laws which pertain to state parks shall apply to the property transferred herein. All revenues collected or received from leases or concessions shall be deposited to the State Parks Fund in the State Treasury.

Sec. 4. The provisions of Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550(a), Vernon's Texas Civil Statutes), are hereby repealed to the extent of conflict with the provisions of this Act.

Sec. 5. The provisions of this Act shall take effect on September 1, 1971.

Acts 1971, 62nd Leg., p. 1249, ch. 311, eff. Sept. 1, 1971.

Title of Act:

An Act authorizing a transfer of certain powers and duties of the Board of Managers of the Texas State Railroad to the Parks and Wildlife Department upon adoption of a formal resolution of the Parks and Wildlife Commission; providing for operation within the State Parks System with revenues deposited to the State Parks Fund; excepting certain property from the transfer; repealing conflicting provisions of Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550 (a), Vernon's Texas Civil Statutes); providing an effective date; and declaring an emergency. Acts 1971, 62nd Leg., p. 1249, ch. 311.

Art. 6070d—1. Informational publications; sale; disposition of funds

Section 1. The Parks and Wildlife Department is hereby authorized to disseminate information to the public on State parks, State historic sites, and State scientific areas. The sale of such publications shall be made only at State parks, historic sites, scientific areas or the State Departmental headquarters, regional or district offices.

Sec. 2. Any bulletin, book or other publication, published by authority of this Act, may be sold by the Parks and Wildlife Department; and all monies received from the sale of publications provided for herein shall be deposited in the State Treasury to the credit of the State Parks Fund, and used for all purposes provided for by law. It is expressly understood that no bulletin, book or other publication referred to in this Act is to be published and sold at regular periodic intervals.

Acts 1971, 62nd Leg., p. 1693, ch. 486, eff. May 27, 1971.

Title of Act:

An Act authorizing the Parks and Wildlife Department to publish information on State parks, State historic sites, and State scientific areas; authorizing sale of publications; providing for the disposition of funds; and declaring an emergency. Acts 1971, 62nd Leg., p. 1693, ch. 486.

4A. GOLIAD STATE PARK

Art. 6077a. Repealed by Acts 1949, 51st Leg. p. 320, ch. 153, § 2

Acts 1971, 62nd Leg., p. 2257, ch. 690, § 1, made the General Ignacio Zaragoza Birthplace a part of Goliad State Park. See article 6077s, § 2.

Art. 6077a—1. Mission of San Rosario; conveyance of land by Goliad County

Section 1. The County of Goliad is authorized to convey to the Parks and Wildlife Department of the State of Texas, and the Parks and Wildlife Department is authorized to accept on behalf of the State of Texas title to the surface of 4.77 acres of land in the County of Goliad, Texas, said 4.77 acres of land, more or less, being the following described parcel of land:

BEGINNING at a concrete monument in the Southeast Right-of-Way line of State Highway No. 12, same being a R/W marker for said Highway, and being 50 ft. at right angles from the center line of said Highway, and marked Sta. 914/00;

THENCE South 39 deg. 36 min. West, with right-of-way fence, 295.9 ft. to a concrete monument for corner of this present survey;

THENCE South 56 deg. 02 min. East, at 148.0 ft. an iron pipe, at 350.0 ft. a concrete monument for corner of this present survey;

THENCE South 32 deg. 08 min. East, at 69.9 ft. an iron pipe, at 193.3 ft. a tack in cedar post at 241.4 ft. a concrete monument for corner of this present survey;

THENCE North 83 deg. 35 min. East, 193.4 ft. to a concrete monument for corner of this present survey;

THENCE North 17 deg. 46 min. East, at 109.7 ft. an iron pipe, at 227.3 ft. a concrete monument for corner of this present survey;

THENCE North 43 deg. 17 min. West, at 116.8 ft. an iron pipe, at 240.5 ft. a concrete monument for corner of this present survey;

THENCE North 57 deg. 21 min. West, at 193.3 ft. an iron pipe, at 356.3 ft. a concrete monument for corner of this present survey; same being a highway R/W marker for said Highway for extra width in R/W and also marked Sta. 914/00;

THENCE North 49 deg. 55 min. West, with Highway R/W line, 34.9 ft. to the place of beginning;

Containing Four and 77/100 (4.77) acres of land and all being out of Maria de Jesus de Leon Survey, Abstract 21, Goliad County, Texas.

Said 4.77 acres of land, more or less, being the land conveyed to the County of Goliad by William J. O'Connor on July 15, 1935, as shown by deed of such date duly recorded in Volume 77, Page 565, of the Deed Records of Goliad County, Texas, on July 17, 1935, and to which reference is here made for all pertinent purposes.

Sec. 2. The premises above described shall be memorial grounds and park site of the Mission of San Rosario and a part of Goliad State Park. The park site of the mission is to be fenced with an appropriate and substantial park fence and the grounds cared for so as to be a fit and appropriate memorial ground for the site of the mission. The Parks and Wildlife Department is authorized to care for and protect the area and to construct, maintain, and repair historical and recreational structures, fences, and facilities therein.

Sec. 3. If the State of Texas ceases to use and maintain the above-described lands as provided in Section 2 of this Act, all right, title, and interest granted and conveyed under the authority of this Act shall revert to the County of Goliad. All minerals under the above-described lands are

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excepted from the provisions of this Act and any conveyance executed in accordance with this Act.

Acts 1971, 62nd Leg., p. 2257, ch. 691, eff. June 4, 1971.

Title of Act:

An Act authorizing the County of Goliad to convey title to the surface of certain lands to the Parks and Wildlife Department and the Parks and Wildlife Department to accept title on behalf of the State of Texas as the historical site of the Mission of San Rosario and as a part of Goliad State Park; authorizing the Parks and Wildlife Department to construct, maintain, and repair historical and recreational fences, structures, and facilities; containing a reverter clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 2257, ch. 691.

4Q. GENERAL IGNACIO ZARAGOZA STATE PARK

Art. 6077s. General Ignacio Zaragoza Birthplace

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Sec. 2. The Parks and Wildlife Department is authorized to care for and protect said area surrounding and adjoining the site of the birthplace to be called the "General Ignacio Zaragoza Birthplace" as a part of Goliad State Park, and to construct, maintain and repair historical and recreational structures and facilities therein.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 2256, ch. 690, § 1, eff. June 4, 1971.

6. CITY PARKS

Art. 6081g—1. Home-rule cities with population in excess of 60,000; acquisition or improvement of lands and buildings for park and related purposes

Application of act; Park Board of Trustees; authority to acquire or improve lands and buildings

Section 1. The provisions of this Act are applicable to all home-rule cities having a population in excess of 60,000 according to the last preceding Federal census. The Park Board of Trustees of any such city, as hereinafter defined and provided, may acquire by gift, devise, or purchase, or improve or enlarge lands or buildings to be used for public parks, playgrounds, or historical museums, or lands upon which are located historic buildings, sites, or landmarks of Statewide historical significance associated with historic events or personalities, or prehistoric ruins, burial grounds, archaeological, paleontological, or vertebrate paleontological sites, or sites including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical buildings, markers, monuments, or other historical features, such lands to be situated in any locality in this State and in tracts of any size which are deemed suitable by such Park Board, situated within the State either within or without the boundary limits of such city, but within the limits of the county wherein such city lies.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 102, ch. 54, § 1, eff. April 12, 1971.

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Powers and authority

Sec. 7.

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(k) To issue revenue bonds in the name of the Board which shall be payable solely from the revenues of all or any designated part or parts of the properties or facilities under the jurisdiction and control of the Board, for the purpose of acquiring, improving or enlarging lands, buildings, or historically significant objects for park purposes or for historic or prehistoric preservation purposes. Such bonds may be issued in one

or more installments or series by resolutions adopted by the Board without the necessity of an election, shall bear interest at a rate not to exceed the maximum now or hereafter permitted by law, shall mature serially or otherwise within forty (40) years from their date or dates, shall be sold by the Board on the best terms obtainable but for not less than par and accrued interest, shall be executed by the chairman and secretary of the Board in the manner provided for the execution of bonds issued by incorporated cities, shall not be delivered until a transcript of the proceedings authorizing their issuance has been submitted to the Attorney General of Texas and by him approved as to legality and the bonds registered by the Comptroller of Public Accounts of the State of Texas, which approval by the Attorney General of Texas shall render such bonds incontestable except for fraud, and shall be issued upon such terms and conditions in regard to the security, manner, place and time of payment, pledge of designated revenue, redemption before maturity, and the issuance of additional parity or junior lien bonds as the Board shall specify in the resolution or resolutions authorizing the issuance of such bonds; provided that, except as herein otherwise provided, the provisions of Articles 1111 through 1118, Vernon's Texas Civil Statutes, together with all additions and amendments thereof as found in Chapter 10, Title 28, Vernon's Texas Civil Statutes, shall apply to the issuance of revenue bonds hereunder. All bonds issued under the provisions of this Act shall be, and are hereby declared to be, and to have all the qualifications of, negotiable instruments under the Negotiable Instruments Law of the State of Texas,[1] and all such bonds 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, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions 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 face value when accompanied by all unmatured interest coupons appurtenant thereto.

Sec. 7(k) amended by Acts 1971, 62nd Leg., p. 102, ch. 54, § 1, eff. April 12, 1971.

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[1] Repealed. See, now, V.T.C.A.Bus. & C. § 3.101 et seq.

Sections 2 to 4 of the amendatory act of 1971 provided:

"Sec. 2. This Act and all of the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein, and the powers granted under this Act shall be in addition to and not in derogation of any and all existing powers of any such city or of any such Parks Board; and this Act shall not be deemed to repeal, expressly or by implication, any power or right granted to any such city; and any such city having powers under existing law similar to or in the nature of those granted hereunder may continue to operate and act in the exercise of such powers or may operate and act under the powers granted herein or both. This Act shall, however, constitute full authority for any such Board to authorize and issue bonds in accordance with the provisions hereof, and for any such Board to exercise any power granted herein without reference to the provisions of any other general or special law or charter; and no other general or special law or charter provision which in any way limits or restricts or imposes additional requirements upon the carrying out of any of the matters herein authorized to be done shall ever be construed as applying to any action or proceeding taken hereunder or done pursuant hereto except as expressly provided to the contrary in this Act.

"Sec. 3. The creation of all Park Boards of Trustees or beach Park Boards of Trustees heretofore created under the provisions of Chapter 33, Acts of the 57th Legislature of Texas, 3rd Called Session, 1962, or under the provisions thereof as amended, pursuant to a favorable majority vote of the qualified voters of any such city, voting at an election held on such proposition, and all acts and proceedings of such boards, are ratified, approved, confirmed and validated in all respects as of the respective dates there-

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of; provided that notwithstanding the foregoing provisions of this section, nothing herein shall validate any matter now involved in litigation questioning the validity thereof if the question is ultimately determined against the validity thereof.

"Sec. 4. If any section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of this Act irrespective of the fact that any one or more portions be declared unconstitutional."

7. RECREATIONAL AREAS, FACILITIES AND HISTORICAL SITES

Art. 6081s—1. Outstanding natural features or formations; designation with markers or monuments; acquisition of sites; rules; interagency cooperation

Section 1. The Texas Parks and Wildlife Commission is authorized to locate and designate outstanding natural features and formations located in this State. It may erect or contract to have erected at such designated sites, suitable markers or monuments to call the attention of the public to such outstanding natural features.

Sec. 2. The Commission may accept title to a suitable site for such marker or monument from private individuals, associations or corporations by gift. Sites may likewise be acquired by purchase, provided funds are appropriated for such purpose.

Sec. 3. The Commission may promulgate and adopt reasonable rules or policies for accepting or purchasing such sites, for determining the suitability of sites and for establishing the priority of accepting and marking such sites.

Sec. 4. All other State agencies are directed to cooperate with the Parks and Wildlife Department to aid in the location of suitable sites. The Department may accept jurisdiction to suitable sites located on State lands by an interagency transfer of jurisdiction.

Acts 1971, 62nd Leg., p. 1388, ch. 373, eff. May 26, 1971.

Title of Act:

An Act authorizing the Texas Parks and Wildlife Commission to locate and designate outstanding natural features or formations with markers or monuments; authorizing the Commission to accept title to suitable sites by gift or to acquire sites by purchase with appropriated funds; authorizing the Commission to promulgate reasonable rules; directing the cooperation of other State agencies; authorizing an interagency transfer of jurisdiction to State-owned sites; and declaring an emergency. Acts 1971, 62nd Leg., p. 1388, ch. 373.

TITLE 105—PARTNERSHIPS AND JOINT STOCK COMPANIES

CHAPTER ONE—PARTNERSHIPS

Art. 6132a. Uniform Limited Partnership Act

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Formation of limited partnership

Sec. 3(a)

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(2) File for record the certificate in the office of the Secretary of State accompanied by the payment of a filing fee in the amount of one-half of one percent (½ of 1%) of the total contributions required to be stated in Section 3(a) (1) (F) and Section 3(a) (1) (G) of this Act; provided, however, that the fees to be paid to the Secretary of State under this section shall never be less than One Hundred Dollars ($100) or more than Twenty-five Hundred Dollars ($2,500).

Sec. 3, subsec. (a) (2) amended by Acts 1971, 62nd Leg., p. 1729, ch. 501, § 1, eff. May 28, 1971.

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Instruments and proceeding to cancel or amend certificates; fees

Sec. 26.

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(g) The Secretary of State shall collect the following fees for filing amendments and cancellations of certificates:

(1) For an amendment which does not provide for new, increased or additional contributions, One Hundred Dollars ($100);

(2) For an amendment which provides for new, increased or additional contributions, one-half of one percent (½ of 1%) of the new, increased or additional contribution; provided, however, that the fees to be paid to the Secretary of State under this section shall never be less than One Hundred Dollars ($100) or more than Twenty-five Hundred Dollars ($2,500);

(3) For a cancellation, Twenty-five Dollars ($25).

Sec. 26(g) added by Acts 1971, 62nd Leg., p. 1729, ch. 501, § 2, eff. May 28, 1971.

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TITLE 106—PATRIOTISM AND THE FLAG

Art. 6144g. Commission on the Arts and Humanities

Creation and establishment of commission; membership

Section 1. The Texas Commission on the Arts and Humanities is established. The Commission shall consist of eighteen (18) members representing all fields of the arts and humanities, to be appointed by the Governor with the advice and consent of the Senate from among private individuals who are widely known for their professional competence and experience in connection with the arts and humanities.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1956, ch. 597, § 1 eff. Aug. 30, 1971.

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Duties and responsibilities

Sec. 3. The duties and responsibilities of the Commission shall be:

a. To foster the development of a receptive climate for the arts and humanities that will culturally enrich and benefit the citizens of Texas in their daily lives, to make Texas visits and vacations all the more appealing to the world and to attract to Texas residency additional outstanding creators in the fields of the arts and humanities through appropriate programs of publicity and education, and to direct other activities such as the sponsorship of lectures and exhibitions and central compilation and dissemination of information on the progress of the arts and humanities in Texas.

b. To act as an advisor to the State Building Commission, State Board of Control, Texas State Historical Survey Committee, Texas State Library, Texas Tourist Development Agency, State Highway Department and other state agencies to provide a concentrated state effort in encouraging and developing an appreciation for the arts and humanities in Texas.

c. To act in an advisory capacity relative to the creation, acquisition, construction, erection or remodeling by the state of any work of art.

d. To act in an advisory capacity, when requested by the Governor, relative to the artistic character of buildings constructed, erected or remodeled by the state.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 1956, ch. 597, § 2, eff. Aug. 30, 1971.

Powers

Sec. 4. The Commission shall have power:

a. To elect from its members a chairman and other such officers as may be desirable; provided that the first chairman of the Commission shall be named by the Governor and shall call the first meeting of the Commission and serve as such until his successor shall be elected by the Commission.

b. To hold such meetings, at such places within the State of Texas and at such times as the Commission may designate.

c. To conduct research, investigations, and inquiries as may be necessary so as to inform the Commission of the development of the arts and humanities in Texas.

d. To appoint committees from its membership and prescribe their duties.

e. To appoint consultants to the Commission.

f. To make rules and regulations for its government and that of its officers and committees; and to prescribe the duties of its officers, consultants, and employees.

g. To employ a director and other such clerical employees as it may deem necessary within the limits of funds made available for such purposes.

Sec. 4 amended by Acts 1971, 62nd Leg., p. 1956, ch. 597, § 3, eff. Aug. 30, 1971.

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Section 4 of the 1971 amendatory act provided: "This amendatory Act does not affect the terms of present members of the commission. It is the intent of the Legislature in enacting the amendments contained in this Act to enlarge the scope of the commission's work to include the humanities as well as the arts."

Art. 6145. Texas State Historical Survey Committee

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Preservation of historic courthouses

Sec. 9c. (a) No county may demolish, sell, lease or damage the historical or architectural integrity of the courthouse of the county without first giving six months notice to the Texas State Historical Survey Committee.

(b) If, after notice, the Committee determines that a courthouse has historical significance worthy of preservation, the Committee shall notify the commissioners court of the county within 30 days after receiving notice from the county. A county may not demolish, sell, lease or damage the historical or architectural integrity of the courthouse for 180 days after receiving notice from the Committee. The Committee shall cooperate with interested persons during the 180-day period to preserve the historical heritage of the courthouse.

(c) A county may carry out ordinary maintenance and repairs of its courthouse without notice to the Committee.

Sec. 9c added by Acts 1971, 62nd Leg., p. 1718, ch. 496, § 1, eff. May 28, 1971.

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Art. 6145.1 County Historical Survey Committee

Section 1. (a) The Commissioners Court of any county, upon the nomination of the county judge, may during the month of January of odd-numbered years appoint a County Historical Survey Committee, to consist of at least seven residents of the county who have exhibited interest in the history and traditions of the State of Texas, for a term of two years.

(b) The Commissioners Court may pay the necessary expenses of the committee, may authorize a car allowance and part-time compensation for the chairman of the committee, and may pay the necessary travel expenses of the chairman and members of the committee as determined by the Commissioners Court.

(c) The committee shall institute and carry out a survey of the county to determine the existence of historical buildings, battlefields, private collections of historical memorabilia, or other historical features within the county, and shall thereafter continue to collect data on the same subject as it may become available. The data collected shall be made available to anyone interested therein, and especially to the Texas State Historical Survey Committee.

(d) The committee shall make any recommendations concerning the acquisition of property, real or personal, which is of historical significance, when requested to do so by the Commissioners Court.

(e) The committee may operate and manage any museum which may be owned or leased by the county, and may acquire artifacts and other mu-

seum paraphernalia in the name of the museum or the committee; and the Commissioners Court may appoint a board from the members of the committee to operate and manage the museum, including the supervision of any employees hired by the Commissioners Court to operate the museum.
Amended by Acts 1971, 62nd Leg., p. 1084, ch. 233, § 1, eff. May 17, 1971.

Art. 6145—2. Battleship "Texas" as a permanent memorial; Commission of Control; maintenance and operation

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Compensation

Sec. 13. No member of the Commission or of the Operating Board shall receive any salary for the performance of his duties under this Act. No other person employed by virtue of the provisions of this Act shall receive, as salary, commission or compensation, out of the state funds herein appropriated, or from the fund which is to be maintained by the Commission, more than Twelve Thousand Dollars ($12,000.00) per year.
Sec. 13 amended by Acts 1971, 62nd Leg., p. 1924, ch. 580, § 1, eff. June 1, 1971.

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Art. 6145—9. Antiquities Code

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Display of artifacts

Sec. 4A. Insofar as it is consistent with the public policy as expressed in this Act, the Antiquities Committee, upon a majority vote, may arrange or contract with other state agencies or institutions, with incorporated cities, and with qualified private institutions, corporations, or individuals for the public display of artifacts and other items in its custody through permanent exhibits established in the locality or region in which they were discovered or recovered, as the case may be.

The Antiquities Committee upon a majority vote, may arrange or contract with other state agencies or institutions, with incorporated cities, and with qualified private institutions, corporations, or individuals for portable or mobile displays.

In either case, the Antiquities Committee shall be the legal custodian of all items described elsewhere in this Act, and shall make appropriate rules, regulations, terms, and conditions to assure appropriate security, qualification of personnel, insurance, facilities for preservation, restoration, and display of all items loaned under such contracts.
Sec. 4A added by Acts 1971, 62nd Leg., p. 1167, ch. 272, § 1, eff. Aug. 30, 1971.

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Art. 6145—10. Historical Resources Development Council

Section 1. In order to encourage the best utilization of the unique historical resources of this state, there is hereby created the Texas Historical Resources Development Council.

Sec. 2. The council shall consist of the following ex officio members: the executive director of the Texas State Historical Survey Committee, the director and librarian of the Texas State Library, the executive director of the Texas Tourist Development Agency, the director of the Travel and Information Division of the State Highway Department, the director of the Park Services Division of the Parks and Wildlife Department, and the chairman of the State Antiquities Committee. Membership

on the council shall not be deemed to be an office within the meaning of the statutes and Constitution of the State of Texas. A majority of the members of the council shall constitute a quorum authorized to transact business of the council.

Sec. 3. The executive director of the Texas State Historical Survey Committee shall be the chairman of the council, and the director and librarian of the Texas State Library shall be the secretary.

Sec. 4. (a) The council shall establish communication between the Texas State Historical Survey Committee, the Texas State Library and Historical Commission, the Texas Tourist Development Agency, the State Highway Department, the Parks and Wildlife Department, and the State Antiquities Committee in order to coordinate the efforts by these agencies to develop and publicize the historical resources of this state.

(b) The council shall make a continuous study of the means which state agencies and private promotional and historical organizations in Texas employ to develop and publicize the historical resources of this state.

(c) The council shall solicit and consider suggestions from state officials, interested private citizens, and private promotional and historical organizations in Texas for improving the methods employed to develop and publicize the historical resources of this state.

(d) The council shall formulate recommendations for effective methods which may be used by state agencies and private promotional and historical organizations in Texas to develop and publicize the historical resources of this state.

(e) The council shall submit a complete and detailed report twice each calendar year to the governor and to the executive director of the Texas Legislative Council of all proceedings, findings, and recommendations of the Texas Historical Resources Development Council since its last preceding report.

(f) The council shall meet at least four times a year. Additional meetings may be held upon the call of the chairman or upon the written request of any two members of the council.

(g) The council may utilize the services and facilities of the Texas State Historical Survey Committee, the Texas State Library and Historical Commission, the Texas Tourist Development Agency, the State Highway Department, the Parks and Wildlife Department, and the State Antiquities Committee, and such services and facilities may be made available on request to the extent practicable without reimbursement therefor.

Sec. 5. No compensation shall be paid to the members of the council for their services as members.

Acts 1971, 62nd Leg., p. 1730, ch. 502, eff. Aug. 30, 1971.

Title of Act:

An Act creating the Texas Historical Resources Development Council; and declaring an emergency. Acts 1971, 62nd Leg., p. 1730, ch. 502.

Art. 6166z1. Discharge.

Text effective Sept. 1, 1973

When a convict is entitled to a discharge from the State penitentiary, or is released therefrom on parole or conditional pardon, the General Manager of the Texas Prison System [1] or his Executive Assistant shall prepare and deliver to him a written discharge or release, as the case may be, dated and signed by him with seal annexed, giving convict's name, the name of the offense or offenses for which he was convicted, the term of sentence imposed and the date thereof, the county in which he was sentenced, the amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such description of the convict as may be practicable. He shall be furnished, if needed, suitable civilian clothes, and all money held to his credit by any official of the Texas Prison System [2] shall be delivered to him.

The amount of money which a convict is entitled to receive from the State of Texas when he is discharged from the State penitentiary or released from the State penitentiary on parole or conditional pardon shall be $100.

Amended by Acts 1971, 62nd Leg., p. 49, ch. 26, § 1, eff. Sept. 1, 1973.

[1] Changed to Director of Corrections. See art. 6166a-1.

[2] Changed to Texas Department of Corrections. See art. 6166a-1.

Section 2 of the amendatory act of 1971 provides that: "This Act takes effect on September 1, 1973".

Art. 6203b—2. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54 (2), eff. May 26, 1971

See, now, V.T.C.A. Education Code, §§ 29.01 to 29.05.

TITLE 109—PENSIONS

1. STATE AND COUNTY PENSIONS

Art. 6228a. Retirement system for State employees

Definitions

Section 1.

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I. "Occupational death" or "Occupational disability" shall mean death or disability from an injury or disease resulting directly from a specific act or occurrence determinable by a definite time and a definite place and as arising out of and in the course of State employment as the direct result of an inherent risk or hazard peculiar to the duties required in such State employment.

Sec. 1, subsec. (I) added by Acts 1971, 62nd Leg., p. 1354, ch. 359, § 1, eff. Sept. 1, 1971.

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Membership

Sec. 3.

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C. Any person who becomes an appointive officer or employee on or after the effective date of this Act shall become a member of the Retirement System on the first day of the month in which he is employed as a condition of his employment. Contributions by such a member under this Act shall begin with the first monthly payroll period following the month in which he is employed and creditable service shall then begin to accrue. Any person elected or appointed to an elective office shall become a member of the Retirement System in the same month in which he takes the oath of office as a requirement for filling such elective position, if he elects to become a member of the Retirement System.

Upon verification by the Employees Retirement System, any contributing member of this System may claim and receive credit as an elective or appointive officer or employee for service not previously creditable because of a waiting period required prior to September 1, 1958. Applicable contributions and State matching shall be required for any such service.

Members who fail to establish credit for such service within 12 months after the effective date of this Act or thereafter within 12 months after first becoming eligible to claim such service, shall be deemed to have waived such service. Payment thereafter shall be subject to the applicable penalty interest provision of this Act.

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E. Any person who was an Elective State Official and who has served in the Legislature of the State of Texas and who has not less than eight years creditable service may become a member of the Employees Retirement System by paying into such system Two Hundred Eighty-Eight Dollars ($288) for each year of creditable service, provided that at the time the person elects to become a member, that person is employed by

For Annotations and Historical Notes, see V.A.T.S.

the State of Texas. Such application shall be made on forms provided by the Board, and, thereupon, such person shall be entitled to all the privileges and benefits of such system.

Sec. 3, subsec. C amended by Acts 1971, 62nd Leg., p. 1354, ch. 359, § 2, eff. Sept. 1, 1971; Sec. 3, subsec. E amended by Acts 1971, 62nd Leg., p. 1333, ch. 355, § 2, eff. May 25, 1971.

Creditable Service

Sec. 4.

A. Creditable service shall be the total of prior service plus membership service. For appointive officers and employees of the State, prior service shall be granted for eligible service rendered prior to the establishment of the Retirement System on September 1, 1947, and membership service shall be granted for eligible service rendered on and after September 1, 1947. Service as an elected State official as defined in this Act may be claimed as creditable service as an appointed officer or employee.

Each appointive officer or employee, as defined in Section 3 of this Act, who becomes a member and contributes as such for a period of twenty-four (24) months, shall file a detailed statement of all Texas service for which he claims credit.

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F. Each appointed officer or employee, as defined in this Act, who has heretofore withdrawn his contributions and cancelled his accumulated creditable service for retirement purposes, may, if he returns to State employment and continues as such for a period of twenty-four (24) months, or if an elective State official, upon taking the oath of office, be entitled to deposit in the Retirement System in a lump sum payment the amount withdrawn with a penalty interest of five per cent (5%) per annum from the date of withdrawal to the date of redeposit, plus any membership fees due, and have his creditable service reinstated for retirement purposes; however, it is provided that the amount withdrawn by the person and deposited with the System shall be placed in his individual account in the Employees Saving Fund and the five per cent (5%) per annum penalty interest shall be placed in the State Accumulation Fund. The amounts to be deposited shall be determined in each case by the Employees Retirement System and in no event shall any such person be granted retirement upon such former service credits until the amount so determined shall have been paid in full.

Each appointed officer or employee as defined in this Act, and who heretofore executed a waiver of membership in the Retirement System may, if he has been employed from the date he executed the waiver of membership, or in the event such person left employment and returns to State employment and continues as such for a period of twenty-four (24) months, or if an elective State official, upon taking the oath of office, shall have the privilege of electing to receive credit for all previous creditable State service provided such person shall deposit with the Employees Retirement System in a lump sum all back deposits, assessments and dues which he would have paid or deposited had he been a member of the System during each of the years and months employed commencing with the State fiscal year September 1, 1947, if an appointive officer or employee, and January 1, 1963, if an elective State official, together with penalty interest on the date each amount was payable at the rate of five per cent (5%) per annum, and provided further, that the back deposits required shall be placed in his individual account in the Employees Saving Fund, and the penalty interest of five per cent (5%) per annum shall be placed in the State Accumulation Fund. The amounts to be deposited shall be determined in each case by the Employees Retirement System and in no event shall any such person be granted retirement upon such former service credits until the amounts so determined shall have been paid in full, and provided further, that the total of all such back deposits

shall be matched by an equal sum by the State of Texas in the manner and from the funds as now provided in the State Employees Retirement Act.

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Text of subsection H as added by Acts 1971, 62nd Leg. p. 1331, ch. 355, § 1

H. Any contributing member of the System, upon completing the required number of months of contributing service necessary to establish previous service, as provided for in this Act, shall be eligible to claim credit for the following service:

1. Service in the State of Texas as a Criminal District Attorney or as a County Attorney performing the duties of a District Attorney.

The Employees Retirement System shall verify all such service claimed under the provisions of this subsection. Credit for such service shall be granted only after payment of all contributions, penalties, and fees required. Contributions required of members claiming service as a Criminal District Attorney or as a County Attorney performing the duties of a District Attorney shall be based upon State salaries paid to District Attorneys during the periods of time for which such service is claimed.

The Employees Retirement System shall not grant credit for any such service that is simultaneously credited by any other retirement system or program established under or governed by the laws of this State. Credit for such service granted by the Employees Retirement System may not thereafter be simultaneously credited by any other retirement system or program.

Members who fail to establish service claimed under this subsection within 12 months after the effective date of this Act, or within 12 months after first becoming eligible, shall pay a penalty interest at the rate of 5% per year dating from the date of first eligibility. Penalty interest shall be credited to the State accumulation fund. State matching contributions from the State shall be provided in the same manner as set forth in applicable provisions of the Employees Retirement Act.

2. Service as a Board Member of a statutory Texas State department, agency, or commission having statewide jurisdiction, the employees of which, under requirements of law, are members of the Employees Retirement System; provided that such service was not in a full time salaried position but was subject to confirmation by the Senate of Texas; and provided further that said member shall have performed a minimum of 60 months of such service.

The Employees Retirement System shall verify all such service claimed under provisions of this subsection. Credit for such service shall be granted only upon payment of all contributions, penalties, and fees required. Contributions required of eligible Board members shall be based upon the salary paid to the chief executive officer of such department, agency, or commission during the time for which such credit is claimed.

Members who fail to establish service claimed under this subsection within 12 months after the effective date of this Act, or within 12 months after first becoming eligible, shall pay a penalty interest at the rate of 5% per year dating from the date of first eligibility. Penalty interest shall be credited to the State accumulation fund. State matching contributions from the State shall be provided in the same manner as set forth in applicable provisions of the Employees Retirement Act.

3. Judicial service as a commissioner, judge, or justice of a District Court, Criminal District Court, Court of Civil Appeals, Court of Criminal Appeals, or Supreme Court of this State.

For Annotations and Historical Notes, see V.A.T.S.

The Employees Retirement System shall verify all such service claimed under the provisions of this subsection. Credit for such service shall be granted only after payment of all contributions, penalties, and fees required. Contributions required of members claiming judicial service under this subsection shall be based upon the contribution rate and amount of salary applicable under the Judicial Retirement System during the periods of time for which such service is claimed.

The Employees Retirement System shall not grant credit for any such service that is simultaneously credited by any other retirement system or program established under or governed by the laws of this State. Credit for such service granted by the Employees Retirement System may not thereafter be simultaneously credited by any other retirement system or program.

Annuities applicable for such service shall be based upon the applicable provisions of the Employees Retirement Act with respect to annuities payable to elective officials or to employees and appointive officials, whichever is applicable.

Members who fail to establish service claimed under this subsection within 12 months after the effective date of this Act, or within 12 months after first becoming eligible, shall pay a penalty interest at the rate of 5% per year dating from the date of first eligibility. Penalty interest shall be credited to the State accumulation fund. State matching contributions from the State shall be provided in the same manner as set forth in applicable provisions of the Employees Retirement Act.
Sec. 4, subsec. H added by Acts 1971, 62nd Leg., p. 1331, ch. 355, § 1, eff. May 25, 1971.

For text of subsection H as added by Acts 1971, 62nd Leg., p. 3410, ch. 1041, § 1, see subsection H, post.

Text of subsection H as added by Acts 1971, 62nd Leg., p. 3410, ch. 1041, § 1

H. Any person who is entitled to participate in the Employees Retirement System and who is entitled to creditable service for years of service during which he did not contribute to the Employees Retirement System upon payment of a stated sum, may receive the allowed credit for service by payment of the stated sum in monthly installments over a period not to exceed four years. No person is entitled to receive credit for the service until he has completed payment of all installments. The total of all amounts paid under this Section shall be paid in full while the person so paying is an employee or official of the State.
Sec. 4, subsec. H added by Acts 1971, 62nd Leg., p. 3410, ch. 1041, § 1, eff. June 17, 1971.

For text of subsection H as added by Acts 1971, 62nd Leg., p. 1331, ch. 355, § 1, see subsection H, ante.

I. [Blank]

J. (1) A member may claim service during which the member was employed by the State in that his duties, responsibilities, and terms of employment were established by the State or any agency or department of the State, but his salary or compensation was paid by a county, as creditable service unless such service is or was simultaneously credited by any other Retirement System or program established under or governed by the laws of this State. Contributions are required of members claiming service under this Subsection and shall be based upon the salary received during the periods of time for which such service is claimed.

(2) A member may claim service during which the member was a county attorney unless such service is or was simultaneously credited by

any other Retirement System or program established under or governed by the laws of this State. Contributions required of members claiming service as a county attorney shall be based on state salaries paid to district attorneys during the period of time for which such service is claimed.

(3) The Employee Retirement System shall verify all such service claimed under the provisions of this subsection. Credit for such service shall be granted only after payment of all contributions, penalties, and fees required. Credit for such service granted by the Employee Retirement System may not thereafter be simultaneously credited by any other retirement system or program.

(4) Members who fail to establish service claimed under this subsection within 12 months after the effective date of this Act, or within 12 months after first becoming eligible, shall pay a penalty interest at the rate of six percent per year dating from the date of first eligibility. Penalty interest shall be credited to the State accumulation fund. State matching contributions from the State shall be provided in the same manner as set forth in applicable provisions of this Act.

Sec. 4, subsecs. A, F amended by Acts 1971, 62nd Leg., p. 1355, ch. 359, §§ 3, 4, June 17, 1971.

Sec. 4, subsec. J added by Acts 1971, 62nd Leg., p. 2714, ch. 885, § 1, eff. Aug. 30, 1971.

Benefits

Sec. 5.

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D. Service Retirement Benefits for Elective State Officials.

1. Any member may retire upon written application to the State Board of Trustees, setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution of and filing thereof, he desires to be retired, provided that retirement will be effective only as of the last day of the calendar month, and provided that the said member at the time so specified for his retirement shall have attained the age of sixty (60) years and shall have completed eight (8) or more years of creditable service, provided, however, any member who has completed at least twelve (12) years of creditable service shall be entitled to a service retirement provided such member has attained the age of fifty-five (55).

The Maximum Service Retirement allowance shall be computed at the rate of six per cent (6%) per year of the monthly salary paid to duly elected members of the Legislature of the State of Texas on date of retirement and as such monthly salary may be adjusted from time to time thereafter. The Maximum Service Retirement allowance so computed shall not exceed sixty per cent (60%) of such salary or Nine Hundred Dollars ($900) whichever is the greater of the two.

It is expressly provided that any annuity or allowance payable under the provisions of this Act shall begin with the last day of the month following the effective date of retirement and shall be paid in monthly installments and shall cease with the last day of the month preceding the month in which the beneficiary or person dies who is receiving such an annuity or allowance as provided in this Act.

It is further provided, that the Rate of Benefits scheduled as provided for by this Act shall be applied to all service retirement annuities payable on the effective date of this Act and previously awarded under the laws governing the Employees Retirement System as effective September 1, 1963, or as amended thereafter.

2 Any member who has accumulated a minimum of eight (8) years of creditable service as provided herein and who does not withdraw his account from the Retirement System prior to the attainment of age sixty (60) shall remain an active member and shall be entitled to a service retirement allowance upon attaining age sixty (60).

For Annotations and Historical Notes, see V.A.T.S.

It is further provided, that upon the death of any member, with not less than eight (8) years of creditable service under the provisions of this Act, one-half (½) of the total service retirement allowance provided herein to which such member is entitled or would have been entitled at age sixty (60), or at the time of his death, whichever is later, shall be paid to the surviving spouse at the time of the death of such member, provided, however, that this provision shall not be applicable in the event the member was eligible to select or had selected a Death Benefit Plan for a monthly annuity to be effective in the event of death prior to retirement as provided herein. Occupational Death Benefit provisions of this Act shall also be applicable to Elective State Officials.

Prior to retirement any contributing member with ten (10) or more years creditable service, and any noncontributing member with twelve (12) or more years creditable service, may select a Death Benefit Plan and designate a nominee to receive a reduced monthly annuity either for life, or for a ten (10) year guaranteed period, to become effective and payable, in lieu of the refund of the member's contributions, to such nominee beginning the month following the death of such member. If the qualified member dies without having made such Death Benefit Plan selection, the surviving spouse may choose the plan in the same manner as if the member had completed the selection and, further provided, that only the surviving spouse may make such a selection and if there is no surviving spouse, then the selection may be made only by the guardian of the dependent minor children and if there be no dependent minor children then the provisions of Paragraph 2, Subsection E of Section 5, pertaining to death benefits shall apply upon death of the member. Application for such plan shall be on forms prescribed by the State Board of Trustees. The reduced benefits shall be computed in the same manner as for a member's service retirement as provided elsewhere in this Act. The ages of the member and the nominee at the date of the member's death shall be used in determining the reduced annuity. The plan selected shall remain in effect until amended or superseded by the member's retirement selection.

3. It is provided herein that for service retirement Elective State Officials shall be eligible to select any of the optional allowance plans as provided for appointive officers and employee members, as set forth in Section 5, Subsection B, Paragraph 3, of this Act.

4. Disability Retirement Benefits for Elective State Officials.

Upon the application of a member or his employer or his legal representative acting in his behalf, any member under age sixty (60), who has eight (8) or more years of creditable service, or if Occupational Disability regardless of age or length of service, may be retired by the State Board of Trustees, not less than thirty (30) and not more than ninety (90) days next following the date of filing such application, provided the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

The benefit to be paid by the Retirement System shall be the same as that set forth for service retirement without reduction for reason of age, provided, however, that no optional plan may be selected, and further provided, that should the disabled retired member die before the full amount of contributions standing to his credit shall have been paid, then the remainder of his account shall be paid to the beneficiary of such disabled retired member. It is provided herein that additional provisions after disability retirement applicable for appointive officers and employee members as set forth in Section 5, Subsection C, Paragraphs 4, 5, and 6, will be applicable also to disability retirement for Elective State Officials.

Occupational Disability Benefit shall be based on the member's actual creditable service or eight (8) years, whichever is greater.

E. Return of Accumulated Contributions.

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5. It is provided that any member who has completed twenty (20) years of creditable State service in Texas, may by written designation in such form as the Board of Trustees may prescribe, select a nominee and an optional allowance for retirement as set forth under the preceding Section 5, Subsection B, Paragraph 3, providing for optional allowances for service retirement, and which selection shall become effective and payable to such nominee beginning with the month following the month in which the member died, provided, however, if such a member having completed twenty (20) years of State service in Texas failed to make a selection in the event of his death then a surviving spouse may choose the option plan in the same manner as if the member had completed the selection and, further provided, that only the surviving spouse may make such a selection and if there is no surviving spouse, then the selection may be made only by the guardian of the dependent minor children and if there be no dependent minor children, then the provisions of the preceding Subsection E, Paragraph 2, pertaining to death benefits shall apply upon death of the member.

6. Repealed by Acts 1971, 62nd Leg., p. 1359, ch. 359, § 8, eff. Sept. 1, 1971.

Sec. 5, subsecs. D, E, par. 5 amended by Acts 1971, 62nd Leg., p. 1357, ch. 359, §§ 6, 7, eff. Sept. 1, 1971.

Annuity increase; continuance of death benefit plan

Sec. 5—1. Notwithstanding any other provisions of this Act, annuities computed in accordance with Section 5 of the State Employees Retirement Act with respect to appointive officers and employees, shall, on and after September 1, 1971, be increased as follows:

All such annuities payable to appointive officers and employees retiring after September 1, 1969, shall be increased by four per cent (4%). All such annuities payable to appointive officers and employees who retired prior to September 1, 1969, shall be increased by the following percentage rates:

EFFECTIVE DATE OF RETIREMENT	RATE OF INCREASE
September, 1968, through August, 1969	6%
September, 1967, through August, 1968	8%
September, 1966, through August, 1967	10%
September, 1965, through August, 1966	12%
September, 1964, through August, 1965	14%
September, 1963, through August, 1964	16%
September, 1962, through August, 1963	18%
Prior to September, 1962	20%

It is provided, however, that if the maximum service retirement annuity calculated under the provisions of Section 5 of the State Employees Retirement Act is less than $60.00 per month, it shall be adjusted to whichever is the greater of (a) $60.00 per month, or (b) the amount derived by the percentage increase adjustment herein provided.

It is further provided, that if the disability retirement annuity calculated under the provisions of Section 5 of the State Employees Retirement Act is less than $90.00 per month, it shall be adjusted to whichever is the greater of (a) $90.00 per month, or (b) the amount derived by the percentage increase adjustment herein provided.

For Annotations and Historical Notes, see V.A.T.S.

Any death benefit plan selected by a member with 20 or more years of creditable service shall remain in effect during such time as such member may be receiving disability retirement benefits; and upon his death while receiving such benefits, his designated beneficiary shall receive monthly annuities in accordance with the plan selected.

Sec. 5-1 added by Acts 1971, 62nd Leg., p. 1356, ch. 359, § 5, eff. Sept. 1, 1971.

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Method of Financing

Sec. 8. A. Effective September 1, 1971, the amount contributed by each member to the Retirement System shall be six per cent (6%) of the annual compensation paid to each member. The amount contributed by the State of Texas to the Retirement System shall not exceed during any one (1) year six per cent (6%) of compensation of all members provided the total amount contributed by the State during any one (1) year shall at least equal the total amount contributed during the same year by all members of the Retirement System; provided further, that all contributions made by the State shall be from and charged to the respective funds appropriated, allocated, and provided to pay the salary or compensation of the member for whose benefit the contribution is made. All of the assets of the Retirement System shall be credited according to the purpose for which they are held to one (1) of five (5) funds; namely, the Employees Saving Fund, the State Accumulation Fund, the Retirement Annuity Reserve Fund, the Interest Fund, and the Expense Fund.

1. The Employees Saving Fund.

The Employees Saving Fund shall be a fund in which shall be accumulated six per cent (6%) contributions from the compensation of members, including interest earnings. Contributions to and payments from the Employees Saving Fund shall be made as follows:

(a) Beginning on the effective date of this Act, each department of the State shall cause to be deducted from the salary of each member on each and every payroll period, six per cent (6%) of his earnable compensation. In determining the amount earnable by a member in a payroll period, the State Board of Trustees may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deductions from compensation for any period less than one-half (½) of a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions, it may modify the deductions required of any member by such an amount as shall not exceed one-tenth (1/10) of one per cent (1%) of the annual compensation upon the basis of which such deduction is to be made.

(b) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Act. The department head of the State shall certify to the State Board of Trustees on each and every payroll, or in such other manner as said Board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into said Employees Saving Fund, and shall be credited to the individual account of the member from whose compensation said deduction was made.

(c) Interest on member's contributions shall be credited annually as of August 31, and shall be allowed on the amount of the accumulated contributions standing to the credit of the member at the beginning of the year and shall not be allowed for parts of a year. Following the termination of membership in the Retirement System for those members who have been absent from service more than sixty (60) consecutive months in any period of six (6) consecutive years, the Employees Saving Fund account of such members shall be closed and warrants covering the total accumulated contributions sent to them upon the filing of formal application. Until the time of payment of such accumulated contributions, said members shall receive no interest on the amount due them under this Subsection, and the amount shall be held in a noninterest-bearing account to be set up for such purpose.

(d) Upon the retirement of a member, his accumulated contributions shall be transferred from the Employees Saving Fund to the Retirement Annuity Reserve Fund.

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B. Collection of Contributions.

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2. The collection of the State's contributions shall be made as follows:

(a) From and after the effective date of this Act, there is hereby allocated and appropriated to the Employees Retirement System of Texas, in accordance with this Act, from the several funds from which the members benefited by this Act, receive their respective salaries, a sum equal to six per cent (6%) of the total compensation paid to the said respective members of said Retirement System and whose compensation is paid from funds directly controlled by the State.

(b) Thereafter, on or before the first day of November next preceding each Regular Session of the Legislature, the State Board of Trustees shall certify to the Legislative Budget Board and Budget Division of the Governor's office for review the amount necessary to pay the contributions of the State of Texas to the Employees Retirement System for the ensuing biennium. This amount shall equal six per cent (6%) of the total compensation paid members of the Retirement System and shall be included in the budget of the State which the Governor submits to the Legislature. The State Board of Trustees shall certify on or before August 31st of each year to the State Comptroller of Public Accounts and the State Treasurer the estimated amount of contributions to be received from members during the ensuing year.

(c) All moneys hereby allocated and appropriated by the State to the Employees Retirement System shall be paid to the Employees Retirement System in equal monthly installments based upon the annual estimate by the State Board of Trustees of the Employees Retirement System of the contributions to be received from the members of said System during said year, provided further, in the event said estimate of the contributions of the members of the System shall vary from the actual amount of the members' contributions during the year, then such adjustment shall be made at the close of each fiscal year as may be required. Each of said monthly installments shall be paid into the State Accumulation Fund in the amount certified by the State Board of Trustees.

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Sec. 8, subsec. A, 1st par. amended by Acts 1971, 62nd Leg., p. 1359, ch. 359, § 9, eff. Sept. 1, 1971; Sec. 8, subsec. A, subd. 1 amended by Acts 1971, 62nd Leg., p. 1360, ch. 359, § 9, eff. Sept. 1, 1971; Sec. 8, subsec. B, subd. 2 amended by Acts 1971, 62nd Leg., p. 1361, ch. 359, § 10, eff. Sept. 1, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Exemption from Execution

Sec. 9.

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B. The Board of Trustees shall adopt Rules and Regulations, to be effective no later than January 1, 1972, providing for the payment of not less than one-half (½) the premium cost of Group Life and Health Coverage for all member retirees. Premium costs shall be paid from the funds of the agency or department from which the member retired, and shall be based on rates not to exceed rates charged members of the Group Insurance Plan of department or agency from which the member retired. The State of Texas shall pay each year in equal monthly installments into the State Accumulation Fund an amount required to pay insurance premiums of the retirees. The State Board of Trustees shall certify annually to the Comptroller of Public Accounts and to the State Treasurer the amount so ascertained.

Sec. 9, subsec. B added by Acts 1971, 62nd Leg., p. 1361, ch. 359, § 11, eff. Sept. 1, 1971.

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Section 4. Acts 1971, 62nd Leg., p. 1331, ch. 355, which by sections 1 and 2 amended subsection H of this section and section 3E of this article respectively, provided in section 3: "If any section or subsection of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other sections, subsections or applications of the Act which can be given effect without the invalid section, subsection or application, and to this end the sections, subsections and applications of this Act are declared to be severable."

Acts 1971, 62nd Leg., p. 1354, ch. 359, which by sections 1 to 11 amended subsections A and F of this section and sections 1, 3, 5, 8 and 9 and added section 5–1 of this article, provided in sections 12 and 13:

"Sec. 12. If any section, subsection or clause of this Act is, for any reason, held to be unconstitutional such decision shall not affect the validity of any of the remaining portions of this Act, and it is hereby declared that this Act would nevertheless have been passed without such section, subsection or clause so declared unconstitutional.

"Sec. 13. This Act shall become effective September 1, 1971."

Acts 1971, 62nd Leg., p. 2714, ch. 885, which by section 1 added subsection J of this section, provided in sections 2 and 3:

"Sec. 2. The Legislature finds that throughout the State of Texas in those counties in which there is a District Attorney, the County Attorneys have exercised the powers of Assistant District Attorney, even though they have not been so designated by statute as Assistant District Attorneys. The Legislature further finds that by statute the County Attorneys have been given the duty, in the absence of the District Attorney, to represent the State of Texas in all criminal cases under examination or prosecution in their counties. The Legislature further finds that by statute the County Attorneys of the State have been required to act in behalf of the State of Texas in matters of habeas corpus, in the absence of the District Attorney, and that the County Attorneys have been directed by statute to accept felony complaints, and when requested the County Attorneys have been directed to assist the District Attorney in the presentation of matters before a grand jury, and in the trial of felony cases. The Legislature further finds that the County Attorneys have been directed by statute to report to the Attorney General when so requested such information as may be required in relation to criminal matters and the interest of the State. Therefore the Legislature finds and determines that the various County Attorneys of the State are state officials.

"Sec. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Art. 6228a—5. Annuities for certain public employees; salary reductions

Section 1. Local Boards of Education of the Public Schools of this State, the Governing Boards of the state-supported institutions of higher education, the Coordinating Board, Texas College and University System, the Central Education Agency, the Texas Department of Mental Health and Mental Retardation and the state schools, state hospitals, and other

facilities and institutions under its jurisdiction, the Texas State Department of Health and facilities and institutions under its jurisdiction, the Texas Youth Council and facilities and institutions under its jurisdiction, and the governing boards of Centers for Community Mental Health and Mental Retardation Services, county hospitals, city hospitals, city-county hospitals, hospital authorities, hospital districts, affiliated state agencies, and political subdivisions of each of them, are hereby authorized to enter into agreements with their employees for the purchase of annuities for their employees as authorized in Section 403(b) of the Internal Revenue Code of 1954, as amended.[1]

Sec. 1A. The Comptroller of Public Accounts is hereby authorized to effect reductions in salary of participants when authorized in writing and shall apply the amount of the reduction to the purchase of annuity contracts, the exclusive control of which will vest in the participants.

Amended by Acts 1971, 62nd Leg., p. 925, ch. 139, § 1, eff. May 10, 1971; Sec. 1A amended by Acts 1971, 62nd Leg., p. 2372, ch. 733, § 1, eff. June 8, 1971.

[1] 26 U.S.C.A. (I.R.C.1954) § 403(b).

Art. 6228b. Retirement of justices, judges and commissioners of appellate and district courts

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Qualifications for retirement; death benefit plan selection; retirement pay; reduced annuity plans; retirement age

Sec. 2.

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(a—1). Prior to retirement any contributing member with ten (10) or more years creditable service, and any noncontributing member with twelve (12) or more years creditable service, may select a Death Benefit Plan and designate a nominee to receive a reduced monthly annuity either for life, or for a ten (10) year guaranteed period, to become effective and payable, in lieu of the refund of the member's contributions, to such nominee beginning the day following the death of such member. If the qualified member dies without having made such Death Benefit Plan Selection, the surviving spouse may choose the plan in the same manner as if the member had completed the selection; otherwise, contributions shall be refunded to the designated beneficiary. Application for such plan shall be on forms prescribed by the State Board of Trustees. The reduced benefits shall be computed in the same manner as for a member's service retirement as provided elsewhere in this Act. The ages of the member and the nominee at the date of the member's death shall be used in determining the reduced annuity. The plan selected shall become null and void upon the effective date of the member's retirement, provided, however, that any member with seven (7) or more years of creditable service who is required to retire on disability, as provided elsewhere in this Act, shall be eligible to select a reduced annuity in the same manner as that provided for members retiring on a service retirement.

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(d). Any person qualified for retirement pay under this Act shall, after reaching the age of sixty (60) years, if he elects to receive retirement pay prior to reaching sixty-five (65) years of age, be qualified for retirement pay but shall have his benefits reduced from age sixty-five (65) years and his monthly base retirement payments shall be the following percent of the salary being received by a judge of a court of the same

classification last served by such person as a judge, based upon his retirement age as follows:

If the retirement age is sixty (60) years, the percent shall be forty (40) percent;

If the retirement age is sixty-one (61) years, the percent shall be forty-one and seven-tenths (41.7) percent;

If the retirement age is sixty-two (62) years, the percent shall be forty-three and six-tenths (43.6) percent;

If the retirement age is sixty-three (63) years, the percent shall be forty-five and six-tenths (45.6) percent;

If the retirement age is sixty-four (64) years, the percent shall be forty-seven and seven-tenths (47.7) percent;

(e). The reduced retirement benefits authorized by Section 1 hereof shall not apply if said judge retires as authorized by statute, or, is made to retire by the State Judicial Qualification Commission, because of physical or mental illness, but a judge so retiring or made to retire because of mental or physical illness, if he is eligible for retirement pay, shall, regardless of age, be paid retirement benefits on the basis of the percentages provided by Section 1 of Chapter 435, Acts of the 61st Legislature of Texas, 1969 and compiled as Section 2(a) of Article 6228b, Vernon's Texas Civil Statutes.

Sec. 2, subsec. (a–1) added by Acts 1971, 62nd Leg., p. 675, ch. 61, § 1, eff. April 20, 1971.

Sec. 2, subsecs. (d), (e) added by Acts 1971, 62nd Leg., p. 1790, ch. 528, § 1, eff. Aug. 30, 1971.

Sec. 2(e) added by Acts 1971, 62nd Leg., p. 1791, ch. 528, § 1, eff. Aug. 30, 1971.

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Ineligibility to practice law; continuance as judicial officer; assignments and compensation

Sec. 7. During the time judges who have retired under the provisions of the Act are receiving retirement pay they shall not be allowed to appear and plead as attorneys at law in any court in this State. Any person who has retired under the provisions of this Judicial Retirement Act may elect in writing addressed to the Chief Justice of the Supreme Court within ninety (90) days after such retirement to continue as a judicial officer, in which instance they shall, with their own consent to each assignment, be subject to assignment by the Chief Justice of the Supreme Court to sit in any court of this State of the same dignity, or lesser, as that from which they retired, and if in a District Court, under the same rules as provided by the present Administrative Judicial Act,[1] and while so assigned, shall have all the powers of judges thereof. Any district judge or appellate judge who has retired under the provisions of this Judicial Retirement Act and has elected to continue as a judicial officer may sit as a Commissioner of the Court of Criminal Appeals, if designated and appointed by the Presiding Judge of the Court of Criminal Appeals, with his own consent to each designation and appointment. While assigned to said court, or serving as a Commissioner to the Court of Criminal Appeals, such judges shall be paid an amount equal to the salary of judges of said court, in lieu of retirement allowance. No person who has heretofore retired under the provisions of this Judicial Retirement Act shall be considered to have been a judicial officer of this State after such retirement, unless such person has accepted an assignment by the Chief Justice to sit in a court of this State.

Sec. 7 amended by Acts 1971, 62nd Leg., p. 1647, ch. 462, § 2, eff. May 27, 1971.

[1] Article 200a.

Retired judges as judicial officers

Sec. 7A. (a) Any person who has retired under the provisions of this Judicial Retirement Act and who within ninety (90) days after such retirement accepts an assignment by the Chief Justice of the Supreme Court or by a Presiding Judge of an Administrative Judicial District shall continue as a judicial officer, in which instance he shall, with his own consent to each assignment, be subject to assignment by the Chief Justice of the Supreme Court or by a Presiding Judge of any Administrative Judicial District to sit in any court of this state of the same dignity, or lesser, as that from which he retired, and if in a District Court, under the same rules as provided by the present Administrative Judicial Act, and while so assigned, shall have all the powers of a judge thereof. While assigned to said court, such person shall be paid an amount equal to the salary of the judge of said court, in lieu of retirement allowance.

(b) The judicial acts of any person, who has retired under the provisions of this Judicial Retirement Act, and who after June 8, 1967, and before the effective date of this amended Section accepted an assignment by the Chief Justice of the Supreme Court or by a Presiding Judge of an Administrative Judicial District to sit in any court of this state of the same dignity, or lesser, as that from which he retired, or if in a District Court, under the rules then provided by the Administrative Judicial Act, served that court as a judicial officer, and while serving that court, had all the powers of a judge thereof, shall, upon the effective date of this amended Section, continue to be eligible for assignment under the provisions of this Act. The judicial acts of any person so serving and the judgments and all proceedings of the court which he served are hereby validated.

Sec. 7A added by Acts 1971, 62nd Leg., p. 1864, ch. 550, § 1, eff. June 1, 1971.

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Payments and rights; exemption from tax, etc.

Sec. 8b. Retirement payments, annuities, refunded contributions, optional benefits, or any other right accrued or accruing to any person under the provisions of this Act are exempt from any state, county, or municipal tax, levy, sale, garnishment, attachment, or any other process, and shall be unassignable except as provided in this Act.

Sec. 8b added by Acts 1971, 62nd Leg., p. 3363, ch. 1025, § 1, eff. Aug. 30, 1971.

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Section 2 of Acts 1971, 62nd Leg., p. 676, ch. 61, provided:

"If any phrase, clause, or subsection of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other subsections or application of the Act which can be given effect without the invalid subsection or application and to this end the subsections and applications of this Act are declared to be severable."

Section 2 of Acts 1971, 62nd Leg., p. 1790, ch. 528, provided: "If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Section 3 thereof, an emergency clause, provided in part: "The fact that the judicial retirement acts of many sister states and the retirement Acts of State Employees and Teachers of this State allow their members to take an early retirement at ages fifty-five (55) and sixty (60) years makes it apparent that the inequity existing in the Judicial Retirement Act should be corrected and the judges of this State accorded the same treatment in their Retirement Act as accorded to judges of other states and State Employees and Teachers of this State * * *"

For Annotations and Historical Notes, see V.A.T.S.

Art. 6228f. Payments of assistance by State to survivors of law enforcement officers, etc., killed in performance of duties

Declaration of policy

Section 1. It is hereby declared to be the public policy of this State, under its police power, to provide financial assistance to the surviving spouse and minor children of paid law enforcement officers, campus security personnel, members of organized police reserve or auxiliary units with the power to make arrests, custodial personnel of the Texas Department of Corrections, juvenile correctional employees of the Texas Youth Council, employees of the Rusk State Hospital for the Criminally Insane, paid firemen, and members of organized volunteer fire departments where such paid law enforcement officers, campus security personnel, members of organized police reserve or auxiliary units with the authority to make arrests, custodial personnel, juvenile correctional employees of the Texas Youth Council, employees of the Rusk State Hospital for the Criminally Insane, paid firemen or members of organized volunteer fire departments suffer violent death in the course of the performance of their duties as paid law enforcement officers, campus security personnel, members of organized police reserve or auxiliary units with the power to make arrests, custodial personnel of the Texas Department of Corrections, employees of the Texas Youth Council and the Rusk State Hospital for the Criminally Insane, paid firemen and members of organized volunteer fire departments, capitol security commissioned officers, and campus security personnel commissioned as peace officers by authority granted under Section 3, Chapter 80, Acts of the 60th Legislature, Regular Session, 1967 (Article 2919j, Vernon's Texas Civil Statutes). Sec. 1 amended by Acts 1971, 62nd Leg., p. 34, ch. 16, § 1, eff. March 11, 1971.

Definitions

Sec. 2. (a) As used in this Act:

(1) "Violent death in the course of performance of duty" means loss of life resulting from exposure to a risk inherent in the particular duty performed and which risk is one to which the general public is not customarily exposed.

(2) "Paid law enforcement officer" means a peace officer as defined in Article 2.12, Texas Code of Criminal Procedure, 1965, and includes game wardens who are employees of the State of Texas paid on a full time basis for the enforcement of game laws and regulations and campus security personnel commissioned as peace officers by authority granted under Section 3, Chapter 80, Acts of the 60th Legislature, Regular Session, 1967 (Article 2919j, Vernon's Texas Civil Statutes).

(3) "Members of organized police reserve or auxiliary units with power to make arrests" means a person who, on a regular basis, assists peace officers in the enforcement of criminal laws and who has the authority to make arrests.

(4) "Custodial personnel of the Texas Department of Corrections" means the class of employees of the Department of Corrections designated as custodial personnel by a resolution adopted by the Texas Board of Corrections.

(5) "Paid firemen" means a person who is employed by the State or its political or legal subdivisions to render fire fighting services.

(6) "Organized volunteer fire departments" means a fire fighting unit consisting of not less than 20 active members with a minimum of 2 drills each month, each 2 hours long, and with a majority of all active members present at each meeting, and which renders fire fighting services without remuneration.

(7) "Minor child" means a child who, on the date of the violent death of any person covered by this Act, has not reached the age of 21 years.

(b) For the purpose of this Act, "organized volunteer fire departments," as defined above, shall be considered agents of the city, county, district or other political subdivision which it serves if it receives any financial aid from such city, county, district or other political subdivision for the maintenance, upkeep, or storing of its equipment, or is designated by the governing body of the city, county, district or other political subdivision as its agent. For the purposes of this Act, organized police reserve or auxiliary units shall be considered agents of the city, county, district or other political subdivision which it serves if it is designated as such by the governing body of such city, county, district or other political subdivision.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 34, ch. 16, § 1, eff. March 11, 1971; Sec. 2, subsec. (a) (6) amended by Acts 1971, 62nd Leg., p. 2354, ch. 717, § 1 eff. June 8, 1971.

Assistance payable

Sec. 3. In any case in which a paid law enforcement officer, capitol security commissioned officers, campus security personnel, a member of an organized police reserve or auxiliary unit with the power to make arrests, custodial personnel of the Texas Department of Corrections, juvenile correctional employee of the Texas Youth Council, employee of the Rusk State Hospital for the Criminally Insane, paid fireman, and/or member of an organized volunteer fire department suffers violent death in the course of his duty as such paid law enforcement officer, campus security personnel, member of an organized police reserve or auxiliary unit with the power to make arrests, custodial personnel of the Texas Department of Corrections, juvenile correctional employee of the Texas Youth Council, employee of the Rusk State Hospital for the Criminally Insane, paid fireman, or member of an organized volunteer fire department, the State of Texas shall pay to the surviving spouse of such paid law enforcement officer, campus security personnel, member of an organized police reserve or auxiliary unit with the power to make arrests, custodial personnel of the Texas Department of Corrections, juvenile correctional employee of the Texas Youth Council, employee of the Rusk State Hospital for the Criminally Insane, paid fireman, or member of an organized volunteer fire department the sum of $10,000 and in addition thereto, if such paid law enforcement officer, campus security personnel, member of an organized police reserve or auxiliary unit with the power to make arrests, custodial personnel of the Texas Department of Corrections, juvenile correctional employee of the Texas Youth Council, employee of the Rusk State Hospital for the Criminally Insane, paid fireman, or member of an organized volunteer fire department shall be survived by a minor child or minor children, the State of Texas shall pay to the duly appointed or qualified guardian or other legal representative of each minor child the following assistance:

If one minor child—$100 per month

If two minor children—$150 per month

Three or more minor children—$200 per month.

Provided, that when any child entitled to benefits under this Act ceases to be a minor child as that term is defined herein, his entitlement to benefits shall terminate and any benefits payable under this Act on behalf of his minor brothers and sisters, if any, shall be adjusted to conform with the foregoing schedule if necessary.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 35, ch. 16, § 1, eff. March 11, 1971.

Administration

Sec. 4. This Act shall be administered by the State Board of Trustees of the Employees Retirement System of Texas, under rules and regu-

For Annotations and Historical Notes, see V.A.T.S.

lations adopted by said Board. Proof of death claimed to be violent death in the course of performance of duty of a paid law enforcement officer, campus security personnel, member of an organized police reserve or auxiliary unit with the power to make arrests, custodial personnel of the Texas Department of Corrections, juvenile correctional employee of the Texas Youth Council, employee of the Rusk State Hospital for the Criminally Insane, paid fireman, or member of an organized volunteer fire department shall be furnished to said Board of Trustees in such form as it may require, together with such additional evidence and information as it may require."

Sec. 4 amended by Acts 1971, 62nd Leg., p. 35, ch. 16, § 1, eff. March 11, 1971.

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Application

Sec. 10. This Act shall not apply to the death of any law enforcement officer, capitol security commissioned officers, campus security personnel, custodial personnel of the Texas Department of Corrections or full-paid fireman occurring before the effective date of this Act.

Sec. 10 amended by Acts 1971, 62nd Leg., p. 36, ch. 16, § 2, eff. March 11, 1971.

Art. 6228g. Texas County and District Retirement System

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Definitions

Sec. 2. Unless a different meaning is plainly indicated by their context, the following words and phrases as hereafter used in this Act shall have the following meanings:

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6. "Employee" means any person who is certified by a subdivision as being regularly engaged in the performance of the duties of an elective or appointive office, or of any position of employment with the subdivision, which office or position normally requires actual performance of duty during not less than nine hundred (900) hours a year, and as receiving compensation from the subdivision for the performance of such duties. Upon the terms and conditions set out in Section 11A, the term 'employee' includes any person regularly engaged in the performance of the duties of an elective or appointive State or district office who receives compensation, in addition to that received from the State of Texas, from the county or counties in which he serves, and the person with the approval of the respective subdivision shall be entitled to participate in the System to the extent of any additional compensation received from the participating subdivisions. The term "employee" does not include any person as to any period of service for which he would be eligible to be included in or entitled to receive credit in the Teacher Retirement System of Texas, the Employees Retirement System of Texas, the Texas Municipal Retirement System, or any other pension fund or retirement system supported wholly or partly at public expense, except that nothing in this Act shall be construed as precluding simultaneous coverage of persons under the Federal Old Age and Survivors Insurance System or any successor thereto, or the Judicial Retirement System of Texas, and this System, by reason of the same service.

Sec. 2, subsec. 6 amended by Acts 1971, 62nd Leg., p. 1780, ch. 522, § 1, eff. Aug. 30, 1971.

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Participation

Sec. 3.

1. Participation of Subdivisions.

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(d) Upon the terms and conditions provided in Section 11A, a subdivision which has elected to participate in the System may subsequently elect to include classes of employees not originally included in this Act, but included herein by amendment.

2. Participation of Employees.

The membership of the System shall be composed as follows:

(a)

* * * * * * * * * * *

(1) Any person, except by his consent, who on the effective date of participation has a basis of employment with the subdivision which would be violated by the requirement that he become a member; but each such person, being notified that the governing body has determined that the subdivision shall participate in the System, shall be deemed to have consented and elected to become a member of the System, unless prior to the date fixed for participation he shall file with the governing body, written notice of his election not to become a member. Any person so electing not to become a member, may at any time thereafter during his employment by the subdivision and before he becomes 60 years of age, elect to become a member of the System as of the first day of the calendar month following filing by him with the Board and with the governing body, of notice of his wish to become a member; but in such event he shall enter the System without credit or claim of credit for prior service or other service, and shall for purposes of this Act be considered as a person entering the employment of the subdivision for the first time on the date he becomes a member of the System.

* * * * * * * * * * *

(b) Any person not a member of this System, who becomes an employee for the first time of a participating subdivision after the effective date of participation of such subdivision, shall become a member of the System, upon the first day of the month following the date such person becomes an employee, provided he is then under the age of 60 years but any such person who is then 60 years or over shall not be eligible to become a member of this System.

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Sec. 3, subsec. 1(d) added by Acts 1971, 62nd Leg., p. 1780, ch. 522, § 2, eff. Aug. 30, 1971; Sec. 3, subd. 2(a) (1) amended by Acts 1971, 62nd Leg., p. 3407, ch. 1039, § 1, eff. June 17, 1971; Sec. 3, subd. 2(b) amended by Acts 1971, 62nd Leg., p. 3407, ch. 1039, § 2, eff. June 17, 1971.

Revenue

Sec. 4.

1. Member deposits.

(a) Each subdivision electing to participate in this System shall designate by order or resolution of its governing body whether the deposits to be made to the System on account of current service of the employees of such subdivision shall be at the rate of four per centum (4%), five per centum (5%), six per centum (6%), or seven per centum (7%) of the current service earnings of such employees. The rate so designated to be effective at and after the date of participation is the 'initial deposit rate' of such subdivision. The governing body of the subdivision may increase the deposit rate of the subdivision after it has been in effect for at least one (1) year. The rate of deposits once fixed by the governing body of a participating subdivision shall not be reduced until it has been

in effect at least five (5) years. After a particular deposit rate has been in effect for at least five (5) years, the governing body of the subdivision may decrease the same to one of the other permitted rates of contribution provided that no reduction of a deposit rate shall be permitted, if the result thereof (according to calculations made by the actuary and approved by the Board) is to impair the ability of the subdivision to fund within twenty-five (25) years from date of participation all obligations arising from Allocated Prior Service Credits granted by the subdivisions, or, if the subdivision has undertaken to allow increased benefits or additional coverages have been pursuant to Subsection 11 of Section 6, if the proposed reduction would impair the ability of the subdivision to fund all such obligations (including those arising from Allocated Prior Service Credits granted by the subdivision) within twenty-five (25) years from the valuation date on the basis of which valuation the latest increase in benefits or coverage was undertaken by the subdivision.

Any reduction in deposit rate shall be effective only on the anniversary of the participation date or dates of the subdivision, and upon ninety (90) days prior written notice to the Board, and subject to its determination that the proposed reduction will not violate the limitations above set forth.

Sec. 4, subsec. 1(a) amended by Acts 1971, 62nd Leg., p. 1049, ch. 213, § 1, eff. May 17, 1971.

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Creditable service

Sec. 6.

1. (a) Under such rules and regulations as the Board shall adopt, each person who is an employee of a participating subdivision on the effective date of participation of such subdivision and who becomes a member on such effective date shall be entitled to receive credit for "prior service" as defined in this Act. Any person who has been an employee of such a participating subdivision prior to the effective date of participation of such subdivision, but who is not in the service of such subdivision on the effective date of such subdivision's participation, shall be entitled to receive credit for "prior service" as defined in this Act, if he again becomes an employee of such participating subdivision within five (5) years after the effective date of such subdivision's participation and becomes a member as of the date of such reemployment and continues as an employee of such subdivision for a period of five (5) consecutive years.

(b) The governing body of a subdivision may order and direct that each of its employees who is serving in a public hospital, utility or other public facility which the subdivision is operating as successor to, or which the subdivision has otherwise acquired from a county, city or other public corporation or agency of government, shall be awarded and allowed prior service credit for the total number of months prior to date of participation during which such employee was employed in such hospital, utility or other facility during the period of its operation by the said predecessor governmental units or agencies as well as during the period of its operation by the participating subdivision; and in such event, the total period of such employment for which such employee is allowed prior service credit hereunder shall be considered service rendered to the participating subdivision for purposes of this Act.

In event any participating subdivision subsequent to date of participation, by contract, purchase or by legal succession shall acquire and become the operator of a public hospital, utility or other public facility theretofore operated by a county, city or other public corporation, the governing body of the participating subdivision may by order direct that persons who were employed in such hospital, utility or other facility at the time of acquisition of or succession to the same by the participating

subdivision, and who enter or did enter employment of the participating subdivision at that time, shall be allowed prior service credit for the total number of months during which such employee was employed in such hospital, utility or other public facility during the period of its operation by the predecessor counties, cities and/or other public corporations.

(c) Prior service credits and Allocated Prior Service Credits derivable therefrom allowable under Subsection 1(b) above shall be calculated in the same manner and be limited by the same factors that are applicable to prior service credits allowed employees of other departments of the participating subdivision for equivalent periods of service.

Sec. 6, subsec. 1 amended by Acts 1971, 62nd Leg., p. 1050, ch. 213, § 2, eff. May 17, 1971.

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11. (a) A participating subdivision may increase benefits theretofore granted, or credits upon which future retirements will be allowed, or may adopt any additional coverage allowed by this Act, in the time and manner, and subject to the conditions set out in this section.

(b) A participating subdivision may provide for increase in such benefits or credits or may adopt additional coverage only after an actuarial valuation (as prescribed by Section 8, Section 4(e)) has been made as of December 31 valuation date which is co-terminal with, or subsequent to, completion of three or more years of participation from and after the later of the following dates, viz:

(1) the original date of participation by the subdivision involved; or

(2) the effective date of the latest preceding increase in benefits, or extension of coverage, allowed by such subdivision under this section.

(c) Any extension of coverage, or increase in benefits, may be made effective only on January 1 of a calendar year, and after the lapse of twelve months from the actuarial valuation date above mentioned.

(d) The increases in credits or benefits and additional coverages which may be adopted and allowed by the subdivision (conditioned that it may provide for funding the same as hereinbelow provided) are one or more of the following:

(1) Increase in Current Service Credits to be allowed thereafter, which may be increased by 20% multiples;

(2) Increase in Current Service Credits theretofore allowed, which may be increased by 20% multiples;

(3) Increase in Current Service Annuities in effect;

(4) Increase in Allocated Prior Service Credits theretofore granted and in effect;

(5) Increase in Prior Service Annuities in effect;

(6) Granting to any of its employees who has accumulated twenty (20) or more years of Creditable Service the right of deferred service retirement, as hereinbelow defined.

The terms "right of deferred service retirement" as used above means the right to remain in service and to file a written selection with the Retirement Board of an optional allowance and designated nominee (as provided in Subsection 3 of Section 7), and in the event the member thereafter dies while in service he shall be considered to have retired effective as of the last day of the calendar month next preceding the month in which death occurs. In event any person eligible for deferred service retirement shall die without having a written selection of optional allowance and designated beneficiary on file with said Board, or whose designated nominee under options one or two is not living at the date of death of the member; such member shall be considered to have elected Option Three retirement, or (at the election of his beneficiary) shall be considered as having been an active member at date of death and the beneficiary may thereby elect to receive the accumulated contributions of the deceased member.

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(7) Granting prior service credit for any periods of active service (not in excess of 36 months total), in the armed forces of the United States performed during the time the United States was involved in organized conflict with foreign forces, whether in a formal state of war or police action, to any person who was an employee of such subdivision immediately prior to the beginning of such service in the armed forces, who entered such service without intervening employment and who returned to the employment of the participating subdivision within one hundred eighty (180) days following his discharge from or release from active duty with the armed forces.

(e) No increase in prior service annuities, allocated prior service credits, current service annuities or current service credits theretofore allowed shall be permitted which would produce greater benefits for such completed service than would be provided for current service credits allowable for comparable current and future service.

(f) The amount of the additional required reserves on account of any increase in Current Service Annuities or increase or extension of Current Service Credits shall as of the 31st day of December immediately preceding the effective date of such increase or extension of coverage, be transferred from such subdivision's account in the Subdivision Prior Service Accumulation Fund account to the Current Service Annuity Reserve Fund and Subdivision Current Service Accumulation Fund accounts of such subdivision in the respective required amounts, calculated by the actuary and approved by the Board.

(g) No such proposed increase in benefits or credits, or proposed extension of coverage shall be permitted if the result thereof (on the basis of calculations made by the actuary and approved by the Board) would impair the ability of the subdivision to fund within twenty-five (25) years from date of the December 31 valuation referred to in 11(b) above all obligations including those arising from Allocated Prior Service Credits granted by the subdivision.

(h) No such increase in benefits or credits or proposed extension of coverage shall be permitted unless it is determined and certified by the actuary that at the particular December 31 valuation date referred to in 11(b) above, the allocable prior service credits and prior service annuity obligations of the subdivision then existing before any such increase, would be amortized on or before the 20th anniversary of said particular December 31 valuation date.

(i) No such increase in benefits or credits, or proposed extension of coverage shall be effective unless and until the proposal is approved by the Board as conforming to all of the requirements above.

Sec. 6, subsec. 11 amended by Acts 1971, 62nd Leg., p. 1050, ch. 213, § 3, eff. May 19, 1971.

12. A member may count as creditable service prior service in the Legislature of Texas if the member deposits in the Employees Savings Fund an amount equal to the current contribution percentage of the subdivision multiplied by the base figure of Four Hundred Dollars ($400) per month for the total number of months he was a member of the Legislature. The subdivision shall make benefit contributions equal to the amount deposited by the member.

Sec. 6, subsec. 12 added by Acts 1971, 62nd Leg., p. 1053, ch. 214, § 1, eff. May 17, 1971.

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Administration

Sec. 8.

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7. The assets of the System in excess of the amount of cash required for current operations as determined by the Board, shall be invested and reinvested in the following types of securities:

(a) Interest-bearing bonds or other evidences of indebtedness: of the State of Texas, or of any county, school district, city or other municipal corporation within the State of Texas; of the United States or of any authority or agency of the United States, or any such securities which are guaranteed as to the payment of principal and interest by the United States or by any authority or agency of the United States.

(b) Interest-bearing bonds, notes or other evidence of indebtedness issued by any corporation incorporated under the laws of the United States or of any state, and which obligations are of a company whose stocks are eligible hereunder as investments for the System, or which obligations are rated A or better by one or more nationally recognized rating agencies to be determined by the Board.

In addition to the above listed securities, the Board may invest not exceeding twenty percent (20%) of the total of the assets of the System in preferred stocks and common stocks of companies incorporated within the United States, which have paid dividends on its common stock for ten (10) consecutive years or longer immediately prior to the date of purchase of such securities and which, except for bank and insurance company stocks, are listed upon an exchange registered with the Federal Securities and Exchange Commission or its successors; and provided further that not more than one percent (1%) of the assets of the System shall be invested in stocks issued by any one corporation, nor shall more than five percent (5%) of the voting stock of any one corporation be owned by the System. In making each and all such investments the Board shall exercise the judgment and care under the circumstances which men of prudence, discretion and intelligence exercise in the management of their own affairs, taking into consideration not only the probable income derivable from such securities but as well the probable safety of the capital investment.

The Board shall have full power to sell, assign, exchange, or trade and transfer any of the securities in which the funds of the System at any time may be invested, and to use or reinvest the proceeds as, in the Board's judgment, the needs of the System require.

Sec. 8, subsec. 7 amended by Acts 1971, 62nd Leg., p. 1052, ch. 213, § 4, eff. May 17, 1971.

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Optional coverage of employees receiving supplemental compensation from participating counties

Sec. 11A. 1. The governing body of any participating county which pays compensation from county funds to a person regularly engaged in the performance of the duties of an elective or appointive State or district office in addition to that received from the State of Texas, may by order of the governing body provide that the persons shall be considered employees of the county, and as such eligible for membership in the System to the extent of the compensation paid the person by the county.

2. All persons who on the effective date specified in the order are within the class designated to be included in the System by the order of the governing body of any participating subdivision under this section, shall become members of the System at the effective date specified in the order unless the person executes a waiver of membership in the time and manner prescribed below. Any person thereafter employed for the first time by the subdivision in any covered employment shall become a member

of the System at the date of his employment if he is at that date less than fifty-eight (58) years of age.

3. Any person who would become a member of this System by virtue of an order adopted by the governing body of a participating subdivision under this section may elect not to become a member if within thirty (30) days after the effective date specified in the order, he executes and files with the Director of the System a written waiver of membership in such form as the Board may prescribe. Any person who files a waiver of membership may apply for membership in the System as of the first day of any month thereafter, if the person would then be eligible for membership in the System as a beginning employee of the subdivision, and the person may thereupon become a member of the System but without credit for any service antedating the date of membership.

4. Any person who becomes a member of this System pursuant to this section shall not be allowed credit for service from the date of participation of the county to the effective date specified in the order adopted by the governing body pursuant to this section, unless within ninety (90) days after the date so specified:

(a) For all months during which the person performed service as an employee, the member shall pay to this System a sum equal to the deposits which a member of the System drawing the same compensation from the county during the same period was required to make to the System; and

(b) The county within the ninety (90) day period contributes to the System an amount equal to the deposits made by the member under Paragraph (a) of this subsection.

In the event the deposits required under this subsection are made within the time specified, the sum so deposited with the System by the member shall be credited to the member's individual account in the Employees Saving Fund, and the member shall be given current service credit for each month of service from which the deposits derive; and the matching deposits made by the county shall be deposited to its account in the Subdivision Current Service Accumulation Fund.

5. Any person who becomes a member of the System by virtue of this section as an employee of a county which did not operate and maintain a local system (as defined in Section 10, above) prior to the date of participation of the county in this System, and who makes and causes the subdivision to make the deposits in the amounts and within the time prescribed by Subsection 4, above, shall be entitled to receive credit for "prior service" rendered the subdivision, and upon certification of the prior service in the manner provided in Subsection 1 of Section 6, above, shall be allowed an "Allocated Special Prior Service Credit" determined in the same manner and on the same percentage of Maximum Prior Service Credit as was used in determining the Allocated Prior Service Credit of those employees of the subdivision who became members of this System on the date of participation of the subdivision.

6. Any person who becomes a member of the System by virtue of this section as an employee of a county which prior to its participation in this System operated and maintained a "local system" (as defined in Section 10) that was merged into this System pursuant to Section 10 shall not be allowed credit for service rendered the subdivision prior to the effective date of the merger, except upon the following conditions:

(a) The member and the subdivision make the deposits in the amounts and within the time prescribed by Subsection 4, above, to entitle the member to current service credit as provided in Subsection 4; and

(b) For all months during which the person performed service as an employee (as defined in Subsection 6, Section 2) of the subdivision between the time the local system was established and the date of merger, the person shall pay to the State system (within ninety (90) days after the effec-

tive date specified in the order of the governing body adopted under this section) a sum equal to the deposits which a member of the local system drawing the same compensation during the same period was required to make to the local system, and the subdivision shall contribute to the State system within said ninety (90) day period an equal amount to match the members' deposits.

In the event the deposits required under this subsection are made within the time specified, the sum so deposited by the member with the State system shall be deposited by it to the credit of the member's individual account in the Employees Saving Fund and shall be treated in the same manner as provided in Subsection 9(a) of Section 10, as to the transfer upon merger of individual deposits of members of the local system; the sum so deposited by the subdivision shall be received and deposited in the subdivision's account in the Prior Service Accumulation Fund in the manner provided in Subsection 9(c) of Section 10; and the member shall receive credit for all service to the subdivision antedating the effective date of merger, and will be given an "Allocated Special Prior Service Credit" determined in the same manner and on the same percentages of Maximum Special Prior Service Credit as was used in determining the Allocated Special Prior Service Credit of employees of the county who became members of the State system at the effective date of the merger.

Sec. 11A added by Acts 1971, 62nd Leg., p. 1781, ch. 522, § 3, eff. Aug. 30, 1971.

Section 4 of Acts 1971, 62nd Leg., p. 1780, ch. 522, provided: "In the event any section, subsection, or provision of this Act shall be held and adjudged unconstitutional or invalid for any reason, such adjudication shall not affect or invalidate any of the other or remaining provisions of this Act."

Art. 6228h. Assumption of pension liabilities of participating subdivision by annexing governmental entity

Section 1. Should any participating subdivision as defined under the provisions of Chapter 127, Acts of the 60th Legislature, Regular Session, 1967, as amended,[1] establishing and regulating the Texas County and District Retirement System, be annexed into, merged with, or in any manner absorbed by a municipality or other governmental entity, such succeeding entity shall assume, provide for and continue all existing pension rights of the employees of such subdivision, and shall further succeed to the rights of such subdivision in the assets of such system.

Sec. 2. The crowded condition of the calendars, and the need for enacting at the earliest time the above amendment, create an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Acts 1971, 62nd Leg., p. 992, ch. 179, eff. Aug. 30, 1971.

[1] Article 6228g.

Title of Act:

An Act requiring the assumption of pension liabilities by any governmental entity which annexes, merges with or absorbs a subdivision; and declaring an emergency. Acts 1971, 62nd Leg., p. 992, ch. 179.

2. CITY PENSIONS

Art. 6243a. Firemen's, policemen's and fire alarm operators' pension system; cities and towns of 432,000 or more having fully or partially paid departments

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Base pay defined

Sec. 1B. As used in this Article on and after October 1, 1971, the term "base pay," when used in reference to the plans of said pension fund existing prior to October 1, 1971, shall mean the maximum pay per month of a patrolman or private, exclusive of educational incentive pay.
Sec. 1B added by Acts 1971, 62nd Leg., p. 2074, ch. 638, § 1, eff. Oct. 1, 1971.

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Deductions; amount; donations

Sec. 3. On and after October 1, 1971, there shall be deducted for such fund, from the wages of each fireman, policeman and fire alarm operator in the employment of the said city or town, when he has filed application therefor, six and one-half percent (6.5%) of the wages earned by such employee, except that if approved by a majority vote of the participating members of the fund at an election held for the purpose, there shall be deducted an amount not to exceed nine percent (9%) of the wages earned by such employee, the amount and the date deductions shall begin to be as set in the election so held. Every contributor to said fund shall be required to pay into the fund on the base pay per month as defined in Section 1B hereof, and no more, except where otherwise provided by any amended plan that may be adopted under Section 11B hereof. Any donations made to said fund and rewards received by any members of either of the departments and all funds received from any source for such fund, shall be deposited in like manner to such fund.
Sec. 3 amended by Acts 1971, 62nd Leg., p. 2074, ch. 638, § 2, eff. Oct. 1, 1971.

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Certificate of retirement; retirement benefits; eligibility requirements; disability pension; rights upon leaving service

Sec. 7. Where any member of said departments shall have contributed a portion of his salary as provided herein, and shall have served twenty (20) years in either of said departments, he shall be issued a certificate of retirement, which said certificate shall thereafter be incontestable. The issuance of such certificate shall be mandatory upon the board; provided, however, that when said member reaches the age of fifty (50) years he may, after making application, be retired. No person to whom such certificate shall have been issued who has not reached the age of fifty (50) years shall be entitled to receive any retirement benefits until he reaches the age of fifty (50) years, and then upon his application. If any such member shall voluntarily or involuntarily leave the service of the city after he has received such certificate and before he reaches the age of fifty (50) years, he shall not be entitled to participate in the benefits of this Act until he is fifty (50) years of age; provided, however, that if any such member voluntarily or involuntarily leaves the service of the city and thereafter becomes physically disabled before he reaches the age of fifty (50) years, he shall be entitled to apply for, and the board may grant to him, a disability pension in accordance with this Act, unless such disability was caused by his committing a felony or by an intentional self-inflicted injury, which said pension shall become a retirement pension subject to the provisions of this Act upon his reaching the age of fifty (50) years. In the event such member so retiring, volun-

tarily or involuntarily, after he has such certificate and before he reaches the age of fifty (50) years, shall die, then his widow or children, or other dependents named in this Act, if any, shall be entitled to share in the benefits of this Act. A member retiring under the provisions of this Act shall receive one-half (½) of the salary received by him at the time of his retirement; provided, however, that in no instance shall the monthly pension allowance awarded him be in excess of one-half (½) of the base pay per month, as defined in Section 1B hereof, plus one-half (½) of the service money granted to the member under any provision of any state law or any city charter of any city within the provisions of this Act; which pension allowance shall be computed on the basis of the current payroll. This pension allowance, set out above based on the current payroll, shall be granted to the man going on the pension fund as well as the man already on the pension. Any member reaching the age of sixty-five (65) years and having served twenty (20) years in either of the departments, and who has not then retired from such departments, may be summoned before the board for the purpose of determining whether or not he should be retired under the provisions of this Act.

Sec. 7 amended by Acts 1971, 62nd Leg., p. 2075, ch. 638, § 3, eff. Oct. 1, 1971.

Certificate of retirement

Sec. 8. When any member of the fire department, police department or fire alarm operators' department has been issued a certificate of retirement under the provisions of Section 7 of this Act, he shall be entitled, after having received said certificate, to one-half (½) of the base pay per month as defined in Section 1B hereof, plus one-half (½) of the service money granted to the member under any provision of any city charter, which pension allowance shall be computed on the basis of the current payroll. The pension allowance set out above, based on the current payroll, shall be granted to the man going on the pension as well as the man already on the pension. The said certificate shall further state that in case of death, or in case where he becomes permanently disabled, he shall be and his beneficiaries shall be entitled to the same awards and rights to participate in the provisions of this Act and any other Act heretofore or hereafter made, as well as any of the provisions of the city charter heretofore or hereafter made, as he would have had before the said board issued his certificate of retirement. The said certificate shall be signed by the mayor, or mayor pro tem, or city manager, if such city has a city manager, and by the chairman of the pension board of firemen, policemen and fire alarm operators, and attested under the seal of the city by the city secretary."

Sec. 8 amended by Acts 1971, 62nd Leg., p. 2075, ch. 638, § 4, eff. Oct. 1, 1971.

Pensions to disabled or diseased members

Sec. 9. When any member of the fire department, police department, and fire alarm operators' department of the city or town within the provisions of this Act, and who is contributing to said fund, as herein provided, shall become so permanently disabled through injury or disease, unless such disability was caused by his committing a felony or by an intentional self-inflicted injury, as to incapacitate him from the performance of his duties, and shall make written application subject to medical examination for such injuries or disease, he shall be retired from the service and be entitled to receive from the said fund one-half (½) the base pay per month as defined in Section 1B hereof, plus one-half (½) of the service money granted to the member under the provisions of any state law or any city charter of any city within the provisions of this Act; which base pay per month as defined in Section 1B hereof, shall be computed on the basis of the current payroll. The pension allowance

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shall be granted to the man going on a pension as well as to the man already on the pension at the time he became disabled or diseased, the same to be paid in monthly installments, which monthly installments shall in no instance exceed one-half (½) of the base pay per month as defined in Section 1B hereof, plus one-half (½) of the service money granted to the member under the provisions of any state law or any city charter of any city within the provisions of this Act. In no case shall a disability claim be acknowledged or award made hereunder until disability has been proven to be continuous and the member wholly incapacitated for a period of not less than ninety (90) days.

Sec. 9 amended by Acts 1971, 62nd Leg., p. 2076, ch. 638, § 5, eff. Oct. 1, 1971.

Death benefits to widow and minor children of member

Sec. 10. In case of the death before or after retirement of any member of the fire department, police department, or fire alarm operators' department of any city or town within the provisions of this Act, from disease contracted or injury received and who at the time of his death or retirement was a member of either of said departments and a contributor to the said fund, leaving a widow, child or children under seventeen (17) years of age, the widow and such child or children shall be entitled to receive from the said fund an amount not to exceed one-half (½) of the base pay per month as defined in Section 1B hereof, plus one-half (½) of the service money granted to members under the provisions of any state law or any city charter of any city within the provisions of this Act; one-half (½) of the widow's amount in the aggregate shall go to the children under seventeen (17) years of age, and the balance of one-half (½) for the widow. No child of any such member resulting from any marriage contract subsequent to the date of the retirement of such member, shall be entitled to a pension under this Act. In case there are no children, the widow shall receive one-fourth (¼) of the base pay per month as defined in Section 1B hereof plus one-fourth (¼) of the service money granted to members under the provisions of any state law or any city charter of any city within the provisions of this Act. The one-fourth (¼) awarded to the children shall be paid by the board to the widow, who shall equally and uniformly distribute the amount among the children. In no instance shall the amount received by the widow, child or children, exceed a pension allowance of one-half (½) of the base pay per month as defined in Section 1B hereof, plus one-half (½) of the service money granted to members under any state law or any city charter of any city within the provisions of this Act. Where the board, after a thorough examination and by a majority vote in favor thereof, determines that the child or children are unable to and lack the proper discretion to handle said amount provided herein for them, it shall designate and appoint said child's or children's natural guardian as custodian of said fund. Where there is no parent and natural guardian living, the board shall have the power and authority to designate a suitable person to receive and administer the said fund; which said party shall receive for such child or children under the age of seventeen (17) years, one-fourth (¼) of the base pay per month as defined in Section 1B hereof, and one-fourth (¼) of the service money granted to members under any state law or any city charter of any city within the provisions of this Act, per month. The said party designated by the board shall receive his authority and power according to established legal practice. When any child or children, who are beneficiaries under this Act, shall reach the age of seventeen (17) years, then such child or children, if any, shall no longer participate in the division of said wages of said deceased, but the same shall be paid to the remaining child or children, if any, under seventeen (17) years of age. In no case shall the amount paid to any one family exceed the amount of one-half (½) of the base pay per month as

defined in Section 1B hereof, plus one-half (½) of the service money granted to members under the provisions of any state law or any city charter of any city within the provisions of this Act. Upon the remarriage of the widow, either statutory or common law, or the marriage of any child granted such pension, the pension shall cease. No widow of any such member resulting from any marriage contract subsequent to the date of the retirement of said member, shall be entitled to a pension under this Act.

Sec. 10 amended by Acts 1971, 62nd Leg., p. 2076, ch. 638, § 6, eff. Oct. 1, 1971.

Death benefits to dependent father and mother of member

Sec. 11. If any member of the fire, police, and fire alarm operators' department of any city within the provisions of this Act dies from injury received or disease contracted, who was a member of either of such departments and a contributor to said fund and entitled to participation in said fund himself, leaves no widow or child but leaves surviving him a dependent father and mother wholly dependent upon said person for support, such dependent father and mother shall be entitled to receive one-half (½) of the base pay per month as defined in Section 1B hereof, plus one-half (½) of the service money granted to members under the provisions of any state law or any city charter of any city within the provisions of this Act, to be equally divided between said father and mother, so long as they are wholly dependent. Where there is one dependent, either father or mother, the board shall grant the surviving dependent one-fourth (¼) of the base pay per month as defined in Section 1B hereof, plus one-fourth (¼) of the service money granted to members under any provisions of any state law or any city charter of any city within the provisions of this Act. The board shall have authority to make a thorough investigation and from investigation determine the facts as to the dependency of the said parties and each of them, as to how long the same exists; and may, at any time, upon the request of any contributor to such fund, reopen any award made to any of said parties and discontinue such pension as to all or any of them as it may deem proper; and the findings of said board in regard to any matters, as well as to all pensions granted under this Act, shall be final upon all parties seeking a pension as a dependent of said deceased, or otherwise, until such award of the trustee shall have been set aside or revoked by a court of competent jurisdiction.

Sec. 11 amended by Acts 1971, 62nd Leg., p. 2077, ch. 638, § 7, eff. Oct. 1, 1971.

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Comprehensive amendment permitted

Sec. 11B. In addition to the authority of the participating members to amend the Firemen, Policemen and Fire Alarm Operators' Pension System, as set forth in Section 11A hereof, members who, pursuant to Section 2 hereof, file a statement of desire to participate and who authorize therein appropriate deductions from their wages, may also create within said pension system, by comprehensive amendment thereto, a plan embodying changes in addition to those authorized by Section 11A hereof, provided that:

(1) The amendment is first approved by a qualified actuary selected by a majority vote of the board of trustees of the Firemen, Policemen and Fire Alarm Operators' Pension System as being actuarially sound. Such qualified actuary shall:

(a) if an individual, be a Fellow of the Society of Actuaries or a Fellow of the Conference of Actuaries in Public Practice or a member of the American Academy of Actuaries; or

(b) if a firm, partnership or corporation, employs one or more persons who are Fellows of the Society of Actuaries or Fellows of the Con-

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ference of Actuaries in Public Practice or members of the American Academy of Actuaries; and

(2) The amendment is approved by a majority of the board of trustees of the fund; and

(3) A majority of the participating members in the pension fund, vote for the amendment by secret ballot; and

(4) The amendment does not deprive a member of any of the benefits that have become fully vested to him under the present fund unless he shall (a) execute his written consent to participate in the amended plan; and (b) has qualified thereunder.

B. Any amendment made pursuant to this section shall not in any manner affect any rights or responsibilities under the existing Act or create any new rights or responsibilities except as fully set forth in the adopted amendment.

C. Any amendment as set forth herein shall not be required to be ratified by the Legislature of the State of Texas, but shall become operative when properly recorded in the permanent records of the city.

D. The amendment applies only to active full-time firemen, policemen or fire alarm operators in the employ of the city or town at the time of the amendment and those who qualify under the provisions of this Act hereafter.

E. Prior to any election hereunder, the board of trustees shall by a majority vote, issue a notice of the calling of the election which notice shall state the proposition to be voted upon and shall include verbatim the amendment sought to be made, which notice shall be posted at the city hall and at all fire stations and police stations and upon the bulletin boards at the places where the policemen and firemen are assembled for duty, at least two weeks prior to the date of the election. The balloting in the election shall be held upon two consecutive days with ballot boxes placed at the places that may be determined by the board of trustees, so as to be generally convenient to those voting. The ballot boxes shall be kept locked at all times until canvassed by the board of trustees or under their supervision.

F. The minutes of the board of trustees, certified by the secretary thereof, showing:

(1) The proposed amendment to the pension system; and

(2) The calling of the election and the giving of notice thereof; and

(3) The canvassing of the votes in said election, under the supervision of the board of trustees, and a certification of the results thereof by the board;

when reduced to writing as other permanent records of the city and filed in the office of the city secretary of the city in which the election is held, shall constitute evidence of the matters contained herein, admissible in all courts and proceedings. If a majority of the votes cast in said election are for the amendment, the filing in the city secretary's office as herein set out, shall be the effective date thereof, and shall constitute an amendment to the Firemen, Policemen and Fire Alarm Operators' Pension System.

G. Contributions by such city to any plan created under this section shall be the same percentage of gross payroll of the members participating therein that is applicable presently or in the future to the original plan and the one created under Section 11A hereof. Compliance with Section 14 hereof with respect to such existing plans shall also be authority for such city to contribute on the same percentage basis to any plan created under this Section.

Sec. 11B added by Acts 1971, 62nd Leg., p. 2078, ch. 638, § 8, eff. Oct. 1, 1971.

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Medical examination

Sec. 13. Said board may cause any person receiving any pension under the provisions of this Act, who has served less than twenty (20) years, to appear and undergo medical examination by either the health director or some reputable physician selected by the board; as a result of which the board shall determine whether the relief in said case shall be continued, increased, decreased, or discontinued. In making the findings the board may change any percentages stipulated in any section or subsection of this Act, by reducing the same to one-twentieth (1/20) for each year served not to exceed one-half (1/2) of the base pay per month as defined in Section 1B hereof, plus one-half (1/2) of the service money granted to the member under the provisions of any city charter; if any person receiving relief under the provisions of this Act, after due notice, fails to appear and undergo such examination, the board may reduce or entirely discontinue such relief.

Sec. 13 amended by Acts 1971, 62nd Leg., p. 2080, ch. 638, § 9, eff. Oct. 1, 1971.

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Investment of surplus

Sec. 15. Whenever, in the opinion of said Board, there is on hand in said Pension Fund a surplus over and above a reasonably safe amount to take care of current demands upon said Fund, such surplus, or so much thereof as in the judgment of said Board is deemed proper, shall be put into a Reserve Fund for the sole benefit of said Pension Fund, and may be invested by the Board in bonds or other interest-bearing obligations and securities of the United States, the State of Texas; or any county, city or other political subdivision of the State of Texas; in shares or share accounts of savings and loan associations, where such shares or share accounts are insured under and by virtue of the Federal Savings and Loan Insurance Corporation; in first lien real estate mortgage securities insured by the Federal Housing Administration under the National Housing Act of the United States, as amended from time to time; and in such corporation bonds, preferred stocks and common stocks as the Board may deem to be proper investments for such Reserve Fund.

No more than eighty-five percent (85%) of said Reserve Fund shall be invested at any given time in corporate stocks, nor shall more than five percent (5%) of the fund be invested in corporate bonds and stocks issued by any one corporation, nor shall more than five percent (5%) of the voting stock of any one corporation be owned, such percentages to be determined at the time the investment is made.

Stocks eligible for purchase shall be restricted to stocks of companies incorporated within the United States which have shown a profit in four (4) of the last five (5) years immediately prior to the date of purchase; provided that an amount up to five percent (5%) of the Reserve Fund, computed at the date of a purchase, may be invested in stocks, bonds, or debentures of corporations that do not have such an earnings record.

The investments shall remain in the custody of the Treasurer in the same manner as provided for the custody of the Pension Fund. The Board shall have authority to buy and sell any of its authorized investments. As the demands on the Pension Fund require, monies obtained by withdrawal or sale of investments from the Reserve Fund shall be used for the payment of retirement benefits.

The regulations set forth in this Section for the investment of surplus funds shall apply to the original Pension System specifically estab-

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lished in this Act, as well as to any amended plan established pursuant to Section 11A hereof or related provision of law.

Sec. 15 amended by Acts 1971, 62nd Leg., p. 2081, ch. 639, § 1, eff. June 4, 1971.

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Section 1B. Acts 1971, 62nd Leg., p. 2074, ch. 638, which by sections 1 to 9 added and amended various sections of this article, provided in sections 10 and 11:

"Sec. 10. Any laws and parts of laws, including city ordinances, in conflict with the provisions hereof, are hereby repealed to the extent of such conflict only and, except as to such conflict, shall be in full force and effect, and this Act shall not amend any section or part of Article 6243a, as heretofore amended, except as set forth herein.

"Sec. 11. This Act shall take effect and be enforced from and after October 1, 1971, and it is so enacted."

Section 15. Acts 1971, 62nd Leg., p. 2081, ch. 639, amending this section, provided in section 2: "Any laws and parts of laws, including city ordinances, in conflict with the provisions hereof, are hereby repealed to the extent of such conflict only and, except as to such conflict, shall be in full force and effect, and this Act shall not amend any section or part of Article 6243a, as heretofore amended, except as set forth herein."

Section 3 thereof, an emergency clause, provided in part: "* * * pursuant to Acts 1939, 46th Legislature, page 394, Section 2, effective May 23, 1939, the repeal of Article 5006 of the Revised Civil Statutes of Texas regarding the investment of funds of insurance companies, left uncertain the manner in which the Reserve Retirement Fund shall be invested, * * *".

Art. 6243b. Firemen and policemen pension fund in cities of 310,000 to 330,000

Board of trustees

Section 1. In all incorporated cities and towns containing more than three hundred ten thousand (310,000) inhabitants and less than three hundred thirty thousand (330,000) inhabitants, according to the last preceding Federal Census, having a fully or partially paid fire department, the mayor, two (2) citizens of said city or town to be designated by the mayor, the chief of police, the chief of the fire department and their successors, three (3) policemen other than the chief or assistant chief, to be elected by members of the policemen's pension fund, three (3) firemen other than the chief or assistant chief, to be elected by members of the firemen's pension fund, composing eleven (11) members, seven (7) of which shall be a quorum, shall constitute a board of trustees of the Firemen, Policemen and Fire Alarm Operators Pension Fund, to provide for the disbursement of the same and to designate the beneficiaries thereof. The three policemen and the three firemen named above shall be elected to a term of four (4) years. The board shall be known as the Board of Firemen, Policemen, and Fire Alarm Operators Pension Fund, Trustees of _____, Texas. Said board shall organize by choosing one member as Chairman and by appointing a secretary. Such board shall have charge of and administer said fund and shall order payments therefrom in pursuance of the provisions of this law. It shall report annually to the governing body of such city or town the condition of the said fund and the receipts and disbursements on account of the same with a complete list of beneficiaries of said fund and the amounts paid them.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1418, ch. 395, § 1, eff. May 26, 1971.

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Modification of benefits and eligibility requirements

Sec. 10A. (a) The Board of Trustees of the Firemen, Policemen, and Fire Alarm Operators Pension Fund may modify or change in any manner whatsoever any of the benefits provided by this Act and may

modify or change in any manner whatsoever any of the eligibility requirements for the benefits provided that:

(1) the change or modification is first approved by a qualified actuary selected by a four-fifths vote of the Board of Trustees of the Firemen, Policemen, and Fire Alarm Operators Pension Fund;

(2) a majority of the participating members of the pension fund votes for the change or modification by a secret ballot;

(3) the change or modification applies only to active full time firemen in the department at the time of the change or modification and those who enter the department thereafter; and

(4) the change or modification does not deprive a member, without his written consent, of a right to receive benefits hereunder which have already become fully vested and matured in such member.

(b) A qualified actuary under Subsection (a) (1) of this section, if an individual, must be a Fellow of the Society of Actuaries or a Fellow of the Conference of Actuaries in Public Practice or a Member of the American Academy of Actuaries.

Sec. 10A added by Acts 1971, 62nd Leg., p. 1419, ch. 395, § 2, eff. May 26, 1971.

Sections 3 and 4 of the 1971 amendatory act provided:

"Sec. 3. The two additional firemen and the two additional policemen provided for in Section 1 of this Act shall be elected by the members of the firemen's pension fund and the policemen's pension fund, respectively, not later than 30 days after the effective date of this Act. The initial terms of office of the two additional firemen and the two additional policemen shall expire on the date of the expiration of the terms of office of the current members of the board of trustees of the fund elected by the members of the firemen's pension fund and the policemen's pension fund.

"Sec. 4. As used in this Act, 'the last preceding Federal Census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes."

Art. 6243e. Firemen's Relief Pension Fund

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Cities of less than 210,000; composition and duties of board of trustees

Sec. 3B. (a) This section applies to all cities having a population of less than two hundred ten thousand (210,000), according to the last preceding Federal Census in which there is a "full paid" fire department participating in a Firemen's Relief and Retirement Fund.

Sec. 3B, subsec. (a) amended by Acts 1971, 62nd Leg., p. 851, ch. 101, § 1, eff. April 29, 1971.

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Cities of 1,200,000 or more; pension and additional pension allowances; service retirement; election; contributions; certificate of service; limits; annual adjustments

Sec. 6B. (a) Any person who has been duly appointed and enrolled and who has attained the age of fifty (50) years, and who has served actively for a period of twenty (20) years or more and has participated in a fund in one or more regularly organized fire departments in any city in this State having a population of one million, two hundred thousand (1,200,000) or more according to the last preceding Federal Census, which city is now within or may come within the provisions of this Act, shall be entitled to be retired from such service or department and shall be entitled to be paid from the Firemen's Relief and Retirement Fund of that city or town, a monthly pension equal to fifty percent (50%) of his average salary for the highest thirty-six (36) months of his service; and provided further, any such fireman shall be entitled to be paid in addition to the benefits provided for in this paragraph an additional pension allow-

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ance of one percent (1%) of his average monthly salary for the highest thirty-six (36) months during his participation for each year of service after the date upon which such fireman shall be entitled to be retired.

(b) Provided further, however, a fireman who has twenty (20) years of service and participation in a fund under this section may, if he so elects, be retired from such department and receive a monthly pension allowance of thirty-five percent (35%) of his average monthly salary for the highest thirty-six (36) months during his participation.

If such fireman shall participate in the fund for a period in excess of twenty (20) years he shall, in addition to the monthly pension allowance of thirty-five percent (35%) be paid an additional monthly pension allowance equal to three percent (3%) of his average monthly salary for each year of service in excess of twenty (20) years until such fireman completes twenty-five (25) years of service thereby providing a monthly pension allowance equal to fifty percent (50%) of such fireman's average monthly salary for the highest thirty-six (36) months during his participation.

If such fireman remains in the active service for a period in excess of twenty-five (25) years, he shall receive, in addition to the pension allowances provided for in Subsection (b), an additional monthly pension allowance equal to one percent (1%) of his average salary for each year of participation in excess of twenty-five (25) years.

(c) Provided further that the maximum pension allowance to be received by any fireman under this section or Section 7B or 7C of this Act, shall not exceed sixty percent (60%) of the fireman's average monthly salary for the highest thirty-six (36) months during his participation.

(d) Notwithstanding any other provisions of this Act, it is specially provided that any eligible and qualified fireman who shall have completed twenty (20) years of service or more and of participation in a fund in a city to which this section is applicable, before reaching the age of fifty (50) years, may apply to the Board of Trustees for, and it shall be the Board's duty to issue, a certificate showing the completion of such service and showing and certifying that the fireman, when reaching the age of fifty (50) years, will be entitled to the retirement and other applicable benefits of this Act; provided further, that when any fireman shall have been issued such certificate he shall, when reaching retirement age, be entitled to all the applicable benefits of this Act, even though he shall not have been engaged in active service as a fireman after the issuance of the certificate. However, the fireman shall continue to pay his pension contribution monthly or in advance until the fireman reaches retirement age. Any fireman who does not make his pension contribution monthly or in advance, shall automatically forfeit any retirement or other benefits he or his beneficiaries may have been entitled to under this Act.

(e) All firemen entering a fire department coming within the provisions of this section after the effective date of this subsection shall retire under the benefit provisions of Subsection (b) unless the retirement is for disability.

(f) All firemen who retire under the provisions of this section, or Section 7B or 7C after the effective date of this subsection shall have their retirement allowances adjusted annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers as determined by the United States Department of Labor. The adjusted pension allowance shall never be less than the amount granted the member on the date of his retirement without regard to changes in the consumer price index. The adjusted pension allowance shall never be more than the amount granted the member on the date of his retirement in-

creased by three percent (3%) annually notwithstanding a greater increase in the consumer price index.

Sec. 6B amended by Acts 1971, 62nd Leg., p. 867, ch. 107, § 1, eff. May 4, 1971.

Cities of 240,000 to 295,000 population; pension allowances; increases

Sec. 6C. (a) Any person who has been duly appointed and enrolled and who has attained the age of fifty-five (55) years or served actively for a period of thirty-five (35) years regardless of age, such service having been performed in any rank, as a fully paid fireman, in one or more regularly organized fire departments in any city or town in this State having a population of not less than two hundred forty thousand (240,000) nor more than two hundred ninety-five thousand (295,000), according to the last preceding Federal Census may retire from such service or department and thereupon is entitled to receive from the Firemen's Relief and Retirement Fund of that city or town a monthly pension equal to the sum of three-fourths of one per cent (0.75%) of his average monthly salary multiplied by his service, if any, prior to 1941, plus one and seven-tenths per cent (1.7%) of his average monthly salary multiplied by his service after 1940.

(b) The factor of one and seven-tenths per cent (1.7%) may be increased in increments of one-tenth of one per cent (0.1%), not to exceed a maximum of two per cent (2%) provided that:

(1) the increase is first approved by an actuary; and

(2) the increase applies only to active full time firemen in the department at the time of the increase and those who enter the department thereafter.

(c) The average salary means the monthly average of the fireman's salary for the highest five (5) calendar years during his period of service.

(d) Any person who was covered by the Act on January 1, 1965, may retire under the conditions of Section 6 and is entitled to receive the benefits provided in Section 6 and the first paragraph of Section 6A in lieu of the benefits provided in this section.

(e) Any person who continues to serve actively beyond the date he would normally retire shall continue to make contributions to the fund and accrue pension credits to the date of actual retirement.

(f) Benefits shall be payable on the first day of each month commencing with the month following the date as of which the member retired.

Sec. 6C amended by Acts 1971, 62nd Leg., p. 63, ch. 33, § 1, eff. March 22, 1971.

Cities and towns of 240,000 to 295,000; cost of living adjustment

Sec. 6C—1. Any fireman and beneficiaries of a fireman in any city or town in this State having a population of not less than two hundred forty thousand (240,000) nor more than two hundred ninety-five thousand (295,000), according to the last preceding Federal Census, who retires or has retired or who receive benefits under Sections 6C, 7D, or 12B of this article, shall be entitled to an annual cost of living adjustment of his pension allowance and their benefits based on the Consumer Price Index for Urban Wage Earners and Clerical Workers as determined by the United States Department of Labor; provided, however, that such adjustment must first be approved by a majority of the members of the Board of Firemen's Relief and Retirement Fund Trustees of the city and an actuary. The adjusted pension allowance and adjusted benefits shall never be less than the amount granted the fireman or his beneficiaries on the date of his retirement or death without regard to changes in the consumer price index. The adjusted pension allowance or adjusted bene-

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fits shall never be more than the amount granted the fireman or his beneficiaries on the date of his retirement or death increased by a maximum of two percent (2%) annually notwithstanding a greater increase in the consumer price index.'

Sec. 6C—1 added by Acts 1971, 62nd Leg., p. 1406, ch. 385, § 1, eff. May 26, 1971.

Cities and towns of 240,000 to 295,000; pension allowance at age of 55; conditions

Sec. 6C—2. (a) Any fireman in any city or town in this State having a population of not less than two hundred forty thousand (240,000) nor more than two hundred ninety-five thousand (295,000), according to the last preceding Federal Census, who has served in the fire department of the city for a period of at least ten (10) years and who has contributed to the Firemen's Relief and Retirement Fund of the city for a period of at least ten (10) years, shall be entitled to receive a pension allowance at the age of fifty-five (55) years, provided, that the following conditions are met:

(1) upon termination of employment, the fireman shall leave his contributions in the fund, and shall not be required to make any further contributions to the fund;

(2) the pension allowance shall be based on the fireman's highest sixty (60) months of salary within the ten (10) or more years of service; and

(3) the pension allowance shall be calculated by the formula, as set out in Section 6C of this article, in effect at the time the fireman terminated his employment.

(b) In the event the fireman dies before he has reached the age of fifty-five (55), or in the event the fireman dies after he has retired under the provisions of this section, his widow shall receive seventy-five percent (75%) of his pension allowance provided for under this section.

(c) Any fireman qualifying for a pension allowance under Subsection (a) of this section may, on or after termination of his employment, elect to withdraw his contributions from the fund, thereby forfeiting any rights he may have had in the fund.

(d) The provisions of this section shall not become operable until a majority of the members of the Board of Firemen's Relief and Retirement Fund Trustees of the city and an actuary so approve.

Sec. 6C—2 added by Acts 1971, 62nd Leg., p. 1407, ch. 385, § 2, eff. May 26, 1971.

Cities and towns of less than 190,000; pension; certificate of completion of service period; additional pension allowance; widow's benefits; applicability of section; increase

Sec. 6D. (a) Any full paid fireman who has been duly appointed and enrolled and who has attained the age of fifty (50) years, and who has served actively for a period of twenty (20) years in any rank, in one (1) or more fully paid fire departments in any city or town in this State having a population of less than one hundred ninety thousand (190,000), according to the last preceding Federal Census, which city or town is now within or may come within the provisions of this Act, shall be entitled to be retired from such service or department and shall be entitled to be paid from the Firemen's Relief and Retirement Fund of that city or town, a monthly pension equal to one-half (½) of his average monthly salary not to exceed a maximum of One Hundred Dollars ($100) per month, except as hereinafter provided; such average monthly salary to be based on the monthly average of his salary for the five-year period preceding the date of such retirement.

Sec. 6D, subsec. (a) amended by Acts 1971, 62nd Leg., p. 851, ch. 101, § 2, eff. April 29, 1971.

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Death or disability from cause not resulting from performance of duties

Sec. 7A.

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(d) Any city with a population of less than one hundred twenty-five thousand (125,000), according to the last preceding Federal Census, which has a full paid fire department may, upon a majority vote of the members of the fire department, pay the pension allowances provided by this section even though the fireman was killed or disabled while he was gainfully employed by someone other than the respective fire department for which he was employed or contributed his services.

Sec. 7A, subsec. (d) amended by Acts 1971, 62nd Leg., p. 852, ch. 101, § 3, eff. April 29, 1971.

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Cities of 1,200,000 or more; disability retirement; amount of pension; service retirement election

Sec. 7B. (a) Whenever a person serving as an active fireman duly enrolled in any regularly active fire department and participating in a fund in any city in the State having a population of one million, two hundred thousand (1,200,000) or more according to the last preceding Federal Census, which city is now within or may come within the provisions of this Act, shall become physically or mentally disabled while in and/or as a consequence of the performance of his duty or shall become physically or mentally disabled from any cause whatsoever after he has participated in a fund for a period of twenty (20) years or more, said Board of Trustees shall, upon his request, or without such request, if they determine that such fireman is not capable of performing the usual and customary duties of his classification or position, retire such fireman on a monthly disability allowance of an amount equal to fifty percent (50%) of his average monthly salary for the highest thirty-six (36) months during his service, or so much thereof as he may have served.

(b) If such fireman was eligible to be retired under the provisions of Section 6B, he may elect to have his monthly pension allowance calculated under that section.

Sec. 7B amended by Acts 1971, 62nd Leg., p. 869, ch. 107, § 2, eff. May 4, 1971.

Cities of 1,200,000 or more; death or disability from cause other than performance of duties; monthly pension allowance to fireman or beneficiaries; computation; service retirement election; annual adjustments

Sec. 7C. (a) Whenever a person serving as an active fireman duly enrolled in any regularly active fire department and participating in a fund in any city in the State having a population of one million, two hundred thousand (1,200,000) or more according to the last preceding Federal Census, which city is now within or may hereafter come within the provisions of this Act, shall die or become disabled from any cause other than a disability acquired in the performance of his duty as a fireman, a monthly pension allowance shall be paid to such fireman or his beneficiaries.

(b) Such monthly pension allowance shall be computed as follows:

(1) If such fireman shall become disabled, he shall be paid a monthly pension allowance equal to twenty-five percent (25%) of the average monthly salary of such fireman, plus two and one-half percent (2½%) of such average monthly salary for each full year of service and of participation in a fund, provided, however, that such monthly pension allowance shall not exceed fifty percent (50%) of such average monthly sal-

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ary. The average monthly salary shall be based on the monthly average of such fireman's salary for the highest thirty-six (36) months during his service, or so much thereof as he may have served preceding the date of such retirement.

(2) If such fireman was eligible to be retired under the provisions of Section 6B, he or his beneficiaries may elect to have their monthly pension allowance calculated under that section.

(3) If such fireman shall die and shall leave surviving him both a widow who married such fireman prior to his retirement, and a child or children of such fireman under the age of eighteen (18) years, said Board of Trustees shall order paid to the widow of such fireman, a monthly pension allowance equal to one-half (½) of the amount such fireman would have been entitled to receive, if disabled, under the provisions of Subdivision (1) of this subsection; and in addition thereto the Board of Trustees shall order paid to such widow or other person having the care and custody of such child or children under the age of eighteen (18) years a monthly pension allowance, for the use and benefit of such child, or children, equal to the amount hereinabove provided for the widow. If such fireman shall leave no child under the age of eighteen (18) years surviving him or if at any time after the death of such fireman no child is entitled to allowance, then the monthly pension allowance to be paid such widow, shall be equal to the full amount such fireman would have been entitled to receive, if disabled under Subdivision (1) of this subsection; provided, however, that such allowance to a widow, as herein provided if no child is entitled to allowance, shall not exceed one-half (½) of the maximum base salary for the position of pipeman at the time of the death of such fireman.

(4) If such fireman shall die and if his widow dies after being entitled to her allowance as herein provided, or in the event that there be no widow to receive an allowance, then the amount of the monthly pension allowance to be paid, for use and benefit of the child or children under the age of eighteen (18) years, to the person having the care and custody of such child or children shall be computed as follows: an amount equal to one-half (½) of the amount such fireman would have been entitled to receive, if disabled, under the provisions of Subdivision (1) of this subsection shall be paid for each of such fireman's children under the age of eighteen (18) years, provided that the total monthly pension allowance provided hereby for children shall not exceed the amount to which such fireman would have been entitled under Subdivision (1) of this subsection, nor shall such allowance for such children exceed one-half (½) of the maximum base salary provided for the position of pipeman at the time of the death of such fireman.

(5) If such fireman shall die and only if no widow or child is entitled to an allowance under the provisions of this section, a monthly pension allowance equal to one-half (½) of the amount such fireman would have been entitled to receive, if disabled, under Subdivision (1) of this subsection shall be paid to each parent of such deceased fireman upon proof to the Board of Trustees that such parent was dependent upon such fireman immediately prior to the death of such fireman, provided that the total monthly pension allowance provided hereby for parents shall not exceed one-half (½) of the maximum base salary provided for the position of pipeman at the time of the death of such fireman.

(c) Allowance or benefits payable under the provisions of this section for any minor child shall cease when such child becomes eighteen (18) years of age or marries, provided, however, if a fireman who is covered by a provision of this Act dies and leaves a child who is totally disabled as a result of a physical or mental illness, injury, or retardation, that child is entitled to receive any pension allowance to which he

is entitled under this Act and is further entitled to continue receiving the allowance so long as he remains totally disabled. If the child is not entitled to a pension allowance under this Act solely because he is over the maximum age at the time of the death of his parent and the child is totally disabled as a result of a physical or mental illness, injury, or retardation, the child is entitled to receive as an allowance that to which he would have been entitled had he been under the maximum age at the time of the death of his parent.

(d) Provided further, that the provisions of this section shall not be applicable to a fireman or his beneficiaries if such fireman's death or disability results from suicide or attempted suicide before such fireman shall have completed two (2) years of service with the fire department for which he was employed.

(e) The wife of a deceased fireman who had served actively for a period of twenty (20) years or more in a regularly active fire department as defined in Subsection (a), above, shall, insofar as the provisions of this section are concerned, be considered the fireman's widow as long as she is not married, notwithstanding that she may have married and divorced or married after such fireman died and she became a widow. Provided, further, however, a widow covered under this section shall be limited to the pension allowance of the deceased member of this fund, to whom she was last married.

(f) The monthly pension allowance of beneficiaries of deceased firemen who retired after the effective date of this subsection shall have their monthly pension allowances provided for under this section or Section 12A adjusted annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers as determined by the United States Department of Labor. The adjusted pension allowance shall never be less than the amount granted the beneficiaries upon the death of the member without regard to changes in the consumer price index. The adjusted pension allowance shall never be more than the amount granted the beneficiaries upon the death of the member increased by three percent (3%) annually notwithstanding a greater increase in the consumer price index.

Sec. 7C amended by Acts 1971, 62nd Leg., p. 869, ch. 107, § 3, eff. May 4, 1971.

Retirement for disability; cities of 240,000 to 295,000 population

Sec. 7D. (a) A person, serving as an active fireman duly enrolled in any regularly active fire department in any city or town in the state having a population of not less than two hundred forty thousand (240,000) nor more than two hundred ninety-five thousand (295,000), according to the last preceding Federal Census, who becomes totally and permanently disabled, the Board of Trustees shall, upon his request, or without his request if it shall deem proper and for the good of the department, retire such person from active service and order that he be paid from the Firemen's Relief and Retirement Fund of such city or town a monthly amount equal to his accrued unreduced pension as determined under Subsection (a), Section 6C. If a person becomes totally and permanently disabled while in or as a consequence of the performance of his duty, the amount to be paid shall not be less than Two Hundred Dollars ($200) and if a person becomes disabled from any other cause, the amount to be paid shall not be less than One Hundred Dollars ($100).

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(c) The provisions of this section shall apply even though the fireman was disabled while gainfully employed by someone other than the respective fire department for which he was employed.

Sec. 7D, subsecs. (a), (c) amended by Acts 1971, 62nd Leg., p. 64, ch. 33, § 2, eff. March 22, 1971.

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Contributions and membership; cities of less than 210,000

Sec. 10A. (a) In all cities having fully paid firemen where Firemen's Relief and Retirement Funds now exist or shall be created under the provisions of this Act and having a population of less than two hundred ten thousand (210,000), inhabitants according to the preceding Federal Census, the city or the governing body of the city shall deduct an amount equal to no less than three per cent (3%) nor more than six per cent (6%) from the monthly salary or compensation of each participating member fireman. Sec. 10A, subsec. (a) amended by Acts 1971, 62nd Leg., p. 852, ch. 101, § 4, eff. April 29, 1971.

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Pension contribution funds; cities of less than 210,000

Sec. 10A—1. In all cities having fully paid firemen where Firemen's Relief and Retirement Funds now exist or shall be created under the provisions of this Act and having a population of less than two hundred ten thousand (210,000), according to the last preceding Federal Census, the pension contributions paid by a fireman shall not be refunded to him if the fireman is separated from the service of the fire department for any reason other than those qualifying said fireman for a pension, nor shall his beneficiary or estate receive any amount paid by him into the pension fund or any interest his contributions have accrued.

Provided further, however, a fireman who comes within the preceding paragraph may have his pension contributions refunded in a lump sum if the following provisions have been complied with:

1. A majority of the participating members have voted by secret ballot that pension contributions be refunded if a fireman leaves the service of the Fire Department prior to the time that he is entitled to retirement benefits.

2. The refund provisions if approved by a majority of the members shall apply only to those who leave the service of the Fire Department after the effective date of the election.

Sec. 10A—1 amended by Acts 1971, 62nd Leg., p. 852, ch. 101, § 5, eff. April 29, 1971.

Cities of less than 210,000; monthly deductions from salaries; contributions and appropriations; membership; service credits

Sec. 10A—2. (a) In all cities having fully paid firemen where Firemen's Relief and Retirement Funds now exist or shall be created under the provisions of this Act and having a population of less than two hundred ten thousand (210,000), according to the last preceding Federal Census, the city or the governing body of the city shall deduct an amount equal to no less than three per cent (3%) nor more than nine per cent (9%) from the monthly salary or compensation of each participating member fireman; provided, however, that the total of the percentage contributed by such city to the Fund, plus the percentage, if any, contributed by such city under the Federal Social Security Act, shall not exceed:

(1) nine per cent (9%) of the monthly salary, or

(2) the total percentage contributed to the retirement of other full time employees of such city under the Texas Municipal Retirement System, or any other retirement system, whichever is greater.

Sec. 10A—2, subsec. (a) amended by Acts 1971, 62nd Leg., p. 853, ch. 101, § 6, eff. April 29, 1971.

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Cities of 240,000 to 295,000 population; contributions to fund

Sec. 10D. (a) Any city having a population of not less than two hundred forty thousand (240,000) inhabitants nor more than two hundred ninety-five thousand (295,000) inhabitants, according to the last preceding Federal Census, which has fully paid firemen and a Firemen's Relief and Retirement Fund has been or is created under the provisions of this Act, shall contribute and appropriate each month to such fund an amount equal to eleven and two-tenths per cent (11.2%) of the monthly payroll of the fire department of the city, and each full time fireman shall pay into the pension fund eleven and two-tenths per cent (11.2%) of his monthly salary. The governing body of a city may authorize the city to make an additional contribution to its Firemen's Relief and Retirement Fund in whatever amount the governing body of the city may fix. The firemen by a majority vote in favor of an increase in contributions above the eleven and two-tenths per cent (11.2%), shall increase each member's contribution above eleven and two-tenths per cent (11.2%) in whatever amount the pension board recommends.

Sec. 10D, subsec. (a) amended by Acts 1971, 62nd Leg., p. 64, ch. 33, § 3, eff. March 22, 1971.

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Cities of 1,200,000 or more; monthly salary deductions; contributions and appropriations; membership; service credits; termination of employment

Sec. 10E. (a) All cities having fully paid firemen where Firemen's Relief and Retirement Funds have been or shall be created under the provisions of this Act and having a population of one million, two hundred thousand (1,200,000) or more according to the last preceding Federal Census, the governing body of such city shall monthly deduct a sum equal to nine percent (9%) from the salary or compensation of each fireman participating in such fund.

(b) Any such city having a population of one million, two hundred thousand (1,200,000) or more according to the last preceding Federal Census shall contribute and appropriate monthly to such fund an amount equal to one and one-half (1½) the total sum paid to such fund by salary deductions of the members, and each such city shall also contribute and appropriate monthly to such fund, for each person who holds a 20-year pension certificate and who is not engaged in active service as a fireman and who has not retired, an amount equal to one and one-half (1½) the total sum paid into such fund by such member. Contributions and appropriations shall be made to such fund at the same time the city makes its contributions for the participating members of the fund.

Sec. 10E, subsecs. (a), (b) amended by Acts 1971, 62nd Leg., p. 871, ch. 107, § 4, eff. May 4, 1971.

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Allowances to survivors of deceased members; cities of 240,000 to 295,000 population

Sec. 12B. (a) If a fireman duly enrolled in any regularly active fire department in any city or town in the State having a population of not less than two hundred forty thousand (240,000) nor more than two hundred ninety-five thousand (295,000) according to the last preceding Federal Census dies before retirement, his surviving widow shall be entitled to receive a monthly pension, the amount of which shall be seventy-five per cent (75%) of the member's accrued unreduced pension as determined under Section 6C. The monthly pension payable to the widow of a member

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who dies while in or as a consequence of the performance of his duty shall be not less than One Hundred Dollars ($100), and the monthly pension payable to the widow of a member who dies while not in the performance of his duty shall be not less than One Hundred Dollars ($100). In no event shall the widow receive less than the amount she would be entitled to under Sections 6A and 12.

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(g) The provisions of this section shall apply even though the death was caused while the member was gainfully employed by someone other than the respective fire department for which he was employed.

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(j) Upon a majority vote of the Board of Trustees, benefits to minor children may be increased to an amount not to exceed the maximum approved by an actuary.

Sec. 12B, subsecs. (a), (g) amended by Acts 1971, 62nd Leg., p. 64, ch. 33, § 4, eff. March 22, 1971.

Sec. 12B, subsec. (j) added by Acts 1971, 62nd Leg., p. 65, ch. 33, § 5, eff. March 22, 1971.

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Appeal to district court

Sec. 18A. Notwithstanding the provisions of Section 18 of this Act, any fireman in a city having a population of one million, two hundred thousand (1,200,000) or more, according to the last preceding Federal Census, possessing the qualifications herein required for retirement for length of service or disability or having a claim for temporary disability, or any of his beneficiaries, who deems himself aggrieved by the decision or order of the Board of Trustees of the city, whether because of rejection or the amount allowed, may appeal from the decision or order of the Board to a District Court in the county where the Board is located by giving written notice of the intention to appeal. The notice shall contain a statement of the intention to appeal, together with a brief statement of the grounds and reasons why the party feels aggrieved. The notice shall be served personally upon the chairman or secretary-treasurer of the Board within twenty (20) days after the date of the order or decision. After service of the notice, the party appealing shall file with the District Court a copy of the notice of intention to appeal, together with the affidavit of the party making service showing how, when, and upon whom the notice was served. Within thirty (30) days after service of the notice of intention to appeal upon the Board the secretary-treasurer of the Board shall make up and file with the District Court a transcript of all papers and proceedings in the case before the Board and when the copy of the notice of intention to appeal and the transcript shall have been filed with the Court, the appeal shall be deemed perfected and the Court shall docket the appeal, assign the appeal a number, fix a date for hearing the appeal, and notify both the appellant and the Board of the date fixed for the hearing. At any time before rendering its decision on the appeal, the Court may require further or additional proof or information, either documentary or under oath. On rendition of a decision on the appeal, the Court shall give to each party to the appeal a copy of the decision and shall direct the Board as to the disposition of the case. The final decision or order of the District Court is appealable in the same manner as are civil cases generally.

Sec. 18A added by Acts 1971, 62nd Leg., p. 715, ch. 77, § 1, eff. April 26, 1971.

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Investment of surplus

Sec. 23. Whenever, in the opinion and judgment of said Board of Trustees, there is on hand in the said Firemen's Relief and Retirement Fund for that city or town, a surplus over and above a reasonable safe amount to take care of the current demands upon such Fund, such surplus or so much thereof as in the judgment of said Board is deemed proper, may be invested in Federal, State, County, or Municipal Bonds, and in shares or share accounts of building and loan associations organized under the laws of this State, or Federal Savings and Loan Associations domiciled in this State, where such shares and share accounts are insured under and by virtue of the Federal Savings and Loan Insurance Corporation, and the interest or dividends therefrom and thereon shall be deposited into said Fund as a part thereof, and in bonds issued, assumed, or guaranteed by certain international financial institutions in which the United States is a member, to wit: the Inter-American Development Bank, the International Bank for Reconstruction and Development (the World Bank), and the Asian Development Bank.
Sec. 23 amended by Acts 1971, 62nd Leg., p. 1670, ch. 472, § 4, eff. Aug. 30, 1971.

Investment of surplus; cities of less than 210,000

Sec. 23A. (a) This section applies to the Firemen's Relief and Retirement Fund in any city having a population of less than two hundred ten thousand (210,000), according to the last preceding Federal Census.
Sec. 23A, subsec. (a) amended by Acts 1971, 62nd Leg., p. 853, ch. 101, § 7, eff. April 29, 1971.

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Employment of certified public accountants; audits

Sec. 23E. The Board of Trustees of a full paid fire department may engage and employ a certified public accountant or firm of certified public accountants to perform an audit of the Firemen's Relief and Retirement Fund at such times and intervals as it may deem necessary. The city may pay the entire cost of such audits; if not paid by the city, the cost may be paid from the assets of the Fund.
Sec. 23E added by Acts 1971, 62nd Leg., p. 1957, ch. 598, § 1, eff. June 2, 1971.

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Section 3B. Acts 1971, 62nd Leg., p. 851, ch. 101, which by sections 1 to 7 amended subsec. (a) of this section and sections 6D(a), 7A(d), 10A(a), 10A—1, 10A—2(a) and 23A(a) of this article, respectively, in section 8 provided: "This Act takes effect on the date that the State and all political subdivisions and agencies are required by State law (Chapter 447, Acts of the 58th Legislature, 1963, codified as Article 29d, Vernon's Texas Civil Statutes) to recognize and act upon the 1970 census population reports or counts for cities as released by the Director of the Bureau of the Census."

Section 6B. Acts 1971, 62nd Leg., p. 867, ch. 107, which by sections 1 to 4 amended this section and sections 7B, 7C and 10E (a) (b) of this article, respectively, in section 5 provided: "As used in this Act, 'the last preceding Federal Census' means the 1970 census or any future decennial Federal Census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes."

Section 6C. Act 1971, 62nd Leg., p. 63, ch. 33, § 6, provided: "As used in this Act, 'the last preceding Federal Census' means the 1970 census or any future decennial Federal Census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes."

Section 6C—1. Acts 1971, 62nd Leg., p. 1406, ch. 385, which by sections 1 and 2 added this section and sec. 6C—2 to this article respectively, provided in section 3: "As used in this Act, 'the last preceding Federal Census' means the 1970 census or any future decennial Federal Census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes."

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Section 18A. Acts 1971, 62nd Leg., p. 715, ch. 77, adding this section, in section 2 provided: "As used in this Act, 'the last preceding Federal Census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Art. 6243e—3. Firemen's death and disability benefits; heart or lung disease

Section 1. The Board of Trustees of any firemen's pension fund in any incorporated city or town in this State may, upon fulfilling requirements hereinafter stated, establish benefit eligibility for a fulltime employee who has been employed for as long as six (6) years, and thereafter becomes disabled or dies from heart or lung disease, based on a presumption that such death or disease was a consequence of his duties as a fireman, if the fireman shall have successfully passed a physical examination prior to the claimed disability or death, or upon entering upon his employment as a fireman, and the examination failed to reveal any evidence of the condition or disease of the lungs, hypertension or heart disease.

Sec. 2. Before any such Board shall adopt as part of its plan for retirement benefits the presumption, together with qualifications, set forth in Section 1 hereof, it shall take the following preliminary step(s):

(a) Obtain an actuarial study showing how the proposed change in benefit eligibility standards will affect the financial condition of the fund.

(b) In the event that such actuarial study shows that inclusion of the proposed change in benefit eligibility standards will not make the fund financially unsound, then said Board shall, within thirty days after receipt of such actuarial study, hold an election in which the active participants contributing to the fund shall vote on the question of whether such benefit eligibility standard should be instituted, said Board being bound by the results of such election.

Acts 1971, 62nd Leg., p. 2392, ch. 747, eff. Aug. 30, 1971.

Title of Act:

An Act relating to death or disablement pension benefits of firemen from heart or lung disease; and declaring an emergency. Acts 1971, 62nd Leg., p. 2392, ch. 747.

Art. 6243f. Firemen and Policemen's Pension Fund in Cities of 500,000 to 750,000

Board of Trustees

Section 1. In all incorporated cities containing more than five hundred thousand (500,000) inhabitants and less than seven hundred and fifty thousand (750,000) inhabitants according to the last preceding federal census or any future federal census and having a fully paid fire and police department, there is created hereby (and continued if heretofore created) a Firemen and Policemen's Pension Fund; provided, however, that once such pension system becomes operative in any city, any right or privilege accruing to any such member thereunder shall be a vested right and the same shall not be denied or abridged thereafter through any change in population of any such city taking such city out of the population (as herein prescribed) and said pension system shall continue to operate and function regardless of whether or not any future population exceeds or falls below said population. To govern said Firemen and Policemen's Pension Fund, there is hereby created a Board of Trustees to consist of seven (7) members, as follows: the mayor, two (2) aldermen, councilmen or commissioners, each to serve on this Board for the term of office to which they are elected, and to be elected to this Board by majority vote of the Board of Aldermen, Council or Board of Commissioners on which they serve; two (2) active firemen below the rank of fire chief, to

be selected by the majority vote of the members of the fire department by secret ballot, one (1) for a term of two (2) years, and the other for a term of four (4) years, and two (2) active policemen below the grade of police chief, to be selected by the majority vote of the members of the police department, by secret ballot, one (1) for a term of two (2) years, and the other for a term of four (4) years. All members from the fire and police departments shall be elected by the contributors to the Fund, and shall serve until their successors are elected and qualified and their successors shall be elected for a term of four (4) years. These seven (7) trustees and their successors shall constitute the Board of Trustees of the Firemen and Policemen's Pension Fund, to provide for the disbursement of same, and to designate the beneficiaries thereof, and to have complete and independent control over said Pension Fund. Said Board shall be known as the Firemen and Policemen's Pension Fund Board of Trustees of _____, Texas.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1839, ch. 542, § 92, eff. Sept. 1, 1971.

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Contributions to Fund, Deductions from Wages

Sec. 4. There shall be deducted for such Fund from the wages of each fireman and policeman in the employment of such city a sum equal to five per cent (5%) of the total salary excluding overtime pay. Such city shall pay into said Fund, and at the same time, a matching amount equal to the sum total of all such deductions. Provided, however, the board of trustees can raise the amount of deductions not to exceed seven and one-half percent (7½%) of the total salary excluding overtime pay of each member, of said departments, the additional contribution of the city to be likewise increased at the same time to the same amount. Any donations made to said Fund and all funds received from any source for such Fund shall be deposited in like manner in such Fund. The city's matching amount referred to above shall be in addition to the net revenues from the parking meter monies referred to in Section 16 of this Act to the extent such revenue shall equal in amount the amount of the net revenues therefrom for the calendar year 1958, but such city shall receive credit on such matching amount for each calendar year to the extent such net proceeds shall exceed in amount the amount of the net proceeds from such meters for the calendar year 1958, if it should exceed such amount in any such calendar year. In the event such parking meter revenues for any calendar year is less than the 1958 amount of such parking meter revenues, it is expressly understood that such sum of revenues shall accrue to the Fund in addition to the matching amount contributed by the city mentioned in this Act, to the full extent necessary, such matching amount shall be paid out of the General Fund, and such city shall make provisions therefor. Beginning August 1, 1963, such city shall, over and above all of the foregoing contributions, contribute an additional sum of Thirty Thousand Dollars ($30,000) each month to the Fund, and increase said monthly sum by Five Thousand Dollars ($5,000) per month for the fiscal year beginning August 1, 1964, and increasing said sum at the rate of Five Thousand Dollars ($5,000) per month per year for each fiscal year thereafter until such additional contribution by the city shall reach a level of Forty-five Thousand Dollars ($45,000) per month, whereupon said city shall continue to contribute the said sum of Forty-five Thousand Dollars ($45,000) per month each and every month thereafter until such time as the Board notifies the city that the Fund is actuarially sound. It shall be the duty of the Board to notify the city immediately, when, by periodic actuarial surveys of the actuarial soundness of the Fund, the Fund becomes actuarially sound. Department chiefs shall contribute on the basis of the salary of their permanent civil

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service rank plus their individual longevity pay and upon death or retirement their pensions shall be computed on the same basis.

Sec. 4 amended by Acts 1971, 62nd Leg., p. 38, ch. 19, § 1, eff. Aug. 30, 1971.

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Retirement Pension

Sec. 8(a). Whenever any member of said Departments shall have contributed a portion of his salary as provided by this Act, and shall have both contributed and served for a period of twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29) or thirty (30) years in either of said Departments, the Board shall, upon the application of any such member for retirement and a retirement pension, authorize a retirement pension to said applicant based on the average of the member's total salary excluding overtime pay for the highest five (5) years of such member's pay at the rate of two percent (2%) thereof for each full year served as such contributing member through the first thirty (30) years of such service. No member shall ever receive any award from this Fund for retirement until he has served at least twenty (20) years in either or all of the Departments and has also contributed the required amount of money for at least twenty (20) years. In determining the number of years service in a department, the member shall be given full credit for such time, or periods of time, said member was actively engaged in the military service, but only strictly in accordance with the provisions of Section 7(c) of this Act.

Sec. 8(a) amended by Acts 1971, 62nd Leg., p. 39, ch. 19, § 2, eff. Aug. 30, 1971.

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Retirement When Disabled

Sec. 10. When any duly appointed and enrolled member of the Fire Department or Police Department of the city who is contributing to said Fund, as herein provided, shall become so permanently disabled through injury or disease so as to incapacitate him from the performance of his duties, and shall make written application subject to medical examination for such injury or disease, he shall be retired from the service, if a member in good standing of said Department at the time of retirement, and be entitled to receive from the said fund one-half (½) of the average of his total salary excluding overtime pay based on his five (5) highest paid years of service, or the average for all of his years of service if he has served less than five (5) full years. In no case shall a disability claim for incapacity from fire or police duties be received or considered, nor an award made hereunder until disability therefrom has first been proved to be continuous and wholly incapacitating for a period of not less than ninety (90) days. The amount of one-half (½) of the average total salary excluding overtime pay as set out above is the maximum amount of disability pension for total and permanent disability. Disability resulting from injury or disease incurred after the effective date of this Act while engaged in the active military service shall not entitle a member of this Fund to a disability pension.

Sec. 10 amended by Acts 1971, 62nd Leg., p. 39, ch. 19, § 3, eff. Aug. 30, 1971.

Death Benefits to Widows and Children

Sec. 11. In case of the death before or after retirement of any member of the Fire and Police Pension Fund of such city, who at the time of his death or retirement was a contributor to the said Fund, and a member in good standing of said Fund, leaving a widow, child or children under the age of seventeen (17) years, or an unmarried child or un-

married children seventeen (17) years of age or over but under nineteen (19) years of age currently attending a public or private educational institution, the widow and such child or children shall be entitled to receive from the said Fund an amount not to exceed one-half (½) of the average total salary excluding overtime pay of the deceased member based on his five (5) highest paid years of service, or the average for all of his years of service if he has served less than five (5) full years; one-half (½) of the widow's amount in the aggregate shall go to the eligible children and one-half (½) for the widow. No child resulting from any marriage subsequent to the date of the retirement of said member shall be entitled to a pension under this Act. In case there are no children, the widow shall receive an amount not to exceed one-half (½) of the average total salary excluding overtime pay of the deceased member based on his five (5) highest paid years of service, or the average for all of his years of service if he has served less than five (5) full years. In case there is no widow, the children shall receive one-fourth (¼) of the average total salary excluding overtime pay of the deceased member based on his five (5) highest paid years of service, or the average for all of his years of service if he has served less than five (5) full years, except that if the Board determines upon investigation that the eligible child or children is or are destitute then the Board may increase the pension to an amount not exceeding two-fifths (⅖ths) of the average total salary excluding overtime pay of the deceased member based on his five (5) highest paid years of service, or the average for all of his years of service if he has served less than five (5) full years. The amount awarded hereunder to any child or children shall be paid by the Board of Trustees to the legal guardian of said child or children. In no instance shall the amount received by the widow, child or children exceed a pension allowance of one-half (½) of the average total salary excluding overtime pay of the deceased member based on his five (5) highest paid years of service, or the average for all of his years of service if he has served less than five (5) full years, and in the event of the death of a member who retired upon twenty (20) years service and less than twenty-five (25) years service in no instance shall the amount received by the widow and child or children or the widow alone, exceed a total of two-fifths (⅖ths) of the average total salary excluding overtime pay of the deceased member based on his five (5) highest paid years of service. A child or children alone in such case shall receive only one-fifth (⅕) of the average total salary excluding overtime pay of the deceased member based on his five (5) highest paid years of service. A child who is so mentally or physically retarded as to be incapable of its own support to any extent shall, if otherwise qualified, enjoy the rights of children under seventeen (17) years of age regardless of age. Provided, further, that any pension paid hereunder to any mentally or physically retarded child or children shall be reduced to the extent that any of same shall receive any state pension or aid. On the remarriage of the widow, either statutory or common law, or the marriage of any child granted such pension, the pension shall cease. No widow resulting from any marriage subsequent to the date of the retirement of said member shall be entitled to a pension under this Act. The pension rights of qualified widows, children, and dependent parents of deceased members or pensioners who retired or died before the effective date of the 1971 amendment hereto shall be computed on the basis of the base pay of a private in the department as of the date of such retirement or death.

Sec. 11 amended by Acts 1971, 62nd Leg., p. 40, ch. 19, § 4, eff. Aug. 30, 1971.

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Death Benefits to Dependent Father and/or Mother; Investigations

Sec. 13. If any member of the Fire or Police Department dies before or after retirement, who was a contributor to said Fund and a member in good standing thereof, and leaves no widow or child, but leaves surviving him a father and/or mother wholly dependent upon him for support, such dependent father and/or mother shall be entitled to receive one-third (⅓rd) of the average total salary excluding overtime pay of the deceased member based on his five (5) highest paid years of service, or the average for all of his years of service if he has served less than five (5) full years, to be equally divided between said father and mother, so long as they are wholly dependent. When there is only one (1) dependent, either father or mother, the Board shall grant the surviving dependent one-fourth (¼th) of the average total salary excluding overtime pay of the deceased member based on his five (5) highest paid years of service, or the average for all of his years of service if he has served less than five (5) full years. The Board shall have the authority to make a thorough investigation, determine the facts as to the dependency of the said parties, and each of them, as to how long the same exists and may at any time, upon the request of any beneficiary or any contributor to such Fund, reopen any award made to any of said parties and discontinue such pension as to all or any of them as it may deem proper and the findings of any Board in regard to any matters, as well as to all pensions granted under this Act, shall be final upon all parties seeking a pension until such award of the Trustees shall have been set aside or revoked by a court of competent jurisdiction. The Board shall have the power to make any such investigation into any pension application whatsoever or any pensioner's status on its own initiative. If any member of the Fire and Police Department in active service should die, leaving neither a widow, a child or children, under seventeen (17) years of age, or a retarded child, or dependent father and mother, or one such, the estate of said deceased member of the Fire or Police Department shall be entitled to a burial death benefit payment in the amount of One Thousand Dollars ($1,000.00) from said Fund. This benefit shall never be paid if the member of the Fund dying is survived by one or more beneficiaries as defined hereunder.

Sec. 13 amended by Acts 1971, 62nd Leg., p. 41, ch. 19, § 5, eff. Aug. 30, 1971.

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Medical Examination; Prior Service Credit

Sec. 15(a) Said Board may cause any person receiving any disability pension under the provisions of this Act, to appear and undergo medical examination or medical examinations by any reputable physician or physicians selected by the Board, as a result of which the Board shall determine whether the relief in said case shall be continued, decreased, or restored to the original amount (if it had been decreased), or discontinued; provided, however, that such relief shall never be discontinued unless the person receiving any pension shall have first been accepted for reinstatement in his former position or status in the Fire Department or Police Department, as the case may be, by the Chief of the Department. The Board may change any percentage stipulated in this Act, commensurate with any change in the degree of disability; provided, however, that such percentage shall not, except in the case of discontinuance, be reduced to less than two percent (2%) of the base pay of a private per month for each year he shall have served and contributed a portion of his salary as provided by this Act, based on the current rate of pay at the time of the original granting of any pension, or on a minimum base pay of Two Hundred Dollars ($200.00) per month, whichever is greater, for all those pensioned prior to the effective date of the 1971 amendment hereto, nor

be reduced to less than two percent (2%) of the total salary excluding overtime pay for the average of the member's highest five (5) years pay (or the average of all years if service less than five (5) years) as of the time of his original retirement for each full year of service in said departments prior to such amendment. If any person receiving benefits under any provision of this Act, after due notice, fails to appear and undergo any such examination or examinations as ordered by the Board, the Board may reduce or entirely discontinue such benefits.

Sec. 15, subsec. (a) amended by Acts 1971, 62nd Leg., p. 41, ch. 19, § 6, eff. Aug. 30, 1971.

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Act as of Essence of Employment Contract

Sec. 19. This Act shall be of the essence of the Contract of Employment and appointment of the Firemen and Policemen by cities of this class; and, the deferred payment is a part of the compensation for services rendered to the city. However, no member of either of said Departments or of said Fund shall ever be entitled to any refund from said Fund on account of the money deducted from their pay for the benefit of the Pension Fund which money is in itself declared to be public money, and the property of said Fund for the benefit of the members qualifying for benefits, and their beneficiaries.

Sec. 19 amended by Acts 1971, 62nd Leg., p. 42, ch. 19, § 7, eff. Aug. 30, 1971.

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Cost of living increases or decreases

Sec. 26A. (1) All pensions granted before February 1, 1971, in the Fund created hereunder, are hereby increased in the amount of ten percent (10%) or to a minimum pension of One Hundred Fifty Dollars ($150) per month, whichever is greater, beginning with the first whole calendar month after the effective date hereof, subject to the continuing right of the Board to change any percentage of disability, as provided by Section 15 of this Act and the One Hundred Fifty Dollars ($150) monthly minimum shall not apply to those who have been decreased thereunder.

(2) The Board shall annually, beginning in 1972, at or before its regular meeting in the month of April, review the Cost of Living Indexes of the United States Bureau of Labor Statistics for the preceding calendar year. If such index should report an increase or decrease during such calendar year in the cost of living as much as three percent (3%) as compared with the Cost of Living Index at the close of the year 1971 (which is hereby declared to be the base index) the Board shall enter its order increasing or decreasing all pension payments (present and prospective) by three percent (3%), or more (depending on the amount of increase or decrease) but only by full percentage points closest to the exact amount of such increase or decrease. Such increase or decrease shall be effective as of the month of August next following such April Board meeting and shall continue in effect for at least one full year thereafter, and until there has been an additional increase or decrease of at least three percent (3%) compared to such base figure. Provided, however, that no pension shall ever be decreased below the amount at which it was originally granted, except pursuant to the provisions of Section 15 of this Act.

(3) The Cost of Living Index to be used for such purpose shall be the "Consumer's Price Index for Moderate Income Families in Large Cities —All Items" or (in the event the name and/or nature thereof is changed) the nearest equivalent thereto published during each particular year

by the Bureau of Labor Statistics of the United States Department of Labor."

Sec. 26A added by Acts 1971, 62nd Leg., p. 19, ch. 7, § 1, eff. Feb. 26, 1971.

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Section 26A. Section 2 of the amendatory act of 1971 provided: "If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Art. 6243f—1. Involuntary retirement of firemen in cities of 350,000 to 650,000; age; disability

Section 1. No member of a fire department in any city or town in this State having a population of not less than 350,000 nor more than 650,000, according to the last preceding federal census, shall be involuntarily retired prior to reaching the mandatory retirement age set for such cities' employees unless he is physically unable to perform his duties. In the event he is physically unable to perform his duties, he shall be allowed to use all of his accumulated sick leave, before retirement.

Sec. 2. As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes.

Acts 1971, 62nd Leg., p. 863, ch. 103, eff. April 30, 1971.

Title of Act:

An Act relating to the retirement age of firemen in cities of not less than 350,000 nor more than 650,000 inhabitants; and declaring an emergency. Acts 1971, 62nd Leg., p. 863, ch. 103.

Art. 6243g. Pension system in cities over 900,000

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Definitions

Sec. 2.

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(i) "Monthly salary" means base pay, plus longevity pay, plus shift-differential pay, if any, paid to an employee and attributable to services rendered by the employee during a calendar month regardless of how actually paid.

Sec. 2, subsec. (i) amended by Acts 1971, 62nd Leg., p. 821, ch. 90, § 1, eff. Sept. 1, 1971.

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Pension board

Sec. 5.

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(h) No moneys shall be paid out of the Pension Fund except by warrant, check or draft signed by the Treasurer and countersigned by the Secretary, upon an order by said Pension Board duly entered in the minutes. Facsimile signatures may be authorized by the Board. Provided, however, the Board may by contract with any bank which is a depository for such Pension Fund authorize the bank to make deductions from the Pension Fund's account with such bank in connection with the purchase by the Board of authorized investments.

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(j) The Pension Board shall determine each member's credited service on the basis of the personnel and financial records of the city and the records of the Pension Board. The Board may permit any member to pay into the Pension Fund and thereby obtain credit for any service with the city for which credit would otherwise be allowable under this amended Act save only for the fact that no contributions were made by such member with respect to such service, or the fact that contributions, although made with respect thereto, were thereafter refunded to such member as a separation allowance and not subsequently repaid. The following provisions shall apply to such payments:

(1) For service during the period September 1, 1943, to May 29, 1967, the employee shall pay a sum computed at the rate of Twelve Dollars ($12) a month, and the city shall pay into the Pension Fund one and one-half (1½) times the amount so paid by the employee.

(2) For service during the period May 29, 1967, to January 5, 1970, the employee shall pay a sum computed at the rate of three percent (3%) of his salary with the minimum payment being Twelve Dollars ($12) a month, and the city shall pay into the Pension Fund one and one-half (1½) times the amount so paid by the employee.

(3) For service during the period January 5, 1970, to September 1, 1971, the employee shall pay a sum computed at the rate of three percent (3%) of his salary with the minimum payment being Twelve Dollars ($12) a month, and the city shall pay into the Pension Fund an amount equal to eleven and one-quarter percent (11¼%) of such salary for the same period of time.

(4) For service on and after September 1, 1971, the employee shall pay a sum computed at the rate of four percent (4%) of his salary, and the city shall pay into the Pension Fund an amount equal to thirteen and one-half percent (13½%) of such salary for the same period of time.

(5) In addition to the amounts to be paid by the employee as specified above, the employee shall also pay interest on the same amounts at the rate of six percent (6%) per annum from the time the contributions would have been deducted, if made, or the time contributions were refunded as a separation allowance, as the case may be, to the time of repayment of such contributions into the Pension Fund.

Sec. 5, subsecs. (h), (j) amended by Acts 1971, 62nd Leg., p. 822, ch. 90, § 2, eff. Sept. 1, 1971.

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Contributions by members

Sec. 7. Each member of the Pension System shall make periodic contributions thereto during the entire time of his employment by the city in the amount of four percent (4%) of his salary. Such contributions shall be deducted by the city from the salary of each such member and paid to the Treasurer of the Pension Fund for deposit therein.

Sec. 7 amended by Acts 1971, 62nd Leg., p. 822, ch. 90, § 3, eff. Sept. 1, 1971.

Contributions by city

Sec. 8. In addition to the payments provided for in the next preceding section, such city shall pay monthly into such Pension Fund, from its general fund or other available source, an amount equal to thirteen and one-half percent (13½%) of the total of the monthly salaries paid to members for the same period of time, less an amount equal to the total amount of the employer's part of the payments made by the city for such period of time with respect to such members, to the federal government under the provisions of the Social Security Act and Federal Insurance Contributions Act, it being the intention hereof that the combined total of the payments made by such city, as an employer, with respect to such

For Annotations and Historical Notes, see V.A.T.S.

members, for social security and pension fund purposes shall at all times be thirteen and one-half percent (13½%) of the total of all salaries paid to all such members.

Sec. 8 amended by Acts 1971, 62nd Leg., p. 823, ch. 90, § 4, eff. Sept. 1, 1971.

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Retirement on pension

Sec. 11. (a) Any member of such Pension System who has attained fifty (50) years of age and completed twenty-five (25) or more years of credited service, and any member of such Pension System who has attained fifty-five (55) years of age and completed twenty (20) or more years of credited service, and any member of the Pension System who has attained sixty (60) years of age and completed ten (10) or more years of credited service shall be eligible for a pension.

(b) The amount of pension a month for each such member shall equal two percent (2%) of the member's average monthly salary multiplied by the total number of years of credited service of such member. For purposes of this Subsection, such average monthly salary shall be computed by adding together the thirty-six (36) highest monthly salaries paid to a member during his period of credited service and dividing the sum by thirty-six (36). Provided, however, that no member's pension shall be more than eighty percent (80%) of such average monthly salary; and no member's pension shall be less than Eight Dollars ($8) a month for each year of credited service.

Sec. 11, subsecs. (a), (b) amended by Acts 1971, 62nd Leg., p. 823, ch. 90, § 5, eff. Sept. 1, 1971.

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Disability pensions

Sec. 12.

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(b) If any member who becomes totally disabled for further duty by reason of a personal injury sustained or a hazard undergone as a result of, and while in the performance of, his duties at some definite place and at some definite time on or after the date of his becoming a member, without serious and willful misconduct on his part, shall be retired for "accidental disability" and shall receive a monthly pension equal to twenty percent (20%) of his monthly salary on the date such injury was sustained or such hazard was undergone plus one percent (1%) of the above salary for each year of credited service; provided, that the total pension as so computed will not exceed forty percent (40%) of such monthly salary, or a monthly pension computed in accordance with Section 11(b), whichever is greater."

Sec. 12, subsec. (b) amended by Acts 1971, 62nd Leg., p. 824, ch. 90, § 7, eff. Sept. 1, 1971.

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Monthly allowance to widows and children

Sec. 13.

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(b) To the guardian of each child the sum of Sixteen Dollars ($16) a month until such child reaches the age of eighteen (18) years.

(c) In the event the widow or widower dies after being entitled to her or his allowance as provided, or in the event there be no widow or widower to receive such allowance, the amount to be paid to the guardian of any

child or children under the age of eighteen (18) years shall be increased to the sum of Thirty-Two Dollars ($32) a month for each such child; provided, however, that the total allowance to be paid all beneficiaries or dependents, as herein provided, shall not exceed the monthly pension that would have been paid the pensioner had he continued to live and retire on pension at the date of his death. Allowances or benefits payable to any minor child shall cease when such child becomes eighteen (18) years of age or marries, provided that when there are only children to collect a pension as beneficiaries, if at the time the last child reaches eighteen (18) years of age, the amount the employee contributed has not been paid out in pensions, the balance shall be refunded to the children. By the term "guardian," as used herein, shall be meant the surviving widow or widower with whom the child or children reside, or any guardian appointed by law, or the person standing in "loco parentis" to such dependent minor child responsible for his or her care and upbringing."

Sec. 13, subsecs. (b), (c) amended by Acts 1971, 62nd Leg., p. 824, ch. 90, § 8, eff. Sept. 1, 1971.

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Termination of employment; death; reemployment

Sec. 16.

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(g) If any member of the pension system, after having made the election permitted by (a) or (b), above, at the time of separation from the service of the city prior to September 1, 1971, shall be reemployed by the city before becoming eligible to receive pension benefits, the following provisions shall apply to the computation of the pension due such member upon his subsequent retirement:

1. The portion of such member's pension attributable to his period of credited service accrued prior to his making the aforesaid election shall be calculated on the basis of the schedule of benefits for retiring members that was in effect at the time said election was made.

2. The portion of such member's pension attributable to his period of credited service accrued after his reemployment by the city shall be calculated on the basis of the schedule of benefits for retiring members that is in effect at the time of such subsequent retirement.

Sec. 16, subsec. (g) added by Acts 1971, 62nd Leg., p. 824, ch. 90, § 9, eff. April 28, 1971.

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Section 2. Acts 1971, 62nd Leg., p. 821, ch. 90, which by sections 1 to 8 amended this section and sections 5, 7, 8, 11, 12 and 13 of this article, in sections 10 and 11 provided:

"Sec. 10. The provisions of Section 1 to Section 8, inclusive, of this amendatory Act shall become effective at 12:01 a. m. on the 1st day of September, 1971.

Art. 6243g—1. Police Officers' Pension System in cities of 1,200,000 or more

Creation of fund

Section 1. For the purposes of this Act, there is hereby created in this State a special fund to be known and designated as the Police Officer's Pension Fund in each city in this State having a population of one million two hundred thousand (1,200,000) inhabitants or more according to the last preceding or any future Federal Census.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 2454, ch. 794, § 1, eff. June 8, 1971.

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For Annotations and Historical Notes, see V.A.T.S.

Art. 6243h. Texas Municipal Retirement System

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Creditable service

Sec. VI. 1. (a) Under such rules and regulations as the Board shall adopt, each person who is an employee of a participating department of a participating municipality on the effective date of participation of such department and who becomes a member on such effective date shall be entitled to receive credit for "prior service" as defined in this Act. Any person who has been an employee of such a participating municipality prior to the effective date of participation of such municipality, but who is not in the service of such municipality on the effective date of such municipality's participation, shall be entitled to receive credit for "prior service" as defined in this Act, if he again becomes an employee of such participating municipality within five (5) years after the effective date of such municipality's participation and becomes a member as of the date of such reemployment and continues as an employee of a participating department of such municipality for a period of five (5) consecutive years.

(b) The governing body of a municipality may by ordinance direct that each of its employees who is serving in a public hospital, utility or other public facility which the municipality is operating as successor to, or which the municipality has otherwise acquired from a county, special district, or other public corporation or agency of government, shall be awarded and allowed prior service credit for the total number of months prior to date of participation during which such employee was employed in such hospital, utility or other facility during the period of its operation by the said predecessor governmental units or agencies as well as during the period of its operation by the participating municipality; and in such event, the total period of such employment for which such employee is allowed prior service credit hereunder shall be considered service rendered to the participating municipality for purposes of this Act.

In event any participating municipality subsequent to date of participation, by contract, purchase or by legal succession shall acquire and become the operator of a public hospital, utility or other public facility theretofore operated by a county, special district, or other public corporation, the governing body of the participating municipality may by order direct that persons who were employed in such hospital, utility or other facility at the time acquisition of or succession to the same by the participating municipality, and who enter or did enter employment of the participating municipality at that time, shall be allowed prior service credit for the total number of months during which such employee was employed in such hospital, utility or other public facility during the period of its operation by the predecessor counties, districts, and/or other public corporations.

Sec. VI, subsec. 1 amended by Acts 1971, 62nd Leg., p. 1241, ch. 307, § 1, eff. Aug. 30, 1971.

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Administration

Sec. VIII.

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2. The Board shall have, in addition to all other powers and duties arising out of this Act not otherwise specifically reserved or delegated to others, the following specific powers and duties and is hereby authorized and directed to:

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(i) The Board annually on December 31 shall allow regular interest on the mean amount in the Current Service Annuity Reserve Fund for the year then ending and shall allow regular interest on the mean amount in the Municipality Prior Service Accumulation Fund for the year then ending and shall allow regular interest on the mean amount in the Prior Service Annuity Reserve Fund during such year and shall allow current interest as defined in Section II of this Act on the amount in the Municipality Current Service Accumulation Fund at the beginning of such year and on the amount in the Endowment Fund at the beginning of such year and on an amount in the Employees Saving Fund equal to the sum of the accumulated deposits standing to the credit at the beginning of such year of all members included in the membership of the System on December 31 of each such year, before any transfers for retirement effective December 31 of such year are made. The amounts so allowed shall be due and payable to said funds and shall be credited thereto by the Board on December 31 of each year from moneys of the System held in the Interest Fund.

Sec. VIII, subsec. 2(i) amended by Acts 1971, 62nd Leg., p. 1242, ch. 307, § 2, eff. Aug 30, 1971.

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Optional provision for increased current service annuities

Sec. XIV. Any participating municipality electing to do so may provide for an increased current service annuity reserve at retirement of employees of such municipality, upon the following terms and conditions:

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6. No municipality shall undertake to make the increased contributions allowed under this section until it shall have been a participating municipality of the System for at least three calendar years. The increased rate of contributions authorized hereunder shall only be made effective at the beginning of a calendar year.

Sec. XIV, subsec. 6 amended by Acts 1971, 62nd Leg., p. 1243, ch. 307, § 3, eff. Aug 30, 1971.

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Optional Provision for Antecedent Service Credits

Sec. XVI. Subject to the terms and conditions hereinafter stated, any participating municipality electing to do so may undertake to grant antecedent service credit to those persons in its employment at the effective date of the municipality's election to provide such credit.

(1) Antecedent service credit may be granted for the period beginning at the municipality's date of participation and ending on the earliest date subsequent thereto as of which the municipality has increased its matching ratio for current service in accordance with Section XIV hereof, without having then or thereafter granted corresponding antecedent service credits equal to the increase in the rate of matching made effective on said date. The period of time described above is referred to hereafter as an "antecedent service period."

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(3) "Antecedent Service Credit" shall mean an amount equal to fifty per cent (50%), or at the election of the participating municipality (made in such ordinance or subsequent amendment thereto), one hundred per cent (100%) of the accumulated deposits of the member at the end of the antecedent service period for which said "Antecedent Service Credit" is allowed.

(4) "Accumulated Antecedent Service Credit" shall mean the "Antecedent Service Credit," determined as of the end of antecedent service period in accordance with this section, and accumulated at regular interest from such date until the effective date of such member's retirement.

For Annotations and Historical Notes, see V.A.T.S.

(5) The Council by ordinance shall determine whether antecedent service credit shall be allowed, and shall designate the date such undertaking is to become effective provided that the date selected shall be the end of any calendar year after three (3) full years of participation by the municipality.

(6) Each employee member entitled to antecedent service credit shall be given an "Antecedent Service Certificate" stating the amount of his antecedent service credit allowed pursuant to the ordinance adopted by the municipality, and such certificate shall state that in the event membership in the System ceases, such certificate shall become void, and that if the member thereafter returns to employment of any participating municipality, he shall not be entitled to such antecedent service credit."

Sec. XVI, subsecs. (1), (3) to (6) amended by Acts 1971, 62nd Leg., p. 1243, ch. 307, § 4, eff. Aug. 30, 1971.

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TITLE 110A—PUBLIC OFFICES, OFFICERS AND EMPLOYEES

Art. 6252—6b. Texas Surplus Property Agency

Appointment of Board Members and Staff

Section 1. There is hereby established a Texas Surplus Property Agency which shall consist of the Board of the Texas Surplus Property Agency, an Executive Director, and such other officers and employees as may be required to effectively carry out the purposes of this Act. The Board of the Texas Surplus Property Agency shall consist of nine members appointed by the Governor. With the advice and consent of the Senate, the Governor shall biennially appoint three members to serve a term of six years, except that when the nine initial appointments are made the Governor shall designate three members to serve for two years, three for four years, and three for six years. The Governor shall also fill by appointment for the unexpired term any vacancy on the Board caused by death, resignation, or inability to serve for any reason. Members shall serve until a successor is appointed and has qualified by taking the oath of office. Appointees shall be outstanding citizens of the state who are knowledgeable in the field of property management. The Chairman of the Board shall be elected by a majority of the members of the Board. Duty on the Board is of benefit to the State of Texas and if there is no conflict between his holding such position and his holding the original office or position for which the nonelective state officer or employee receives salary or compensation, such officer or employee may be appointed to the Board. The Board shall meet quarterly in regular session and on call by the Chairman when necessary for the transaction of agency business. Board members shall serve without pay except they shall be compensated for actual and necessary expenses incurred in the discharge of their official duties.

Executive Director

Sec. 2. This Act shall be administered by the Executive Director under operational policies established by the Board. The Executive Director shall be appointed by the Board on the basis of his education, training, experience, and demonstrated ability. He shall serve at the pleasure of the Board. He shall be secretary to the Board, as well as chief administrative officer of the agency.

Administration

Sec. 3. In carrying out his duties under this Act, the Executive Director:

(a) shall, with the approval of the Board, make regulations governing personnel standards; the protection of records and confidential information; establish an accounting system to accurately reflect financial transactions of the agency; and such other regulations as he finds necessary to carry out the purposes of this Act;

(b) shall, with approval of the Board, make long-range and intermediate plans for the scope and development for the management of surplus property and make decisions regarding the allocation of resources in carrying out such plans;

(c) shall, with the approval of the Board, establish appropriate subordinate administrative units;

(d) shall, under personnel policies adopted by the Board, appoint such personnel as he deems necessary for the efficient performance of the functions of the agency;

For Annotations and Historical Notes, see V.A.T.S.

(e) shall prepare and submit to the Governor an annual report of activities and expenditures;

(f) shall make certification for disbursement, in accordance with regulations, of funds available for carrying out the purposes of the Act;

(g) shall take such other action as he deems necessary or appropriate to carry out the purposes of this Act; and

(h) may, with the approval of the Board, delegate to any officer or employee of the agency such of his powers and duties, except the making of regulations and the appointment of personnel, as he finds necessary to carry out the purposes of this Act;

(i) the Executive Director may, in his discretion, bond any person in the employment of the agency handling money, signing checks, or receiving or distributing property under the authority of this Act.

Agency Functions

Sec. 4. (a) The agency is designated as the State agency for the purpose of Section 203(j) of the Federal Property and Administrative Services Act of 1949 as amended (hereinafter referred to as the Federal Act), 40 U.S.C. 484(j).[1]

(b) The agency is authorized and empowered (1) to acquire from the United States of America such property as is allocated to it pursuant to the Federal Act, (2) to warehouse such property, and (3) to distribute such property to those entities and institutions which meet the qualifications for eligibility for such property under the Federal Act, or who may hereafter meet such qualifications.

(c) The agency is authorized to disseminate information and assist potential applicants concerning availability of Federal surplus real property, to otherwise assist in the processing of such applications for acquisition of real and related personal property of the United States under Section 203(k) of the Act, (40 U.S.C. 484(k)),[2] and subsequently to assist in assuring utilization of the property.

(d) The agency is authorized to engage in activities relative to Federal excess property in connection with the use of such property by other state agencies, institutions, or organizations engaging in or receiving assistance under Federal programs.

(e) The agency may prescribe such rules and regulations as may be needed for the efficient operation of its activities or as may be required by Federal laws and regulations.

(f) The agency may make the necessary certifications and undertake necessary action including investigations, make expenditures and reports which may be required by Federal law or regulations or which are otherwise necessary to provide for the proper and efficient management of the agency's functions, and provide such information and reports pertinent to the State agency's activities as may be required by Federal agencies and departments.

(g) The agency may enter into contracts, and other agreements for and on behalf of the State including the cooperative agreements within the purview of Section 203(n) of the Federal Act (40 U.S.C. 484(n))[3] with Federal agencies, as well as agreements with other State Agencies for Surplus Property or groups and associations thereof which will in any way promote the administration of the agency's functions, provided, however, that Article 666 (Salvage & Surplus Act) and Article 6252–6 (State Property Act), Vernon's Annotated Civil Statutes, relating to the responsibility and accounting for State property shall not be applicable to the agency in the acquisition and disposal of Federal surplus property.

(h) The agency may, subject to the limitations contained in Section 4, paragraph (1) below, acquire and hold title to real property, make capital improvements thereto, and make advance payments of rent for

distribution centers, office space, or other facilities required to carry out the functions of the agency as herein provided.

(i) The agency is authorized and empowered to appoint advisory boards or committees, and subject to the limitations below, to employ such other personnel and to fix their compensation and prescribe their duties, as deemed necessary and suitable for the administration of this Act. The positions of all personnel so employed shall be filled by persons selected and appointed on a nonpartisan merit basis, and the agency shall at all times meet the standards for merit systems set forth by the Federal Government, by regulation or otherwise, for personnel in the administration of grant-in-aid programs.

(j) The agency is authorized and empowered to act as clearing house of information for the entities and institutions which may be eligible to acquire Federal surplus property, and to assist, as necessary, such entities and institutions in obtaining such property.

(k) The agency in the administration of this Act, shall cooperate to the fullest extent consistent with the provisions of this Act, and shall file a State plan of operation approved by the Executive Director, operate in accordance therewith, and take such action as may be necessary to meet the minimum standards for State agencies prescribed in accordance with the Federal Act.

(*l*) The agency may assess a service and handling charge or fee for the acquisition, warehousing, distribution, or transfer by the agency and, in the case of real property, such charges and fees shall be limited to the reasonable administrative costs of the agency incurred in effecting transfer. Receipts from such charges or fees are authorized to be available as needed for the operation of the agency.

(m) The charges and fees shall be deposited in a Service Charge Trust Fund. Such fund shall not be a part of the State Treasury or State's assets. Excess moneys in the Fund above normal operation expenses and appropriate reserve may be invested in State or municipal bonds or in such financial institutions as have been approved by the State Treasurer. The interest or earnings accruing thereby shall likewise be an asset of the Service Charge Trust Fund and shall not be a part of the State Treasury or State's assets. If the Fund is used at any time for purposes other than authorized in this Act, by the State or any other agency or instrumentality thereof, such money shall accrue interest as if it were invested as provided above.

Transfer From the Texas Surplus Property Agency

Sec. 5. All functions of the Texas Surplus Property Agency established by House Concurrent Resolution No. 24, Regular Session, 61st Legislature, 1969, together with all personnel, property, records, and unexpended balances of funds available or to be made available as of the date of enactment of this Act are hereby transferred to the Texas Surplus Property Agency as of such date. Wherever under existing statutes or resolutions, duties, obligations, and responsibilities are placed upon the Texas Surplus Property Agency such duties, obligations and responsibilities shall hereinafter be assumed and carried out by the Texas Surplus Property Agency. All contracts and agreements between the Texas Surplus Property Agency and the Federal authorities relating to the activities of the Texas Surplus Property Agency shall be continued for the benefit of the agency.

Acts 1971, 62nd Leg., p. 59, ch. 32, eff. March 19, 1971.

[1] 40 U.S.C.A. § 484(j).

[2] 40 U.S.C.A. § 484(k).

[3] 40 U.S.C.A. § 484(n).

Section 6 of the act of 1971 provided: "If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect with-

For Annotations and Historical Notes, see V.A.T.S.

out the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Title of Act:

An Act creating a Texas Surplus Property Agency and prescribing its power, duties, functions, finances, and procedures, and declaring an emergency. Acts 1971, 62nd Leg., p. 59, ch. 32.

Art. 6252—8a. Accumulated vacation and sick leave; payment to estates of employees

Section 1. "Employee" as used in this Act means any appointed officer or employee in a department of the State who is employed on a basis or a position normally requiring not less than 900 hours per year, but shall not include members of the Legislature or any incumbent of an office normally filled by vote of the people; nor persons on piecework basis; nor operators of equipment or drivers of teams whose wages are included in rental rate paid the owners of said equipment or team; nor any person who is covered by the Judicial Retirement System of the State of Texas; nor any person who is covered by the Teacher Retirement System of Texas, except persons employed by the Teacher Retirement System, the Central Education Agency, the Texas Rehabilitation Commission, and classified, administrative, and professional staff members employed by a State institution of higher education who have accumulated vacation or sick leave, or both, during such employment.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 866, ch. 106, § 1, eff. May 4, 1971.

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Art. 6252—9. Standards of conduct for state officers and employees, legislators, etc.; financial statement; State Ethics Commission

Declaration of policy

Section 1. It is hereby declared to be the policy of the Legislature of the State of Texas that no Member of the Legislature, legislative employee, elected State official, appointed State official, employee of a State Agency, or any person who has an office of honor or trust in the State of Texas or any of its political subdivisions shall have any interest, financially or otherwise, directly or beneficially, or engage in any business transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. To implement such policy and to strengthen the faith and confidence of the people of Texas in their government, there is hereby enacted a code of ethics setting forth standards of conduct to be observed by State officers and employees in the performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for official conduct of the State's public servants, but also as a basis for discipline to those who refuse to abide by its terms.

Application of Act

Sec. 2. This Act shall apply to members of the Legislature, legislative employees, elected State Officials, appointed Officials of a State Agency, employees of a State Agency and any person who has an office of honor or trust in the State of Texas or any of its political subdivisions as those terms are defined herein.

Definition

Sec. 3. In the Act, unless the context otherwise requires:

(1) Member of the Legislature means members of the Texas House of Representatives and Texas Senate.

(2) "Legislative employee" means an officer or employee of the Legislature, Legislative Budget Board, Legislative Council, Legislative Refer-

ence Library, the State Auditor's Office and any subsequently created Legislative Board, but does not include Members of the Legislature.

(3) "Elected State Officials" means:

(A) those officials of the government of the State of Texas who are elected in each Statewide election except officials of the judicial branch of government;

(B) elected officials of the judicial branch of government;

(C) members of the Texas House of Representatives and Texas Senate;

(D) all other elected officials of the State of Texas or any political subdivision thereof.

(4) "Appointed State Official" means any person appointed to any office, commission or board established by or under the authority of the Constitution and Laws of the State of Texas.

(5) "Employees of State Agencies" means all employees of any State Agency.

(6) "State Agency" means any office, department, commission, or board established by or under the authority of the Constitution and Laws of the State of Texas.

(7) "Regulatory Agency" means any board or commission established by or under the authority of the Constitution and Laws of the State of Texas, or successor agencies exercising regulatory authority in the field.

(8) The term "appear", as used herein, means, in addition to its common usage, acting in any manner in behalf of a client or principal to influence the decision of any administrative agency; but the term shall not include acting in behalf of the constituent to determine the status of a matter before a State Agency without accepting any compensation or promise of benefit and without attempting to influence the outcome.

(9) "Substantial interest" means

(A) controlling interest in any business entity;

(B) ownership of in excess of 10% of the voting interest in the business entity;

(C) any participating interest, by shares, stock or otherwise, whether or not voting rights are included, in the profits, proceeds, or capital gains of the business entity, in excess of 10% of same, or

(D) the holding of a position as member of a board of directors or other governing board or an elected officer or an employee of a business entity.

(10) "Business entity" includes any person, corporation, firm, partnership, joint stock company, receivership, trusteeship, or any other entity recognized in law through which business may be conducted.

(11) "Substantial conflict" means that a person subject to this Act has an interest which is in conflict with the proper discharge of his duties in the public interest and of his responsibilities to the public interest.

Standards of conduct

Sec. 4. (a) No person covered under this Act shall receive any form of compensation from private sources for his duties as a public official or enter into any agreement, express or implied, for compensation for services in connection with any judicial or administrative procedure or activity wherein his official position might reasonably be expected to give him unusual influence;

(b) Ask, receive, or agree to receive anything of value upon any understanding that his official vote, opinion, judgment, or action will be influenced thereby;

(c) Receive any gift regardless of the form of such gift, under circumstances in which it could reasonably be inferred that the gift was made to influence him directly in the performance of his official duties.

(d) Use his official position to secure privileges or exemptions for himself or others, or have any interest, financial or otherwise, directly

For Annotations and Historical Notes, see V.A.T.S.

or beneficially, or engage in any business transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest.

(e) If any person covered under this Act or such person's spouse or a dependent is an officer, agent, financial associate or member of, or owns a substantial interest, directly or beneficially, in any activity which is subject to the jurisdiction of a regulatory agency of this State, a record of such relationship or substantial interest shall be made a matter of public record by filing with the Secretary of State annually by January 31st.

(f) No Member of the Legislature who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall vote thereon, but shall disclose such interest to the House of which he is a Member and such statement shall be recorded in the Journal.

(g) No person covered under this Act shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position.

(h) No person covered under this Act shall disclose confidential or privileged information gained by reason of his official position to any person, firm, corporation, group, or official not entitled to receive such confidential or privileged information, nor shall he use such information for his personal gain or benefit.

(i) No person covered under this Act shall transact any business in his official capacity with any business entity of which he, such person's spouse or a dependent, is an officer, agent, or member, or in which he owns a substantial interest, either directly or beneficially.

(j) No person covered under this Act shall make investments in any business entity or enterprise, either directly or beneficially, which will create a substantial conflict between his interest and the public interest or which will place him in a position of advantage in his private interest against others having a like private interest. Without lessening the standards set forth above, it is declared that a substantial conflict of interest exists when the investment is in excess of the value of $25,000.00, unless the investment is in a corporation in which the officer or employee owns less than 10% of the voting interest and does not otherwise control the corporation.

(k) No person covered under this Act shall sell goods or services to any business entity which is licensed by or regulated in any manner by the State agency in which such person serves.

(*l*) No person covered under this Act shall appear in behalf of another before any State Agency in any matter for which he is being compensated at any time when legislation directly affecting such State Agency is pending before the Legislature or any committee of which he is a member, if such member is in a position to influence the outcome of such legislation other than his own vote, provided, however, that the provisions hereof shall not apply to any hearing or proceeding which is adversary in character or on which a record of such hearing or proceeding is made by the agency involved or such appearance is a matter of public record.

(m) No Member of the Legislature shall introduce or cause to be introduced, any proposed legislation which affects directly any client or employer of said Member and no Member shall sponsor or cause to be sponsored any legislation directly affecting any client or employer from which said Member receives a retainer fee or any other financial remuneration during said Member's tenure in the Legislature, regardless of whether the Legislature is in session. This subsection shall not apply to any proposed legislation which affects such client or employer only because such client or employer is a member of a class which is affected

by such proposed legislation, if the proposed legislation affects the client or employer only in the same manner as all other members of the class.

(n) Nothing in this Act shall preclude a person covered under this Act from acting in behalf of a constituent to determine the status of a matter before a State agency without accepting compensation therefor.

(*o*) On or before the last Friday of April of each calendar year, each elected state official and appointed state official and each state employee or legislative employee if such legislative or state employee's annual salary from the State of Texas exceeds $11,000, shall file with the Secretary of State a financial statement which shall be a public record covering sources of income, acquisitions, investments, and divestments obtained or consummated during the preceding calendar year of the individual filing the statement, and his spouse, and shall be in the following form:

FINANCIAL STATEMENT

For the period _____ to _____
Name _____
Address _____

Office or position in the government of the State of Texas _____

For your information: The interests or items required to be disclosed in this statement include those of yourself and your spouse. The term business entity means any person, corporation, firm, partnership, joint stock company, receivership, trusteeship, or any other entity recognized by law through which business for profit may be conducted.

1. List of all sources of income to be identified by employer and/or if a person is self-employed, by the nature of his business. _____

2. List of real property acquired or sold during the reporting period. _____

3. List of all stocks, bonds, or other commercial paper acquired or sold during the reporting period. _____

4. List of all other assets acquired during the reporting period. _____

5. List of all liabilities originally incurred during the reporting period to any institution regulated or controlled by the State of Texas or the Federal Government. _____

I swear that the information given above is true to the best of my knowledge and belief.

_____ _____
Date Signature

(p) [Blank]

(q) All political candidates for positions and offices covered by this Act shall file with the Secretary of State a financial statement which shall be a public record covering sources of income, acquisitions, investments, and divestments obtained or consummated during the preceding calendar year of the individual filing the statement, and his spouse, and shall be in the form prescribed in Subsection (*o*) of this section. The financial statement shall be filed within 15 days after the filing deadline for the election in which the individual is a candidate.

Noncompliance

Sec. 5. The failure of any person covered under this Act to comply with one or more of the foregoing standards of conduct shall constitute grounds for expulsion, removal from office, or discharge, whichever is applicable.

Violation of the provisions

Sec. 6. Violation of the provisions of this Act shall be a felony and upon conviction is punishable by fine of not more than $10,000.00 or imprisonment in the State Penitentiary of not more than 5 years or both such fine and imprisonment.

Civil remedies

Sec. 7. Any contract, agreement, ruling, or any other arrangement binding on the State that was issued because of a violation of this Act may at the State's option be cancelled without further obligation on the part of the State or limited to any degree the State deems proper without any obligation whatsoever.

State Ethics Commission

Sec. 8. (a) A State Ethics Commission is hereby created consisting of:

(1) three members of the Senate, elected by the Senate;

(2) three members of the House of Representatives, elected by the members of the House of Representatives;

(3) two persons appointed by the Chief Justice of the Supreme Court of the State of Texas;

(4) two persons appointed by the Presiding Judge of the Court of Criminal Appeals of the State of Texas;

(5) two persons appointed by the Chairman of the State Judicial Qualifications Commission.

(b) Each House of the Legislature shall elect its representatives to serve on the commission at the convening of each Regular Session of the Legislature. These members shall serve terms of two years.

(c) Each appointed member to the commission shall serve terms of two years. Terms expire on January 1 of odd-numbered years.

(d) Vacancies shall be filled for the unexpired term by appointment by the person making the appointment which has become vacant, and in the case of a member of the Legislature, if the Legislature is not in session, by appointment by the presiding officer.

(e) The commission shall elect from its members a chairman to serve a term of two (2) years.

(f) The commission may make rules and regulations to govern its proceedings consistent with this Act.

(g) The commission shall have the power to investigate alleged violations of this Act.

(h) The commission shall have full investigatory powers and subpoena powers; however, no subpoena may be issued pertaining to any investigation until the commission adopts a resolution by a majority vote of the members of the commission defining the nature and scope of the investigation.

(i) Actions of the commission require the concurrence of a majority of the members, including the concurrence of two members from the same House when the action pertains to that House or a member of that House.

(j) In the event that H.J.R. No. 96 of the 62nd Legislature, amending Article III, Section 24 of the Texas Constitution, by providing for a State Ethics Commission, is adopted by the people of Texas, the members of that commission appointed pursuant to Article III, Section 24, shall constitute the State Ethics Commission referred to in this Act and Sub-

sections (a), (b), (c), (d), (e), (h) and (i) of this Section shall be repealed.

Financial disclosure

Sec. 9. In the event that H.J.R. No. 96 of the 62nd Legislature, amending Article III, Section 24 of the Texas Constitution, is adopted by the people of Texas, in addition to the financial statement required to be filed under Subsection (*o*) of Section 4, on or before the last Friday of April in each calendar year, each elected state official and appointed state official, and each legislative or state employee if such legislative or state employee's annual salary from the State of Texas exceeds $11,000 shall file with the State Ethics Commission, a full and complete financial disclosure pursuant to rules, regulations and directions and in such form as is provided for by the State Ethics Commission. Said financial disclosure shall include, among other things and in no way a limitation, sources of income, real property acquired or sold, list of all stock bonds, and other commercial property held, acquired or sold during the reporting period as well as a list of all assets and liabilities acquired during such reporting period. This information is to be used by the State Ethics Commission for the purpose of determining conflicts of interest and other uses as provided for in the Constitution.

Membership of initial commission

Sec. 10. In establishing the membership of the initial commission under this Act, if the Legislature is not in session, the members from the House of Representatives and the Senate shall be selected by secret ballot by October 1, 1971. The ballots shall be deposited with the Chief Clerk of the House and the Secretary of the Senate by the Representatives and Senators, respectively. The Chief Clerk of the House and the Secretary of the Senate shall establish procedures governing the balloting and shall certify the totals to the Speaker of the House and the President of the Senate, respectively. Those members receiving the most votes shall serve as members of the commission until the convening of the next Regular Session.

Severability

Sec. 11. If any section, subsection, sentence, or clause of this Act shall for any reason be held void or unconstitutional, such decision shall not affect the validity of any other portion of this Act, it being the intention of the Legislature to pass the valid sections, subsections, sentences, clauses, and parts of this Act even though one or more of the same shall be held to be invalid.

Amended by Acts 1971, 62nd Leg., p. 2906, ch. 962, § 1, eff. June 15, 1971; Sec. 4, subsec. (q) added by Acts 1971, 62nd Leg., 1st C.S. p. 32, ch. 10, § 1, eff. Sept. 3, 1971.

Acts 1971, 62nd Leg., p. 2906, ch. 962, § 2, repealed conflicting laws.

Art. 6252—16. Discrimination against persons because of race, religion, color, sex or national origin

Section 1. (a) No officer or employee of the state or of a political subdivision of the state, when acting or purporting to act in his official capacity, may:

(1) refuse to employ a person because of the person's race, religion, color, sex, or national origin;

(2) discharge a person from employment because of the person's race, religion, color, sex, or national origin;

(3) refuse to issue a license, permit, or certificate to a person because of the person's race, religion, color, sex, or national origin;

For Annotations and Historical Notes, see V.A.T.S.

(4) revoke or suspend the license, permit or certificate of a person because of the person's race, religion, color, sex, or national origin;

(5) refuse to permit a person to use facilities open to the public and owned, operated, or managed by or on behalf of the state or a political subdivision of the state, because of the person's race, religion, color, sex, or national origin;

(6) refuse to permit a person to participate in a program owned, operated, or managed by or on behalf of the state or a political subdivision of the state, because of the person's race, religion, color, sex, or national origin;

(7) refuse to grant a benefit to, or impose an unreasonable burden upon, a person because of the person's race, religion, color, sex, or national origin;

(8) refuse to let a bid to a person because of the person's race, religion, color, sex, or national origin.

* * * * * * * * * * *

Sec. 1, subsec. (a) amended by Acts 1971, 62nd Leg., p. 2994, ch. 989, § 1, eff. Aug. 30, 1971.

Art. 6252—17. Prohibition on governmental bodies from holding meetings which are closed to the public

* * * * * * * * * * *

Application of act

Sec. 2. (a) The provisions of this Act do not apply to that portion of a meeting or session of a governmental body while the governmental body is actually engaged in:

(1) deliberations to consider the appointment, employment, or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee, unless such officer or employee requests a public hearing;

(2) deliberations pertaining to the acquisition of additional real property; or

(3) deliberations on matters affecting security.

(b) A governmental body may exclude any witness or witnesses from a hearing during examination of another witness in the matter being investigated.

(c) Nothing in this Act shall be construed to affect the deliberations of grand juries.

(d) The provisions of this Act shall not apply to periodic conferences held among staff members of the governmental body. Such staff meetings will be only for the purpose of internal administration and no matters of public business or agency policies that affect public business will be acted upon.

(e) Nothing in this Act shall be construed to require school boards to hold meetings open to the public in cases involving discipline of public school children unless an open hearing is requested in writing by a parent or guardian of the child.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 1401, ch. 381, § 1, eff. Aug. 30, 1971.

* * * * * * * * * * *

Notice of meetings; exception

Sec. 3A. (a) Written notice of the date, place, and subject of each meeting held by a governmental body shall be given before the meeting as prescribed by this section.

(b) A State governmental body shall furnish notice to the Secretary of State, who shall then post the notice on a bulletin board to be located at a place convenient to the public in the State Capitol.

(c) A city governmental body shall have a notice posted on a bulletin board to be located at a place convenient to the public in the city hall.

(d) A county governmental body shall have a notice posted on a bulletin board located at a place convenient to the public in the county courthouse.

(e) A governmental body of a water district or other district, except a school district, or other political subdivision covering all or part of four or more counties shall have a notice posted at a place convenient to the public in its administrative office, and shall also furnish the notice to the Secretary of State, who shall then post the notice on a bulletin board located at a place convenient to the public in the State Capitol; and it shall also furnish the notice to the county clerk of the county in which the administrative office of the district or political subdivision is located, who shall then post the notice on a bulletin board located at a place convenient to the public in the county courthouse.

(f) The governing body of a school district, water district, other district, or other political subdivision, except a district or political subdivision described in Subsection (e) of this section, shall have a notice posted at a place convenient to the public in its administrative office, and shall also furnish the notice to the county clerk or clerks of the county or counties in which the district or political subdivision is located. The county clerk shall then post the notice on a bulletin board located at a place convenient to the public in the county courthouse.

(g) Notice of a meeting must be posted for at least the three days preceding the day of the meeting. However, in case of emergency or urgent public necessity, which shall be expressed in the notice, it is sufficient that the notice is posted before the meeting is convened or called to order.

(h) The provisions of this section shall not apply to an agency wholly financed by federal funds.

Sec. 3A amended by Acts 1971, 62nd Leg., p. 1789, ch. 527, § 1, eff. June 1, 1971.

* * * * * * * * * * *

Senate Concurrent Resolution No. 83 (1969)

WHEREAS, Senate Bill No. 260 [Acts 1969, 61st Leg., p. 674, ch. 227] has passed the House and the Senate; and

WHEREAS, Senate Bill No. 260 was amended to delete provisions in the present open meetings law stating that "Nothing in this Act shall be construed to prevent a governing body from consulting with its attorney"; and

WHEREAS, The privileged nature of communications between attorney and client are recognized by the common law, by Article 38.10, Code of Criminal Procedure of Texas, 1965, and by the rules of the State Bar of Texas; and

WHEREAS, It was the intent of the legislature, in repealing the quoted portion of Section 2, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252–17, Vernon's Texas Civil Statutes), the open meetings law, to eliminate from that law surplus matter already covered elsewhere in the law; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the legislature declare that

it did not intend, in passing Senate Bill No. 260, to abridge or in any way affect the privileged nature of communications between attorney and client.

Art. 6252—19. Tort claims

* * * * * * * * * * *

Application to school and junior college districts

Sec. 19A. The provisions of this Act shall not apply to school districts or to junior college districts except as to motor vehicles.
Sec. 19A amended by Acts 1971, 62nd Leg., p. 1743, ch. 509, § 1, eff. Aug. 30, 1971.

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Art. 6252—19a. Liability insurance; operation of motor vehicles, aircraft, motorboats or watercraft; state departments and agencies; allowance to employees

Section 1. The State Departments or Agencies who own and operate motor vehicles, aircraft and motorboats or watercraft of all types and sizes shall have the authority to insure their officers and employees from liability arising out of the use, operation and maintenance of such automobiles, trucks, tractors, power equipment, aircraft and motorboats or watercraft used or which may be used in the operation of such Department or Agency. Such insurance shall be provided by the purchase of a policy or policies for that purpose from some liability insurance company or companies authorized to transact business in the State of Texas. All liability insurance so purchased shall be provided on a policy form or forms approved by the State Board of Insurance as to form and by the Attorney General as to liability.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 2493, ch. 816, § 1, eff. June 8, 1971.

* * * * * * * * * * *

Sec. 3. The State Comptroller shall provide the necessary forms to make such claims which shall require a certification from the head of the Department, Agency, Commission or other branch of the State government that such employee is employed; that as a regular part of such employee's duties such employee is required to operate a State-owned motor vehicle, aircraft, motorboat or watercraft; and that such Department, Agency, Commission or other branch of the State government requires such employee to maintain liability insurance as a prerequisite to the operation of the State-owned motor vehicle, aircraft, motorboat or watercraft.
Sec. 3 amended by Acts 1971, 62nd Leg., p. 2493, ch. 816, § 2, eff. June 8, 1971.

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TEXAS PROBATE CODE

CHAPTER I—GENERAL PROVISIONS

§ 33. Issuance, Contents, Service, and Return of Citation, Notices, and Writs in Probate Matters

* * * * * * * * * * *

(c) Contents of Citation, Writ, and Notice. Citation and notices issued by the clerk shall be signed and sealed by him, and shall be styled "The State of Texas." Notices required to be given by a personal representative shall be in writing and shall be signed by the representative in his official capacity. All citations and notices shall be directed to the person or persons to be cited or notified, shall be dated, and shall state the style and number of the proceeding, the court in which it is pending, and shall describe generally the nature of the proceeding or matter to which the citation or notice relates. No precept directed to an officer is necessary. A citation or notice shall direct the person or persons cited or notified to appear by filing a written contest or answer, or to perform other acts required of him or them and shall state when and where such appearance or performance is required. No citation or notice shall be held to be defective because it contains a precept directed to an officer authorized to serve it. All writs and other process except citations and notices shall be directed "To any sheriff or constable within the State of Texas," but shall not be held defective because directed to the sheriff or any constable of a specific county if properly served within the named county by such officer.

(d) Where No Specific Form of Notice, Service, or Return is Prescribed, or When Provisions Are Insufficient or Inadequate. In all situations in which this Code requires that notice be given, or that a person be cited, and in which a specific method of giving such notice or of citing such person, or a specific method of service and return of such citation or notice is not given, or an insufficient or inadequate provision appears with respect to any of such matters, or when any interested person so requests, such notice or citation shall be issued, served, and returned in such manner as the court, by written order, shall direct in accordance with this Code and the Texas Rules of Civil Procedure, and shall have the same force and effect as if the manner of service and return had been specified in this Code.

(e) Service of Citation or Notice Upon Personal Representatives. Except in instances in which this Code expressly provides another method of service, any notice or citation required to be served upon any personal representative or receiver shall be served by the clerk issuing such citation or notice. The clerk shall serve the same by sending the original thereof by registered or certified mail to the attorney of record for the personal representative or receiver, but if there is no attorney of record, to the personal representative or receiver.

(f) Methods of Serving Citations and Notices.

(1) Personal Service. Where it is provided that personal service shall be had with respect to a citation or notice, any such citation or notice must be served upon the attorney of record for the person to be cited. Notwithstanding the requirement of personal service, service may be made upon such attorney by any of the methods hereinafter specified for service upon an attorney. If there is no attorney of record in the

proceeding for such person, or if an attempt to make service upon the attorney was unsuccessful, a citation or notice directed to a person within this State must be served by the sheriff or constable upon the person to be cited or notified, in person, by delivering to him a true copy of such citation or notice at least ten (10) days before the return day thereof, exclusive of the date of service. Where the person to be cited or notified is absent from the State, or is a nonresident, such citation or notice may be served by any disinterested person competent to make oath of the fact. Said citation or notice shall be returnable at least ten (10) days after the date of service, exclusive of the date of service. The return of the person serving the citation or notice shall be endorsed on or attached to same; it shall show the time and place of service, certify that a true copy of the citation or notice was delivered to the person directed to be served, be subscribed and sworn to before some officer authorized by the laws of this State to take affidavits, under the hand and official seal of such officer, and returned to the county clerk who issued same. If in either case such citation or notice is returned with the notation that the person sought to be served, whether within or without this State, cannot be found, the clerk shall issue a new citation or notice directed to the person or persons sought to be served and service shall be by publication.

(2) Posting. When citation or notice is required to be posted, it shall be posted by the sheriff or constable at the courthouse door of the county in which the proceedings are pending, or at the place in or near the courthouse where public notices customarily are posted, for not less than ten (10) days before the return day thereof, exclusive of the date of posting. The clerk shall deliver the original and a copy of such citation or notice to the sheriff or any constable of the proper county, who shall post said copy as herein prescribed and return the original to the clerk, stating in a written return thereon the time when and the place where he posted such copy. The date of posting shall be the date of service. When posting of notice by a personal representative is authorized or required, the method herein prescribed shall be followed, such notices to be issued in the name of the representative, addressed and delivered to, posted and returned by, the proper officer, and filed with the clerk.

(3) Publication. When a person is to be cited or notified by publication, the citation or notice shall be published once in a newspaper of general circulation in the county in which the proceedings are pending, and said publication shall be not less than ten (10) days before the return day thereof, exclusive of the date of publication. The date of publication which said newspaper bears shall be the date of service. If no newspaper is published, printed, or of general circulation, in the county where citation or notice is to be had, service of such citation or notice shall be by posting.

(4) Mailing.

(A) When any citation or notice is required or permitted to be served by registered or certified mail, other than notices required to be given by personal representatives, the clerk shall issue such citation or notice and shall serve the same by sending the original thereof by registered or certified mail. Any notice required to be given by a personal representative by registered or certified mail shall be issued by him, and he shall serve the same by sending the original thereof by registered or certified mail. In either case the citation or notice shall be mailed with instructions to deliver to the addressee only, and with return receipt requested. The envelope containing such citation or notice shall be addressed to the attorney of record in the proceeding for the person to be cited or notified, but if there is none, or if returned undelivered, then to the person to be cited or notified. A copy of such citation or notice, together with the certificate of the clerk, or of the personal representative, as the case may be, showing the fact and date of mailing, shall be filed and recorded. If a receipt is returned, it shall be attached to the certificate.

(B) When any citation or notice is required or permitted to be served by ordinary mail, the clerk, or the personal representative when required by statute or by order of the court, shall serve the same by mailing the original to the person to be cited or notified. A copy of such citation or notice, together with a certificate of the person serving the same showing the fact and time of mailing, shall be filed and recorded.

(C) When service is made by mail, the date of mailing shall be the date of service. Service by mail shall be made not less than twenty (20) days before the return day thereof, exclusive of the date of service.

(D) If a citation or notice served by mailing is returned undelivered, a new citation or notice shall be issued, and such citation or notice shall be served by posting.

* * * * * * * * * * *

(i) Proof of Service. Proof of service in all cases requiring notice or citation, whether by publication, posting, mailing, or otherwise, shall be filed before the hearing. Proof of service made by a sheriff or constable shall be made by the return of service. Service made by a private person shall be proved by the affidavit of the person. Proof of service by publication shall be made by the affidavit of the publisher or that of an employee of the publisher, which affidavit shall show the date the issue of the newspaper bore, and have attached to or embodied in it a copy of the published notice or citation. In the case of service by mail, proof shall be made by the certificate of the clerk, or the affidavit of the personal representative or other person making such service, stating the fact and time of mailing. In the case of service by registered or certified mail, the return receipt shall be attached to the certificate, if a receipt has been returned.

(j) Request for Notice. At any time after an application is filed for the purpose of commencing any proceeding in probate, including, but not limited to, a proceeding for the probate of a will, grant of letters testamentary or of administration, determination of heirship, and the grant of letters of guardianship, any person interested in the estate or welfare of a ward, may file with the clerk a request in writing that he be notified of any and all, or of any specifically designated, motions, applications, or pleadings filed by any person, or by any particular persons specifically designated in the request. The fees and costs for such notices shall be borne by the person requesting them, and the clerk may require a deposit to cover the estimated costs of furnishing such person with the notice or notices requested. The clerk shall thereafter send to such person by ordinary mail copies of any of the documents specified in the request. Failure of the clerk to comply with the request shall not invalidate any proceeding.

Acts 1957, 55th Leg., p. 53, ch. 31, § 1, eff. Aug. 22, 1957. Subsecs. (c)–(f) amended by Acts 1971, 62nd Leg., p. 967, ch. 173, § 1, eff. Jan. 1, 1972; Subsecs. (i), (j) added by Acts 1971, 62nd Leg., p. 967, ch. 173, § 1, eff. Jan. 1, 1972.

Acts 1971, 62nd Leg., p. 967, ch. 173, amending and adding various sections of this Code, provided in section 16: "This Act takes effect January 1, 1972".

§ 34. Service on Attorney

If any attorney shall have entered his appearance of record for any party in any proceeding in probate, all citations and notices required to be served on the party in such proceeding shall be served on the attorney, and such service shall be in lieu of service upon the party for whom the attorney appears. All notices served on attorneys in accordance with this section may be served by registered or certified mail or by delivery to the attorney in person. They may be served by a party to the proceeding or his attorney of record, or by the proper sheriff or constable, or by any

other person competent to testify. A written statement by an attorney of record, or the return of the officer, or the affidavit of any other person showing service shall be prima facie evidence of the fact of service.
Amended by Acts 1971, 62nd Leg., p. 970, ch. 173, § 2, eff. Jan. 1, 1972.

§ 36A. When Power of Attorney not Terminated by Disability

When a principal designates another his attorney in fact or agent by power of attorney in writing and the writing contains the words "this power of attorney shall not terminate on disability of the principal" or similar words showing the intent of the principal that the power shall not terminate on his disability, then the powers of the attorney in fact or agent shall be exercisable by him on behalf of the principal notwithstanding later disability or incompetence of the principal. All acts done by the attorney in fact or agent, pursuant to the power, during any period of disability or incompetence of the principal, shall have the same effect and shall inure to the benefit of and bind the principal as if the principal were not disabled or incompetent. If a guardian shall thereafter be appointed for the principal, the powers of the attorney in fact or agent shall terminate upon the qualification of the guardian, and the attorney in fact or agent shall deliver to the guardian all assets of the estate of the ward in his possession and shall account to the guardian as he would to his principal had the principal himself terminated his powers.
Added by Acts 1971, 62nd Leg., p. 971, ch. 173, § 3, eff. Jan. 1, 1972.

CHAPTER II—DESCENT AND DISTRIBUTION

Sec.

§ 37A. Means of Evidencing Disclaimer or Renunciation of Property or Interest Receivable from a Decedent Under a Will or by Inheritance by a Person Who is Competent

Any person who may be entitled to receive any property under any will of or by inheritance from a decedent and who intends to effect disclaimer irrevocably of the whole or any part of such property shall evidence same as herein provided. A disclaimer evidenced as provided herein, shall be effective as of the death of decedent and the property subject thereof shall pass as if the person disclaiming had predeceased the decedent unless decedent's will provides otherwise. Failure to comply with the provisions hereof shall render such disclaimer ineffective except as an assignment of such property to those who would have received same had the person attempting the disclaimer died prior to the decedent. The term "property" as used in this section shall include all legal and equitable interests, powers, and property, whether present or future, whether vested or contingent, and whether beneficial or burdensome, in whole or in part. The term "disclaimer" as used in this section shall include "renunciation."
The following shall apply to such disclaimers:

(a) Written Memorandum of Disclaimer and Filing Thereof. In the case of property receivable under a will or by inheritance, the disclaimer shall be evidenced by a written memorandum, acknowledged before a notary public or other person authorized to take acknowledgments of conveyances of real estate and filed not later than six months after death of decedent in the probate court in which decedent's will has been probated or

in which administration of decedent's estate is pending or which has before it an application for either of same; provided, however, if there has been no will of decedent probated or filed for probate nor any administration or application for administration of decedent's estate within six months of decedent's death, such disclaimer shall be filed with the county clerk of the county of decedent's residence, if decedent be a resident of this state, or in a county in which decedent owned real property at the time of death, if decedent was not a resident of this state, and recorded by such county clerk in the deed records of that county. The time to file and serve a disclaimer may be extended by order entered at the discretion of the probate court having jurisdiction over the estate of the decedent on a petition to such probate court by the person so disclaiming filed before or after the expiration of six months after death showing to the satisfaction of such court reasonable cause for such extension and on notice to such persons and in such manner as the probate court may direct, but in no event may such petition be filed after the expiration of nine months from the death of decedent.

(b) Notice of Disclaimer. In the event that a personal representative of a decedent is qualified and acting, copies of any written memorandum of disclaimer shall be served by registered or certified mail or in such other manner as the probate court may direct: (1) upon any qualified and acting personal representative of decedent or, if none, but application for appointment of such a representative be pending, upon any applicant seeking probate of decedent's will or administration of decedent's estate; and (2) upon all legatees, devisees, beneficiaries and heirs-at-law of decedent other than the person disclaiming whose names and addresses are set forth in the petition for letters testamentary or letters of administration or, if no application be filed, whose names and addresses are known to or are by reasonable inquiry ascertainable by the person disclaiming, but service of such written memorandum shall not be required upon more than four of such persons in any event.

(c) Power of Testator to Provide for Disclaimer. Nothing herein shall prevent a testator from providing in a will for the making of disclaimers by legatees, devisees and beneficiaries and for the disposition of disclaimed property in a manner different from the provisions hereof.

(d) Revocation of Disclaimer. Any disclaimer filed and served under this section may be revoked by the person who has so disclaimed only when permitted by order entered by the probate court having jurisdiction over the estate of the decedent. An application for such revocation shall be made to such probate court on a petition by the disclaiming person, or, if the person having disclaimed has since died or become incompetent, then by the duly appointed and qualified personal representative of such person when so authorized by the court having jurisdiction of the estate of the incompetent or person who has died after such disclaimer. Applicant shall show such probate court reasonable cause for the revocation at a hearing held after notice to such persons and in such manner as the probate court may direct. Any petition for revocation shall be filed within nine months after decedent's death and not thereafter.

(e) Partial Disclaimer. Any person who may be entitled to receive any property under any will of or by inheritance from a decedent may disclaim such property in whole or in part, and a partial disclaimer or renunciation, in accordance with the provisions of this section, shall be effective whether the property so renounced or disclaimed constitutes a portion of a single, aggregate gift or constitutes part or all of a separate, independent gift; provided, however, that a partial disclaimer shall be effective only with respect to property expressly described or referred to by category in such disclaimer, and provided further, that a partial disclaimer of property which is subject to a burdensome interest created by

the decedent's will shall not be effective unless such property constitutes a gift which is separate and distinct from undisclaimed gifts.

(f) Disclaimer After Acceptance. No disclaimer shall be effective after the acceptance of the property by the heir, legatee, devisee, or beneficiary. For the purpose of this section, acceptance shall occur only if the person making such disclaimer has previously taken possession or exercised dominion and control of such property in the capacity of heir, legatee, devisee, or beneficiary.

Added by Acts 1971, 62nd Leg., p. 2954, ch. 979, § 1, eff. Aug. 30, 1971.

CHAPTER III—DETERMINATION OF HEIRSHIP

§ 48. Proceedings to Declare Heirship. When and Where Instituted

(a) When a person dies intestate owning or entitled to real or personal property in Texas, and there shall have been no administration in this State upon his estate; or when there has been a will probated in this State or elsewhere, or an administration in this State upon the estate of such decedent, and any real or personal property in this State has been omitted from such will or from such administration, or no final disposition thereof has been made in such administration, the court of the county in which such proceedings were last pending, or in the event no will of such decedent has been admitted to probate in this State, and no administration has been granted in this State upon the estate of such decedent, then the court of the county in which any of the real property belonging to such estate is situated, or if there is no such real estate, then of the county in which any personal property belonging to such estate is found, may determine and declare in the manner hereinafter provided who are the heirs and only heirs of such decedent, and their respective shares and interests, under the laws of this State, in the estate of such decedent, and proceedings therefor shall be known as proceedings to declare heirship.

(b) If an application for determination of heirship is filed within four (4) years from the date of the death of the decedent, the applicant may request that the court determine whether a necessity for administration exists. The court shall hear evidence upon the issue and make a determination thereof in its judgment.

Amended by Acts 1971, 62nd Leg., p. 971, ch. 173, § 4, eff. Jan. 1, 1972.

§ 49. Who May Institute Proceedings to Declare Heirship

Such proceedings may be instituted and maintained in any of the instances enumerated above by any person or persons claiming to be the owner of the whole or a part of the estate of such decedent. In such a case an application shall be filed in a proper court stating the name, time, and place of death and the names and residences of the heirs of the decedent, if known to the applicant, and, if the time and place of death or the names and residences of all of the heirs of such decedent be not definitely known to such applicant, then the application shall set forth all of the material facts and circumstances within the knowledge or information of such applicant, as may reasonably tend to show the time and place of death of the decedent, and the names and places of residence of the heirs, and the true share and interest of each applicant, and of each heir, in the estate of such decedent. Such application shall, so far as is known to any of the applicants, contain a general description of all the real property of the decedent and a general description of all the personal property belonging to the estate of the decedent. If any of the foregoing information is not set out in the application, the reason for the omission shall be stated. Such application shall be supported by the affidavit of

each applicant to the effect that, insofar as is known to such applicant, all the allegations of such application are true in substance and in fact and that no such material fact or circumstance has, within the affiant's knowledge, been omitted from such application. The unknown heirs of such decedent, all persons who are named in the application as heirs of such decedent, and all persons who are, at the date of the filing of the application, shown by the deed records of the county in which any of the real property described in such application is situated to own any share or interest in any such real property, shall be made parties in such proceeding.

Amended by Acts 1971, 62nd Leg., p. 971, ch. 173, § 4, eff. Jan. 1, 1972.

§ 50. Notice

Citation shall be served by registered or certified mail upon all defendants whose names and addresses are known, or whose names and addresses can be learned through the exercise of reasonable diligence, provided that the court may in its discretion require that service of citation shall be made by personal service upon some or all of those named as defendants in the application. Unknown heirs, and known heirs whose addresses cannot be ascertained, shall be served by publication in the county in which the proceedings are commenced, and if the decedent resided in another county, then a citation shall also be published in the county of his last residence.

Amended by Acts 1971, 62nd Leg., p. 971, ch. 173, § 4, eff. Jan. 1, 1972.

§ 51. Transfer of Proceeding When Will Probated or Administration Granted

If an administration upon the estate of any such decedent shall be granted in the State, or if the will of such decedent shall be admitted to probate in this State, after the institution of a proceeding to declare heirship, the court in which such proceeding is pending shall, by an order entered of record therein, transfer the cause to the court of the county in which such administration shall have been granted, or such will shall have been probated, and thereupon the clerk of the court in which such proceeding was originally filed shall send to the clerk of the court named in such order, a certified transcript of all pleadings, docket entries, and orders of the court in such cause. The clerk of the court to which such cause shall be transferred shall file the transcript and record the same in the minutes of the court and shall docket such cause, and the same shall thereafter proceed as though originally filed in that court. The court, in its discretion, may consolidate the cause so transferred with the pending proceeding.

Amended by Acts 1971, 62nd Leg., p. 971, ch. 173, § 4, eff. Jan. 1, 1972.

§ 53. Evidence; Unknown Parties

(a) The court in its discretion may require all or any part of the evidence admitted in a proceeding to declare heirship to be reduced to writing, and subscribed and sworn to by the witnesses, respectively, and filed in the cause, and recorded in the minutes of the court.

(b) If it appears to the court that there are or may be living heirs whose names or whereabouts are unknown, or that any defendant is a minor or an incompetent, the court may, in its discretion, appoint an attorney to represent the interests of any such persons, but no attorney shall be appointed except when the court finds that such appointment is necessary to protect the interests of the persons for whom the attorney is appointed.

Amended by Acts 1971, 62nd Leg., p. 971, ch. 173, § 4, eff. Jan. 1, 1972.

For Annotations and Historical Notes, see V.A.T.S.

§ 54. Judgment

The judgment of the court in a proceeding to declare heirship shall declare the names and places of residence of the heirs of the decedent, and their respective shares and interests in the real and personal property of such decedent. If the proof is in any respect deficient, the judgment shall so state.

Amended by Acts 1971, 62nd Leg., p. 971, ch. 173, § 4, eff. Jan. 1, 1972.

§ 55. Effect of Judgment

(a) Such judgment shall be a final judgment, and may be appealed or reviewed within the same time limits and in the same manner as may other judgments in probate matters at the instance of any interested person. If any person who is an heir of the decedent is not served with citation by registered or certified mail, or by personal service, he may at any time within four years from the date of such judgment have the same corrected by writ of certiorari or bill of review, or upon proof of actual fraud, after the passage of any length of time, and may recover from the heirs named in the judgment, and those claiming under them who are not bona fide purchasers for value, his just share of the property or its value.

(b) Although such judgment may later be modified, set aside, or nullified, it shall nevertheless be conclusive in any suit between any heir omitted from the judgment and a bona fide purchaser for value who has purchased real or personal property after entry of the judgment without actual notice of the claim of the omitted heir. Similarly, any person who has delivered funds or property of the decedent to the persons declared to be heirs in the judgment, or has engaged in any other transaction with them, in good faith, after entry of such judgment, shall not be liable therefor to any person.

(c) If the court states in its judgment that there is no necessity for administration on the estate, such recital shall constitute authorization to all persons owing any money to the estate of the decedent, or having custody of any property of such estate, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property, or right belonging to the estate, and to persons purchasing from or otherwise dealing with the heirs as determined in the judgment, to pay, deliver, or transfer such property or evidence of property rights to such heirs, or to purchase property from such heirs, without liability to any creditor of the estate or other person. Such heirs shall be entitled to enforce their right to payment, delivery, or transfer by suit. Nothing in this chapter shall affect the rights or remedies of the creditors of the decedent except as provided in this subsection.

Amended by Acts 1971, 62nd Leg., p. 971, ch. 173, § 4, eff. Jan. 1, 1972.

§ 59. Requisites of a Will

Every last will and testament, except where otherwise provided by law, shall be in writing and signed by the testator in person or by another person for him by his direction and in his presence, and shall, if not wholly in the handwriting of the testator, be attested by two (2) or more credible witnesses above the age of fourteen (14) years who shall subscribe their names thereto in their own handwriting in the presence of the testator. Such a will or testament may, at the time of its execution or at any subsequent date during the lifetime of the testator and the witnesses, be made self-proved, and the testimony of the witnesses in the probate thereof may be made unnecessary, by the affidavits of the testator and the attesting witnesses, made before an officer authorized to take acknowledgments to deeds of conveyance and to administer oaths under the laws of this State. Provided that nothing shall require an affidavit, acknowledgment or certificate of any testator or testatrix as a prerequisite to self-proof of a will or testament other than the certificate

set out below. The affidavits shall be evidenced by a certificate, with official seal affixed, of such officer attached or annexed to such will or testament in form and contents substantially as follows:

THE STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____, _____, and _____, known to me to be the testator and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and, all of said persons being by me duly sworn, the said _____, testator, declared to me and to the said witnesses in my presence that said instrument is his last will and testament, and that he had willingly made and executed it as his free act and deed for the purposes therein expressed; and the said witnesses, each on his oath stated to me, in the presence and hearing of the said testator, that the said testator had declared to them that said instrument is his last will and testatment, and that he executed same as such and wanted each of them to sign it as a witness; and upon their oaths each witness stated further that they did sign the same as witnesses in the presence of the said testator and at his request; that he was at that time eighteen years of age or over (or being under such age, was or had been lawfully married, or was then a member of the armed forces of the United States or of an auxiliary thereof or of the Maritime Service) and was of sound mind; and that each of said witnesses was then at least fourteen years of age.

_____
Testator

_____
Witness

_____
Witness

Subscribed and acknowledged before me by the said _____, testator, and subscribed and sworn to before me by the said _____ and _____, witnesses, this _____ day of _____ A.D. _____.

(SEAL)

(Signed) _____
(Official Capacity of Officer)

A self-proved will may be admitted to probate without the testimony of any subscribing witness, but otherwise it shall be treated no differently than a will not self-proved. In particular and without limiting the generality of the foregoing, a self-proved will may be contested, or revoked or amended by a codicil in exactly the same fashion as a will not self-proved.

Amended by Acts 1961, 57th Leg., p. 936, ch. 412, § 1, eff. June 17, 1961; Acts 1969, 61st Leg., p. 1922, ch. 641, § 5, eff. June 12, 1969; Acts 1971, 62nd Leg., p. 974, ch. 173, § 5, eff. Jan. 1, 1972.

Section 6 of the amendatory act of 1971 provided: "All wills self-proved prior to the passage of this Act which were executed in compliance with Section 59 of the Texas Probate Code are in all things relating to self-proving hereby ratified."

CHAPTER V—PROBATE, GRANT OF ADMINISTRATION, AND GUARDIANSHIP

PART 1. ESTATES OF DECEDENTS

§ 72. Proceedings Before Death; Administration in Absence of Direct Evidence of Death; Distribution; Limitation of Liability; Restoration of Estate; Validation of Proceedings

(a) The probate of a will or administration of an estate of a living person shall be void; provided, however, that the court shall have jurisdiction to determine the fact, time and place of death, and where application is made for the grant of letters testamentary or of administration upon the estate of a person believed to be dead and there is no direct evidence that such person is dead but the death of such person shall be proved by circumstantial evidence to the satisfaction of the court, such letters shall be granted. Distribution of the estate to the persons entitled thereto shall not be made by the personal representative until after the expiration of three (3) years from the date such letters are granted. If in a subsequent action such person shall be proved by direct evidence to have been living at any time subsequent to the date of grant of such letters, neither the personal representative nor anyone who shall deliver said estate or any part thereof to another under orders of the court shall be liable therefor; and provided further, that such person shall be entitled to restoration of said estate or the residue thereof with the rents and profits therefrom, except real or personal property sold by the personal representative or any distributee, his successors or assigns, to bona fide purchasers for value, in which case the right of such person to the restoration shall be limited to the proceeds of such sale or the residue thereof with the increase thereof. In no event shall the bonds of such personal representative be void provided, however, that the surety shall have no liability for any acts of the personal representative which were done in compliance with or approved by an order of the court. Probate proceedings upon estates of persons believed to be dead brought prior to the effective date of this Act and all such probate proceedings then pending, except such probate proceedings contested in any litigation pending on the effective date of this Act, are hereby validated insofar as the court's finding of death of such person is concerned.

(b) In any case in which the fact of death must be proved by circumstantial evidence, the court, at the request of any interested person, may direct that citation be issued to the person supposed to be dead, and served upon him by publication and by posting, and by such additional means as the court may by its order direct. After letters testamentary or of administration have been issued, the court may also direct the personal representative to make a search for the person supposed to be dead by notifying law enforcement agencies and public welfare agencies in appropriate locations that such person has disappeared, and may further direct that the applicant engage the services of an investigative agency to make a search for such person. The expenses of search and notices shall be taxed as costs and shall be paid out of the property of the estate.
Amended by Acts 1959, 56th Leg., p. 950, ch. 442, § 1, eff. May 30, 1959; Acts 1971, 62nd Leg., p. 975, ch. 173, § 7, eff. Jan. 1, 1972.

§ 73. Period for Probate

(a) No will shall be admitted to probate after the lapse of four years from the death of the testator unless it be shown by proof that the party applying for such probate was not in default in failing to present the same for probate within the four years aforesaid; and in no case shall

letters testamentary be issued where a will is admitted to probate after the lapse of four years from the death of the testator.

(b) If any person shall purchase real or personal property from the heirs of a decedent more than four years from the date of the death of the decedent, for value, in good faith, and without knowledge of the existence of a will, such purchaser shall be held to have good title to the interest which such heir or heirs would have had in the absence of a will, as against the claims of any devisees or legatees under any will which may thereafter be offered for probate.

Amended by Acts 1971, 62nd Leg., p. 976, ch. 173, § 8, eff. Jan. 1, 1972.

§ 74. Time to File Application for Letters Testamentary or Administration

All applications for the grant of letters testamentary or of administration upon an estate must be filed within four years after the death of the testator or intestate; provided, that this section shall not apply in any case where administration is necessary in order to receive or recover funds or other property due to the estate of the decedent.

Amended by Acts 1971, 62nd Leg., p. 976, ch. 173, § 8, eff. Jan. 1, 1972.

§ 81. Contents of Application for Letters Testamentary

(a) For Probate of a Written Will. A written will shall, if within the control of the applicant, be filed with the application for its probate, and shall remain in the custody of the county clerk unless removed therefrom by order of a proper court. An application for probate of a written will shall state:

(1) The name and domicile of each applicant.

(2) The name, age if known, and domicile of the decedent, and the fact, time, and place of death.

(3) Facts showing that the court has venue.

(4) That the decedent owned real or personal property, or both, describing the same generally, and stating its probable value.

(5) The date of the will, the name and residence of the executor named therein, if any, and if none be named, then the name and residence of the person to whom it is desired that letters be issued, and also the names and residences of the subscribing witnesses, if any.

(6) Whether a child or children born or adopted after the making of such will survived the decedent, and the name of each such survivor, if any.

(7) That such executor or applicant, or other person to whom it is desired that letters be issued, is not disqualified by law from accepting letters.

(8) Whether the decedent was ever divorced, and if so, when and from whom.

The foregoing matters shall be stated and averred in the application to the extent that they are known to the applicant, or can with reasonable diligence be ascertained by him, and if any of such matters is not stated or averred in the application, the application shall set forth the reason why such matter is not so stated and averred.

(b) For Probate of Written Will Not Produced. When a written will cannot be produced in court, in addition to the requirements of Subsection (a) hereof, the application shall state:

(1) The reason why such will cannot be produced.

(2) The contents of such will, as far as known.

(3) The date of such will and the executor appointed therein, if any, as far as known.

(4) The name, age, marital status, and address, if known, and the relationship to the decedent, if any, of each devisee, and of each person who would inherit as an heir in the absence of a valid will, and, in cases of partial intestacy, of each heir.

(c) Nuncupative Wills. An application for probate of a nuncupative will shall contain all applicable statements required with respect to written wills in the foregoing subsections and also:

(1) The substance of testamentary words spoken.

(2) The names and residences of the witnesses thereto.

Amended by Acts 1971, 62nd Leg., p. 976, ch. 173, § 9, eff. Jan. 1, 1972.

§ 87. Testimony to Be Committed to Writing

All testimony taken in open court upon the hearing of an application to probate a will shall be committed to writing at the time it is taken, and subscribed, and sworn to in open court by the witness or witnesses, and filed by the clerk; provided, however, that in any contested case, the court may, upon agreement of the parties, and in the event of no agreement on its own motion, dismiss this requirement.

Amended by Acts 1971, 62nd Leg., p. 976, ch. 173, § 9, eff. Jan. 1, 1972.

PART 2. PROCEDURE PERTAINING TO FOREIGN WILLS

§ 95. Probate of Foreign Will Accomplished by Filing and Recording

(a) Foreign Will May Be Probated. The written will of a testator who was not domiciled in Texas at the time of his death which would affect any real or personal property in this State, may be admitted to probate upon proof that it stands probated or established in any of the United States, its territories, the District of Columbia, or any foreign nation.

(b) Application and Citation.

(1) Will probated in domiciliary jurisdiction. If a foreign will has been admitted to probate or established in the jurisdiction in which the testator was domiciled at the time of his death, the application need state only that probate is requested on the basis of the authenticated copy of the foreign proceedings in which the will was probated or established. No citation or notice is required.

(2) Will probated in non-domiciliary jurisdiction. If a foreign will has been admitted to probate or established in any jurisdiction other than the domicile of the testator at the time of his death, the application for its probate shall contain all of the information required in an application for the probate of a domestic will, and shall also set out the name and address of each devisee and each person who will be entitled to a portion of the estate as an heir in the absence of a will. Citations shall be issued and served on each such devisee and heir by registered or certified mail.

(c) Copy of Will and Proceedings To Be Filed. A copy of the will and of the judgment, order, or decree by which it was admitted to probate or otherwise established, attested by the clerk of the court or by such other official as has custody of such will or is in charge of probate records, with the seal of the court affixed, if there is a seal, together with a certificate of the judge or presiding magistrate of such court that the said attestation is in due form, shall be filed with the application.

(d) Probate Accomplished by Recording.

(1) Will admitted in domiciliary jurisdiction. If the will has been probated or established in the jurisdiction in which the testator was domiciled at the time of his death, it shall be the ministerial duty of the clerk to record such will and the evidence of its probate or establishment in the minutes of the court. No order of the court is necessary. When so filed and recorded, the will shall be deemed to be admitted to probate,

and shall have the same force and effect for all purposes as if the original will had been probated by order of the court, subject to contest in the manner and to the extent hereinafter provided.

(2) Will admitted in non-domiciliary jurisdiction. If the will has been probated or established in another jurisdiction not the domicile of the testator, its probate in this State may be contested in the same manner as if the testator had been domiciled in this State at the time of his death. If no contest is filed, the clerk shall record such will and the evidence of its probate or establishment in the minutes of the court, and no order of the court shall be necessary. When so filed and recorded, it shall be deemed to be admitted to probate, and shall have the same force and effect for all purposes as if the original will had been probated by order of the court, subject to contest in the manner and to the extent hereafter provided.

(e) Effect of Foreign Will on Local Property. If a foreign will has been admitted to probate or established in the jurisdiction in which the testator was domiciled at the time of his death, such will, when probated as herein provided, shall be effectual to dispose of both real and personal property in this State irrespective of whether such will was executed with the formalities required by this Code.

(f) Protection of Purchasers. When a foreign will has been probated in this State in accordance with the procedure prescribed in this section for a will that has been admitted to probate in the domicile of the testator, and it is later proved in a proceeding brought for that purpose that the foreign jurisdiction in which the will was admitted to probate was not in fact the domicile of the testator, the probate in this State shall be set aside. If any person has purchased property from the personal representative or any legatee or devisee, in good faith and for value, or otherwise dealt with any of them in good faith, prior to the commencement of the proceeding, his title or rights shall not be affected by the fact that the probate in this State is subsequently set aside.

Amended by Acts 1971, 62nd Leg., p. 976, ch. 173, § 9, eff. Jan. 1, 1972.

§ 100. Contest of Foreign Wills

(a) Will Admitted in Domiciliary Jurisdiction. A foreign will that has been admitted to probate or established in the jurisdiction in which the testator was domiciled at the time of his death, and either admitted to probate in this State or filed in the deed records of any county of this State, may be contested by any interested person but only upon the following grounds:

(1) That the foreign proceedings were not authenticated in the manner required for ancillary probate or recording in the deed records.

(2) That the will has been finally rejected for probate in this State in another proceeding.

(3) That the probate of the will has been set aside in the jurisdiction in which the testator died domiciled.

(b) Will Probated in Non-Domiciliary Jurisdiction. A foreign will that has been admitted to probate or established in any jurisdiction other than that of the testator's domicile at the time of his death may be contested on any grounds that are the basis for the contest of a domestic will. If a will has been probated in this State in accordance with the procedure applicable for the probate of a will that has been admitted in the state of domicile, without the service of citation required for a will admitted in another jurisdiction that is not the domicile of the testator, and it is proved that the foreign jurisdiction in which the will was probated was not in fact the domicile of the testator, the probate in this State shall be set aside. If otherwise entitled, the will may be reprobated in accordance with the procedure prescribed for the probate of a will

admitted in a non-domiciliary jurisdiction, or it may be admitted to original probate in this State in the same or a subsequent proceeding.

(c) Time and Method. A foreign will that has been admitted to ancillary probate in this State or filed in the deed records in this State may be contested by the same procedures, and within the same time limits, as wills admitted to probate in this State in original proceedings.

Amended by Acts 1971, 62nd Leg., p. 976, ch. 173, § 9, eff. Jan. 1, 1972.

§ 102. Effect of Rejection of Will in Domiciliary Proceedings

Final rejection of a will or other testamentary instrument from probate or establishment in the jurisdiction in which the testator was domiciled shall be conclusive in this State, except where the will or other testamentary instrument has been rejected solely for a cause which is not ground for rejection of a will of a testator who died domiciled in this State, in which case the will or testamentary instrument may nevertheless be admitted to probate or continue to be effective in this State.

Amended by Acts 1971, 62nd Leg., p. 976, ch. 173, § 9, eff. Jan. 1, 1972.

§ 106. When Foreign Executor to Give Bond

A foreign executor shall not be required to give bond if the will appointing him so provides. If the will does not exempt him from giving bond, the provisions of this Code with respect to the bonds of domestic representatives shall be applicable.

Amended by Acts 1971, 62nd Leg., p. 976, ch. 173, § 9, eff. Jan. 1, 1972.

PART 3. ESTATES OF MINORS AND INCOMPETENTS

§ 110. Persons Disqualified to Serve as Guardians

The following persons shall not be appointed guardians:

(a) Minors.

(b) Persons whose conduct is notoriously bad.

(c) Incompetents.

(d) Those who are themselves parties, or whose father or mother is a party to a lawsuit on the result of which the welfare of the person for whom, or for whose estate, a guardian is to be appointed, may depend.

(e) Those who are indebted to the person for whom or for whose estate a guardian is to be appointed, unless they pay the debt prior to the appointment, or who are asserting any claim to any property, real or personal, adverse to the person for whom, or for whose estate, the appointment is sought.

(f) Those who are unable to read and write the English language.

(g) Those who by reason of inexperience or lack of education, or for other good reason, are shown to be incapable of properly and prudently managing and controlling the ward or his estate.

Amended by Acts 1971, 62nd Leg., p. 976, ch. 173, § 9, eff. Jan. 1, 1972.

CHAPTER VI—SPECIAL TYPES OF ADMINISTRATION AND GUARDIANSHIP

PART 3. SMALL ESTATES

§ 137. Collection of Small Estates Upon Affidavit

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as Vernon's Ann.Civ.St. art. 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to subsections (d) and (e) of this section.

§ 144. Payment of Small Claims Without Guardianship

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(b) To Non-Resident. Whenever a non-resident minor or whenever a non-resident person duly adjudged by a court of competent jurisdiction to be of unsound mind or to be an habitual drunkard, having no legal guardian qualified in this state, is entitled to money in an amount, not exceeding Three Thousand Dollars owing as a result of transactions within this state, the right to which is liquidated and is uncontested in any pending lawsuit in this state, the debtor in this state may pay such money to the guardian of such creditor duly qualified in his domiciliary jurisdiction or to the county clerk of any county in this state in which real property owned by such non-resident person is situated. If such person is not known to own any real property in any county in this state such debtor shall have the right to pay such money to the county clerk of the county of this state in which the debtor resides. In either case, such payment to the clerk shall be for the use and benefit and for the account of such non-resident creditor, and the receipt for such payment signed by the clerk, reciting the name of such creditor and his post-office address, if known, shall be forever binding against such creditor as of the date and to the extent of such payment. Such money so paid to such clerk shall be handled by him in the same manner as above provided for in cases of payments to the clerk for the accounts of residents of this state, and all applicable provisions of Subsection (a) above shall apply to the handling and disposition of money or any increase, dividend, or income herefrom so paid to the clerk for the use, benefit, and account of such non-resident creditor.

Subsec. (b) amended by Acts 1969, 61st Leg., p. 1978, ch. 671, § 1, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 2993, ch. 988, § 5, eff. June 15, 1971.

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PART 4. INDEPENDENT ADMINISTRATION

§ 149A. Accounting

(a) Interested Person May Demand Accounting. At any time after the expiration of fifteen months from the date a will appointing an independent executor is admitted to probate, any person interested in the estate may demand an accounting from the independent executor. The inde-

pendent executor shall thereupon furnish to the person or persons making the demand an exhibit in writing, sworn and subscribed by the independent executor, setting forth in detail:

1. The property belonging to the estate which has come into his hands as executor.
2. The disposition that has been made of such property.
3. The debts that have been paid.
4. The debts and expenses, if any, still owing by the estate.
5. The property of the estate, if any, still remaining in his hands.
6. Such other facts as may be necessary to a full and definite understanding of the exact condition of the estate.
7. Such facts, if any, that show why the administration should not be closed and the estate distributed.

Any other interested person shall, upon demand, be entitled to a copy of any exhibit or accounting that has been made by an independent executor in compliance with this section.

(b) Enforcement of Demand. Should the independent executor not comply with a demand for an accounting authorized by this section within sixty days after receipt of the demand, the person making the demand may compel compliance by a suit in the district court. After a hearing, the court shall enter an order requiring the accounting to be made at such time as it deems proper under the circumstances.

(c) Subsequent Demands. After an initial accounting has been given by an independent executor, any person interested in an estate may demand subsequent periodic accountings at intervals of not less than twelve months, and such subsequent demands may be enforced in the same manner as an initial demand.

(d) Remedies Cumulative. The right to an accounting accorded by this section is cumulative of any other remedies which persons interested in an estate may have against the independent executor thereof.
Added by Acts 1971, 62nd Leg., p. 980, ch. 173, § 10, eff. Jan. 1, 1972.

PART 5. ADMINISTRATION OF COMMUNITY PROPERTY

§ 155. Administration of Community Property

When a husband or wife dies intestate and the community property passes to the survivor, no administration thereon, community or otherwise, shall be necessary.
Amended by Acts 1971, 62nd Leg., p. 980, ch. 173, § 11, eff. Jan. 1, 1972.

§ 156. Liability of Community Property for Debts

The community property subject to the sole or joint management, control, and disposition of a spouse during marriage continues to be subject to the liabilities of that spouse upon death. In addition, the interest that the deceased spouse owned in any other nonexempt community property passes to his or her heirs or devisees charged with the debts which were enforceable against such deceased spouse prior to his or her death. In the administration of community estates, the survivor or personal representative shall keep a separate, distinct account of all community debts allowed or paid in the administration and settlement of such estate.
Amended by Acts 1971, 62nd Leg., p. 980, ch. 173, § 11, eff. Jan. 1, 1972.

§ 161. Community Administration

Whenever an interest in community property passes to someone other than the surviving spouse, the surviving spouse may qualify as community administrator in the manner hereinafter provided if

(a) The deceased spouse failed to name an executor in his will, or

(b) If the executor named in the will of the deceased spouse is for any reason unable or unwilling to qualify as such, or

(c) If the deceased spouse died intestate.

Amended by Acts 1971, 62nd Leg., p. 980, ch. 173, § 11, eff. Jan. 1, 1972.

§ 162. Application for Community Administration

A surviving spouse who desires to qualify as a community administrator shall, within four years after the death of the other spouse, file a written application in the court having venue over the estate of the deceased spouse, stating:

(a) That the other spouse is dead, setting forth the time and place of such death; and

(b) The name and residence of each person to whom an interest in community property has passed by the will of the decedent or by intestacy; and

(c) That there is a community estate between the deceased spouse and the applicant, and the facts that authorize the applicant to be appointed as community administrator; and

(d) That, by virtue of facts set forth in the application, the court has venue over the estate of the deceased spouse; and

(e) If the applicant desires that appraisers be appointed, that not less than one nor more than three appraisers should be appointed to appraise such estate.

Amended by Acts 1971, 62nd Leg., p. 980, ch. 173, § 11, eff. Jan. 1, 1972.

§ 163. Appointment of Appraisers

If the appointment of appraisers is requested by the applicant, or by any interested person, the judge shall, without notice or citation, enter an order appointing appraisers to appraise such estate as in other administrations.

Amended by Acts 1971, 62nd Leg., p. 980, ch. 173, § 11, eff. Jan. 1, 1972.

§ 164. Inventory, Appraisement, and List of Claims

The surviving spouse, with the assistance of the appraisers, if any be appointed, shall make out a full, fair, and complete inventory, appraisement, and list of claims of the community estate as in other administrations, shall attach thereto a list of all indebtedness owing by said community estate to other parties, giving the amount of each debt and the name of the party or parties to whom it is owing, and his or their post-office address, and shall return same to the court within ninety (90) days after the date of the order appointing appraisers, if any be appointed, unless a longer time shall be granted by the court. If no appraisers be appointed, such return shall be made within ninety (90) days after the date of the application for community administration, unless a longer time shall be granted by the court. In either event, the court may, for good cause shown, require the filing of the inventory and appraisement within a shorter period of time. Such inventory, list of claims, and list of indebtedness of such community estate shall be sworn to by said surviving spouse, and said inventory, appraisement, and list of claims owing said community estate shall be sworn to by said appraisers, if any appraisers have been appointed.

Amended by Acts 1971, 62nd Leg., p. 980, ch. 173, § 11, eff. Jan. 1, 1972.

§ 165. Bond of Community Administrator

The community administrator shall at the time the inventory, appraisement, and list of claims are returned, present to the court a bond with two or more good and sufficient sureties, payable to and to be approved by the judge and his successors in a sum as is found by the judge

to be adequate under all the circumstances, or a bond with one surety in a sum as is found by the judge to be adequate under all the circumstances, if the surety is an authorized corporate surety. The condition of the bond shall be that such surviving spouse will faithfully administer such community estate and will, after the payment of debts with which such property is properly chargeable, deliver to such person or persons as shall be entitled to receive the same the portion of the community estate devised or bequeathed to them under the terms of the will of the deceased spouse, or which passes to them under the laws of descent and distribution. Either spouse may by will apportion community indebtedness as between the devisees and legatees of such testator and the surviving spouse, but this shall not include the power to charge the community share of the surviving spouse with more than the portion of the community debts for which it would otherwise be liable.

Amended by Acts 1965, 59th Leg., p. 717, ch. 339, § 1, eff. June 9, 1965; Acts 1971, 62nd Leg., p. 982, ch. 173, § 12, eff. Jan. 1, 1972.

§ 167. Powers of Community Administrator

When the order mentioned in the preceding section has been entered, the survivor, without any further action in the court, shall have the power to control, manage, and dispose of the community property, as provided in this Code, as fully and completely as if he or she were the sole owner thereof, and to sue and be sued with regard to the same; and a certified copy of the order of the court shall be evidence of the qualification and right of such survivor. After paying community debts outstanding at the death of the deceased spouse, the qualified community administrator may carry on as statutory trustee for the owners of the community estate, investing and reinvesting the funds of the estate and continuing the operation of community enterprises until the termination of the trust as provided in this Code. The qualified community administrator is not entitled to mortgage community property to secure debts incurred for his individual benefit, or otherwise to appropriate the community estate to his individual benefit; but he may transfer or encumber his individual interest in the community estate.

Amended by Acts 1971, 62nd Leg., p. 982, ch. 173, § 13, eff. Jan. 1, 1972.

§ 168. Accounting by Survivor

The survivor, whether qualified as community administrator or not, shall keep a fair and full account and statement of all community debts and expenses paid by him, and of the disposition made of the community property; and, upon final partition of such estate, shall deliver to the heirs, devisees or legatees of the deceased spouse their interest in such estate, and the increase and profits of the same, after deducting therefrom the proportion of the community debts chargeable thereto, unavoidable losses, necessary and reasonable expenses, and a reasonable commission for the management of the same. Neither the survivor nor his bondsmen shall be liable for losses sustained by the estate, except when the survivor has been guilty of gross negligence or bad faith.

Amended by Acts 1971, 62nd Leg., p. 982, ch. 173, § 13, eff. Jan. 1, 1972.

§ 177. Distribution of Powers Among Personal Representatives and Surviving Spouse

(a) When Community Administrator Has Qualified. The qualified community administrator is entitled to administer the entire community estate, including the part which was by law under the management of the deceased spouse during the continuance of the marriage.

(b) When No Community Administrator Has Qualified. When an executor of the estate of a deceased spouse has duly qualified, such ex-

ecutor is authorized to administer, not only the separate property of the deceased spouse, but also the community property which was by law under the management of the deceased spouse during the continuance of the marriage and all of the community property that was by law under the joint control of the spouses during the continuance of the marriage. The surviving spouse, as surviving partner of the marital partnership, is entitled to retain possession and control of all community property which was legally under the sole management of the surviving spouse during the continuance of the marriage and to exercise over that property all the powers elsewhere in this part of this Code authorized to be exercised by the surviving spouse when there is no administration pending on the estate of the deceased spouse. The surviving spouse may by written instrument filed with the clerk waive any right to exercise powers as community survivor, and in such event the executor or administrator of the deceased spouse shall be authorized to administer upon the entire community estate.

Amended by Acts 1971, 62nd Leg., p. 982, ch. 173, § 13, eff. Jan. 1, 1972.

CHAPTER VII—EXECUTORS, ADMINISTRATORS, AND GUARDIANS

§ 194. Bonds of Personal Representatives of Estates

Except when bond is not required under the provisions of this Code, before the issuance of letters testamentary, or of administration or guardianship of estates, the recipient of letters shall enter into bond conditioned as required by law, payable to the county judge or probate judge of the county in which the probate proceedings are pending and to his successors in office. Such bonds shall bear the written approval of either of such judges in his official capacity, and shall be executed and approved in accordance with the following rules:

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6. Deposits Authorized or Required, When.

Cash or securities or other personal assets of an estate or ward or which an estate or ward is entitled to receive may, and if deemed by the court in the best interest of such estate or ward shall, be deposited or placed in safekeeping as the case may be, in one or more of the depositories hereinabove described upon such terms as shall be prescribed by the court. The court in which the proceedings are pending, upon its own motion, or upon written application of the representative or of any other person interested in the estate or ward may authorize or require additional assets of the estate then on hand or as they accrue during the pendency of the probate proceedings to be deposited or held in safekeeping as provided above. The amount of the bond of the personal representative shall be reduced in proportion to the cash so deposited, or the value of the securities or other assets placed in safekeeping. Such cash so deposited, or securities or other assets held in safekeeping, or portions thereof, may be withdrawn from a depository only upon order of the court, and the bond of the personal representative shall be increased in proportion to the amount of cash or the value of securities or other assets so authorized to be withdrawn.

Amended by Acts 1957, 55th Leg., p. 53, ch. 31, § 6(b), eff. Aug. 22, 1957; Subd. 6 amended by Acts 1971, 62nd Leg., p. 983, ch. 173, § 14, eff. Jan. 1, 1972.

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§ 234. Exercise of Powers With and Without Court Order

(a) Powers To Be Exercised Under Order of the Court. The personal representative of the estate of any person may, upon application and order authorizing same, renew or extend any obligation owing by or to such estate. When a personal representative deems it for the interest of the estate, he may, upon written application to the court, and by order granting authority:

(1) Purchase or exchange property;

(2) Take claims or property for the use and benefit of the estate in payment of any debt due or owing to the estate;

(3) Compound bad or doubtful debts due or owing to the estate;

(4) Make compromises or settlements in relation to property or claims in dispute or litigation;

(5) Compromise or pay in full any secured claim which has been allowed and approved as required by law against the estate by conveying to the holder of such claim the real estate or personalty securing the same, in full payment, liquidation, and satisfaction thereof, and in consideration of cancellation of notes, deeds of trust, mortgages, chattel mortgages, or other evidences of liens securing the payment of such claim.

(b) Powers To Be Exercised Without Court Order. The personal representative of the estate of any person may, without application to or order of the court, exercise the powers listed below, provided, however, that a personal representative under court control may apply and obtain an order if doubtful of the propriety of the exercise of any such powers:

(1) Release liens upon payment at maturity of the debt secured thereby;

(2) Vote stocks by limited or general proxy;

(3) Pay calls and assessments;

(4) Insure the estate against liability in appropriate cases;

(5) Insure property of the estate against fire, theft, and other hazards;

(6) Pay taxes, court costs, bond premiums.

Amended by Acts 1971, 62nd Leg., p. 984, ch. 173, § 15, eff. Jan. 1, 1972.

CHAPTER VIII—PROCEEDINGS DURING ADMINISTRATION AND GUARDIANSHIP

PART 4. PRESENTMENT AND PAYMENT OF CLAIMS

§ 298. Claims Against Estates of Decedents and Wards

(a) Claims Against Decedent's Estate Postponed if not Presented in Six Months. All claims for money against a testator or intestate shall be presented to the executor or administrator within six months after the original grant of letters testamentary or of administration; otherwise the payment thereof shall be postponed until the claims which have been presented within six months and allowed by the executor or administrator and approved by the court have been first entirely paid; provided, however, that the failure of the holder of a secured claim to present his claim within said six month period shall not cause his claim to be postponed, but it shall be treated as a claim to be paid in accordance with subsequent provisions of this Code.

Subsec. (a) amended by Acts 1971, 62nd Leg., p. 2992, ch. 988, § 1, eff. June 15, 1971.

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§ 311. When Claims Entered in Docket

(a) Claims Against Estates of Decedents. If a claim against the estate of a decedent has been presented within six months after the issu-

ance of original testamentary letters or of administration, and all or part of such claim is allowed by the executor or administrator, the claim shall forthwith be filed with the county clerk of the proper county, who shall enter the same in its proper place upon the claim docket. If such claim is not so presented within such time, the payment thereof, should it be approved in whole or in part, shall be postponed until all other claims which have been presented, allowed, and approved within the time prescribed have been first entirely paid.

Subsec. (a) amended by Acts 1971, 62nd Leg., p. 2992, ch. 988, § 2, eff. June 15, 1971.

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§ 322. Classification of Claims Against Estates of Decedent

Claims against an estate of a decedent shall be classed and have priority of payment, as follows:

Class 1. Funeral expenses and expenses of last sickness for a reasonable amount to be approved by the court, not to exceed One Thousand Dollars, any excess to be classified and paid as other unsecured claims.

Class 2. Expenses of administration and expenses incurred in the preservation, safe-keeping, and management of the estate.

Class 3. Claims secured by mortgage or other liens so far as the same can be paid out of the proceeds of the property subject to such mortgage or other lien, and when more than one mortgage or lien shall exist upon the same property, the oldest shall be first paid; but no preference shall be given to such mortgage or lien.

Class 4. All other claims legally exhibited within six months after the original grant of letters testamentary or of administration.

Class 5. All claims legally exhibited after the lapse of six months from the original grant of letters testamentary or of administration.

Amended by Acts 1971, 62nd Leg., p. 2992, ch. 988, § 3, eff. June 15, 1971.

§ 327. Claims Presented Against Estate of Decedent After Six Months

Unsecured claims against the estate presented to an executor or administrator after the expiration of six months from the original grant of letters, and allowed and approved or established by judgment, shall be paid by the executor or administrator at any time before the estate is finally closed, when he has funds of the estate in his hands over and above what is sufficient to pay all debts of every kind against the estate that were presented within the six months and allowed and approved or established by judgment, or that shall be so established; and an order for the payment of any such claim may be obtained from the court, upon proof that the executor or administrator has such funds, in like manner as is provided in this Code for other creditors to obtain payment.

Amended by Acts 1971, 62nd Leg., p. 2993, ch. 988, § 4, eff. June 15, 1971.

TITLE 112—RAILROADS

CHAPTER ELEVEN—RAILROAD COMMISSION OF TEXAS

Art. 6472a. Depositions in matters pending before Commission

'In all matters pending for hearing before the Railroad Commission of Texas, or any division thereof, the Commission, or any interested party, shall have the right to produce the testimony of any witness, or witnesses, by either written or oral depositions instead of compelling the personal attendance of witnesses. For this purpose the Commission is hereby empowered and authorized to issue commissions and all other process necessary for the purpose of taking such depositions. All depositions taken under the provisions of this Act shall be taken, insofar as applicable and to the fullest extent possible, in accordance with provisions of the Texas Rules of Civil Procedure, as amended, relating to written and oral depositions in civil cases.

Acts 1930, 41st Leg., 5th C.S., Leg., p. 183, ch. 43, § 1, eff. March 20, 1930. Amended by Acts 1971, 62nd Leg., p. 2541, ch. 835, § 1, eff. June 9, 1971.

Art. 6472b. Repealed by Acts 1971, 62nd Leg., p. 2541, ch. 835, § 2, eff. June 9, 1971

The repealed article provided for depositions in matters pending before transportation division of railroad commission, and was derived from Acts 1937, 45th Leg., p. 503, ch. 254.

See, now, 6472a.

TITLE 113A—REAL ESTATE DEALERS

Art. 6573a. The Real Estate License Act

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Fees

Sec. 22. The commission shall charge and collect the following fees:

(a) A fee not to exceed Twenty Dollars ($20.00) for the filing of any original application for real estate broker licensure.

(b) A fee not to exceed Twenty Dollars ($20.00) for the filing of any real estate broker license renewal application.

(c) A fee of Ten Dollars ($10.00) for the filing of an original application for real estate salesman licensure.

(d) A fee of Ten Dollars ($10.00) for the filing of any real estate salesman license renewal application.

(e) A fee of Three Dollars ($3.00) for a license for each additional office or place of business.

(f) A fee of Three Dollars ($3.00) for a license for a change of place of business or change of employer.

(g) A fee of Three Dollars ($3.00) to replace a license lost or destroyed.

(h) A fee of Two Hundred Dollars ($200.00) for the filing of an original application for approval of a real estate brokerage course to be conducted by a privately owned school (other than an accredited institution of higher learning) pursuant to provisions of Section 10 of this Act.

(i) A fee of One Hundred Dollars ($100.00) per annum for inspecting and renewing approval of a privately owned school (other than an accredited institution of higher learning) conducting real estate courses approved by the commission.

Sec. 22 amended by Acts 1971, 62nd Leg., p. 1142, ch. 256, § 6, eff. Aug. 30, 1971.

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Custody and disposition of funds

Sec. 24. (a) Ten Dollars ($10.00) received by the commission for the filing of broker license renewal applications and Five Dollars ($5.00) received by the commission for the filing of real estate salesman license renewal applications shall be transmitted to Texas A & M University for deposit in a separate banking account. The money in the separate account shall be expended for the support and maintenance of the Real Estate Research Center and for carrying out the purposes, objectives, and duties of the Center.

(b) Except as provided in Subsection (a) of this section all moneys derived from fees, assessments, or charges under this Act, shall be paid by the commission into the State Treasury for safekeeping, and shall by the State Treasurer be placed in a separate fund to be available for the use of the commission in the administration of the Act upon requisition of the commission. So much of such moneys so paid into the State Treasury as is necessary is hereby specifically appropriated to the commission for the purpose of paying the salaries and expenses of all persons employed or appointed as provided herein for the administration of this Act, and all other expenses necessary and proper for the administration of this Act, including equipment and maintenance of any supplies for such offices or quarters as the commission may occupy, and necessary traveling expenses for the commission or persons authorized to act for it when performing duties hereunder at the request of the commission. At the end of the State fiscal year, any unused portion of said funds in said

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special account, except such funds as may be appropriated to administer this Act pending receipt of additional revenues available for that purpose, shall be set over and paid into the General Revenue Fund. The Comptroller shall, upon requisition of the commission, from time to time draw warrants upon the State Treasurer for the amount specified in such requisition, not exceeding, however, the amount in such fund at the time of making any requisition; provided, however, that all moneys expended in the administration of this Act shall be specified and determined by itemized appropriation in the General Departmental Appropriation Bill for the Texas Real Estate Commission, and not otherwise.

Sec. 24 amended by Acts 1971, 62nd Leg., p. 1143, ch. 256, § 7, eff. Aug. 30, 1971.

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Acts 1971, 62nd Leg., p. 1140, ch. 256, which by sections 6 and 7 amended sections 22 and 24 of this article, respectively, established a Real Estate Research Center at Texas A & M University by sections 1 to 5, which were codified by Acts 1971, 62nd Leg., p. 3342, ch. 1024, art. 2, § 12, as V.T.C.A. Education Code, §§ 86.51 to 86.55.

Sections 8 and 9 of Acts 1971, 62nd Leg., p. 1140, ch. 256, provided:

"Sec. 8. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

"Sec. 9. All laws and parts of laws in conflict or inconsistent with this Act are hereby repealed."

TITLE 114—RECORDS

1. RECORDS

Article 6574. [6767–8] [4585] [4281] Old records transcribed

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6574a. Old probate records

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6574b. Photographic duplication of public records; disposition of original records

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

TITLE 115—REGISTRATION

CHAPTER ONE—RECORDERS AND THEIR DUTIES

Article 6591. [6786] [4602] [4294] Recorders

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6593. [6788] [4604] [4296] Record books

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6594. [6789] [4605] [4297] Memorandum and receipt

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6595. [6790] [4606] [4298] Shall record without delay

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6596. [6791] [4607] [4299] Considered recorded when deposited

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6597. [6792] [4608] [4300] Alphabetical indexes

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6598. [6793] [4609] [4301] What they shall contain

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6599. [6794] [4610] [4302] Index of other records

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6601. [6796] [4612] [4303] Mortgages, etc.

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

CHAPTER TWO—ACKNOWLEDGMENTS AND PROOF FOR RECORD

Art. 6602a. Stockholders as notaries

No notary public or other public officer qualified to take acknowledgments or proofs of written instruments shall be disqualified from taking the acknowledgment or proof of an instrument in writing, in which a corporation is interested, by reason of his stock ownership or employment by such corporation interested in such instrument, provided such stockholder owns not more than 1/10 of one percent of the issued and outstanding stock of the corporation and provided further that such corporation has more than 1,000 shareholders; and any such acknowledgment heretofore taken is hereby validated.
Acts 1971, 62nd Leg., p. 1953, ch. 594, eff. June 2, 1971.

Title of Act:

An Act authorizing notaries public who are stockholders of corporations owning less than 1/10 of one percent of the stock of a corporation of which there are more than 1,000 shareholders, or employees of such a corporation, to take acknowledgments of instruments in which such corporation is interested; and declaring an emergency. Acts 1971, 62nd Leg., p. 1953, ch. 594.

CHAPTER THREE—EFFECT OF RECORDING

Art. 6633. [6830] [4644] [4336] Recorder shall record, etc.

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

For Annotations and Historical Notes, see V.A.T.S.

Art. 6634. [6831] [4645] [4337] Copies from land office

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6635. [6832] [4646] [4338] Judgments recorded

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6636. [6833] [4647] Transfers of judgment

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6641. [6838] Record of, how made

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6644. Federal Lien Record

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

CHAPTER FIVE—GENERAL PROVISIONS

Art. 6662. [6858] [4669] Attachments recorded

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

TITLE 116—ROADS, BRIDGES, AND FERRIES

CHAPTER ONE—STATE HIGHWAYS

1. STATE HIGHWAY DEPARTMENT

Art. 6673e—1. Acquisition of rights of way in cooperation with local officials; payments to counties and cities

In the acquisition of all rights of way authorized and requested by the Texas Highway Department, in cooperation with local officials, for all highways designated by the State Highway Commission as United States or State Highways, the Texas Highway Department is authorized and directed to pay to the counties and cities not less than fifty per cent (50%) of the value as determined by the Texas Highway Department of such requested right of way, or the net cost thereof, whichever is the lesser amount; provided, that if condemnation is necessary, the participation by the Texas Highway Department shall be based on the final judgment, conditioned that such Department has been notified in writing prior to the filing of such suit and prompt notice is also given as to all action taken therein. Such Department shall have the right to become a party at any time for all purposes, including the right of appeal at any stage of the proceedings.

The various counties and cities are hereby authorized and directed to acquire such right of way for such highways as are requested and authorized by the Texas Highway Department, as provided by existing laws, and in the event condemnation is necessary, the procedure shall be the same as that set out in Title 52, Articles 3264 to 3271, inclusive, Revised Civil Statutes of Texas, and amendments thereto.

Upon delivery to the Texas Highway Department of acceptable instruments conveying to the State the requested right of way, the Texas Highway Department shall prepare and transmit to the Comptroller of Public Accounts vouchers covering the reimbursement to such county or city for the Department's share of the cost of providing such right of way, and the Comptroller of Public Accounts is hereby authorized and directed to issue warrants on the appropriate account covering the State's obligations as evidenced by such vouchers.

The Texas Highway Department is authorized and directed to acquire by purchase, gift or condemnation all right of way necessary for the National System of Interstate and Defense Highways.

Amended by Acts 1971, 62nd Leg., p. 1204, ch. 292, art. 5, § 4, eff. July 1, 1971; Acts 1971, 62nd Leg., p. 1211, ch. 293, § 4, eff. July 1, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Art. 6673e—3. Planting trees on rights-of-way

Section 1. The State Highway Department shall plant and care for a substantial number of pecan trees on United States and state highway rights-of-way throughout the state. In areas where the climate is unsuitable for the growth of pecan trees, or where pecan trees present a safety hazard, the State Highway Department shall plant other trees which are indigenous or adaptable to the (particular) area, and present no safety hazards.

Sec. 2. The cost of acquiring, planting, and caring for the pecan trees shall be borne by the state highway fund.

Acts 1971, 62nd Leg., p. 938, ch. 149, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the planting and raising of pecan trees and other trees on highway rights-of-way; and declaring an emergency. Acts 1971, 62nd Leg., p. 938, ch. 149.

Art. 6673e—4. Designation of state highways by local governments

Definitions

Section 1. In this Act, unless the context requires a different definition:

(1) "Commission" means the State Highway Commission.

(2) "Department" means the Texas Highway Department.

Commission; naming state highways prohibited

Sec. 2. The commission shall not officially name any road, bridge, street, or highway in the state highway system for a person or persons, living or dead, nor for any organization or event; nor shall the commission give these parts of the highway system any name or symbol other than the regular highway number.

Local governments; memorial or identifying designation

Sec. 3. Local governmental units may assign a memorial or other identifying designation to any part or parts of the highway system; provided, however, that any part or parts of the highway system that are named or identified locally will be marked only with the regular highway number.

Memorial marker

Sec. 4. Local governmental units may purchase and furnish to the department a suitable locally-identifying memorial marker of a size and type which must be approved by the state highway engineer. Upon request, the department may erect such marker at a place most suitable to the department's maintenance operations.

Multi-governmental unit cooperation; marker placement

Sec. 5. When two or more local governmental units cooperate in seeking a single continuous memorial designation for a highway through their limits, markers may be furnished to the department to be erected at each end of the designated limits, and at such intermediate sites that markers shall be approximately 75 miles apart.

Designation sponsors, duties; site selection and preparation

Sec. 6. When a memorial designation is planned by a local governmental unit or units, the sponsor or sponsors shall submit to the state highway engineer a complete description of the nature and objectives of the dedication, and the type and full description of the marker or markers to be erected. If approved by the state highway engineer, a period of 90 days shall be required from the date of approval to the

actual erection of the marker or markers, in order for the department to select and prepare a proper site or sites.

Maintenance of grounds and markers

Sec. 7. The maintenance of grounds surrounding the markers shall be the responsibility of the department, but repairs or replacement of the markers shall be made by the sponsoring governmental unit.

Construction of Act

Sec. 8. This act shall not supersede nor be in conflict with any existing statutes regulating the signing and marking of roads or streets nor shall it void or supersede the authority of local governmental agencies to regulate and sign roads and streets within their jurisdiction.
Acts 1971, 62nd Leg., p. 1680, ch. 477, eff. Aug. 30, 1971.

Title of Act:
An Act relating to the naming of roads, bridges, streets, and highways in the state highway system by local and county governments; and declaring an emergency. Acts 1971, 62nd Leg., p. 1680, ch. 477.

1A. CONSTRUCTION AND MAINTENANCE

Art. 6674n—4. Renumbered as art. 3266b

Art. 6674s. Workmen's Compensation Insurance for Highway Department Employees

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Rules and regulations; examining physicians; reports as evidence

Sec. 14. The State Highway Department is authorized to promulgate and publish such rules and regulations and to prescribe and furnish such forms as may be necessary to the effective administration of this law, and the State Highway Department shall have authority to make and enforce such rules for the prevention of accidents and injuries as may be deemed necessary. It shall be the duty of the State Highway Department to designate a convenient number of regularly licensed practicing physicians and surgeons for the purpose of making physical examinations of all persons employed or to be employed in the service of the State Highway Department to determine who may be physically fit to be classified as 'employees' as that term is defined in Subsection 2 of Section 2 of this Act, and said physicians and surgeons so designated and so conducting such examinations shall make and file with the State Highway Department a complete transcript of said examination in writing upon a form to be furnished by the State Highway Department. It shall be the duty of the State Highway Department to preserve as a part of the permanent records of the State Highway Department all reports of such examinations so filed. Such reports shall be admissible in evidence before the Industrial Accident Board, and in any court of competent jurisdiction to which an appeal has been made from a final award or ruling of the Industrial Accident Board in which the person named in said examination is a claimant for compensation benefits under the terms and provisions of this Act, and such reports so admitted shall be prima facie evidence as to the facts set out therein.
Sec. 14 amended by Acts 1971, 62nd Leg., p. 965, ch. 171, § 1, eff. May 13, 1971.

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Art. 6674v. Turnpike projects

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Turnpike Authority—Membership

Sec. 3. There is hereby created an authority to be known as the "Texas Turnpike Authority," hereinafter sometimes referred to as the "Authority." By and in its name the Authority may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an agency of the State of Texas, and the exercise by the Authority of the powers conferred by this Act in the construction, operation, and maintenance of turnpike projects shall be deemed and held to be an essential governmental function of the State.

The Board of Directors of the Authority (hereinafter in this Act sometimes called the "Board") shall be composed of directors, who shall occupy, respectively, places on the Board to be designated as Places 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12. The Directors who will occupy Places 2, 3, 5, 6, 8, 9, 10, 11, and 12 shall be appointed by the Governor, by and with the advice and consent of the Senate. Appointed Directors shall serve staggered terms of six (6) years with the terms of one-third of the members expiring on February 15 of each odd-numbered year. Each Director appointed to fill Places 2, 3, 5, 6, 8, 9, 10, 11, and 12 shall have been a resident of the State and of the County from which he shall have been appointed for a period of at least one (1) year prior to his appointment.

The members of the Texas State Highway Commission at the time this Act becomes effective are hereby made Directors of said Authority, and if for any reason said Texas State Highway Commission at such time because of vacancies is composed of less than three (3) members, then the person or persons appointed to fill such vacancies are hereby made Directors of said Authority. The Highway Commissioners and their successors in office shall respectively and successively occupy Places 1, 4, and 7 on such Board. Each member of the Texas State Highway Commission shall serve ex officio as a member of the Board of Directors of such Authority. All Directors shall serve until their successors have been duly appointed and qualified, and vacancies in unexpired terms shall be promptly filled by the Governor.

All members of the Board of Directors shall be eligible for reappointment. All Directors shall have equal status and all Directors shall have a vote. Each member of the Board before entering upon his duties shall take an oath as provided by Section 1 of Article XVI of the Constitution of the State of Texas.

The Board shall elect one of the Directors as chairman and another as vice chairman, and shall elect a secretary and treasurer who need not be a member of the Board. Seven members of the Board shall constitute a quorum and the vote of a majority of the members present at any meeting shall be necessary for any action taken by the Board. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

Before the issuance of any turnpike revenue bonds under the provisions of this Act, each Director shall execute a surety bond in the penal sum of Twenty-five Thousand Dollars ($25,000) and the secretary and treasurer shall execute a surety bond in the penal sum of Fifty Thousand Dollars ($50,000), each surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the State of Texas as surety and to be approved by the Governor and filed in the office of the Secretary of State. The expense of such bonds shall be paid by the Authority.

Each appointed Director may be removed by the Governor for misfeasance, malfeasance or willful neglect of duty, but only after reasonable notice and public hearing unless the notice and public hearing are in writing expressly waived.

The members of the Authority shall not be entitled to any additional compensation for their services, but each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties. All expenses incurred in carrying out the provisions of this Act shall be payable solely from funds provided under the authority of this Act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been provided under the authority of this Act.

The Legislature imposes on any Director, who may be a member of the State Highway Commission the extra duties required hereunder.
Sec. 3 amended by Acts 1971, 62nd Leg., p. 3411, ch. 1042, § 1, eff. June 17, 1971.

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Miscellaneous

Sec. 21. Each Turnpike Project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Authority. Each such project shall also be policed and operated by such force of police, toll-takers and other operating employees as the Authority may in its discretion employ. Within its discretion the Authority may make arrangements with the Department of Public Safety for the services of police officers of that Agency.

All private property damaged or destroyed in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this Act.

All counties, cities, villages and other political subdivisions and all public agencies and commissions of the State of Texas, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Authority at its request, upon such terms and conditions as the proper authorities of such counties, cities, villages, other political subdivisions or public agencies and commissions of the State may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or appropriate to the effectuation of the authorized purposes of the Authority, including highways and other real property already devoted to public use.

An action by the Authority may be evidenced in any legal manner, including a resolution adopted by its Board of Directors.

Any member, agent or employee of the Authority who contracts with the Authority or is interested, either directly or indirectly, in any contract with the Authority or in the sale of any property, either real or personal, to the Authority, shall be punished by a fine of not more than One Thousand Dollars ($1000).

Any person who uses any turnpike project and fails or refuses to pay the toll provided therefor, shall be punished by a fine of not more than One Hundred Dollars ($100) and in addition thereto the Authority shall have a lien upon the vehicle driven by such person for the amount of such toll and may take and retain possession thereof, until the amount of such toll and all charges in connection therewith shall have been paid.

On or before the thirty-first day of March in each year the Authority shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature. In making such report, each project shall be listed and reported separately. Each such report shall set forth a complete operating and financial statement covering its operations for each project during the year. The Authority shall cause an audit of its books and accounts to be made at least once in each year by

For Annotations and Historical Notes, see V.A.T.S.

certified public accountants and the cost thereof may be treated as a part of the cost of construction or of operation of the Turnpike Project. Sec. 21 amended by Acts 1971, 62nd Leg., p. 3412, ch. 1042, § 2, eff. June 17, 1971.

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Sections 3 and 4 of the 1971 amendatory act provided:

"Sec. 3. The members of the Board of Directors of the Texas Turnpike Authority holding office on the effective date of this Act continue to hold office for the terms to which they were appointed. The Director appointed to Place 10 holds office for a term expiring February 15, 1973, the Director appointed to Place 11 holds office for a term expiring February 15, 1975, and the Director appointed to Place 12 holds office for a term expiring February 15, 1977.

"Sec. 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

1B. MODERNIZATION OF HIGHWAY FACILITIES; CONTROLLED ACCESS HIGHWAYS

Art. 6674w—4a. Repealed by Acts 1971, 62nd Leg., p. 1212, ch. 293, § 6, eff. July 1, 1971

The repealed article provided for payment by the state of costs of relocating utility facilities and of street improvements necessitated by highway construction, and was derived from Acts 1957, 55th Leg., p. 724, ch. 300, § 4B, as added by Acts 1971, 62nd Leg., p. 1204, ch. 292, art. 5, § 5.

2. REGULATION OF VEHICLES

Art. 6675a—5a. Registration of antique passenger cars and trucks; license plates; fees; renewal; penalty

Passenger cars and trucks that were manufactured in 1925 or before, or which become thirty-five (35) or more years old, shall be excepted from the annual license fee for registration otherwise provided by law upon written, sworn application by the owner thereof on a form furnished by the Department. Such application shall show the make, body style, motor number, age of such passenger car or truck, and any other information required by the Department, and shall also state that the passenger car or truck is a collector's item and will be used solely for exhibitions, club activities, parades, and other functions of public interest, and in no case for regular transportation, and will carry no advertising. Provided that this Act shall become effective April 1, 1958, and the Department shall issue license plates which shall contain the words "Antique Auto" or "Antique Truck" and which are to be renewed every five (5) years thereafter. The registration fee for the five (5) year period for passenger cars and trucks qualifying under this Act which were manufactured in 1921 and subsequent years shall be Twenty-five Dollars ($25.00) and shall be reduced Five Dollars ($5.00) for each year of the period that has fully expired at the time of the application, and the fee for the registration of cars and trucks manufactured in 1920 and prior years shall be Fifteen Dollars ($15.00) for the five year period and shall be reduced Three Dollars ($3.00) for each year of the five year period that has fully expired at the time of the application. Provided further, that upon such application and upon payment of the proper fee to the County Tax Assessor-Collector of the county in which the owner resides, the Department shall furnish such license plates and receipts which shall be issued to the owner and such plates shall be valid without renewal until the expiration date shown upon the plates, provided such vehicle continues to be owned by the same owner. It is further provided that in the event the vehicle is transferred to another owner, or is junked, destroyed, or otherwise ceases to exist, the registration receipt and plates

shall become null and void and shall be sent immediately to the Department. It is further provided that the Tax Assessor-Collector shall not renew the registration of any such vehicle until the registered owner surrenders to him the license plates and receipt that were issued for such vehicle for the previous period. In the event the license plates become lost, stolen, or mutilated, the owner may secure replacement plates by executing an affidavit and application on a form furnished by the Department and by the payment of the fee prescribed in this section. Any owner of a passenger car or truck registered under the provisions of this section who violates any of the provisions herein shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Five Dollars ($5.00) and not more than Two Hundred Dollars ($200.00).
Amended by Acts 1971, 62nd Leg., p. 2356, ch. 720, § 1, eff. June 8, 1971.

Art. 6675a—5e. Disabled veterans; special license plates; fee exemptions; regulations

(a) A veteran of the armed forces of the United States who, as a result of military service, has suffered at least a 70% service-connected disability, and who receives compensation from the federal government because of such disability, is entitled to register, for his own personal use, one passenger car or light commercial vehicle having a manufacturer's rated carrying capacity of one (1) ton or less, without payment of the prescribed annual registration fee.

(b) The Highway Department shall provide for the issuance of specially designed license plates for persons who are qualified under this Act. The letters "DV" shall appear as either a prefix or a suffix to the numerals on the plates, and the words "DISABLED VET" shall also appear on the plates.

(c) Application for the specially designed license plates provided for in this Section shall be made on forms prescribed and furnished by the Department and must be submitted to the Department by October 1st preceding the Registration Year for which requested. Each application shall be accompanied by a fee of One Dollar ($1.00) and such evidence as the Department may require as proof of the applicant's eligibility to receive the registration fee exemption.

(d) A vehicle on which these specially designed plates are displayed is exempt from the payment of parking fees, including those collected through parking meters, charged by any governmental authority other than a branch of the federal government.

(e) If during the registration year the owner disposes of the vehicle upon which the license plates issued under this Act are affixed, such plates are automatically cancelled and it shall be the responsibility of such owner to remove the license plates and return them to the Texas Highway Department for cancellation. Thereafter, the owner may qualify for another set of license plates as provided for in this Section.

(f) If the special license plates provided herein become lost, stolen, or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of One Dollar ($1.00).

(g) The fees provided for in this Section shall be deposited in the State Treasury to the credit of the State Highway Fund.

(h) The Department may promulgate such reasonable rules and regulations as it may deem necessary for the orderly administration of this Act.

Acts 1929, 41st Leg., 2nd C.S., p. 172, ch. 88, § 5e, added by Acts 1971, 62nd Leg., p. 1183, ch. 283, § 1, eff. May 19, 1971.

For Annotations and Historical Notes, see V.A.T.S.

Art. 6675a—6½. Registration and fees; combination of truck tractors or commercial motor vehicles with semitrailers

(a) Notwithstanding the provisions of Sections 6 and 8 of this Act, as amended (Articles 6675a—6 and 6675a—8, Vernon's Texas Civil Statutes), the annual license fee for the registration of a truck tractor or commercial motor vehicle with a manufacturer's rated carrying capacity in excess of one (1) ton used or to be used in combination with a semitrailer having a gross weight in excess of six thousand (6,000) pounds shall be based on the combined gross weight of all such vehicles used in the combination as follows:

Combined Gross Weight	Fee Per 100 lbs. or Fraction Thereof
*18,000–36,000	$ .60
36,001–42,000	.75
42,001–62,000	.90
62,001–and up	1.00

* (No such combination of vehicles may be registered for a combined gross weight of less than 18,000 pounds.)

In addition, semitrailers having gross weights in excess of six thousand (6,000) pounds used or to be used in combination with truck tractors or commercial motor vehicles with manufacturers' rated carrying capacities in excess of one (1) ton shall be registered for a "token" fee of Fifteen Dollars ($15.00) for the Motor Vehicle Registration Year, regardless of the date such semitrailers are registered within said Registration Year, and the Fifteen Dollar ($15.00) distinguishing license plates issued for such semitrailers shall be valid only when said vehicles are operated in combination with truck tractors or commercial motor vehicles that have been properly registered for their combined gross weight; provided, however, that the "token" fee for semitrailers shall not exempt such vehicles from the provisions of the Certificate of Title Act.

(b) For registration purposes, semitrailers which are converted to trailers by means of auxiliary axle assemblies shall retain their status as semitrailers.

(c) Truck tractors or commercial motor vehicles with manufacturers' rated carrying capacities in excess of one (1) ton used exclusively in combination with semitrailer-type vehicles displaying Five Dollar ($5.00) distinguishing license plates for which such semitrailer-type vehicles are eligible under the provisions of this Act shall not be required to register in combination; provided, however, that such truck tractors or commercial motor vehicles continue to be registered as provided in Section 6 of this Act; and provided further, that the provisions of this section shall not apply to:

(1) vehicles registered or to be registered with United States Government license plates or exempt license plates issued by the State of Texas;

(2) truck tractors or commercial motor vehicles registered or to be registered with Five Dollar ($5.00) distinguishing license plates for which such vehicles are eligible under the applicable registration statutes of this State;

(3) truck tractors or commercial motor vehicles used exclusively in combination with semitrailers of the housetrailer type; provided, however, that such truck tractors or commercial motor vehicles shall continue to be registered as provided in Section 6 of this Act; and, provided further that semitrailers of the housetrailer type shall continue to be registered as provided in Section 8 of this Act;

(4) vehicles registered or to be registered with temporary registration permits for which such vehicles are eligible under the applicable registration statutes of this State;

(5) truck tractors or commercial motor vehicles registered or to be registered with Farm Truck or Farm Truck Tractor License Plates; provided, however, that such farm trucks or farm truck tractors shall continue to be registered as provided in Section 6a of this Act[1]; or

(6) truck tractors or commercial motor vehicles and semitrailers registered or to be registered with Soil Conservation License Plates; provided, however, that such truck tractors or commercial motor vehicles and semitrailers shall continue to be registered as provided in Subsection (h) (1), Section 2 of this Act,[2] based on the registration fees for truck tractors or commercial motor vehicles as prescribed in Section 6 of this Act, and the registration fees for trailers or semitrailers as prescribed in Section 8 of this Act.

(d) (1) The term "combined gross weight" as used in this section means the empty weight of the truck tractor or commercial motor vehicle combined with the empty weight of the heaviest semitrailer(s) used or to be used in combination therewith plus the heaviest net load to be carried on such combination during the Motor Vehicle Registration Year, provided that in no case may the combined gross weight be less than eighteen thousand (18,000) pounds.

(2) The term "empty weight" as used in this section means the actual unladen weight of the truck tractor or commercial motor vehicle and semitrailer(s) combination fully equipped, as officially certified by any public weigher or license and weight patrolman of the Texas Department of Public Safety.

Acts 1929, 41st Leg., 2nd C.S., p. 172, ch. 88, § 6½, added by Acts 1971, 62nd Leg., p. 22, ch. 9, § 1, eff. Aug. 30, 1971.

[1] Article 6675a—6a.

[2] Article 6675a—2(h) (1).

Acts 1971, 62nd Leg., p. 63, ch. 9, § 3, authorized the highway department "to promulgate reasonable rules and regulations for the orderly administration of this Act"; section 4 made this Act "effective beginning with the 1972 registration year"; section 5 was a severability clause; and section 6 repealed conflicting laws.

Art. 6675a—6b. Short term commercial motor vehicle permit to haul loads of larger tonnage

Section 1. When a commercial motor vehicle, truck tractor, trailer or semitrailer which has been registered by the owner, is used for the transportation of his own seasonal agricultural products to market, or to other points for sale or processing, or the transportation of seasonal laborers from their place of residence, and materials, tools, equipment and supplies, without charge, from the place of purchase or storage, to a farm or ranch exclusively for use on such farm or ranch, the owner may, by paying an additional fee, receive a short-term permit allowing him to haul loads of larger tonnage for a limited period of less than one (1) year. No such permit shall be issued for less than one (1) month, and no such permit shall extend beyond the expiration of the regular license. The fee shall be a percentage of the difference between the owner's regular annual registration fee and the annual fee for the desired tonnage, and shall be computed according to the following table:

"1-month (or 30 consecutive days) 10%
1-quarter (3 consecutive months) 30%
2-quarters (6 consecutive months) 60%
3-quarters (9 consecutive months) 90%

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1225, ch. 301, § 1, eff. May 24, 1971.

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For Annotations and Historical Notes, see V.A.T.S.

Art. 6675a—6d. Temporary permits for commercial motor vehicles

Purpose; authority to issue temporary permits in lieu of registration

Section 1. To provide for the movement of commercial motor vehicles, trailers, semitrailers, and motor buses owned by residents of the United States, or Canada, which are subject to registration by the State of Texas and which are not authorized to travel on the public roads of the State for lack of registration or for lack of reciprocity with the State of the United States or Canadian Province in which such vehicles are registered, the Texas Highway Department is authorized to issue temporary permits which will be recognized in lieu of registration.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 1059, ch. 218, § 1, eff. May 17, 1971.

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Art. 6675a—8c. Diesel motors, vehicles propelled by; fee; license receipts to show type of motor

It is expressly provided that the license fees for all motor vehicles using or being propelled by diesel motors or engines shall be the fees provided in other sections of this Act, plus an additional eleven percent (11%); provided, however, that such additional percentage shall not apply to the fee for the combined gross weight of vehicles registered in combination. When motor vehicles are propelled by diesel fuel, such fact shall be indicated on the license receipts issued for such vehicles by the county tax collectors.

Amended by Acts 1971, 62nd Leg., p. 23, ch. 9, § 2, eff. Aug. 30, 1971.

Acts 1971, 62nd Leg., p. 23, ch. 9, § 4, made this Act "effective beginning with the 1972 registration year". See, also, note under art. 6675a—6½.

Art. 6675a—11. Fees and expenses of tax collector; mailing procedures

As compensation for his services under the provisions of this and other laws relating to the registration of vehicles, each County Tax Assessor-Collector shall receive a uniform fee of Sixty-five Cents (65¢) for each of the first five thousand (5,000) receipts issued by him each year pursuant to said laws; he shall receive a uniform fee of Fifty-five Cents (55¢) for each of the next ten thousand (10,000) receipts so issued, and a uniform fee of Fifty Cents (50¢) for each of the balance of said receipts so issued during the year. Said compensation shall be deducted weekly by each County Tax Assessor-Collector from the gross collection made pursuant to this Act and other laws relating to registration of vehicles. Out of the compensation so allowed the County Tax Assessors-Collectors, it is hereby expressly provided and required that they shall pay the entire expense of issuing all license receipts and license plates issued pursuant hereto. It is further provided that the County Tax Assessors-Collectors may collect an additional service charge of One Dollar ($1.00) from each applicant desiring to register or reregister by mail. This service charge shall be used to cover the cost of handling and postage to mail the registration receipt and insignia to the applicant. The Highway Department may issue and promulgate procedures to cover the timely application for and issuance of registration receipts and insignia by mail.

Amended by Acts 1969, 61st Leg., p. 1657, ch. 522, § 1, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 71, ch. 36, § 2, eff. March 22, 1971.

Art. 6675a—13c. Branch offices and deputies for sale of license plates; bond; report

The commissioners court in any county may authorize the county tax collector to establish a suboffice or branch office at one or more

places in the county other than at the county courthouse for the purpose of making sales of motor vehicle license plates. The county tax collector may be authorized to appoint a deputy to make sales in the same manner and with the same authority as though done in the office of the county tax collector. The deputy shall be subject to the bond requirements of Article 7252, Revised Civil Statutes of Texas, 1925, as amended. The report of all license plate sales shall be made through the office of the county tax collector as though done in his office.
Acts 1971, 62nd Leg., p. 70, ch. 36, § 1, eff. March 22, 1971.

Art. 6686. Dealer's license; notice of sale or transfer; temporary license plates

(a) Dealer's and Manufacturer's License Plates for Unregistered Motor Vehicles, Motorcycles, House Trailers, Trailers, and Semitrailers.

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(6) Limited Use of Dealer's Plates and Tags. The use of dealer's license or facsimiles thereof is prohibited on service or work vehicles or on commercial vehicles carrying a load; provided, however, that a boat trailer carrying a boat will not be considered to be a commercial vehicle carrying a load, and a dealer complying with the provisions of this Act may affix to the rear of a boat trailer he owns or to the rear of a boat trailer he sells such dealer's distinguishing number or cardboard facsimiles thereof pursuant to the provisions of Subsections (1), (3) and (4) of this Act; and, further provided, that the term "commercial vehicle carrying a load" shall not be construed to prohibit the operation or conveyance of unregistered vehicles by licensed dealers (or buyers therefrom) utilizing the full mount method, the saddle mount method, the tow bar method, or any combination thereof, pursuant to Subsections (3) and (4) [b] of this Act.
Sec. (a) (6) amended by Acts 1971, 62nd Leg., p. 944, ch. 156, § 1, eff. May 11, 1971.

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Acts 1971, 62nd Leg., p. 944, ch. 156, which by section 1 amended subsection (a) (6) of this article, in sections 2 and 3 provided:

"Sec. 2. All laws in conflict herewith are hereby repealed.

"Sec. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Section 4 of the 1971 amendatory act, an emergency provision, provided in part: "* * * the Attorney General of Texas recently interpreted the terms and provisions of Subsection (6) of Article 6686(a), Revised Civil Statutes of Texas, 1925, so as not to authorize the operation or conveyance by licensed dealers (or buyers therefrom) of their unregistered vehicles by the full mount, saddle mount, tow bar method or any combination thereof, and * * * such opinion of the Attorney General of Texas has brought about a chaotic, unintended, nonuniform and confused condition in administering such law not heretofore existing * * *".

Saved From Repeal

Acts 1971, 62nd Leg., p. 99, ch. 51, enacting the Texas Motor Vehicle Commission Code, provided in section 2 that nothing herein shall be construed to repeal or amend any provisions of this article. See article 4413(36) note.

For Annotations and Historical Notes, see V.A.T.S.

Art. 6687b. Driver's, chauffeur's, and commercial operator's licenses; accident reports

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What persons are exempt from license

Text of section 3 as amended by Acts 1971, 62nd Leg., p. 987, ch. 175, and Acts 1971, 62nd Leg., p. 1399, ch. 379

Sec. 3. What persons are exempt from license

The following persons are exempt from license hereunder:

1. Every person in the service of the United States when operating an official motor vehicle in such service;

2. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway, and while driving or operating any commercial motor vehicle temporarily on the highway in an emergency;

3. A nonresident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home state may operate a motor vehicle in this State only as an operator;

4. Any nonresident who is at least eighteen (18) years of age and who has in his immediate possession a valid operator's license, chauffeur's license, commercial operator's license or similar license issued to him by his home state (as well as nonresidents whose home state does not require the licensing of operators) shall not be required to secure such license under this Act, provided the state or country of his residence likewise recognizes such licenses issued by the State of Texas and exempts the holders thereof from securing such licenses from such foreign state or country. The purpose of this section is to extend full reciprocity to citizens of other states and foreign countries which extend like privileges to citizens of the State of Texas.

It shall not be necessary for an employee of any incorporated city, town or village of this State or county of this state when holding an operator's permit to obtain a chauffeur's license in order to operate an official motor vehicle in the service of such incorporated city, town, village or county.

4a. A person operating a commercial motor vehicle, the gross weight of which does not exceed six thousand (6,000) pounds as that term is defined in Article 6675a–6 of the Revised Civil Statutes of Texas, operated in the manner and bearing current farm registration plates as provided in Article 6675a–6a of the Revised Civil Statutes, who holds an operator's license, shall not be required to obtain a commercial operator's license.

4b. A person with an operator's license may operate a motor vehicle with a manufacturer's rated carrying capacity not to exceed 4,000 pounds rented by him for ten (10) days or less for the purpose of transporting household goods or office furniture or equipment owned by such person. Subsec. 4b added by Acts 1971, 62nd Leg., p. 987, ch. 175, § 1, eff. May 13, 1971.

5. Any nonresident who is at least eighteen (18) years of age, whose home state does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle so operated is duly registered in the home state of such nonresident.

6. Any person whose license expires while he is in military service in the armed forces of the United States in Southeast Asia may operate a motor vehicle without a license for ninety (90) days after he receives an honorable discharge, or for ninety (90) days after the date on which he was placed on leave, furlough, or other authorized absence from his post of duty.

7. A person who raises agricultural commodities, his spouse, and his children, may transport commodities they have raised, by the most direct practical route to the nearest market, without possessing a commercial operator's license if the driver has in his possession a valid operator's license.

Sec. 3 amended by Acts 1969, 61st Leg., p. 1946, ch. 649, § 1, eff. June 12, 1969; Acts 1971, 62nd Leg., p. 1399, ch. 379, § 1, eff. May 26, 1971; Subsection 4b added by Acts 1971, 62nd Leg., p. 987, ch. 175, § 1, eff. May 13, 1971.

For text of section 3 as amended by Acts 1971, 62nd Leg., p. 1934, ch. 586, § 1, see section 3, post.

Text of section 3 as amended by Acts 1971, 62nd Leg., p. 1934, ch. 586, § 1

Sec. 3. The following persons are exempt from license hereunder:

1. Every person in the service of the United States when operating an official motor vehicle in such service;

2. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway, and while driving or operating any commercial motor vehicle temporarily on the highway in an emergency;

3. A nonresident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home state may operate a motor vehicle in this State only as an operator;

4. Any nonresident who is at least eighteen (18) years of age and who has in his immediate possession a valid operator's license, chauffeur's license, commercial operator's license or similar license issued to him by his home state shall not be required to secure such license under this Act, provided the state or country of his residence likewise recognizes such licenses issued by the State of Texas and exempts the holders thereof from securing such licenses from such foreign state or country. The purpose of this section is to extend full reciprocity to citizens of other states and foreign countries which extend like privileges to citizens of the State of Texas.

It shall not be necessary for an employee of any incorporated city, town, or village of this State or county of this State when holding an operator's permit to obtain a chauffeur's license in order to operate an official motor vehicle in the service of such incorporated city, town, village, or county.

5. Any person operating a truck with a manufacturer's rated carrying capacity not to exceed two thousand (2,000) pounds, which is intended to include trucks commonly known as pickup trucks, panel delivery trucks, station wagons, and carryall trucks, who holds an operator's license shall not be required to obtain a commercial operator's license;

6. Any nonresident who is at least eighteen (18) years of age, whose home state does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle so operated is duly registered in the home state of such nonresident;

7. A nonresident on active duty in the armed forces of the United States who has a valid license issued by his home state and such nonresident's spouse or dependent son or daughter who has a valid license issued by such person's home state;

8. The validity of any Texas driver's license held by any person who enters or is in the United States armed forces shall continue in full force and effect so long as the service continues and the person remains absent from this State, and for not to exceed ninety (90) days following the date on which the licensee is honorably separated from such service or returns to this State, unless the license is sooner suspended, canceled, or revoked for cause as provided by law;

9. Any person on active duty in the armed forces of the United States who has in his immediate possession a valid license issued in a foreign country by the armed forces of the United States may operate a motor vehicle in this State for a period not more than ninety (90) days from the date of his return to the United States.

Sec. 3 amended by Acts 1969, 61st Leg., p. 1946, ch. 649, § 1, eff. June 12, 1969; Acts 1971, 62nd Leg., p. 1934, ch. 586, § 1, eff. Aug. 30, 1971.

For text of section 3 as amended by Acts 1971, 62nd Leg., p. 987, ch. 175, and Acts 1971, 62nd Leg., p. 1399, ch. 379, see section 3, ante.

Who may not be licensed

Text of subsections 1 to 3 as amended by Acts 1971, 62nd Leg., p. 1181, ch. 282

Sec. 4. The Department shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of eighteen (18) years. The Department may license an applicant as an operator, who is sixteen (16) years of age or older where: (a) the applicant has completed and passed a driver training course approved by the Department; or (b) before June 1, 1969, the local school superintendent certifies that such course is not taught at the school regularly attended by such applicant. A license shall not be issued to any applicant who has not passed the examination required in Section 10 of Article 6687b, Vernon's Texas Civil Statutes. The Department shall carry out the duties required of it by the provisions of this Act in any manner that will expedite the performance of such duties, and in a manner that will provide the greatest convenience for the public; provided that any person who has satisfactorily completed and passed the classroom phase of an approved driver education course may apply to the Department for an instruction permit if he is at least fifteen (15) years of age, and the Department may, in its discretion, after the applicant has successfully passed all parts of the driver examination required in Section 10 of this Act, other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways when accompanied by a licensed operator, commercial operator, or chauffeur, who is at least twenty-one (21) years of age and has had at least one (1) year of driving experience and who is occupying a seat beside the driver; and provided further the Department may issue a license to any person who has attained the age of fifteen (15) years where, in the opinion of the Department, (1) it appears that the failure or refusal to issue such license to any such person will work an unusual economic hardship on the family of the applicant for the license, or (2) it appears that a license should be granted to the applicant because of the sickness or illness of members of the family of the applicant, or (3) a failure to issue such license would be detrimental to the general welfare of the applicant or of his or her family, or (4) it appears that the applicant meets the requirements of Subsection (b), Section 12 of Article 6687b, Vernon's Texas Civil Statutes, and provided further that the applicant has taken and passed the examination required in Section 10 of Article 6687b, Vernon's Texas Civil Statutes. 'General welfare of the applicant' as used in (3) above includes but is not limited to those persons between fifteen (15) and eighteen (18) years of age who are regularly enrolled in a vocational education program and who in the opinion of the Department require a driver's license to pursue that program. In no event shall an operator's license of any class be issued to any person of less than fifteen (15) years of age. Any person who has been refused a driver's license under the terms of this paragraph may appeal to the county court in the county in which he is a resident, where the matter may be tried upon re-

quest of petitioner or respondent. And provided further that a special combination operator and commercial operator restricted license may be issued to any person between the ages fifteen (15) and eighteen (18) years to operate only a motorcycle, motor scooter or motorized bicycle, the piston displacement of any of which does not exceed 100 cc. This special restricted license shall be issued by the Driver's License Division of the Department on application to the Department in accordance with Section 7 of Article 6687b, Vernon's Texas Civil Statutes; shall be subject to the requirements of Section 10 of Article 6687b, Vernon's Texas Civil Statutes, and to other provisions of this Act in the same manner as operator's licenses; and shall be in the form as may be prescribed by the Department.

2. To any person, as a commercial operator, who is under eighteen (18) years of age, unless he has completed the approved driver training course referred to in Subdivision 1 of this Section; and in no case shall a commercial operator's license be issued to one under seventeen (17) years of age;

3. To any person, as a chauffeur, who is under eighteen (18) years of age, unless he has completed the approved driver training course referred to in Subdivision 1 of this Section; and in no case shall a chauffeur's license be issued to one under seventeen (17) years of age;
Sec. 4, subsecs. 1–3 amended by Acts 1971, 62nd Leg., p. 1181, ch. 282, § 1, eff. Aug. 30, 1971.

For text of subsections 1 to 3 as amended by Acts 1971, 62nd Leg., p. 1935, ch. 586, § 2, see subsections 1 to 3, post.

Text of subsections 1 to 3 as amended by Acts 1971, 62nd Leg., p. 1935, ch. 586, § 2

Sec. 4. The Department shall not issue any license hereunder:

1. To any person who is under the age of fifteen (15) years;

2. To any person, as a commercial operator, who is under eighteen (18) years of age, unless he has completed the approved driver training course referred to in Section 7; and in no case shall a commercial operator's license be issued to one under seventeen (17) years of age;

3. To any person, as a chauffeur, who is under eighteen (18) years of age, unless he has completed the approved driver training course referred to in Section 7; and in no case shall a chauffeur's license be issued to one under seventeen (17) years of age;
Sec. 4, subsecs 1–3 amended by Acts 1971, 62nd Leg., p. 1935, ch. 586, § 2, eff. Aug. 30, 1971.

For text of subsections 1 to 3 as amended by Acts 1971, 62nd Leg., p. 1181, ch. 282, see subsections 1 to 3, ante.

4. To any person, as an operator, a commercial operator, or a chauffeur, whose license has been suspended, during such suspension;

5. To any person, as an operator, commercial operator, or chauffeur, who is shown to be an habitual drunkard or addicted to the use of narcotic drugs or other drugs that render a person incapable of driving;

6. To any person, as an operator, commercial operator, or chauffeur, who has previously, by a court of competent jurisdiction, been adjudged insane or an idiot, imbecile, or feebleminded, and who has not, at the time of such application, been restored to competency by judicial decree or released from a hospital for the insane or feebleminded upon a certificate of the superintendent that such person is competent;

7. To any person, as an operator, commercial operator, or chauffeur, who is required by this Act to take an examination, unless such person shall have successfully passed such examination;

Text of subsection 8 as amended by Acts 1971, 62nd Leg., p. 1182, ch. 282

8. To any person when in the opinion of the Department such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warnings or direction signs in the English language; provided, however, no person shall be refused a license because of any physical defect unless it be shown by common experience that such defect incapacitates him from safely operating a motor vehicle;
Sec. 4, subsec. 8 amended by Acts 1971, 62nd Leg., p. 1182, ch. 282, § 1, eff. Aug. 30, 1971.

For text of subsection 8 as amended by Acts 1971, 62nd Leg., p. 1936, ch. 586, § 2, see subsection 8, post.

Text of subsection 8 as amended by Acts 1971, 62nd Leg., p. 1936, ch. 586, § 2

8. To any person when in the opinion of the Department such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to identify and understand highway warnings or direction signs in the English language; provided, however, no person shall be refused a license because of any physical defect unless it be shown by common experience that such defect incapacitates him from safely operating a motor vehicle;
Sec. 4, subsec. 8 amended by Acts 1971, 62nd Leg., p. 1936, ch. 586, § 2, eff. Aug. 30, 1971.

For text of subsection 8 as amended by Acts 1971, 62nd Leg., p. 1182, ch. 282, see subsection 8, ante.

9. To any person when the Department has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

10. To a person who applies for or receives public assistance as a needy blind person.

Sec. 4 amended by Acts 1969, 61st Leg., p. 2358, ch. 798, § 1, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 1181, ch. 282, § 1, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., p. 1935, ch. 586, § 2, eff. Aug. 30, 1971.

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Application of minors

Sec. 7. (a) The Department may license a person as an operator who is under the age of eighteen (18) years, provided he is sixteen (16) years of age or older where such person has completed and passed a driver training course approved by the Department, and has passed the examination required by Section 10 of Article 6687b, Vernon's Texas Civil Statutes. The Department shall carry out the duties required of it by the provisions of this Act in any manner that will provide the greatest convenience to the public.

(b) The Department shall not grant the application of any minor under the age of eighteen (18) years for an operator's, commercial operator's, or chauffeur's license unless such application is signed by the father of the applicant, if the father is living and has the custody of the

applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of eighteen (18) years has no father, mother, or guardian, the license shall not be issued to the minor unless his application therefor is signed by his employer or by the county judge of his residence.

Sec. 7 amended by Acts 1971, 62nd Leg., p. 1936, ch. 586, § 3, eff. Aug. 30, 1971.

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Restricted licenses

Sec. 12. (a) The Department,. upon issuing an operator's, commercial operator's, or chauffeur's license, shall have authority, whenever good cause appears, to impose restrictions suitable to the licensee's driving ability with respect to the type of, or special mechanical control devices required on a motor vehicle which the licensee may operate, or mechanical attachments (glasses, artificial limbs, etc.) required on the person of the licensee.

(b) The Department shall have the authority to impose restrictions suitable to the licensee's driving ability with respect to areas, location, roads and highways within this State, or with respect to the time of day or night that the licensee shall be permitted to drive a motor vehicle or such other restrictions applicable to the licensee as the Department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(c) The Department may issue an instruction permit without photograph to any person fifteen (15) years of age or older who has satisfactorily completed and passed the classroom phase of an approved driver education course, and the Department may, in its discretion, after the applicant has successfully passed all parts of the driver examination required in Section 10 of Article 6687b, Vernon's Texas Civil Statutes, other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways when accompanied by a licensed operator, commercial operator, or chauffeur, who is at least twenty-one (21) years of age, and has at least one (1) year of driving experience and who is occupying a seat by the driver, provided, however, a person who is under twenty-one (21) years of age and is enrolled in a State approved driver education teacher preparation program may accompany a person with an instruction permit.

(d) The Department may issue a license to any person who has attained the age of fifteen (15) years where, in the opinion of the Department:

1. It appears that the failure or refusal to issue such license to any such person will work an unusual economic hardship on the family of the applicant for the license, or

2. It appears that a license should be granted to the applicant because of the sickness or illness of members of the family of the applicant, or

3. A failure to issue such license would be detrimental to the general welfare of the applicant or of his or her family, and

Provided further that the applicant has taken and passed the examination required in Section 10 of Article 6687b, Vernon's Texas Civil Statutes. "General welfare of the applicant" as used in (3) above includes but is not limited to those persons between fifteen (15) and eighteen (18) years of age who are regularly enrolled in a vocational education program and who in the opinion of the Department require a driver's license to pursue that program. In no event shall an operator's license of any class be issued to any person of less than fifteen (15) years of age. Any person who has been refused a driver's license under the terms of this paragraph may appeal to the county court in the county in which he is a

resident, where the matter may be tried upon request of petitioner or respondent.

(e) The Department may issue a special restricted operator's license to any person between the ages fifteen (15) and eighteen (18) years to operate only a motorcycle, motor scooter or motorized bicycle, with less than one hundred (100) cc piston displacement. This special restricted license shall be issued on application to the Department in accordance with Section 7 of Article 6687b, Vernon's Texas Civil Statutes; shall be subject to the requirements of Section 10 of Article 6687b, Vernon's Texas Civil Statutes, and to other provisions of this Act in the same manner as operator's licenses; and shall be in the form prescribed by the Department.

The Department is hereby required to certify motorcycles, motor scooters and motorized bicycles to ascertain whether they exceed one hundred (100) cc piston displacement as required by this section. The Department is further authorized to establish the procedure which shall be followed to determine the cc piston displacement of the motorcycles, motor scooters and motorized bicycles. Any person, firm or corporation may submit to the Department any such motorcycle, motor scooter or motorized bicycle and make application that the same be tested as to conformity with the regulations of the Department. Upon such application being made, the Department shall cause such test to be made as may be necessary to determine whether the motorcycle, motor scooter or motorized bicycle exceeds one hundred (100) cc piston displacement. Each such applicant shall upon the filing of his application pay to the Department a fee of fifty cents (50¢). All such fees shall be paid by the Department into the State Treasury to be deposited to the credit of the General Revenue Fund. Every model of motorcycles, motor scooters and motorized bicycles certified by the Department shall carry a metal tag showing that the Department has certified it as not exceeding one hundred (100) cc piston displacement. When the Department has reason to believe that a certified model of motorcycles, motor scooters or motorized bicycles being sold commercially exceeds one hundred (100) cc piston displacement, the Department may conduct a hearing as prescribed under Subsections (d) and (e), Section 108B, Chapter 303, Acts of the 54th Legislature, Regular Session, 1955 (compiled as Subsections [d] and [e] of Section 108B, Article 6701d, Vernon's Texas Civil Statutes).[1] The Department shall compile a list naming each model and make of motorcycles, motor scooters and motorized bicycles certified by the Department as not exceeding one hundred (100) cc piston displacement and make the list available upon request of the public and to persons who sell motorcycles, motor scooters and motorized bicycles. Any peace officer may stop and detain any motorcycle, motor scooter or motorized bicycle for the purpose of inspecting the motorcycle, motor scooter or motorized bicycle to determine if the motorcycle, motor scooter or motorized bicycle is of a model and make certified by the Department.

(f) The Department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(g) The Department may, upon receiving satisfactory evidence of any violation of the restrictions on a license, suspend or revoke the same, but the licensee shall be entitled to a hearing as upon a suspension or revocation under this Act.

(h) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a license issued to him and punishable as set out in Section 44 of this Act.

Sec. 12 amended by Acts 1971, 62nd Leg., p. 1937, ch. 586, § 4, eff. Aug. 30, 1971.

[1] Repealed. See, now, art. 6701d, § 108(d) to (g).

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Personal identification certificates; fee

Sec. 14A. (a) The Department may issue personal identification certificates, similar in form but distinguishable in color from operators' licenses. Certificates issued under authority of this section shall expire on a date specified by the Department.

(b) Original applications and applications for renewal of identification certificates shall require information and be submitted on a form promulgated by the Department.

(c) The Department shall levy and collect a fee of Five Dollars ($5.00) for preparation and issuance of the certificate.

(d) Any collections in excess of costs shall be deposited in the State Treasury in the General Revenue Fund.'

Sec. 14A added by Acts 1971, 62nd Leg., p. 1942, ch. 586, § 11, eff. Aug. 30, 1971.

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Expiration of licenses; examination on renewal

Sec. 18. (a) All original operators', commercial operators', chauffeurs', and provisional licenses shall be dated to expire as follows:

1. Operator's License—on the next birthdate of the licensee occurring four (4) years after the date of application;

2. Commercial Operator's and Chauffeur's Licenses—on the next birthdate of the licensee occurring two (2) years after the date of application;

3. Provisional License—on the twenty-first (21st) birthdate of the licensee;

4. Instruction Permit—to expire on next birthdate of holder occurring one (1) year after date of application;

5. Occupational License—one (1) year from date of order of court granting authority to drive.

(b) All renewals of operators', commercial operators', and chauffeurs' licenses shall be dated to expire as follows:

1. Operator's License—four (4) years from expiration date appearing on current license;

2. Commercial Operator's and Chauffeur's Licenses—two (2) years from the date appearing on current license.

(c) The Department may in its discretion require an examination for the renewal of an operator's, commercial operator's or chauffeur's license.

(d) The Department may prescribe the procedure and standards for arranging and conducting examinations for renewal of licenses.

(e) Subject to the provisions of Subsection (d) of this section, any licensee failing to obtain a renewal of license as above set forth may be required to take examination as required in this Act for applicant's original license.

(f) All applicants for renewal may be required by the Department to furnish the information required under Section 6(b) of this Act.

Sec. 18 amended by Acts 1971, 62nd Leg., p. 1939, ch. 586, § 5, eff. Aug. 30, 1971.

Fees for license

Sec. 19. The fees as provided for in this Act shall be as follows:

1. Operator's License—originals and renewals issued for four (4) years, Seven Dollars ($7.00);

2. Commercial Operator's License—originals and renewals issued for two (2) years, Ten Dollars ($10.00);

3. Chauffeur's License—originals and renewals issued for two (2) years, Thirteen Dollars ($13.00);

4. Provisional and Instruction (Learner's) License—computed on basis of annual prorated cost of type license obtained multiplied by number of full years of validity; provided that a minimum one-year fee of Two Dollars ($2.00) shall be paid for an instruction permit and by those obtaining such licenses after their twentieth (20th) birthday;

5. Occupational License—Three Dollars ($3.00) for one (1) year;

6. One Dollar ($1.00) from each fee collected under this section shall be deposited in a fund to be known as the Department of Public Safety Building Fund and is hereby appropriated for the construction of buildings for that Department.

Sec. 19 amended by Acts 1971, 62nd Leg., p. 1939, ch. 586, § 6, eff. Aug. 30, 1971.

Exemption of disabled veterans from fees

Sec. 19A. An honorably discharged veteran of the armed services of the United States who has a sixty percent (60%) service-connected disability, according to the classification of the Veteran's Administration, and who receives compensation from the federal government because of the disability, is exempt from the payment of the fees provided in this Act for the issuance of an Operator's or Chauffeur's Commercial License. The Department of Public Safety shall prescribe reasonable rules and regulations relative to the proof of entitlement to this exemption.

Sec. 19A added by Acts 1971, 62nd Leg., p. 1727, ch. 499, § 1, eff. Aug. 30, 1971.

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Records to be kept by the Department

Sec. 21.

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(d) The Department is authorized to provide information pertaining to an individual's date of birth, current license status, and most recent address as listed on the records of the Department upon written request and the payment of a One Dollar ($1.00) fee by a person showing a legitimate need for such information.

(e) The Department is authorized to provide a listing of the sum total of accidents and violations from the licensing records and to itemize therefrom by date and location accidents and violations occurring within the immediate past three (3) year period when requested, upon forms approved by the Department, upon payment of a Two Dollar ($2.00) fee, provided, however, that if requests for such information be prepared and presented by a single person at any one time in the quantities hereinafter specified and upon data processing request forms acceptable to the Department, such information may be provided upon payment of the following fees for each individual request:

If fifty (50) to two hundred forty-nine (249) at a time, a fee of seventy-five cents (75¢) each; and, if two hundred fifty (250) or more at a time, a fee of fifty cents (50¢) each.

(f) The Department is authorized to provide information pertaining to an individual's date of birth, current license status, most recent address, and a listing of reported traffic law violations, and motor vehicle accidents, by date and location, as listed on the records of the Department upon written request and the payment of a Three Dollar ($3.00) fee by a person showing a legitimate need for such information, provided, however, that if requests for such information be prepared in quantities of one hundred (100) or more from a single person at any one time and upon data processing request forms acceptable to the Department, such information may be provided upon payment of a One Dollar ($1.00) fee for each individual request.

(g) No fee shall be charged for information supplied to law enforcement and other governmental agencies for official purposes, provided that bulk information for research projects may be compensated for at regular rates.

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(i) Where records are required, the Director may substitute either microfilm or computer records in lieu of hard copies.

Sec. 21, subsecs. (d) to (g) amended by Acts 1971, 62nd Leg., p. 1940, ch. 586, § 7, eff. Aug. 30, 1971.

Sec. 21, subsec. (i) added by Acts 1971, 62nd Leg., p. 1940, ch. 586, § 7, eff. Aug. 30, 1971.

Medical advisory board

Sec. 21A. (a) No member of any Medical Advisory Board serving and advising the Department and all other persons making examinations for or on recommendation of the members of the Board shall be held liable for their opinions and recommendations.

(b) Reports received or made by any such Board, or its members, for the purpose of determining the medical condition of an applicant are for the confidential use of the Board or the Department and as such are privileged information and may not be divulged to any person or used as evidence in any trial except that the reports may be admitted in proceedings under Section 22 and Section 31, and any person conducting an examination pursuant to the request of the Board may be compelled to testify concerning his observations and findings in such proceedings.

(c) The Medical Advisory Board shall be comprised of licensed physicians (including physicians specialty-board-qualified in internal medicine, psychiatry, neurology, physical medicine, and ophthalmology) appointed by the State Health Commissioner from individuals jointly recommended by the Texas State Department of Health and the Texas Medical Society, and optometrists appointed by the State Health Commissioner from individuals jointly recommended by the Texas State Department of Health and the Texas Optometric Association.

Any three (3) members can act on any case or question submitted by the Texas Department of Public Safety.

Sec. 21A added by Acts 1971, 62nd Leg., p. 1941, ch. 586, § 8, eff. Aug. 30, 1971.

Authority of Department to suspend or revoke a license

Sec. 22. (a) When under Section 10 of this Act the Director believes the licensee to be incapable of safely operating a motor vehicle, the Director may notify said licensee of such fact and summons him to appear for hearing as provided hereinafter. Such hearing shall be had not less than ten (10) days after notification to the licensee or operator under any of the provisions of this section, and upon charges in writing, a copy of which shall be given to said operator or licensee not less than ten (10) days before said hearing. For the purpose of hearing such cases, jurisdiction is vested in the mayor of the city, or judge of the police court, or a Justice of the Peace in the county where the operator or licensee resides. Such officer may receive a fee for hearing such cases if such a fee is approved and set by the County Commissioners Court which has jurisdiction over the residence of the operator or licensee and such fee shall not exceed Five Dollars ($5.00) per case and shall be paid from the General Revenue Fund of the County. Any fees, not to exceed Five Dollars ($5.00) per case, which the County Commissioners Court may determine to be owed to such officer for past hearings, or any fees, not to exceed Five Dollars ($5.00) per case, previously paid such officer for hearing said cases, is hereby authorized. Such court may administer oaths and may issue subpoenas for the attendance of witnesses and the

production of relative books and papers. It shall be the duty of the court to set the matter for hearing upon ten (10) days' written notice to the Department. Upon such hearing, the issues to be determined are whether the license shall be suspended or whether the license shall be revoked, and, in the event of a suspension, the length of time of the suspension, which shall not exceed one (1) year. The officer who presides at such hearing shall report the finding to the Department which shall have authority to suspend the license for the length of time reported; provided, however, that in the event of such affirmative finding, the licensee may appeal to the county court of the county wherein the hearing was held, said appeal to be tried de novo. Notice by registered mail to the address shown on the license of the licensee shall constitute service for the purpose of this section.

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(e) The judge or officer holding a hearing under Subsection (a), (b), or (d) of this section, or the court trying an appeal under Subsection (c) of this section, on determining that the License shall be suspended or revoked, may, when it appears to the satisfaction of the court that the ends of justice and the best interests of the public as well as the defendant will be subserved thereby, recommend that the revocation or suspension be probated on terms and conditions deemed by the officer or judge to be necessary or proper. The report to the department of the results of the hearing must include the terms and conditions of such probation. When probation is recommended by the judge or officer presiding at a hearing, the department shall probate the suspension or revocation.

(f) When the director believes that a licensee who has been placed on probation under Subsection (e) of this section has violated a term or condition of the probation, the director shall notify the licensee and summons him to appear at a hearing as provided in Subsection (a) or (d) of this section, after notice as provided in Subsection (a) of this section. The issue at the hearing shall be whether a term or condition of the probation has been violated. The officer or judge presiding at the hearing shall report his finding to the department and if the finding is that a term or condition of the probation is violated, the department shall revoke or suspend the license as determined in the original hearing.

Sec. 22(e), (f) added by Acts 1969, 61st Leg., p. 1824, ch. 614, § 1, eff. June 11, 1969; Sec. 22(a) amended by Acts 1971, 62nd Leg., p. 2496, ch. 819, § 1, eff. June 8, 1971.

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Authority of department to cancel license

Sec. 25A. The Department is hereby authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application.

Sec. 25A added by Acts 1971, 62nd Leg., p. 1941, ch. 586, § 9, eff. Aug. 30, 1971.

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Suspending resident's license based upon conduct in another state

Sec. 28. (a) The Department is authorized to suspend or revoke the license of any resident of this State or the privilege of a nonresident to drive a motor vehicle in this State upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this State, would be grounds for the suspension or revocation of the license of a driver.

(b) The Department may give such effect to conduct of a resident in another state as is provided by the laws of this State had such conduct occurred in this State.

Sec. 28 amended by Acts 1971, 62nd Leg., p. 1941, ch. 586, § 10, eff. Aug. 30, 1971.

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Forging or counterfeiting drivers' licenses and other instruments

Sec. 44A. (a) Any person who shall print, engrave, copy, photograph, make, issue, sell, or circulate, or who shall possess or have in his possession with intent to use, sell, circulate, or who shall possess or have in his possession with intent to use, sell, circulate, or pass, any forged or counterfeit driver's license, driver's license form, stamp, permit, license, official signature, certificate, evidence of fee payment, or any other instrument which has not been printed, manufactured, or made by or under the direction of, or issued, sold, or circulated by or under the direction of a person, board, agency, or authority authorized to do so by the provisions of this Act, or by the laws of another state or of the United States, shall be guilty of a felony and upon conviction shall be punished by confinement in the State penitentiary for a term of not less than two (2) years nor more than five (5) years.'

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Sec. 44A(a) amended by Acts 1971, 62nd Leg., p. 2916, ch. 966, § 1, eff. June 15, 1971.

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Section 3. Acts 1971, 62nd Leg., p. 1934, ch. 586, which amended and added various sections of this article, provided in section 12: "If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Art. 6697a. Placement of signs along rights-of-way by political subdivisions

A political subdivision may place advisory safety or useful directional information signs of a type that cannot be mistaken as official signs along the public rights-of-way under their control other than State highway routes for revenue purposes.

Acts 1971, 62nd Leg., p. 1249, ch. 310, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the power of political subdivisions to place certain signs along certain rights-of-way; and declaring an emergency. Acts 1971, 62nd Leg., p. 1249, ch. 310.

Art. 6701a. Permits for heavy trucks on highways

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Sec. 3. Before a permit is issued the applicant for the same shall file with the State Highway Department a bond in an amount to be set and approved by the Department, payable to the State Highway Department of Texas and conditioned that the applicant will pay to the State Highway Department any damage that might be sustained to the highway by virtue of the operation of the equipment for which a permit is issued to operate, and venue of any suit for recovery upon said bond may be any court of competent jurisdiction in Travis County. There shall also accompany the application for permit a fee of Five Dollars ($5) for single trip permits, Ten Dollars ($10) for time permits not exceeding a period of thirty (30) days; Fifteen Dollars ($15) for time permits not exceeding a period of sixty (60) days and Twenty Dollars ($20) for time permits not exceeding a period of ninety (90) days, which fee shall be by the State Highway Department deposited in the Treasury of the State of Texas to the credit of the State Highway Fund. All payments of fees shall be made by cashier or certified check, postal or express money orders. As a further prerequisite to the issuance of any such permits, the equipment to be operated under such permit must have been registered under Acts 1929, 41st Legislature, 2nd Called Session, Chapter 88, as amended (Vernon's Civil Statutes 6675a) for maximum gross weight applicable to such vehicle

under Section 5, Acts 1929, 41st Legislature, 2nd Called Session, Chapter 42, as amended (Vernon's Penal Code, Article 827a), not exceeding seventy-two thousand (72,000) pounds total gross weight. The requirement of a bond contained in this section does not apply to the driving or transporting of farm equipment which is being used for agricultural purposes if it is driven or transported by or under the authority of the owner of the equipment. The bond requirement does apply to the delivery of farm equipment to a farm equipment dealer.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 2816, ch. 917, § 1, eff. June 15, 1971.

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CHAPTER ONE A—TRAFFIC REGULATIONS

Art. 6701d. Uniform Act Regulating Traffic on Highways

ARTICLE I—WORDS AND PHRASES DEFINED

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SUBDIVISION I—VEHICLES AND EQUIPMENT DEFINED

Vehicles

Sec. 2.

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(e) School bus. Every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of standards as produced and sponsored by the National Commission on Safety Education of the National Education Association, Washington, D. C., and is being used to transport children to or from school or in connection

with school activities, but not including buses operated by common carriers in urban transportation of school children.

(f) Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than fourteen (14) inches in diameter.

(g) Implement of Husbandry. Every vehicle designed and adapted for use as a farm implement, machinery or tool as used in tilling the soil, but shall not include any passenger car or truck.

(h) Light Truck. Any truck, as defined in this Act, with a manufacturer's rated carrying capacity not to exceed two thousand (2,000) pounds and is intended to include those trucks commonly known as pickup trucks, panel delivery trucks and carryall trucks.

(i) Motor driven Cycle. Every motorcycle, including every motor scooter, with a motor which produces not to exceed 5-brake horsepower (brake horsepower developed by a prime mover, as measured by a brake applied to the driving shaft), and every bicycle with motor attached.

(j) Passenger Car. Every motor vehicle, except motorcycles and motor driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

(k) Special Mobile Equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditchdigging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(l) Trackless Trolley Coach. Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(m) Muffler. Muffler is a device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and/or turbine wheels for the purpose of receiving exhaust gas from a diesel engine, both of which are effective in reducing noise.

Sec. 2(e) amended by Acts 1971, 62nd Leg., p. 723, ch. 83, § 1, eff. Aug. 30, 1971; Sec. 2(f)–(m) added by Acts 1971, 62nd Leg., p. 723, ch. 83, § 1, eff. Aug. 30, 1971.

Trailers

Sec. 5.

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(d) House Trailer. A trailer or semitrailer

(1) which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or

(2) whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in Subdivision (1), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

Sec. 5(d) amended by Acts 1971, 62nd Leg., p. 724, ch. 83, § 2, eff. Aug. 30, 1971.

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Explosives

Sec. 8.

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(b) Flammable Liquid. Any liquid which has a flash point of 70° F., or less, as determined by a tagliabue or equivalent closed-cup test device."

Sec. 8(b) amended by Acts 1971, 62nd Leg., p. 724, ch. 83, § 3, eff. Aug. 30, 1971.

SUBDIVISION II—GOVERNMENTAL AGENCIES, PERSONS, OWNERS, ETC., DEFINED

Director, department, state, urban district

Sec. 9.

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(c) State. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

(d) Urban District. The territory contiguous to and including any highway or street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of one-quarter (¼) of a mile or more on either side except in incorporated cities.

Sec. 9(c), (d) added by Acts 1971, 62nd Leg., p. 724, ch. 83, § 4, eff. Aug. 30, 1971.

Person, pedestrian, driver, etc.

Sec. 10.

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(d) Owner. A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

(e) Personal Injury. A wound or injury to any part of the human body which necessitates treatment.

(f) Nonresident. Every person who is not a resident of this State.'

Sec. 10(d), (e) amended by Acts 1971, 62nd Leg., p. 724, ch. 83, § 5, eff. Aug. 30, 1971; Sec. 10(f) added by Acts 1971, 62nd Leg., p. 724, ch. 83, § 5, eff. Aug. 30, 1971.

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SUBDIVISION III—HIGHWAYS, RESTRICTED DISTRICTS, ZONES, ETC., DEFINED

Highways, roads, streets and sidewalks

Sec. 13.

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(c) Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term 'roadway' as used herein shall refer to any such roadway separately but not to all such roadways collectively.

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(f) Through Highway. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign or other official traffic-control device, when such signs or devices are erected as provided in this Act.

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(h) Arterial Street. Any U. S. or State numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.'

Sec. 13(c), (f) amended by Acts 1971, 62nd Leg., p. 725, ch. 83, § 6, eff. Aug. 30, 1971; Sec. 13(h) added by Acts 1971, 62nd Leg., p. 725, ch. 83, § 6, eff. Aug. 30, 1971.

Intersection

Sec. 14. (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(c) The junction of an alley with a street or highway shall not constitute an intersection.

(d) Notwithstanding the provisions of Subsection (b) of this section, the State Highway Commission and local authorities may, in matters of highway and traffic engineering design, consider the separate intersections of divided highways with medians thirty (30) feet wide or wider, as defined in Subsection (b) of this section, as components of a single intersection.'

Sec. 14(a)–(c) amended by Acts 1971, 62nd Leg., p. 725, ch. 83, § 7, eff. Aug. 30, 1971; Sec. 14(d) added by Acts 1971, 62nd Leg., p. 772, ch. 83, § 100, eff. Aug. 30, 1971.

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Business and residence districts

Sec. 17. (a) Business District. The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

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Sec. 17(a) amended by Acts 1971, 62nd Leg., p. 725, ch. 83, § 8, eff. Aug. 30, 1971.

Signals and devices

Sec. 18.

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(b) Traffic-control signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

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Sec. 18(b) amended by Acts 1971, 62nd Leg., p. 772, ch. 83, § 101, eff. Aug. 30, 1971.

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Right-of-way

Sec. 20. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under

such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
Sec. 20 amended by Acts 1971, 62nd Leg., p. 726, ch. 83, § 9, eff. Aug. 30, 1971.

SUBDIVISION IV—MISCELLANEOUS DEFINITIONS [NEW]

Daytime and nighttime

Sec. 20A. "Daytime" means from one-half (½) hour before sunrise to one-half (½) hour after sunset, and "nighttime" means at any other hour.
Sec. 20A added by Acts 1971, 62nd Leg., p. 726, ch. 83, § 10, eff. Aug. 30, 1971.

Driveaway-tow away operation

Sec. 20B. Any operation in which any motor vehicle, trailer or semi-trailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of the transportation, whether or not any such vehicle furnishes the motive power.
Sec. 20B added by Acts 1971, 62nd Leg., p. 726, ch. 83, § 10, eff. Aug. 30, 1971.

Gross weight

Sec. 20C. The weight of a vehicle without load plus the weight of any load thereon.
Sec. 20C added by Acts 1971, 62nd Leg., p. 726, ch. 83, § 10, eff. Aug. 30, 1971.

Nonresident's operating privilege

Sec. 20D. The privilege conferred upon a nonresident by the laws of this State pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this State.
Sec. 20D added by Acts 1971, 62nd Leg., p. 726, ch. 83, § 10, eff. Aug. 30, 1971.

Park or parking

Sec. 20E. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
Sec. 20E added by Acts 1971, 62nd Leg., p. 726, ch. 83, § 10, eff. Aug. 30, 1971.

Stand or standing

Sec. 20F. Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
Sec. 20F added by Acts 1971, 62nd Leg., p. 726, ch. 83, § 10, eff. Aug. 30, 1971.

Stop

Sec. 20G. When required means complete cessation from movement.
Sec. 20G added by Acts 1971, 62nd Leg., p. 726, ch. 83, § 10, eff. Aug. 30, 1971.

Stop or stopping

Sec. 20H. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
Sec. 20H added by Acts 1971, 62nd Leg., p. 726, ch. 83, § 10, eff. Aug. 30, 1971.

ARTICLE II—OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

Provisions of Act refer to vehicles upon the highways—exceptions

Text as amended by Acts 1971, 62nd Leg., p. 727, ch. 83, § 11

Sec. 21. The provisions of this Act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.

2. The provisions of Articles IV and V of this Act and Articles 802, 802b and 802c, Penal Code of Texas, 1925, as amended shall apply upon highways and other public places.

Sec. 21 amended by Acts 1971, 62nd Leg., p. 727, ch. 83, § 11, eff. Aug. 30, 1971.

For text as amended by Acts 1971, 62nd Leg., p. 2384, ch. 741, § 1, see section 21, post.

Provisions of Act refer to vehicles upon the highways—exceptions

Text as amended by Acts 1971, 62nd Leg., p. 2384, ch. 741, § 1

Sec. 21. The provisions of this Act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.

2. The provisions of Article IV shall apply upon all roads owned and controlled by any water control and improvement district, whether or not a fee is charged for the use of the roads, and the provisions of Articles IV and V shall apply upon streets, highways, or privately owned access ways or parking areas provided by business establishments, without charge, for the convenience of their customers, clients, or patrons but not upon privately owned residential property or the property of any garage or parking lot for which a charge is made for storage or parking of motor vehicles.

Sec. 21 amended by Acts 1971, 62nd Leg., p. 2384, ch. 741, § 1, eff. June 8, 1971.

For text as amended by Acts 1971, 62nd Leg., p. 727, ch. 83, § 11, see section 21, ante.

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Additional exceptions

Sec. 24. (a) Unless specifically made applicable, the provisions of this chapter except those contained in Article V of this Act and Articles 802b, 802c and 802e, Penal Code of Texas, 1925, as amended shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

(b) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(c) The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as he does not endanger life or property;

4. Disregard regulations governing direction of movement or turning in specified directions.

(d) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of Section 124 of this Act, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(e) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(f) The provisions of this Act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this State or any county, city, town, district, or any other political subdivision of the State, subject to such specific exceptions as are set forth in this Act with reference to authorized emergency vehicles.

Sec. 24 amended by Acts 1971, 62nd Leg., p. 727, ch. 83, § 12, eff. Aug. 30, 1971.

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Powers of local authorities

Sec. 27. (a) The provisions of this Act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from—

1. Regulating the stopping, standing or parking of vehicles;

2. Regulating traffic by means of police officers or traffic-control devices;

3. Regulating or prohibiting processions or assemblages on the highways;

4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;

5. Regulating the speed of vehicles in public parks;

6. Designating any highway as a through highway and requiring that all vehicles stop or yield before entering or crossing the same, or designating any intersection as a stop intersection or a yield intersection and requiring all vehicles to stop or yield at one or more entrances to such intersection;

7. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;

8. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

9. Altering the speed limits as authorized herein;

10. Adopting such other traffic regulations as are specifically authorized by this Act.

(b) No local authority shall erect or maintain any stop sign or yield sign or traffic-control device at any location so as to require the traffic on any State highway, including Farm-to-Market or Ranch-to-Market roads, to stop or yield before entering or crossing any intersecting highway unless such signs or devices are erected and maintained by virtue of an agreement entered into between such local authority and the State Highway Department under the provisions of Senate Bill No. 415, Acts of the 46th Legislature, Regular Session.[1]

(c) No ordinance or regulation enacted under Subsection (4), (5), (6), or (9) of Subsection (a) of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the

entrances to the highway or part thereof affected as may be most appropriate.

Sec. 27 amended by Acts 1971, 62nd Leg., p. 772, ch. 83, § 102, eff. Aug. 30, 1971.

[1] Article 6673—b.

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ARTICLE III—TRAFFIC SIGNS, SIGNALS, AND MARKINGS

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Obedience to and required traffic-control devices

Sec. 32. (a) The driver of any vehicle and the motorman of any streetcar shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this Act, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Act.

(b) No provision of this Act for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

Sec. 32 amended by Acts 1971, 62nd Leg., p. 728, ch. 83, § 13, eff. Aug. 30, 1971.

Traffic-control signal legend

Sec. 33. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red and Yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication

1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

3. Unless otherwise directed by a pedestrian control signal, as provided in Section 34, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication

1. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

2. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 34, are thereby

For Annotations and Historical Notes, see V.A.T.S.

advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(c) Steady red indication

1. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown.

2. Unless otherwise directed by a pedestrian control signal as provided in Section 34, pedestrians facing a steady red signal alone shall not enter the roadway.

(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(e) The motorman of any streetcar shall obey the above signals as applicable to vehicles.

Sec. 33 amended by Acts 1971, 62nd Leg., p. 728, ch. 83, § 14, eff. Aug. 30, 1971.

Pedestrian control signals

Sec. 34. Whenever special pedestrian control signals exhibiting the words "Walk," "Don't Walk," or "Wait" are in place such signals shall indicate as follows:

(a) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(b) Don't Walk or Wait. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "Walk" signal shall proceed to a sidewalk or safety island while the "Don't Walk" or "Wait" signal is showing.

Sec. 34 amended by Acts 1971, 62nd Leg., p. 729, ch. 83, § 15, eff. Aug. 30, 1971.

Flashing signals

Sec. 35. (a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through an intersection or past such signal only with caution.

(b) This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 86 of this Act.

Sec. 35 amended by Acts 1971, 62nd Leg., p. 729, ch. 83, § 16, eff. Aug. 30, 1971.

Lane-direction-control signals

Sec. 35A. When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any

lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.
Sec. 35A added by Acts 1971, 62nd Leg., p. 730, ch. 83, § 17, eff. Aug. 30, 1971.

Display of unauthorized signs, signals or markings

Sec. 36. (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) No person shall place or maintain a flashing light or flashing electric sign of any kind or color within one thousand (1,000) feet of any intersection unless a permit is granted by the State Highway Commission for such flashing light or electric sign.

(d) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(e) In addition to being a misdemeanor as set out in Section 143, every such prohibited sign, signal, light or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.
Sec. 36 amended by Acts 1971, 62nd Leg., p. 771, ch. 83, § 98, eff. Aug. 30, 1971.

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ARTICLE IV—ACCIDENTS

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Investigation of accidents

Sec. 43A. Upon notification of a law enforcement officer by the driver of a vehicle involved in an accident resulting in injury to or death of any person, or total property damage to an apparent extent of Fifty Dollars ($50) or more, the officer may investigate the accident and file any justifiable charges relating thereto without regard to whether the accident occurred on a public street or highway or other public property, on a road owned and controlled by any water control and improvement district, whether or not a fee is charged for the use of the road, or on private property commonly used by the public such as supermarket or shopping center parking lots, parking areas provided by business establishments for the convenience of their customers, clients, or patrons, parking lots owned and operated by the State or any other parking area owned and operated for the convenience of, and commonly used by, the public. It is specifically provided, however, that this Section shall not apply to accidents occurring on privately owned residential parking areas or on privately owned parking lots where a fee is charged for the privilege of parking or storing a motor vehicle.
Sec. 43A amended by Acts 1971, 62nd Leg., p. 2384, ch. 741, § 2, eff. June 8, 1971.

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ARTICLE V—DRIVING WHILE UNDER THE INFLUENCE OF DRUGS AND RECKLESS DRIVING

Persons under the influence of drugs

Sec. 50. (a) It is unlawful and punishable as provided in Subsection (b) of this section for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this State. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this State shall not constitute a defense against any charge of violating this section.

(b) Every person who is convicted of a violation of Subsection (a) of this section shall be punished by imprisonment for not less than ten (10) days nor more than two (2) years, or by fine of not less than One Hundred Dollars ($100) nor more than One Thousand Dollars ($1,000), or by both such fine and imprisonment. On a second or subsequent conviction under this section he shall be punished by imprisonment for not less than ninety (90) days nor more than two (2) years, and, in the discretion of the court, a fine of not more than One Thousand Dollars ($1,000).

Sec. 50 amended by Acts 1971, 62nd Leg., p. 730, ch. 83, § 18, eff. Aug. 30, 1971.

Homicide by vehicle

Sec. 50A. (a) Whoever shall unlawfully and unintentionally (with a conscious disregard for the rights of others) cause the death of another person while engaged in the violation of any State law or municipal ordinance applying to the operation or use of a vehicle or streetcar or to the regulation of traffic shall be guilty of homicide when such violation is the proximate cause of said death.

(b) Any person convicted of homicide by vehicle shall be fined not less than Five Hundred Dollars ($500) nor more than Two Thousand Dollars ($2,000), or shall be imprisoned in the county jail not less than three (3) months nor more than one (1) year, or may be so fined and so imprisoned; provided, however, that such person may be tried only upon indictment by a grand jury and may be tried only in the county where the violation occurred.

Sec. 50A added by Acts 1971, 62nd Leg., p. 730, ch. 83, § 19, eff. Aug. 30, 1971.

Reckless driving

Sec. 51. (a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Every person convicted of reckless driving shall be punished upon such conviction by a fine of not more than Two Hundred Dollars ($200), or by imprisonment in the county jail for a period of not more than thirty (30) days, or by both such fine and imprisonment.

Sec. 51 amended by Acts 1971, 62nd Leg., p. 731, ch. 83, § 20, eff. Aug. 30, 1971.

ARTICLE VI—DRIVING ON RIGHT SIDE OF ROADWAY; OVERTAKING AND PASSING, ETC.

Drive on right side of roadway—exceptions

Sec. 52. (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway restricted to one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designated certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under Subsection (a) 2 hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or out of an alley, private road, or driveway.

Sec. 52 amended by Acts 1969, 61st Leg., p. 1019, ch. 329, § 1, eff. May 27, 1969; Acts 1971, 62nd Leg., p. 731, ch. 83, § 21, eff. Aug. 30, 1971.

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When overtaking on the right is permitted

Sec. 55. (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of the roadway.

Sec. 55 amended by Acts 1971, 62nd Leg., p. 732, ch. 83, § 22, eff. Aug. 30, 1971.

Limitations on overtaking on the left

Sec. 56. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same

direction unless authorized by the provisions of this Act and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any approaching vehicle.
Sec. 56 amended by Acts 1971, 62nd Leg., p. 732, ch. 83, § 23, eff. Aug. 30, 1971.

Further limitations on driving to left of center of roadway

Text of subsection (a) as amended by Acts 1971, 62nd Leg., p. 732, ch. 83, § 24

Sec. 57. (a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. Where sight restriction is such that the section of highway being traversed lies within a no passing zone as determined and marked in accordance with Section 58;

2. When approaching within one hundred (100) feet of or passing through any intersection or railroad grade crossing within the limits of an incorporated city or town;

3. Outside the limits of an incorporated city or town when approaching within one hundred (100) feet of or passing through any intersection or railroad grade crossing and the intersection or crossing is indicated by signs or markings in accordance with Section 58;

4. When approaching within one hundred (100) feet of any bridge, viaduct, or tunnel.

Sec. 57(a) amended by Acts 1971, 62nd Leg., p. 732, ch. 83, § 24, eff. Aug. 30, 1971.

For text of subsection (a) as amended by Acts 1971, 62nd Leg., p. 2418, ch. 767, § 1, see section 57(a), post.

Text of subsection (a) as amended by Acts 1971, 62nd Leg., p. 2418, ch. 767

(a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. Where sight restriction is such that the section of highway being traversed lies within a no passing zone as determined and marked in accordance with Section 58.

2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing;

3. When approaching within one hundred (100) feet of any bridge, viaduct, or tunnel.

4. When awaiting access to a ferry operated by the State Highway Commission.

Sec. 57(a) amended by Acts 1971, 62nd Leg., p. 2418, ch. 767, § 1, eff. June 8, 1971.

For text of subsection (a) as amended by Acts 1971, 62nd Leg., p. 732, ch. 83, § 24, see section 57(a), ante.

(b) The foregoing limitations shall not apply upon a oneway roadway, nor to any driver of a vehicle turning left into or from an alley, private road, or driveway.

Sec. 57(b) amended by Acts 1971, 62nd Leg., p. 732, ch. 83, § 24, eff. Aug. 30, 1971.

(c) The State Highway Commission shall post signs along the approach to any ferry operated by it notifying motorists that passing is pro-

hibited when there is a standing line of vehicles awaiting access to the ferry.
Sec. 57(c) added by Acts 1971, 62nd Leg., p. 2418, ch. 767, § 2, eff. June 8, 1971.

No-passing zones

Sec. 58. (a) The State Highway Commission on State highways under its jurisdiction, and local authorities on highways under their jurisdiction, are authorized to determine those portions of any highway under their appropriate jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or marking on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in Subsection (a) no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length. However, this subsection shall not be construed as prohibiting the crossing of such pavement striping, or the center line within a no-passing zone marked by signs only, in making a left turn into or out of an alley, private road, or driveway.
Sec. 58 amended by Acts 1971, 62nd Leg., p. 733, ch. 83, § 25, eff. Aug. 30, 1971.

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Driving on roadways laned for traffic

Sec. 60.

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(b) Upon a roadway which is divided into three (3) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

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(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.
Sec. 60(b) amended by Acts 1971, 62nd Leg., p. 733, ch. 83, § 26, eff. Aug. 30, 1971; Sec. 60(d) added by Acts 1971, 62nd Leg., p. 733, ch. 83, § 26, eff. Aug. 30, 1971.

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Driving on divided highways

Sec. 62. Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established by public authority.
Sec. 62 amended by Acts 1971, 62nd Leg., p. 733, ch. 83, § 27, eff. Aug. 30, 1971.

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Restrictions on use of controlled-access roadway

Sec. 64. The State Highway Commission may by resolution or order entered in its minutes, and local authorities may by ordinance, with respect to any limited-access or controlled-access roadway under their respective jurisdictions prohibit the use of any such roadway by parades, funeral processions, pedestrians, bicycles, nonmotorized traffic, or by any person operating a motor driven cycle.

The State Highway Commission or the local authority adopting any such prohibitory regulation shall erect and maintain official traffic-control devices on the limited-access or controlled-access highway on which such regulations are applicable and when in place no person shall disobey the restrictions stated on such devices.

Sec. 64 amended by Acts 1971, 62nd Leg., p. 734, ch. 83, § 28, eff. Aug. 30, 1971.

ARTICLE VII—TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

Required position and method of turning at intersections

Sec. 65. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turns. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) The State Highway Commission and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

Sec. 65 amended by Acts 1971, 62nd Leg., p. 734, ch. 83, § 29, eff. Aug. 30, 1971.

Turning on curve or crest of grade prohibited

Sec. 66. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

Sec. 66 amended by Acts 1971, 62nd Leg., p. 735, ch. 83, § 30, eff. Aug. 30, 1971.

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Turning movements and required signals

Sec. 68. (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 65, or turn a vehicle to enter a private road or driveway, or otherwise turn

a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with safety. Except under conditions set out in Section 24(a) no person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

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(d) The signals provided for in Section 69 of this Act shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

Sec. 68(a), (d) amended by Acts 1971, 62nd Leg., p. 735, ch. 83, § 31, eff. Aug. 30, 1971.

Signals by hand and arm or signal lamps

Sec. 69. (a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in Subsection (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

Sec. 69 amended by Acts 1971, 62nd Leg., p. 735, ch. 83, § 32, eff. Aug. 30, 1971.

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ARTICLE VIII—RIGHT-OF-WAY

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Vehicle turning left

Sec. 72. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

Sec. 72 amended by Acts 1971, 62nd Leg., p. 735, ch. 83, § 33, eff. Aug. 30, 1971.

Vehicle entering stop or yield intersection

Sec. 73. (a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Subsection (a) of Section 91 of this Act.

(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection (b) of Section 91A and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immedi-

ate hazard during the time such driver is moving across or within the intersection. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.
Sec. 73 amended by Acts 1971, 62nd Leg., p. 736, ch. 83, § 34, eff. Aug. 30, 1971.

Vehicle entering highway from private road or driveway

Sec. 74. The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.
Sec. 74 amended by Acts 1971, 62nd Leg., p. 736, ch. 83, § 35, eff. Aug. 30, 1971.

Operation of vehicles and street cars on approach of authorized emergency vehicles

Sec. 75. (a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of Section 124 of this Act, or of a police vehicle properly and lawfully making use of an audible signal only:

1. The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

2. Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

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Sec. 75(a) amended by Acts 1971, 62nd Leg., p. 736, ch. 83, § 36, eff. Aug. 30, 1971.

ARTICLE IX—PEDESTRIANS' RIGHTS AND DUTIES

Pedestrians subject to traffic regulations

Sec. 76.

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(c) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

(d) The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across such alley, building entrance, road or driveway.
Sec. 76(c), (d) added by Acts 1971, 62nd Leg., p. 737, ch. 83, § 37, eff. Aug. 30, 1971.

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Crossing at other than crosswalks

Sec. 78.

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(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.
Sec. 78(d) added by Acts 1971, 62nd Leg., p. 737, ch. 83, § 38, eff. Aug. 30, 1971.

Drivers to exercise due care

Sec. 79. Notwithstanding other provisions of this Article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.
Sec. 79 amended by Acts 1971, 62nd Leg., p. 737, ch. 83, § 39, eff. Aug. 30, 1971.

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Pedestrians on roadways

Sec. 81.

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(c) No person shall stand in a roadway for the purpose of soliciting a ride, contributions, employment or business from the occupant of any vehicle.

(d) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.
Sec. 81(c) amended by Acts 1971, 62nd Leg., p. 737, ch. 83, § 40, eff. Aug. 30, 1971; Sec. 81(d) added by Acts 1971, 62nd Leg., p. 737, ch. 83, § 40, eff. Aug. 30, 1971.

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ARTICLE XI—SPECIAL STOPS AND RESTRICTED SPEEDS REQUIRED

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All vehicles must stop at certain railroad grade crossings

Sec. 87. The State Highway Commission and local authorities with respect to highways under their respective jurisdictions are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs or other standard traffic-control devices thereat. When such stop signs or other standard traffic-control devices are erected, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care, and in the exercise of their authority to determine safety hazards existing at grade crossings of streets, roads, highways and other public rights-of-way with railroad track or tracks by the State and all political subdivisions thereof the costs for installation and maintenance of mechanically operated grade crossing safety devices, gates, signs and signals shall be apportioned and paid on the same percentage ratio and in the same proportionate amounts by the State and all political subdivisions thereof as is the presently established policy and practice of the State of Texas and the Federal Government.
Sec. 87 amended by Acts 1971, 62nd Leg., p. 737, ch. 83, § 41, eff. Aug. 30, 1971.

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Moving heavy equipment at railroad grade crossings

Sec. 90. (a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the

distance between any two (2) adjacent axles or in any event of less than nine (9) inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

Sec. 90 amended by Acts 1971, 62nd Leg., p. 738, ch. 83, § 42, eff. Aug. 30, 1971.

Authority to designate through highways and "stop" and "yield" intersections

Sec. 91. (a) The State Highway Commission with reference to State (and county) highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop or yield signs at specified entrances thereto or may designate any intersection as a stop intersection or as a yield intersection and erect like signs at one or more entrances to such intersection.

(b) Every said sign shall conform to the manual and specifications for uniform traffic-control devices as adopted by the State Highway Commission. Every stop or yield sign shall be located as near as practicable at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.

Sec. 91 amended by Acts 1971, 62nd Leg., p. 738, ch. 83, § 43, eff. Aug. 30, 1971.

Stop signs and yield signs

Sec. 91A. (a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Section 91 of this Act.

(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle and every motorman of a streetcar approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(c) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

Sec. 91A added by Acts 1971, 62nd Leg., p. 739, ch. 83, § 44, eff. Aug. 30, 1971.

Emerging from alley, driveway or building

Sec. 92. The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Sec. 92 amended by Acts 1971, 62nd Leg., p. 739, ch. 83, § 45, eff. Aug. 30, 1971.

ARTICLE XII—STOPPING, STANDING, AND PARKING

Stopping, standing, or parking outside of business or residence districts

Sec. 93. (a) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon such highway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Sec. 93 amended by Acts 1971, 62nd Leg., p. 739, ch. 83, § 46, eff. Aug. 30, 1971.

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Stopping, standing or parking prohibited in specified places

Sec. 95. (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand or park a vehicle:

a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

b. On a sidewalk;

c. Within an intersection;

d. On a crosswalk;

e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the governing body of any incorporated city, town or village indicates a different length by signs or markings;

f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

h. On any railroad track;

i. At any place where official signs prohibit stopping.

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

a. In front of a public or private driveway;

b. Within fifteen (15) feet of a fire hydrant;

c. Within twenty (20) feet of a crosswalk at an intersection;

d. Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;

e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly sign-posted);

f. At any place where official signs prohibit standing.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

a. Within fifty (50) feet of the nearest rail of a railroad crossing;

b. At any place where official signs prohibit parking.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

Sec. 95 amended by Acts 1971, 62nd Leg., p. 740, ch. 83, § 47, eff. Aug. 30, 1971.

Additional parking regulations

Sec. 96. (a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within eighteen (18) inches of the right-hand curb or edge of the roadway.

(b) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within eighteen (18) inches of the right-hand curb or edge of the roadway, or its left-hand wheels within eighteen (18) inches of the left-hand curb or edge of the roadway.

(c) Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any Federal-aid or State highway unless the State Highway Engineer has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The State Highway Department with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in the opinion of the State Highway Engineer, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

Sec. 96 amended by Acts 1971, 62nd Leg., p. 740, ch. 83, § 48, eff. Aug. 30, 1971.

ARTICLE XIII—MISCELLANEOUS RULES

Unattended motor vehicle

Sec. 97. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the

brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.
Sec. 97 amended by Acts 1971, 62nd Leg., p. 741, ch. 83, § 49, eff. Aug. 30, 1971.

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Coasting prohibited

Sec. 99. (a) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears or transmission of such vehicle in neutral.

(b) The driver of a truck, truck tractor or bus when traveling upon a downgrade shall not coast with the clutch disengaged.
Sec. 99 amended by Acts 1971, 62nd Leg., p. 741, ch. 83, § 50, eff. Aug. 30, 1971.

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Overtaking and passing school bus

Sec. 104. (a) The driver of a vehicle upon a highway inside or outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in Section 124 of this Act, and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.
Sec. 104 amended by Acts 1971, 62nd Leg., p. 741, ch. 83, § 51, eff. Aug. 30, 1971.

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ARTICLE XIV—EQUIPMENT

Scope and effect of regulations

Sec. 108.

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(c) The provisions of this Article with respect to equipment on vehicles shall not apply to motorcycles or motor-driven cycles, implements of husbandry, road machinery, road rollers or farm tractors, except as herein made applicable.

(d) The Department is hereby authorized to approve or disapprove equipment, material and lighting devices as referred to in Article XIV, and to issue and enforce regulations not inconsistent with law, establishing standards and specifications for their approval, installation and adjustment when in use on motor vehicles. Such regulations shall correlate with, and, insofar as practicable, conform to the then current standards and specifications of the Society of Automotive Engineers, or in its discretion any other recognized organization which sets standards for such equipment, material and lighting equipment.

(e) The Department is further authorized to establish the procedure which shall be followed when any device is submitted for approval. Any person, firm, or corporation, may submit to the Department any such lamp,

device, equipment, or material, required to be approved by the Department, and to make application that the same be tested as to conformity with the requirements of the law and the regulations of the Department. Upon such application being made, the Department shall cause such test to be made as may be necessary to determine whether to approve or disapprove. Each such applicant shall, upon the filing of his application, pay to the Department of Public Safety a fee of Fifty Dollars ($50). All such fees shall be paid by the Department into the State Treasury to be deposited in the Operator's and Chauffeur's License Fund. The Department may recognize the American Association of Motor Vehicle Administrators' certificate of equipment approval or in its discretion a certificate from any other recognized testing organization as evidence that the minimum standards prescribed have been satisfied.

(f) When the Department has reason to believe that an approved device as being sold commercially does not comply with the requirements of this Chapter, the Department may, after giving thirty (30) days previous notice to the person holding the certificate of approval for such device in this State, conduct a hearing upon the question of compliance of said approved device. After said hearing the Department shall determine whether said approved device meets the requirements of this Chapter. If said device does not meet the requirements of this Chapter the Department shall give notice to the person holding the certificate of approval for such device in this State. If, at the expiration of ninety (90) days after such notice, the person holding the certificate of approval for such device has failed to satisfy the Department that said approved device as thereafter to be sold meets the requirements of this Chapter, the Department shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this Chapter, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this Chapter. The Department may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices and if such device upon such retest fails to meet the requirements of this Chapter, the Department may refuse to renew the certificate of approval of such device.

(g) Any order or act of the Department under the provisions of this section may be subject to review within ten (10) days' notice thereof by appeal to the District Court at the instance of any party in interest and in the county wherein the person aggrieved by such order or act resides, and such Court is hereby vested with jurisdiction. The proceeding on appeal shall be a trial de novo as such term is commonly used and intended in an appeal from the Justice Court to the County Court, and the burden of proof shall be on the Department.

Sec. 108(c) amended by Acts 1971, 62nd Leg., p. 742, ch. 83, § 52, eff. Aug. 30, 1971; Sec. 108(d)–(g) added by Acts 1971, 62nd Leg., p. 742, ch. 83, § 52, eff. Aug. 30, 1971.

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Sec. 108B. Repealed by Acts 1971, 62nd Leg., p. 743, ch. 83, § 53, eff. Aug. 30, 1971.

When lighted lamps are required—visibility—height

Sec. 109. (a) Every vehicle upon a highway within this State at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively re-

quired for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.

(b) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in Subsection (a) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(c) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

Sec. 109 amended by Acts 1971, 62nd Leg., p. 743, ch. 83, § 54, eff. Aug. 30, 1971.

Head lamps on motor vehicles

Sec. 110. (a) Every motor vehicle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this Article.

(b) Every head lamp upon every motor vehicle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-four (24) inches to be measured as set forth in Subsection (c) of Section 109.

Sec. 110 amended by Acts 1971, 62nd Leg., p. 744, ch. 83, § 55, eff. Aug. 30, 1971.

Tail lamps

Sec. 111. (a) After January 1, 1972, every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two (2) tail lamps mounted on the rear which, when lighted as required in Section 109, shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear, except that passenger cars and trucks manufactured or assembled prior to model year 1960 shall have at least one (1) tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one (1) tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(b) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches.

(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

Sec. 111(a), (b) amended by Acts 1971, 62nd Leg., p. 744, ch. 83, § 56, eff. Aug. 30, 1971; Sec. 111(c) added by Acts 1971, 62nd Leg., p. 744, ch. 83, § 56, eff. Aug. 30, 1971.

Reflectors

Sec. 112. (a) Every motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately,

two (2) or more red reflectors meeting the requirements of this section; provided, however, that vehicles of the types mentioned in Section 114 shall be equipped with reflectors meeting the requirements of Sections 116 and 117.

(b) Every such reflector shall be mounted on the vehicle at a height not less than fifteen (15) inches nor more than sixty (60) inches measured as set forth in Subsection (c) of Section 109, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred (600) feet to one hundred (100) feet from such vehicle when directly in front of lawful lower beams of head lamps, except that reflectors on vehicles manufactured or assembled prior to January 1, 1972, shall be visible at night from all distances within three hundred and fifty (350) feet to one hundred (100) feet when directly in front of lawful upper beams of the head lamps. '

Sec. 112 amended by Acts 1971, 62nd Leg., p. 744, ch. 83, § 57, eff. Aug. 30, 1971.

Application of succeeding sections

Sec. 113. Those sections of this Chapter which follow immediately, including Sections 114, 115, 116, 117 and 119, relating to clearance lamps, marker lamps and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated; namely, buses, trucks, truck tractors, and trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in Section 109.

Sec. 113 amended by Acts 1971, 62nd Leg., p. 745, ch. 83, § 58, eff. Aug. 30, 1971.

Additional lighting equipment required on certain vehicles

Sec. 114. In addition to other equipment required in Sections 110, 111, 112 and 118 of this Act, the following vehicles shall be equipped as herein stated under the conditions stated in Section 113, and in addition, the reflectors elsewhere enumerated for such vehicles shall conform to the requirements of Section 117.

(a) Buses and trucks eighty (80) inches or more in overall width:

1. On the front, two (2) clearance lamps, one (1) at each side, and on vehicles after January 1, 1972, three (3) identification lamps meeting the specifications of Subdivision (f).

2. On the rear, two (2) clearance lamps, one (1) at each side, and after January 1, 1972, three (3) identification lamps meeting the specifications of Subdivision (f).

3. On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

4. On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

(b) Trailers and semitrailers eighty (80) inches or more in overall width:

1. On the front, two (2) clearance lamps, one (1) at each side.

2. On the rear, two (2) clearance lamps, one (1) at each side, and after January 1, 1972, three (3) identification lamps meeting the specifications of Subdivision (f).

3. On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

4. On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

(c) Truck tractors:

On the front, two (2) cab clearance lamps, one (1) at each side, and on vehicles after January 1, 1972, three (3) identification lamps meeting the specifications of Subdivision (f).

(d) Trailers, semitrailers and pole trailers thirty (30) feet or more in overall length:

On each side, one (1) amber side marker lamp and one (1) amber reflector, centrally located with respect to the length of the vehicle.

(e) Pole trailers:

1. On each side, one (1) amber side marker lamp at or near the front of the load.

2. One (1) amber reflector at or near the front of the load.

3. On the rearmost support for the load, one (1) combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(f) Whenever required or permitted by this Act, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six (6) nor more than twelve (12) inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline; provided, however, that where the cab of a vehicle is not more than forty-two (42) inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps.

Sec. 114 amended by Acts 1971, 62nd Leg., p. 745, ch. 83, § 59, eff. Aug. 30, 1971.

Color of clearance lamps, identification lamps, side marker lamps, back-up lamps and reflectors

Sec. 115. (a) Front clearance lamps, identification lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps, identification lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

Sec. 115 amended by Acts 1971, 62nd Leg., p. 746, ch. 83, § 60, eff. Aug. 30, 1971.

Mounting of reflectors, clearance lamps, identification lamps, and side marker lamps

Sec. 116.

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(b) Clearance lamps shall, so far as is practicable, be mounted on the permanent structure of the vehicle in such a manner as to indicate the extreme height and width of the vehicle. Provided, that when rear identification lamps are required and are mounted as high as it is practicable, rear clearance lamps may be mounted at optional height and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck tractors shall be located so as to indicate the extreme width of the truck tractor cab. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

Sec. 116(b) amended by Acts 1971, 62nd Leg., p. 746, ch. 83, § 61, eff. Aug. 30, 1971.

Visibility requirements for reflectors, clearance lamps, identification lamps and marker lamps

Sec. 117. (a) Every reflector upon any vehicle referred to in Section 114 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred (600) feet to one hundred (100) feet from the vehicle when directly in front of lawful lower beams of the head lamps, except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1972, shall be measured in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred (500) and fifty (50) feet from the front and rear, respectively, of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred (500) and fifty (50) feet from the side of the vehicle on which mounted.

Sec. 117 amended by Acts 1971, 62nd Leg., p. 747, ch. 83, § 62, eff. Aug. 30, 1971.

Stop lamps and turn signals

Sec. 118. (a) After January 1, 1972, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two (2) or more stop lamps meeting the requirements of Section 124, except that passenger cars manufactured or assembled prior to the model year 1960, shall be equipped with at least one (1) stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in Section 124.

(b) After January 1, 1972, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of Section 124, except that passenger cars and trucks less than eighty (80) inches in width, manufactured or assembled prior to model year 1960, need not be equipped with electric turn signal lamps.

Sec. 118 amended by Acts 1971, 62nd Leg., p. 747, ch. 83, § 63, eff. Aug. 30, 1971.

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Lamps or flags on projecting load

Sec. 120. Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Section 109, two (2) red lamps visible from a distance of at least five hundred (500) feet to the rear, two (2) red reflectors visible at night from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of head lamps and located so as to indicate maximum width, and on each side one red lamp visible from a distance of at least five hundred (500) feet to the side and located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four (4) feet beyond its rear, red flags, not less than twelve (12) inches square, marking the extremities of such

load, at each point where a lamp would otherwise be required by this section.
Sec. 120 amended by Acts 1971, 62nd Leg., p. 748, ch. 83, § 64, eff. Aug. 30, 1971.

Lamps on parked vehicles

Sec. 121. (a) Every vehicle shall be equipped with one (1) or more lamps which, when lighted, shall display a white or amber light visible from a distance of one thousand (1,000) feet to the front of the vehicle, and a red light visible from a distance of one thousand (1,000) feet to the rear of the vehicle. The location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

(b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any persons and vehicles within a distance of one thousand (1,000) feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(c) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand (1,000) feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of Subsection (a).

(d) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.
Sec. 121 amended by Acts 1971, 62nd Leg., p. 748, ch. 83, § 65, eff. Aug. 30, 1971.

Lamps and reflectors on farm tractors, farm equipment and implements of husbandry and other vehicles and equipment

Sec. 122. (a) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1972, shall be equipped with vehicular hazard warning lights of a type described in Section 125(d), visible from a distance of not less than one thousand (1,000) feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(b) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1972, shall at all times, and every other such motor vehicle shall at all times mentioned in Section 109, be equipped with lamps and reflectors as follows:

1. At least two (2) head lamps meeting the requirements of Sections 126, 128 or 129.

2. At least one (1) red lamp visible when lighted from a distance of not less than one thousand (1,000) feet to the rear mounted as far to the left of the center of the vehicle as practicable.

3. At least two (2) red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of head lamps.

(c) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in Section 109 be equipped with lamps and reflectors as follows:

1. The farm tractor shall be equipped as required in Subsections (a) and (b).

2. If the towed unit or its load extends more than four (4) feet to the rear of the tractor or obscures any light thereon, said unit shall be equipped on the rear with at least two (2) red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of head lamps.

3. If the towed unit of such combination extends more than four (4) feet to the left of the centerline of the tractor, said unit shall be equipped on the front with an amber reflector visible from all distances within six hundred (600) feet to one hundred (100) feet to the front when directly in front of lawful lower beams of head lamps. This reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit.

(d) The two (2) red reflectors required in the foregoing subsection shall be so positioned as to show from the rear, as nearly as practicable, the extreme width of the vehicle or combination carrying them. Provided that all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required by Subsection (c).

(e) Every vehicle including animal-drawn vehicles and vehicles referred to in Section 108(c), not specifically required by the provisions of this article to be equipped with lamps or other lighting devices shall at all times specified in Section 109 of this Act be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of said vehicle, and shall also be equipped with two (2) lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two red reflectors visible from all distances of six hundred (600) to one hundred (100) feet to the rear when illuminated by the lawful lower beams of head lamps. Sec. 122 amended by Acts 1971, 62nd Leg., p. 749, ch. 83, § 66, eff. Aug. 30, 1971.

Spot lamps and auxiliary driving lamps

Sec. 123. (a) Spot lamps. Any motor vehicle may be equipped with not to exceed two (2) spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high-intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

(b) Fog lamps. Any motor vehicle may be equipped with not to exceed two (2) fog lamps mounted on the front at a height of not less than twelve (12) inches nor more than thirty (30) inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of four (4) inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in Section 126.

(c) Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two (2) auxiliary passing lamps mounted on the front at a height not less than twenty-four (24) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of Section 126 shall apply to any combination of head lamps and auxiliary passing lamps.

(d) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two (2) auxiliary driving lamps mounted on the front at a height of not less than sixteen (16) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The

provisions of Section 126 shall apply to any combination of head lamps and auxiliary driving lamps.

Sec. 123 amended by Acts 1971, 62nd Leg., p. 750, ch. 83, § 67, eff. Aug. 30, 1971.

Audible and visual signals on vehicles, signal lamps and signal devices

Sec. 124. (a) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this Act, be equipped with a siren, exhaust whistle or bell capable of giving an audible signal.

(b) Every school bus and every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this Act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

(c) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein.

(d) The alternately flashing lighting described in Subsections (b) and (c) of this section shall not be used on any vehicle other than a school bus or an authorized emergency vehicle.

(e) Any vehicle may be equipped and when required under this Act shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than three hundred (300) feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one (1) or more other rear lamps.

(f) Any vehicle may be equipped and when required under this Act shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps on vehicles eighty (80) inches or more in overall width shall be visible from a distance of not less than five hundred (500) feet to the front and rear in normal sunlight. Turn signal lamps on vehicles less than eighty (80) inches wide shall be visible at a distance of not less than three hundred (300) feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

Sec. 124 amended by Acts 1971, 62nd Leg., p. 750, ch. 83, § 68, eff. Aug. 30, 1971.

Additional lighting equipment

Sec. 125.

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(c) Any motor vehicle may be equipped with one (1) or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(d) Any vehicle may be equipped with lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing. After January 1, 1972, every bus, truck, truck tractor, trailer, semitrailer or pole trailer eighty (80) inches or more in overall width or thirty (30) feet or more in overall length shall be equipped with lamps meeting the requirements of this subsection. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred (500) feet in normal sunlight.

(e) Any vehicle eighty (80) inches or more in overall width, if not otherwise required by this Act, may be equipped with not more than three (3) identification lamps showing to the front which shall emit an amber light without glare and not more than three (3) identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in Subsection (f) of Section 114.

Sec. 125(c)–(e) amended by Acts 1971, 62nd Leg., p. 751, ch. 83, § 69, eff. Aug. 30, 1971.

Multiple-beam road lighting equipment

Sec. 126.

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(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least four hundred and fifty (450) feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred and fifty (150) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

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Sec. 126(a), (b) amended by Acts 1971, 62nd Leg., p. 752, ch. 83, § 70, eff. Aug. 30, 1971.

Use of multiple-beam road-lighting equipment

Sec. 127.

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(b) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in Section 126(b) and Section 139F (f) (2b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(c) Whenever the driver of a vehicle approaches another vehicle from the rear, within three hundred (300) feet, such driver shall use a distribution of light permissible under this Article other than the uppermost distribution of light specified in Sections 126(a) and 139F(f) (2a).

Sec. 127(b), (c) amended by Acts 1971, 62nd Leg., p. 752, ch. 83, § 71, eff. Aug. 30, 1971.

Single beam road lighting equipment

Sec. 128. Head lamp systems which provide only a single distribution of light shall be permitted on all farm tractors regardless of date of manufacture, and on other motor vehicles manufactured and sold prior to one (1) year after the effective date of this Act in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet.

Sec. 128 amended by Acts 1971, 62nd Leg., p. 752, ch. 83, § 72, eff. Aug. 30, 1971.

Alternate road lighting equipment

Sec. 129. Any motor vehicle may be operated under the conditions specified in Section 109 when equipped with two (2) lighted lamps upon the front thereof capable of revealing persons and vehicles one hundred (100) feet ahead in lieu of lamps required in Section 126 or Section 128, provided, however, that at no time shall it be operated at a speed in excess of twenty (20) miles per hour.

Sec. 129 amended by Acts 1971, 62nd Leg., p. 753, ch. 83, § 73, eff. Aug. 30, 1971.

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Special restrictions on lamps

Sec. 131.

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(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. This Section shall not apply to police vehicles or to any vehicle upon which a red light visible from the front is expressly authorized or required by law.

(c) Flashing lights are prohibited except as authorized or required in Sections 122, 124, 125 and 131.

(d) The Department of Public Safety is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this Article, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the Society of Automotive Engineers.

(e) It shall be unlawful to operate any flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or alight from said school bus.

(f) The Texas Highway Department shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this State in lieu of the lamps otherwise required on motor vehicles by this Article. Such standards and specifications may permit the use of flashing lights for purposes

of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

(g) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.
Sec. 131(b), (c) amended by Acts 1971, 62nd Leg., p. 753, ch. 83, § 74, eff. Aug. 30, 1971; Sec. 131(d)–(g) added by Acts 1971, 62nd Leg., p. 753, ch. 83, § 74, eff. Aug. 30, 1971.

Brakes

Sec. 132. Every motor vehicle, trailer, semitrailer and pole trailer, and any combination of such vehicles operating upon a highway within this State shall be equipped with brakes in compliance with the requirements of this Article.

(a) Service brakes—adequacy. Every such vehicle and combination of vehicles, except special mobile equipment which is not designed or used primarily for the transportation of persons or property and only incidentally operated or moved on a highway, shall be equipped with service brakes complying with the performance requirements as required and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(b) Parking brakes—adequacy. Every such vehicle and combination of vehicles shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(c) Brakes on all wheels. Every vehicle shall be equipped with brakes acting on all wheels except:

1. Trailers, semitrailers, or pole trailers of a gross weight not exceeding three thousand (3,000) pounds, provided that:

a. The total weight on and including the wheels of the trailer or trailers shall not exceed forty (40%) percent of the gross weight of the towing vehicle when connected to the trailer or trailers, and

b. The combination of vehicles, consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of this Act.

2. Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of this Act.

3. Trucks and truck tractors having three (3) or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two (2) steerable axles, the wheels of one (1) steerable axle need not have brakes. However, such trucks and truck tractors must be capable of complying with the performance requirements of this Act.

4. Special mobile equipment as defined in Subsection (a) above.

5. Any farm trailer or farm semitrailer operated or moved temporarily upon the highways when its gross weight does not exceed ten thousand (10,000) pounds and when the speed of such farm trailer or farm semitrailer does not exceed thirty (30) miles per hour and when the vehicle and its operation meet all other requirements for total or partial exemption from registration fees as set forth in Section 2, Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as last amended by Chapter 111, Acts of the 55th Legislature, Regular Session, 1957 (Article 6675a—2, Vernon's Texas Civil Statutes). The term "gross weight" as used in this subsection shall mean the combined weight of the trailer or semitrailer and the weight of the load actually carried on the highway.

6. Any farm trailer or farm semitrailer operated or moved temporarily upon the highways solely to transport cotton

a. if the gross weight of the trailer or semitrailer is not more than fifteen thousand (15,000) pounds;

b. if the speed of the trailer or semitrailer is not more than thirty (30) miles per hour; and

c. if the trailer or semitrailer is totally or partially exempt from the regular registration fees under Section 2, Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a—2, Vernon's Texas Civil Statutes).

(d) Automatic trailer brake application upon breakaway. Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semitrailer, and pole trailer with a gross weight in excess of three thousand (3,000) pounds, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen (15) minutes, upon breakaway from the towing vehicle.

(e) Tractor brakes protected. Every motor vehicle used to tow a trailer, semitrailer or pole trailer equipped with brakes, shall be equipped with means for providing that in case of a breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(f) Trailer air reservoirs safeguarded. Air brake systems installed on trailers shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(g) Two (2) means of emergency brake operation.

1. Air brakes. After January 1, 1972, every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two (2) means for emergency application of the trailer brakes. One of these

means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than twenty (20) pounds per square inch nor higher than forty-five (45) pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

2. Vacuum brakes. After January 1, 1972, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single control device required by Subsection (h), a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent if other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(h) Single control to operate all brakes. After January 1, 1972, every motor vehicle, trailer, semitrailer and pole trailer, and every combination of such vehicles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control on the towing vehicle.

(i) Reservoir capacity and check valve.

1. Air brakes. Every bus, truck or truck tractor with air operated brakes shall be equipped with at least one (1) reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty (20%) percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

2. Vacuum brakes. After January 1, 1972, every truck with three (3) or more axles equipped with vacuum assistor type brakes and every truck tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty (40%) percent.

3. Reservoir safeguarded. All motor vehicles, trailers, semitrailers and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(j) Warning devices.

1. Air brakes. Every bus, truck or truck tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle,

shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below fifty (50) percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

2. Vacuum brakes. After January 1, 1972, every truck tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three (3) or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight (8) inches of mercury.

3. Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

(k) Performance ability of brakes. Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

1. Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification;

2. Decelerating to a stop from not more than twenty (20) miles per hour at not less than the feet per second per second tabulated herein for its classification, and

3. Stopping from a speed of twenty (20) miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one [1] percent grade), dry, smooth, hard surface that is free from loose material.

1	2	3	4
Classification of Vehicles	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Brake system application and braking distance in feet from an initial speed of 20 m. p. h.
A Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating	52.8%	17	25
B Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less	43.5%	14	30
C–1 Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds	43.5%	14	40
C–2 Combination of a two-axle towing vehicle and a trailer with a weight of 3,000 pounds or less	43.5%	14	40
C–3 Buses, regardless of the number of axles, not having a manufacturer's gross weight rating	43.5%	14	40
C–4 All combinations of vehicles in drive-away-towaway operations	43.5%	14	40
D All other vehicles and combinations of vehicles	43.5%	14	50

(1) Maintenance of brakes. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on the opposite sides of the vehicle. Sec. 132 amended by Acts 1971, 62nd Leg., p. 754, ch. 83, § 75, eff. Aug. 30, 1971.

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Mufflers, prevention of noise

Sec. 134. (a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and no person shall use a muffler cut out, bypass, or similar device upon a motor vehicle on a highway.

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Sec. 134(c), (d) added by Acts 1969, 61st Leg., p. 811, ch. 271, § 2, eff. Sept. 1, 1969; Sec. 134(a) amended by Acts 1971, 62nd Leg., p. 759, ch. 83, § 76, eff. Aug. 30, 1971.

Mirrors

Sec. 134A. On and after January 1, 1972, every motor vehicle, operated singly or when towing any other vehicle, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred (200) feet to the rear of such motor vehicle.

Sec. 134A added by Acts 1971, 62nd Leg., p. 759, ch. 83, § 77, eff. Aug. 30, 1971.

Windshields must be unobstructed and equipped with wipers

Sec. 134B. (a) No person shall drive a motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway or any intersecting highway.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

Sec. 134B added by Acts 1971, 62nd Leg., p. 759, ch. 83, § 78, eff. Aug. 30, 1971.

Restrictions as to tire equipment

Sec. 135.

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(e) (1) After January 1, 1973, no person may sell or offer for sale regrooved tires. The provisions of this Section shall apply only to private passenger automobile tires.

(2) Any person violating Subdivision (1) of this Subsection is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $500 nor more than $2,000.

Sec. 135(c) amended by Acts 1969, 61st Leg., p. 79, ch. 37, § 1, eff. March 27, 1969; Sec. 135(e) added by Acts 1971, 62nd Leg., p. 2904, ch. 960, § 5, eff. Jan. 1, 1973.

Safety glazing material in motor vehicles

Sec. 136. (a) On and after January 1, 1972, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the Department of Public Safety wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type

motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall not apply to glazing material in compartments not so designed and equipped that persons may ride therein.

(b) The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(c) It shall be unlawful after the first day of January, 1972, for any person to replace or cause to be replaced, any glass in doors, windows or windshields in any motor vehicle, unless such replacement be made with safety glazing materials as defined in this Act.

Text of subsection (d) as amended by Acts 1971, 62nd Leg., p. 759, ch. 83, § 79

(d) No person shall sell or affix to a motor vehicle any camper manufactured or assembled after January 1, 1972, unless such camper is equipped with safety glazing material of a type approved by the Department of Public Safety, wherever glazing material is used in doors and windows. As used in this section "camper" means any structure designed to be loaded onto, or affixed to, a motor vehicle to provide temporary living quarters for recreation, travel, or other use.
Sec. 136(d) amended by Acts 1971, 62nd Leg., p. 759, ch. 83, § 79, eff. Aug. 30, 1971.

For text of subsection (d) as added by Acts 1971, 62nd Leg., p. 3046, ch. 1007, see subsection (d), post.

Text of subsection (d) as added by Acts 1971, 62nd Leg., p. 3046, ch. 1007

(d) No person shall sell imperfect safety glass for doors, windows, or windshields of motor vehicles unless the glass is label 'second' or 'imperfect' or by a similar term in red letters each letter being at least one inch in size which will clearly indicate to the consumer the quality of the glass being sold; the seller of each piece of imperfect glass will notify the consumer verbally of the imperfection and what could possibly result because of said imperfection, and will also deliver in writing at the time of purchase the quality of the glass explaining all imperfections and what could result because of the imperfections.
Sec. 136(d) added by Acts 1971, 62nd Leg., p. 3046, ch. 1007, § 1, eff. Aug. 30, 1971.

For text of subsection (d) as added by Acts 1971, 62nd Leg., p. 759, ch. 83, § 79, see subsection (d), ante.

Sec. 136 amended by Acts 1971, 62nd Leg., p. 759, ch. 83, § 79, eff. Aug. 30, 1971; Sec. 136(d) added by Acts 1971, 62nd Leg., p. 3046, ch. 1007, § 1, eff. Aug. 30, 1971.

Certain vehicles to carry flares or other devices

Sec. 137. (a) No person shall operate any truck, bus or truck tractor, or any motor vehicle towing a house trailer, upon any highway outside an urban district or upon any divided highway at any time from a half hour after sunset to a half hour before sunrise unless there shall

be carried in such vehicle the following equipment except as provided in Subsection (b):

1. At least three (3) flares or three (3) red electric lanterns or three (3) portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred (600) feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern or warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment has been approved by the Texas Department of Public Safety. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred (600) feet to one hundred (100) feet under normal atmospheric conditions at night when directly in front of lawful lower beams of head lamps, and unless it is of a type which has been approved by the Department of Public Safety.

2. At least three (3) red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

(b) No person shall operate at the time and under conditions stated in Subsection (a) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three (3) red electric lanterns or three (3) portable red emergency reflectors meeting the requirements of Subsection (a) of this section, and there shall not be carried in any said vehicle any flares, fusees or signal produced by flame.

(c) No person shall operate any truck, bus or truck tractor, or any motor vehicle towing a house trailer, upon any highway outside an urban district or upon any divided highway at any time from a half hour before sunrise to a half hour after sunset unless there shall be carried in such vehicle at least two red flags, not less than twelve (12) inches square, with standards to support such flags.

Sec. 137 amended by Acts 1971, 62nd Leg., p. 760, ch. 83, § 80, eff. Aug. 30, 1971.

Display of warning lights and devices when vehicle is stopped or disabled

Sec. 138. (a) Whenever any truck, bus, truck tractor, trailer, semi-trailer or pole trailer eighty (80) inches or more in overall width or thirty (30) feet or more in overall length is stopped upon a roadway or adjacent shoulder, the driver shall immediately actuate vehicular hazard warning signal lamps meeting the requirements of Section 125. Such lights need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic-control device, or while the devices specified in Subsections (b) to (h) are in place.

(b) Whenever any vehicle of a type referred to in Subsection (a) is disabled, or stopped for more than ten (10) minutes, upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of such vehicle shall display the following warning devices except as provided in Subsection (c):

1. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

2. As soon thereafter as possible but in any event within the burning period of the fusee (15 minutes), the driver shall place three (3) liquid-burning flares (pot torches), or three (3) lighted red electric lanterns,

or three (3) portable red emergency reflectors on the roadway in the following order:

(I) One (1), approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(II) One (1), approximately one hundred (100) feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(III) One (1) at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with Paragraph (I) of this subsection, it may be used for this purpose.

(c) Whenever any vehicle referred to in this section is disabled, or stopped for more than ten (10) minutes, within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning device in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.

(d) Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than ten (10) minutes, upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in Subsections (b) and (e) shall be placed as follows:

One (1) at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one (1) at a distance of approximately one hundred (100) feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one (1) at the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.

(e) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled, or stopped for more than ten (10) minutes, at any time and place mentioned in Subsections (b), (c) or (d), the driver of such vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified therein. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(f) The warning devices described in Subsections (b) to (e) need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of one thousand (1,000) feet.

(g) Whenever any vehicle described in this section is disabled, or stopped for more than ten (10) minutes, upon a roadway outside of an urban district or upon the roadway of a divided highway at any time when lighted lamps are not required by Section 109, the driver of the vehicle shall display two (2) red flags as follows:

(I) If traffic on the roadway moves in two directions, one (1) flag shall be placed approximately one hundred (100) feet to the rear and one (1) flag approximately one hundred (100) feet in advance of the vehicle in the center of the lane occupied by such vehicle.

(II) Upon a one-way roadway, one (1) flag shall be placed approximately one hundred (100) feet and one (1) flag approximately two hun-

dred (200) feet to the rear of the vehicle in the center of the lane occupied by such vehicle.

(h) When any vehicle described in this section is stopped entirely off the roadway and on an adjacent shoulder at any time and place hereinbefore mentioned, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.

(i) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of Section 137 applicable thereto.

(j) It shall be unlawful for any person except any peace officer while acting in his official capacity, or the owner of the vehicle or his duly authorized agent or employee, to remove, damage, destroy, misplace, or extinguish any lamp, flare, fusee, or other signaling device required under this section and Section 137 of this Act, while the same are being displayed or being used as required by this Act.

Sec. 138 amended by Acts 1971, 62nd Leg., p. 761, ch. 83, § 81, eff. Aug. 30, 1971.

Vehicle transporting hazardous materials

Sec. 139. (a) The Director of the Texas Department of Public Safety shall after public hearing adopt such regulations as may be deemed necessary for the safe transportation of hazardous materials. Such regulations shall duplicate or be consistent with current hazardous materials regulations of the United States Department of Transportation. The Director of the Texas Department of Public Safety is hereby authorized to adopt all or any part of said hazardous materials regulations by reference and any such adoption shall be construed to incorporate amendments thereto as may be made from time to time.

(b) Any person operating a vehicle transporting any hazardous materials as a cargo or part of a cargo upon a highway shall at all times comply with regulations of the Director of the Department of Public Safety adopted pursuant to the provisions of this section.

(c) Said vehicle shall be marked or placarded at such places and in such manner as have been prescribed by regulations adopted pursuant to this section.

(d) Every said vehicle shall be equipped with not less than one (1) fire extinguisher with physical characteristics in fire extinguishing ability equivalent to or better than fire extinguishers which qualify under Classification B of the Standards of Underwriters Laboratories, Incorporated, 207 East Ohio Street, Chicago, Illinois 60611, in effect on June 30, 1951.

(e) Any person convicted of violating a regulation adopted pursuant to this section shall be punished by a fine of not more than Two Hundred Dollars ($200).

Sec. 139 amended by Acts 1971, 62nd Leg., p. 763, ch. 83, § 82, eff. Aug. 30, 1971.

Sec. 139a. Repealed by Acts 1971, 62nd Leg., p. 763, ch. 83, § 83, eff. Aug. 30, 1971.

Safety guards or flaps

Sec. 139A. It shall be unlawful to operate any road tractor, truck, truck tractor in combination with a semitrailer, trailer or semitrailer in combination with a towing vehicle, having four (4) or more tires on the rearmost axle of such vehicle or if in combination the rearmost axle of such combination, upon highways in this State, unless the rearmost axle of such road tractor, truck, truck tractor in combination with a semitrailer, trailer, or semitrailer in combination with a towing vehicle, be equipped with safety guards or flaps of a type of material and construction as prescribed by the Department, located and suspended behind the

rearmost wheels of such vehicle or if in combination behind the rearmost vehicle of such combination, to within eight (8) inches of the surface of the highway. Provided, however, pole trailers, truck tractors operated alone and without being in combination with a semitrailer, and all trucks operated on private property, shall not come under the provisions of this section.
Sec. 139A added by Acts 1971, 62nd Leg., p. 763, ch. 83, § 84, eff. Aug. 30, 1971.

Distinctive emblem required on slow-moving vehicles

Sec. 139B.

Subdivision 1. As used in this Section, the term "slow-moving vehicle" means any motor vehicle designed to operate at a maximum speed of twenty-five miles per hour or less; and the term also means and includes all other vehicles, implements of husbandry and other machinery, including all road construction machinery, while being drawn by animals or by a motor vehicle designed to operate at a maximum speed of twenty-five miles per hour or less.

The term "slow-moving-vehicle emblem", as used in this Section, means a triangular emblem, conforming to the size, colors and other standards and specifications as are adopted by the Director of the Department of Public Safety in accordance with this Section.

Subd. 2. The Director of the Department of Public Safety shall adopt standards and specifications as to colors, size and position of mounting for a distinctive triangular emblem having a reflecting surface and designed to be clearly visible, in daylight or at night by reflection from the light of standard automobile headlamps, at a distance of not less than five hundred (500) feet; the standards and specifications for such emblems shall correlate with and, insofar as the Director determines to be practicable, shall conform to the then current standards and specifications adopted or approved by the American Society of Agricultural Engineers for a uniform emblem to identify slow-moving vehicles.

Subd. 3. From and after January 1, 1970, no "slow-moving vehicle," shall be operated or drawn upon any public street or highway in this state unless the same shall be equipped with and unless there shall be displayed at the rear thereof a "slow-moving-vehicle emblem" conforming to the standards and specifications adopted by the Director of the Department of Public Safety as above directed; provided that this requirement shall not apply to any such vehicle when being used in actual construction or maintenance work and while traveling within the limits of a construction area which is marked as such in accordance with requirements of the State Highway Commission. Such emblem shall be mounted base down on the rear of the vehicle, not less than three (3) feet nor more than five (5) feet above the road surface, and shall be maintained in a clean, reflective condition. The requirement of such emblem shall be in addition to any other lighting or reflective devices required by law.

When a motor vehicle displaying a slow-moving-vehicle emblem is drawing or towing an implement of husbandry or other machinery, and the visibility of the emblem on the pulling unit is not obstructed by the implement or machinery being towed, it shall not be necessary to display a similar emblem on the towed unit.

Subd. 4. The use of the "slow-moving-vehicle emblem" shall be restricted to the slow-moving vehicles specified in Subdivision 1, and its use on any other type of vehicle or stationary object on the highway is prohibited.
Sec. 139B added by Acts 1969, 61st Leg., p. 1046, ch. 340, § 1, emerg. eff. May 27, 1969.

Air-conditioning equipment

Sec. 139C. (a) The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(b) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(c) The Department of Public Safety may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers.

(d) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

(e) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

Sec. 139C added by Acts 1971, 62nd Leg., p. 764, ch. 83, § 85, eff. Aug. 30, 1971.

Television receivers

Sec. 139D. (a) No motor vehicle operated on the highways of this State shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat; provided, however, it shall be lawful for a motor vehicle specially designed as a mobile unit used in connection with a licensed television station to have television type receiving equipment so located that the viewer or screen is visible from the driver's side but said receiver shall never be used unless said motor vehicle is stopped.

(b) This section does not prohibit the use of television type receiving equipment used exclusively for safety or law enforcement purposes provided each such installation is approved by the Department of Public Safety, or installations in remote television transmission trucks.

Sec. 139D added by Acts 1971, 62nd Leg., p. 764, ch. 83, § 86, eff. Aug. 30, 1971. Sec. 139D(b) amended by Acts 1971, 62nd Leg., p. 2366, ch. 727. § 1, eff. June 8, 1971.

Seat belts

Sec. 139E. Every motor vehicle required by Article XV, 6701d, Uniform Act, to be inspected shall be equipped with front seat belts where seat belt anchorages were part of the manufacturer's original equipment on the vehicle.

Sec. 139E added by Acts 1971, 62nd Leg., p. 764, ch. 83, § 87, eff. Aug. 30, 1971.

Equipment on motorcycles and motor-driven cycles

Sec. 139F. (a) Head Lamps

1. Every motorcycle and every motor-driven cycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall comply with the requirements and limitations of this Article.

2. Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-four (24) inches to be measured as set forth in Section 109(c).

(b) Tail Lamps

1. Every motorcycle and motor-driven cycle shall have at least one (1) tail lamp which shall be located at a height of not more than seventy-two (72) nor less than twenty (20) inches.

2. Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(c) Reflectors

1. Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the tail lamp or separately, at least one (1) red reflector meeting the requirements of Section 112(b).

(d) Stop Lamps

1. Every motorcycle and motor-driven cycle shall be equipped with at least one (1) stop lamp meeting the requirements of Section 124(e).

(e) Lamps on Parked Vehicles

1. Every motorcycle must comply with the provisions of Section 121 regarding lamps on parked vehicles and the use thereof.

2. Motor-driven cycles need not be equipped with parking lamps nor otherwise comply with the provisions of Section 121.

(f) Multiple-beam Road-lighting Equipment

1. Every motorcycle other than a motor-driven cycle shall be equipped with multiple-beam road-lighting equipment.

2. Such equipment shall:

a. Reveal persons and vehicles at a distance of at least three hundred (300) feet ahead when the uppermost distribution of light is selected;

b. Reveal persons and vehicles at a distance of at least one hundred fifty (150) feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(g) Lighting Equipment for Motor-driven Cycles. The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

1. Every said head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal persons and vehicles at a distance of not less than one hundred (100) feet when the motor-driven cycle is operated at any speed less than twenty-five (25) miles per hour and at a distance of not less than two hundred (200) feet when the motor-driven cycle is operated at a speed of twenty-five (25) or more miles per hour, and at a distance of not less than three hundred (300) feet when the motor-driven cycle is operated at a speed of thirty-five (35) or more miles per hour.

2. In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps, such equipment shall comply with the requirements of subsection (f) of said section.

3. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five (25) feet ahead, shall project higher than the level of the center of the lamp from which it comes.

(h) Brake Equipment Required. Every motorcycle and motor-driven cycle must comply with the provisions of Section 132, except that:

1. Motorcycles and motor-driven cycles need not be equipped with parking brakes.

2. The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of this article.

(i) Performance Ability of Brakes. Every motorcycle and motor-driven cycle, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

1. Developing a braking force that is not less than 43.5% of its gross weight;

2. Decelerating to a stop from not more than twenty (20) miles per hour at not less than fourteen (14) feet per second per second; and

3. Stopping from a speed of twenty (20) miles per hour in not more than thirty (30) feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one per cent grade), dry, smooth, hard surface that is free from loose material.

(j) Brakes on Motor-driven Cycles

1. The Director is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which he finds will not comply with the performance ability standard set forth in Subsection (i), or which in his opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

2. The State Highway Department may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when it determines that the braking system thereon does not comply with the provisions of this section.

3. No person shall operate on any highway any vehicle referred to in this section in the event the Director has disapproved the braking system upon such vehicle.

(k) Other Equipment. Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations of Section 133 on horns and warning devices, Section 134 on mufflers and prevention of noise, and Section 134A on mirrors.

Sec. 139F added by Acts 1971, 62nd Leg., p. 765, ch. 83, § 88, eff. Aug. 30, 1971.

ARTICLE XV—INSPECTION OF VEHICLES

Compulsory inspection

Text of subsections (a) and (b) effective Jan. 1, 1973

Sec. 140. (a) It shall be the duty of the Texas Department of Public Safety to require every owner of a motor vehicle, trailer, semitrailer, pole trailer, or mobile home, registered in this state and operated on the highways of this state, to have the tires, brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt achorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), wheels and rims, exhaust system, and exhaust emission system inspected at state-appointed inspection stations or by State Inspectors as hereinafter provided. Provisions relating to the inspection of trailers, semitrailers, pole trailers, or mobile homes shall not apply when the gross weight of such vehicles and the load carried thereon is four thousand (4,000) pounds or less. Only the tires, brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), wheels and rims, exhaust

system, and exhaust emission system may be inspected, and the owner shall not be required to have any other equipment or part of his motor vehicle inspected as a prerequisite for the issuance of an inspection certificate.

(b) If such inspection discloses the necessity for adjustments, corrections, or repairs, only the tires, brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), wheels and rims, exhaust system, and exhaust emission system shall be adjusted, corrected, or repaired before a certificate is issued as hereinafter provided. The owner may have such adjustments, corrections, or repairs made by such qualified person or persons as he may choose, subject to reinspection as hereinafter provided.
Sec. 140(a), (b) amended by Acts 1971, 62nd Leg., p. 2900, ch. 960, § 2, eff. Jan. 1, 1973.

(c) Official inspection stations appointed and supervised by the State of Texas shall make all inspections pursuant to the provisions of this Section, except as provided in subdivision (d) hereof. The Department shall cause one (1) inspection to be made in the year commencing with the effective date of this Act, and annually thereafter. If the motor vehicle, trailer, semi-trailer, pole trailer or mobile home, registered in this State, is damaged to the apparent extent that it would require repair before passing state inspection, the investigating officer shall remove the inspection certificate from the vehicle windshield and shall give the operator of the vehicle a dated receipt. Within thirty (30) days of the date indicated on the receipt, the vehicle shall be reinspected. The periods of inspection shall be fixed by the Department, provided, however, that at no time shall a certificate of inspection or a receipt for a certificate of inspection be required or demanded as a condition precedent to securing a license plate for any motor vehicle, regardless of any period or periods of inspection as may be fixed by the Department. The Department shall have power to make rules and regulations, not inconsistent with law, with respect to the periods of inspection.
Sec. 140(c) amended by Acts 1971, 62nd Leg., p. 953, ch. 164, § 1, eff. Aug. 30, 1971.

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Text of subsection (h) effective Jan. 1, 1973

(h) The provisions of this Act shall not apply to the vehicles referred to in Subsection (a) of this Section when moving under or bearing current "Factory-Delivery License Plates" or current "In-transit License Plates." Nor shall the provisions of this Act apply to farm machinery, road-building equipment, and all other vehicles required to have a slow-moving-vehicle emblem under Section 139(b) of this Act."
Sec. 140(h) amended by Acts 1971, 62nd Leg., p. 2900, ch. 960, § 2, eff. Jan. 1, 1973.

State appointed inspection stations

Sec. 141. (a) The Department may establish state-appointed inspection stations to carry out the provisions of this Section. Such stations may be located anywhere in the state, and should any be established or appointed, there shall be at least one (1) for each county. The Department is authorized to furnish instructions to, and to supervise official inspection stations and mechanics for inspection of motor vehicles, trailers, semi-trailers, pole trailers, and mobile homes for the proper and safe performance of tires, brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), wheels and rims, exhaust sys-

tems, and exhaust emission systems. The certification of persons to inspect vehicles shall be in accordance with the rules and regulations promulgated by the Department. Every person desiring to operate as an official inspection station shall file an application for a certificate of appointment with the Department.

The application shall be made upon a form prescribed and furnished by the Department, and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business within the state, and such other information as the Department may require. If the applicant has or intends to have more than one place of business within the state, a separate application shall be made for each place of business.

If the applicant is an association, the application shall set forth the names and the addresses of the persons constituting the association, and if a corporation, the names and addresses of the principal officers thereof, and any other information prescribed by the Department for purposes of identification. The application shall be signed and verified by oath or affirmation by the owner, if a natural person; in the case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of his authority.

Only such locations which fulfill the Department's requirements and whose owners or proprietors comply with Department regulations shall qualify and be appointed and issued a certificate. Upon approval of an application, the Department shall issue to the owner a certificate of appointment as an official inspection station for the place of business within the state set forth in the application.

Certificates of appointment shall not be assignable, and shall be valid for the owners in whose names issued and for the transaction of business at the place designated therein, and shall at all times be conspicuously displayed at the place for which issued.

Upon being advised that an application will be approved, the applicant shall provide the bond hereinafter required and a fee of Ten Dollars ($10) which shall constitute the certificate fee until August 31st of the odd-numbered year following the date of appointment. Thereafter, appointments shall be made for two-year periods and the certificate fee for each such period shall be Ten Dollars ($10). All certificate fees shall be placed in a fund in the State Treasury to be known as the Motor Vehicle Inspection Fund and shall be used by the Department in the administration of this Act.

(b) Every owner of an official inspection station shall be required to furnish a bond payable to the State of Texas in the amount of One Thousand Dollars ($1,000), to be approved by the Director of the Department, with two or more good and solvent sureties, or one corporate surety qualified by law to make such bond, to indemnify the state against the violation of any of the terms and conditions of this Act. Except where the surety is a corporate surety as herein provided, the bond shall first be submitted to the county judge of the county in which the inspection station is located, who shall make his recommendation to the Director whether the bond be approved or disapproved. Any inspector or any official or employee of any inspection station who shall issue an official certificate of inspection without having made an inspection of the vehicle for which it is issued or who shall knowingly or willfully issue an official inspection certificate for a motor vehicle or vehicles, the tires, brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), wheels and rims, exhaust system, and exhaust emission system of which are not at the time of such issuance in a good condition

and in conformity with the laws of this state shall forfeit said bond to the State of Texas.
Sec. 141(a), (b) amended by Acts 1971, 62nd Leg., p. 2901, ch. 960, § 3, eff. Jan. 1, 1973.

(c) Any owner of an official inspection station who by himself, agent, servant, or employee, violates any provision of this Section or requires the repair of any mechanism or equipment other than that set forth in the uniform standards of safety and items to be inspected as established, shall upon conviction, be punished by a fine not exceeding Two Hundred Dollars ($200). The Department may for cause, upon notice of an administrative hearing, cancel or suspend the certificate of any inspection station or cancel or suspend the certificate of any person to inspect vehicles and the decision of the Department in respect to the cancellation or suspension of the station license or the cancellation or suspension of the certificate of any person to inspect vehicles, or the refusal to reissue a license to any official inspection station or the refusal to reissue the certificate for any person to inspect vehicles shall be subject to review as provided herein. Any aggrieved party may appeal from the decision of said administrative hearing. The proceedings on appeal shall be a trial de novo, as such term is commonly used and intended in an appeal from the justice court to the county court, and which appeal shall be taken in any district court of the county in which the inspection station is located. At such trial the burden of proof shall always be on the Department and never shifts to the aggrieved party.
Sec. 141(c) amended by Acts 1971, 62nd Leg., p. 2901, ch. 960, § 3, eff. Jan. 1, 1973.

(d) The fee for compulsory inspection to be made under this Section shall be Two Dollars ($2.00). Fifty cents (50¢) of each fee shall be paid to the Department and shall be placed in the Motor Vehicle Inspection Fund for the purpose of paying the expense of the administration of this law. The Department may require each official inspection station to make an advance payment of fifty cents (50¢) for each inspection certificate furnished to it, and the money so received shall be placed in the Motor Vehicle Inspection Fund, and no further payment to the Department shall be required upon issuance of the certificate. If such advance payment has been made, the Department shall refund to the inspection station the amount of fifty cents (50¢) for each unissued certificate which the inspection station returns to the Department in accordance with rules and regulations promulgated by the Department.

If an inspection disclosed the necessity for adjustments, corrections, or repairs to tires, brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), wheels and rims, exhaust system, and exhaust emission system, such motor vehicle shall be reinspected free of charge after the adjustments, corrections, or repairs have been made. Any such motor vehicle under the terms of this Act, if involved in an accident subsequent to the required inspection, shall return to an inspection station after adequate repairs are made for a second and reinspection procedure.

(e) No certificate of inspection shall be issued by any inspector or inspection station until the tires, brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), wheels and rims, exhaust system, and exhaust emission system have been inspected and found to be in proper and safe condition and to comply with the

laws of this state. A tire may not be found in proper and safe condition unless it is free of fabric breaks and has at least one-sixteenth of an inch of tread at two distinct points. No person shall make, issue, or knowingly use an imitation or counterfeit of an official inspection certificate.

No person shall display or cause or permit to be displayed any inspection certificate knowing the same to be fictitious or issued for another vehicle or issued without the required inspection having been made.

No person shall perform an inspection or issue an inspection certificate without such person first having been certified to do so by the Department.

No person shall drive or move on any highway any motor vehicle, trailer, semitrailer, pole trailer, mobile home, or combination thereof unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this Act and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

Sec. 141(d), (e) amended by Acts 1971, 62nd Leg., p. 2901, ch. 960, § 3, eff. Jan. 1, 1973.

Standards of safety; certificates of inspection

Sec. 142. (a) The Department may establish uniform standards of safety as prescribed in Article XIV of this Act wherever applicable with respect to tires, brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), wheels and rims, exhaust systems, and exhaust emission systems. A tire may not be found in proper and safe condition unless it is free of fabric breaks or if it has, in at least two distinct points, one-sixteenth of an inch of tread or less. Such standards of safety shall be posted in every official inspection station. Every motor vehicle inspected shall be required to conform in all respects to the standards of safety established pursuant to this Section.

(b) The Department shall furnish serially numbered certificates of inspection to inspection stations. Each certificate, when issued, shall bear such information as required by the Department for the type of vehicle that was inspected. The certificate shall be invalid after the end of the twelfth month in which the vehicle was last inspected, approved, and the certificate of inspection issued. A certificate of inspection and approval for any vehicle shall be attached to or produced for such vehicle as the Department may require. A record and report as prescribed by the Department shall be made of every inspection and every certificate so issued. No unused certificates of inspection representing a prior inspection period shall be issued after the beginning of the next ensuing period.

Sec. 142 amended by Acts 1971, 62nd Leg., p. 2904, ch. 960, § 4, eff. Jan. 1, 1973.

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ARTICLE XIX—SPEED RESTRICTIONS [1963 ENACTMENT]

Maximum speeds of vehicles

Sec. 166. (a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the circumstances then existing. Except when a special hazard exists that requires lower speeds for compliance with paragraph (b) of this Section, the limits specified in this Section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this Section or established as

hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

1. Thirty (30) miles per hour in any urban district;

2. Seventy (70) miles per hour during the daytime and sixty-five (65) miles per hour during the nighttime for any passenger car, motorcycle, or motor-driven cycle on any State or Federal numbered highway outside any urban district, including farm-and/or ranch-to-market roads, and sixty (60) miles per hour during the daytime and fifty-five (55) miles per hour during the nighttime for any passenger car, motorcycle, or motor-driven cycle on all other highways outside any urban district;

3. Sixty (60) miles per hour for all other vehicles on any highway outside any urban district;

4. The speed limits for any bus or other vehicle engaged in this State in the business of transporting passengers for compensation or hire, for any commercial vehicle which is in authorized use as a "Highway Post Office" vehicle furnishing Highway Post Office service in the transportation of the United States mail, and for any light truck, as described in Subdivision 5 of this subsection, shall be the same as prescribed for passenger cars at the same location.

5. The above limitations notwithstanding, the following prima facie maximum limits are declared, for any highway outside any urban district;

a. Forty-five (45) miles per hour for any vehicle towing any house trailer of actual or registered gross weight exceeding four thousand, five hundred (4,500) pounds or with an over-all length exceeding thirty-two (32) feet, excluding the tow bar.

b. Sixty (60) miles per hour in daytime and fifty-five (55) miles per hour during nighttime for any truck, except light trucks as described in this Subdivision 5, truck tractor, trailer or semitrailer, or for any vehicle towing any trailer, semitrailer, another motor vehicle, or any house trailer of actual or registered gross weight, less than four thousand, five hundred (4,500) pounds and over-all length of thirty-two (32) feet or less, excluding the tow bar.

c. Fifty (50) miles per hour for any school bus.

"Daytime" means from one-half (½) hour before sunrise to one-half (½) hour after sunset, and 'nighttime' means at any other hour.

"Urban District" means the territory contiguous to and including any highway or street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than one hundred (100) feet for a distance of one-quarter (¼) of a mile or more on either side.

"Passenger car" means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

"Light truck" means any truck, as defined in this Act, with a manufacturer's rated carrying capacity not to exceed two thousand (2,000) pounds and is intended to include those trucks commonly known as pick-up trucks, panel delivery trucks and carry-all trucks.

The maximum speed limits set forth in this Section may be altered as authorized in Sections 167, 168 and 169.

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Sec. 166(a) amended by Acts 1971, 62nd Leg., p. 708, ch. 73, § 1, eff. Aug. 30, 1971.

Authority of State Highway Commission to alter maximum speed limits

Sec. 167. (a) Whenever the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that any prima facie maximum speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at

any intersection or other place or upon any part of the highway system, taking into consideration the width and condition of the pavement and other circumstances on such portion of said highway as well as the usual traffic thereon, said State Highway Commission may determine and declare a reasonable and safe prima facie maximum speed limit thereat or thereon, and another reasonable and safe speed when conditions caused by wet or inclement weather require it, by proper order of the Commission entered on its minutes, which limits, when appropriate signs giving notice thereof are erected, shall be effective at such intersection or other place or part of the highway system at all times or during hours of daylight or darkness, or at such other times as may be determined; provided, however, that said State Highway Commission shall not have the authority to modify or alter the rules established in Paragraph (b) of Section 166, nor to establish a speed limit higher than seventy (70) miles per hour; and provided further that the speed limits for vehicles described in Paragraphs a, b, and c of Subdivision 5 of Subsection (a) of Section 166 shall not be increased.

By wet or inclement weather is meant conditions of the pavement or roadway caused by precipitation, water, ice or snow which make driving thereon unsafe and hazardous.'

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Sec. 167(a) amended by Acts 1971, 62nd Leg., p. 767, ch. 83, § 89, eff. Aug. 30, 1971.

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Special speed limitations

Sec. 169A. (a) No person shall operate any motor-driven cycle at any time mentioned in Subsection (a) of Section 109 at a speed greater than thirty-five (35) miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred (300) feet ahead.

(b) No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten (10) miles per hour.

(c) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(d) The State Highway Commission upon State highways, the Texas Turnpike Authority upon any part of a turnpike constructed and maintained by it, and local authorities on highways under their jurisdiction, may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at a speed otherwise permissible under this Act, the Commission, Texas Turnpike Authority, or local authority shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

Sec. 169A added by Acts 1971, 62nd Leg., p. 767, ch. 83, § 90, eff. Aug. 30, 1971.

Minimum speed regulations

Sec. 170.

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(b) Whenever the State Highway Commission, Texas Turnpike Authority, County Commissioners Court, or the governing body of an incorporated city, town, or village, within their respective jurisdictions, as

specified in Sections 167, 168 and 169, determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the said State Highway Commission, Texas Turnpike Authority, County Commissioners Court, or governing body of an incorporated city, town or village are hereby empowered and may determine and declare a minimum speed limit thereat or thereon, and when appropriate signs are erected, giving notice of such minimum speed limit, no person shall drive a vehicle below that limit except when necessary for safe operation or in compliance with law.
Sec. 170(b) amended by Acts 1971, 62nd Leg., p. 768, ch. 83, § 91, eff. Aug. 30, 1971.

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ARTICLE XX—MISCELLANEOUS RULES [NEW]

Limitations on backing

Sec. 173. (a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.
Sec. 173 added by Acts 1971, 62nd Leg., p. 768, ch. 83, § 92, eff. Aug. 30, 1971.

Riding on motorcycles

Sec. 174. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.
Sec. 174 added by Acts 1971, 62nd Leg., p. 768, ch. 83, § 92, eff. Aug. 30, 1971.

Obstruction to driver's view or driving mechanism

Sec. 175. (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle or streetcar shall ride in such position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or streetcar.
Sec. 175 added by Acts 1971, 62nd Leg., p. 768, ch. 83, § 92, eff. Aug. 30, 1971.

Opening and closing vehicle doors

Sec. 176. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.
Sec. 176 added by Acts 1971, 62nd Leg., p. 768, ch. 83, § 92, eff. Aug. 30, 1971.

Riding in house trailers

Sec. 177. No person or persons shall occupy a house trailer while it is being moved upon a public highway.
Sec. 177 added by Acts 1971, 62nd Leg., p. 768, ch. 83, § 92, eff. Aug. 30, 1971.

ARTICLE XXI—OPERATION OF BICYCLES AND PLAY VEHICLES [NEW]

Effect of regulations

Sec. 178. (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this Article.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Act.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.
Sec. 178 added by Acts 1971, 62nd Leg., p. 769, ch. 83, § 93, eff. Aug. 30, 1971.

Traffic laws apply to persons riding bicycles

Sec. 179. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Act, except as to special regulations in this Article and except as to those provisions of this Act which by their nature can have no application.
Sec. 179 added by Acts 1971, 62nd Leg., p. 769, ch. 83, § 93, eff. Aug. 30, 1971.

Riding on bicycles

Sec. 180. (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
Sec. 180 added by Acts 1971, 62nd Leg., p. 769, ch. 83, § 93, eff. Aug. 30, 1971.

Clinging to vehicles

Sec. 181. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any streetcar or vehicle upon a roadway.
Sec. 181 added by Acts 1971, 62nd Leg., p. 769, ch. 83, § 93, eff. Aug. 30, 1971.

Riding on roadways and bicycle paths

Sec. 182. (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
Sec. 182 added by Acts 1971, 62nd Leg., p. 769, ch. 83, § 93, eff. Aug. 30, 1971.

Carrying articles

Sec. 183. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

Sec. 183 added by Acts 1971, 62nd Leg., p. 769, ch. 83, § 93, eff. Aug. 30, 1971.

Lamps and other equipment on bicycles

Sec. 184. (a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Sec. 184 added by Acts 1971, 62nd Leg., p. 769, ch. 83, § 93, eff. Aug. 30, 1971.

[ARTICLE XXII—OPERATION IN PARTICULAR CIRCUMSTANCES]

Article head editorially supplied.

Racing on highways

Sec. 185. (a) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.

(b) Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(c) Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

Sec. 185 added by Acts 1971, 62nd Leg., p. 770, ch. 83, § 94, eff. Aug. 30, 1971.

Fleeing or attempting to elude a police officer

Sec. 186. (a) Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle.

(b) Every person convicted of fleeing or attempting to elude a police officer shall be punished by imprisonment for not less than thirty (30) days nor more than six (6) months or by a fine of not less than One

Hundred Dollars ($100) nor more than Five Hundred Dollars ($500), or by both such fine and imprisonment.
Sec. 186 added by Acts 1971, 62nd Leg., p. 771, ch. 83, § 95, eff. Aug. 30, 1971.

Driving upon sidewalk

Sec. 187. No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.
Sec. 187 added by Acts 1971, 62nd Leg., p. 771, ch. 83, § 96, eff. Aug. 30, 1971.

Cutting across certain property prohibited

Sec. 188. No person driving a vehicle shall cross a sidewalk or drive through a driveway, parking lot, or business or residential entrance without bringing the vehicle to a complete stop. No person driving a vehicle shall cross, drive in or on such sidewalks, driveways, parking lots or entrances at an intersection for the purpose of making either a right or left turn from one street or highway to another street or highway.
Sec. 188 added by Acts 1971, 62nd Leg., p. 771, ch. 83, § 97, eff. Aug. 30, 1971.

Section 2. Section 104 of Acts 1971, 62nd Leg., p. 773, ch. 83, provided: "If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Section 2A. Acts 1969, 61st Leg., p. 811, ch. 271, which added this section and amended sections 134, 140–142 of this article, provided in section 5A: "Senate Bill No. 5, Acts of the 61st Legislature, Regular Session, 1969 (Article 698d, Penal Code of Texas, 1925), pertaining to the offense of air pollution, shall not apply to any act or omission covered by this Act, and any act or omission which constitutes a criminal offense under this Act shall not constitute or be punishable as a criminal offense under said Senate Bill No. 5."

Section 71. Acts 1969, 61st Leg., p. 2342, ch. 793, which by section 1 amended this section, also provided: "Sec. 2. That [former] Section 73, Chapter 421, Acts of the 50th Legislature, Regular Session, 1947 (Article 6701d, Vernon's Texas Civil Statutes), and Sections 2 and 3, Chapter 342, Acts of 55th Legislature. Regular Session, 1957 (Article 827e—1. Vernon's Texas Penal Code), are hereby repealed and any and all laws or parts of laws heretofore enacted which are in conflict with or inconsistent with the terms and provisions of Section 1 of this Article are hereby repealed and held for naught."

Section 73. A former section 73 of this article, enacted by Acts 1947, 50th Leg., p. 967, ch. 421 and appearing in the main volume, was repealed by Acts 1969, 61st Leg., p. 2342, ch. 793, § 2. See, also, the section 71 note under this article.

Section 108B. The subject matter of this section, repealed in 1971, is now covered by section 108(d) to (g) of this article.

Section 139a. The subject matter of this section, repealed in 1971, is now covered by section 139A of this article.

Section 139D. Acts 1971, 62nd Leg., p. 2366, ch. 727, which by section 1 amended subsec. (b) of this section, provided in section 2: "The intent of this bill is to further clarify restrictions contained in Section 86 of Senate Bill No. 183 [Acts 1971, 62nd Leg., p. 764, ch. 83, § 86, which added sec. 139D of this article]."

Section 140. Acts 1971, 62nd Leg., p. 2900, ch. 960, which by sections 2 to 5 amended this section and secs. 135, 141 and 142, provided in section 1: "This Act takes effect on January 1, 1973."

Art. 6701g. Counties of over 150,000 population; traffic regulations

Authorization; notice and hearing on regulations

Section 1. (a) The Commissioners Court of any county in this State with a population greater than 150,000 according to the last preceding Federal Census may regulate and restrict traffic on county roads and on other county-owned land under its jurisdiction.

(b) The Commissioners Court shall hold a public hearing before issuing any traffic regulation pursuant to this Act, and shall give advance notice of the regulation or regulations to be considered at the hearing by causing notice of the hearing to be published not less than seven days

nor more than thirty days prior to the hearing in a newspaper of general circulation in the county.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 1260, ch. 318, § 1, eff. Aug. 30, 1971.

Rate of speed; load limits

Sec. 2. (a) The Commissioners Court may determine and fix the maximum, reasonable and prudent speed at any road or highway intersection, railroad grade crossing, curve or hill, or upon any other part of a county road less than the maximum fixed by law for public highways, taking into consideration the width and condition of the surface of the road and other circumstances on the affected portion of the road, as well as the usual traffic thereon. Whenever the Commissioners Court of any county shall determine and fix the rate of speed at any such point upon any county road at a less rate of speed than the maximum fixed by law for public highways and shall declare the maximum, reasonable and prudent speed limit thereat by proper order of the court entered on its minutes, such rate of speed shall become effective and operative at said point on said highways when appropriate signs giving notice thereof are erected at such intersection or portion of the road under order of the court.

(b) The Commissioners Court may establish load limits for any road or bridge, and may authorize the county traffic officer, if one or more such officers have been appointed, or any sheriff, deputy sheriff, constable, or deputy constable, to weigh vehicles for the purpose of ascertaining whether a vehicle is loaded in excess of the prescribed limit.
Sec. 2 amended by Acts 1971, 62nd Leg., p. 1260, ch. 318, § 2, eff. Aug. 30, 1971.

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Art. 6701h. Safety Responsibility Law

ARTICLE I—WORDS AND PHRASES DEFINED

Definitions

Section 1. The following words and phrases, when used in this Act, shall, for the purposes of this Act, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

1. "Highway" means the entire width between property lines of any road, street, way, thoroughfare, or bridge in the State of Texas not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the State has legislative jurisdiction under its police power.

2. *"Judgment"*—Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

3. "Motor Vehicle"—Every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers and graders, tractor cranes, power shovels, well drillers and implements of husbandry) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

4. "License"—Any driver's, operator's, commercial operator's, or chauffeur's license, temporary instruction permit or temporary license, or restricted license, issued under Article 6687b, Texas Revised Civil Statutes, pertaining to the licensing of persons to operate motor vehicles.

5. "Nonresident"—Every person who is not a resident of the State of Texas.

6. "Nonresident's Operating Privilege"—The privilege conferred upon a nonresident by the laws of Texas pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in the State of Texas.

7. "Operator"—Every person who is in actual physical control of a motor vehicle.

8. "Owner"—A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this Act.

9. "Person"—Every natural person, firm, copartnership, association or corporation.

10. "Proof of Financial Responsibility." Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of Ten Thousand Dollars ($10,000) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of Twenty Thousand Dollars ($20,000) because of bodily injury to or death of two (2) or more persons in any one accident, and in the amount of Five Thousand Dollars ($5,000) because of injury to or destruction of property of others in any one accident. The proof of ability to respond in damages may exclude the first Two Hundred Fifty Dollars ($250) of liability for bodily injury to or death of any one person in any one accident, and, subject to that exclusion for one person, may exclude the first Five Hundred Dollars ($500) of liability for the bodily injury to or death of two (2) or more persons in any one accident and may exclude the first Two Hundred Fifty Dollars ($250) of liability for the injury to or destruction of property of others in any one accident.

11. "Registration"—Registration or license certificate or license receipt or dealer's license and registration or number plates issued under Article 6675a or Article 6686, Texas Revised Civil Statutes, pertaining to the registration of motor vehicles.

12. "Department" means the Department of Public Safety of the State of Texas, acting directly or through its authorized officers and agents, except in such sections of this Act in which some other State Department is specifically named.

13. "State"—Any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 2866, ch. 944, § 1, eff. Aug. 30, 1971.

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ARTICLE III—SECURITY FOLLOWING ACCIDENT

Report required following accident

Sec. 4. The operator of every motor vehicle which is in any manner involved in an accident within the State, in which any person is killed

For Annotations and Historical Notes, see V.A.T.S.

or injured or in which damage to the property of any one person, including himself, to an apparent extent of at least Two Hundred Fifty Dollars ($250) is sustained, shall within ten (10) days after such accident report the matter in writing to the Department. Such report, the form of which shall be prescribed by the Department, shall contain information to enable the Department to determine whether the requirements for the deposit of security under Section 5 are inapplicable by reason of the existence of insurance or other exceptions specified in this Act. Any written report of accident in accordance with Section 44, Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as last amended by Chapter 363, Acts of the 53rd Legislature, Regular Session, 1953, compiled as Article 6701d, Section 44, Vernon's Texas Civil Statutes, if actually made to the Department, shall be sufficient provided it also contains the information required herein. The Department may rely upon the accuracy of the information unless and until it has reason to believe that the information is erroneous. If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within ten (10) days after learning of the accident, make such report. The operator or the owner shall furnish such additional relevant information as the Department shall require.

Sec. 4 amended by Acts 1971, 62nd Leg., p. 2867, ch. 944, § 2, eff. Aug. 30, 1971.

Non-domiciliary of U. S.; proof of financial responsibility; impounding vehicle

Sec. 4A. (a) Any motor vehicle operator who is not domiciled within the United States and who operates a vehicle which is in any manner involved in an accident within the State of Texas in which any person is killed or injured or in which damage to the property of any one person, not including himself, to an apparent extent of at least One Hundred Dollars ($100) is sustained shall be taken immediately before a magistrate and there shall present proof of financial responsibility.

(b) If a person does not present proof of financial responsibility in accordance with Subsection (a), the magistrate shall enter an order directing the Department to impound the vehicle operated by the foreign domiciliary. The Department shall hold the vehicle until:

(1) a cash bond, in an amount to be determined by the magistrate, has been posted with the Department;

(2) a release has been executed by the other party or parties to the accident and the release is filed with the Department; or

(3) the Department receives certification of the entry of a final judgment of liability in the accident from a court of record.

Sec. 4A added by Acts 1971, 62nd Leg., p. 2389, ch. 744, § 1, eff. Aug. 30, 1971.

Security; determination of amount; suspension of license and registrations; notice; exceptions

Sec. 5. (a) If twenty (20) days after the receipt of a report of a motor vehicle accident within this State which has resulted in bodily injury or death, or damage to the property of any one person of at least Two Hundred Fifty Dollars ($250), the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under Subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the Department shall determine the amount of security which shall be sufficient in its judgment, and in no event less than Two Hundred Dollars ($200) to satisfy any

judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

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(c) This section shall not apply under the conditions stated in Section 6 nor:

1. To such operator or owner if such owner had in effect at the time of such accident a motor vehicle liability policy with respect to the motor vehicle involved in such accident;

2. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident a motor vehicle liability policy or bond with respect to his operation of motor vehicles not owned by him;

3. To any person employed by the government of the United States, when such person is acting within the scope or office of his employment;

4. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the Department, covered by any other form of liability insurance policy or bond; nor

5. To any person qualifying as a self-insurer under Section 34 of this Act, or to any person operating a motor vehicle for such self-insurer.

No such policy or bond shall be effective under this section or under Section 7 unless issued by an insurance company or surety company authorized to write motor vehicle liability insurance in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; providing, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than Ten Thousand Dollars ($10,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than Twenty Thousand Dollars ($20,000) because of bodily injury to or death of two (2) or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than Five Thousand Dollars ($5,000) because of injury to or destruction of property of others in any one accident. The policy or bond may exclude coverage of the first Two Hundred Fifty Dollars ($250) of liability for bodily injury to or death of any one person in any one accident, and, subject to that exclusion for one person, may exclude coverage for the first Five Hundred Dollars ($500) of liability for the bodily injury to or death of two (2) or more persons in any one accident and may exclude coverage for the first Two Hundred Fifty Dollars ($250) of liability for the injury to or destruction of property of others in any one accident.

6. Wherever the word "bond" appears in this section or this Act, it shall mean a bond filed with and approved by the Department of Public Safety.

Sec. 5(a), (c) amended by Acts 1971, 62nd Leg., p. 2868, ch. 944, § 3, eff. Aug. 30, 1971.

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ARTICLE IV—PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

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Motor vehicle liability policy defined

Sec. 21.

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(b) Such owner's policy of liability insurance:

1. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

2. Shall pay on behalf of the insured named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, all sums which the insured shall become legally obligated to pay as damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: Ten Thousand Dollars ($10,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, Twenty Thousand Dollars ($20,000) because of bodily injury to or death of two (2) or more persons in any one accident, and Five Thousand Dollars ($5,000) because of injury to or destruction of property of others in any one accident. The policy may exclude coverage of the first Two Hundred Fifty Dollars ($250) of liability for bodily injury to or death of any one person in any one accident, and, subject to that exclusion for one person, may exclude coverage for the first Five Hundred Dollars ($500) of liability for the bodily injury to or death of two (2) or more persons in any one accident and may exclude coverage for the first Two Hundred Fifty Dollars ($250) of liability for the injury to or destruction of property of others in any one accident.

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Sec. 21(b) amended by Acts 1971, 62nd Leg., p. 2869, ch. 944, § 4, eff. Aug. 30, 1971.

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ARTICLE VI—GENERAL PROVISIONS

Exceptions

Sec. 33. This Act shall not apply with respect to any motor vehicle owned by the United States, the State of Texas or any political subdivision of this state, or any municipality therein except as provided in Section 35, nor to the officers, agents or employees of the United States, the State of Texas, or any political subdivision of the state, while driving said vehicle in the course of their employment; provided, however, that the operator of every motor vehicle specified herein shall comply with the provisions of Section 4 of this Act; nor, except for Sections 4 and 26 of this Act, with respect to any motor vehicle which is subject to the requirements of Articles 911a (Sec. 11) and 911b (Sec. 13) of the Revised Civil Statutes of Texas; provided, however, that nothing in this Act shall be construed so as to exclude from this Act its applicability to taxicabs, jitneys, or other vehicles for hire, operating under franchise or permit of any incorporated city, town or village.

Sec. 33 amended by Acts 1969, 61st Leg., 2nd C.S., p. 59, ch. 8, § 1, emerg. eff. Sept. 19, 1969.

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CHAPTER TWO—ESTABLISHMENT OF COUNTY ROADS

Art. 6704. [6871—2—3—4] Classes of roads; cattle guards

The Commissioners Court shall classify all public roads in their counties as follows:

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4. Any county in this State containing a population of less than ten thousand (10,000) inhabitants, or any county with a population of not less than twenty-seven thousand, six hundred fifty (27,650) nor more than twenty-seven thousand, six hundred eighty-five (27,685), according to the last preceding federal census, may by a majority vote of the Commissioners Court thereof authorize the construction of cattle guards across any or all of the first class, second class, or third class roads in said county, and such cattle guards shall not be classed or considered as obstructions on said roads.

The Commissioners Court of any county coming under the provisions of this Act shall provide proper plans and specifications of a standard cattle guard to be used on the roads of said county, said plans and specifications to be plainly written, supplemented by such drawings as may be necessary and shall be available to the inspection of the citizenship of such county. After said Commissioners Court provides said proper plans and specifications of a standard cattle guard to be used on the roads of said county any person constructing any cattle guard that is not in accordance with said approved plans and specifications prepared by said Commissioners Court shall be deemed guilty of obstructing said roads of said county, and the person responsible for such improper construction of said cattle guards shall be deemed guilty of a misdemeanor, and shall be fined not less than Five Dollars ($5) nor more than One Hundred Dollars ($100).

The Commissioners Court of any county coming under the provisions of this Act is hereby authorized and empowered to construct cattle guards on the first class, second class, and third class roads of said county and pay for same out of the Road and Bridge Funds of said county when in their judgment they believe the construction of such cattle guards to be to the best interest of the citizens of said county.

Sec. 4 amended by Acts 1965, 59th Leg., p. 1499, ch. 650, § 1, eff. June 17, 1965; Acts 1971, 62nd Leg., p. 1830, ch. 542, § 58, eff. Sept. 1, 1971.

CHAPTER SIX—PARTICULAR COUNTIES, LAW RELATING TO

Art. 6812b—1. Counties of 49,400 to 52,000 population; county engineer; duties

County engineer

Section 1. The commissioners court of any county having a population of not less than 49,400 nor more than 52,000, according to the last preceding federal census, may appoint a county engineer, but the selection shall be controlled by considerations of skill and ability for the task. The engineer may be selected at any regular meeting of the commissioners court, or at any special meeting called for that purpose. The engineer selected shall be a Registered Professional Engineer in the State of Texas. The engineer shall hold his office for a period of two years, his term of office expiring concurrently with the terms of other county officers, and

he may be removed at the pleasure of the commissioners court. The engineer shall receive a salary to be fixed by the commissioners court not to exceed the amount of the salary paid to the highest county official, to be paid out of the Road and Bridge Fund. The engineer, before entering upon the discharge of his duties, shall take the oath of office prescribed by law, and shall execute a bond in the sum of $15,000 with a good and sufficient surety or sureties thereon, payable to the county judge of the county and successors in office in trust, for the use and the benefit of the Road and Bridge Fund, of the county to be approved by the court, conditioned that such engineer will faithfully and efficiently discharge and perform all of the duties required of him by law and by the orders of said commissioners court and shall faithfully and honestly and in due time account for all of the money, property and materials placed in his custody.

Classification and record of roads

Sec. 2. (a) The county engineer shall, under the direction of the commissioners court, and as soon as practicable, classify all public roads in such county, and such classification when completed, and when approved by the court, shall become a part of the permanent records of roads and bridges of said county. He shall prepare a suitable map of which shall be delineated in appropriate colors the various roads which shall be designated as first, second, and third class roads. The map shall show to which place each road belongs and the nature of its construction. He shall make a complete indexed record of each county road in the county and all bridges. The records shall show when each county road was dedicated to the use of the public, a complete description as to location, measured length, width of right-of-way, character of construction, and terminals of same.

(b) Each road shall be indexed in the record by the same number and name as it is delineated on the map. As new roads are opened and improved, and the existing roads are widened or improved so as to change their class, such facts shall be added to the record of such roads in the "Records of Roads." Such information shall be made available to the public; provided, however that any omission in respect to the above requirement shall not invalidate any contract for the construction or repair of any road or highway in said county, and where such classification, records and indexes have heretofore been prepared there shall be no necessity to repeat the same in the absence of public necessity therefor, but same may be amended, added to or taken from as the facts of public need may demand.

Inventory and appraisal of equipment; disposal and purchase

Sec. 3. The county engineer shall at the end of every 12 months, acting in conjunction with each commissioner of the county, make a complete inventory and appraisement of all tools, machinery, equipment, materials, trucks, cars, and other property owned by the respective commissioners, and transmit the same in written form to the commissioners court and the county auditor, which report shall be kept as a permanent inventory record by the county auditor. When any of said tools, machinery, trucks, cars, and other property becomes unusable, the commissioners court shall enter an order upon the minutes of the court, stating such facts and reason for disposing of such equipment and shall have authority to dispose of same as it deems best. When in its opinion it is necessary to purchase other machinery, supplies, tools, and other equipment and materials, the commissioners court shall enter an order on the minutes showing the necessity therefor. All equipment purchased or acquired as herein specified, shall be shown on the permanent inventory record.

Master plan

Sec. 4. The county engineer shall, when funds are available and when authorized by the commissioners court, to do so, make a careful and thorough study of all roads at that time opened and constructed with a view of determining what new roads and connections of roads should be opened and constructed, as well as what roads should be widened and improved. In making such survey, he should take into consideration the convenience of the traveling public, and especially the convenience of the citizenship of the county, so that each community a part of the county shall have easy and practical connection with the other and the state highway system of roads in the county, thereby furnishing to the citizenship of the county a convenient means of ingress and egress into and out of every city and town, as well as every other community in the county. The roads indicated in such surveys to be opened and constructed, as well as existing roads that are designated to be widened and improved, shall be located and designated with the view of giving the entire county an efficient road system. The commissioners court shall, in selecting roads or new roads, as well as the improvement of existing roads, look to the density of the population and amount of traffic that will normally flow over such roads; such survey when completed by the engineer, and when adopted by the commissioners court at a regular meeting thereof, shall be known as the Master Plan. When such Master Plan has been completed and adopted by the court as it is stipulated, the same shall be made into permanent record form and kept by the county engineer, and after such adoption, all new construction, widening and permanent improvement shall be done in accordance with such Master Plan and with the view of ultimately completing the same, both as to location and character of construction. The construction of said Master Plan shall proceed as the available funds of the county will permit, and each unit of such construction shall be made in accordance with such Master Plan. The order in which the roads or projects in the construction of said Master Plan are constructed shall be determined by the county engineer, with the approval of the commissioners court and in determining the priority of roads or projects, the engineer and court shall take into consideration the necessity and convenience of the public and should give priority to those roads or projects that will result in the greatest service to the greatest number of the citizenship of the county, looking at all times to the entire county as a unit and wholly disregarding precinct lines.

Adoption and amendment of master plan

Sec. 5. The commissioners court shall when said Master Plan is submitted to them for adoption, or if after adoption, an amendment or change thereto shall be deemed advisable, set a date at a regular meeting of commissioners court called for that purpose, and give public notice thereof at least two weeks in advance of such meeting and the purpose thereof, inviting the citizenship of the county to be present to protest any part of said Master Plan and also to make such suggestions as they deem pertinent in connection with same, or any change therein, but the decision of the commissioners court shall become and be final and conclusive as to said Master Plan, and no succeeding commissioners court shall have the power or authority to alter or change or amend any of the provisions thereof except by unanimous vote of the commissioners court. Provided, that where such Master Plan has once been adopted, there shall be no necessity to repeat the same in absence of public necessity thereof, for same may be amended and altered when public necessity therefor is shown, and after notice is given as herein above provided.

Subdivisions

Sec. 6. It shall be the duty of the county engineer and the commissioners court in each respective precinct to cause the Master Plan to be conformed to the needs and demands of existing and new subdivisions by constructing adequate highways leading from such subdivisions to the county seat. Provided that from and after the passage of this Act, the commissioners court, before approving the plan or plans of any subdivision lying outside the corporate limits of any city, town, or village, as required by Article 6626, Revised Civil Statutes of Texas, 1925, as amended, shall require such subdivision to enter into a written contract in agreement with the county, then such subdivider or dirt dealer will grade, and gravel all streets and provide all necessary drainage structures within such tract of land so subdivided. Such street improvements and drainage structures shall be in accordance with standard plans and specifications prepared by the county engineer. Such contracts shall be for the benefit of any person or persons, firm or corporation who may thereafter acquire by purchase or otherwise any lot or lots in said addition or subdivision, and the faithful performance of said contract as to the initial improvements of said streets shall be deemed a part of the consideration paid for said lot and be read into the contract of sale of same, and such contract shall be enforceable at the instance, if necessary, of the owner or owners of any lot or lots in a given subdivision, suing singularly or as a group or class. After such initial street improvements have been completed in accordance with such plans, said streets then become and remain a part of the county road system and shall be maintained by the county unless and until included within the corporate limits of a city, town or village capable of maintaining its own streets.

Inspections of plats, subdivision plans and land encompassed; advice to commissioners court and developers

Sec. 7. The county engineer when directed to do so by the commissioners court of the county, shall inspect all plats and plans of subdivisions to be recorded within said county, and make an on-site inspection of the land encompassed within said subdivision and advise the court as to the roads, drainage, sewage, and all aspects of said subdivision and terrain. The county engineer when and if required by the commissioners court, shall affix his signature to said plat along with the county judge and the commissioners court upon any plat approved and accepted by the commissioners court and filed in the county clerk's office. The county engineer will offer advice and suggestions to said developer and commissioners court in order to promote conformity with any and all rules and regulations for subdividing as laid out by the commissioners court.

Inspection of various utility districts within county; map

Sec. 8. The county engineer when directed by the commissioners court shall make such inspections of any and all utility districts, water districts, sewage districts, and any other type district formed within the confines of the county, to ascertain whether or not said districts meet the state and county requirements. The county engineer will keep a map setting out each and every type district created within the county and make it available for public use at any and all times required to do so.

Assistance on county functions

Sec. 9. The county engineer when requested to do so by the commissioners court or by a commissioner shall assist said commissioner in connection with any county road in said county, any drainage problem, public buildings, health and sanitation district, planning commissions, and any other function or service over which the commissioner or commissioners court might have jurisdiction.

Employees

Sec. 10. The commissioners court shall employ all help necessary for the discharge of their public service or for the discharge of the duties of the county engineer. Such employees shall receive such compensation as may be fixed by the court, but in all such cases an order shall be passed and entered on the minutes of the court, showing in such case the public necessity for such employment and the amount of compensation to be paid each employee and the fund out of which it is to be paid.

Work records; daily time sheet

Sec. 11. The county engineer shall keep or cause to be kept, in duplicate, a daily time sheet which shall show the amount of time and the character of work performed and the place where the same is performed by himself and each person working for the county engineer, and such other records in connection therewith as the commissioners court and county auditor may require, one copy of which shall be furnished to the county auditor, and one copy shall be retained by the engineer.

County commissioners; duties

Sec. 12. This Act shall in no way diminish, alter or eliminate any of the duties presently handled by the commissioners court or by any individual commissioner. Each member of the commissioners court shall be and he is hereby required to devote all of his time unless prevented by illness to the duties of his office, and shall be in attendance at all sessions of the court.

Cumulative effect; conflict or inconsistency

Sec. 13. The provisions of this Act are and shall be held and construed to be cumulative of all general laws or special laws of this state on the subject treated in this Act when not in conflict or inconsistent herewith, but in case of such conflict or inconsistency in whole or in part, this Act shall control.

Severability

Sec. 14. If any section, subdivision, paragraph, sentence, clause, or word in this Act shall be held to be unconstitutional, the remaining portions of same shall nevertheless be valid and it is declared that such remaining portions would have been included in this Act though the unconstitutional portion had been omitted.

County engineer; release from position

Sec. 15. If at any time the commissioners court at any time feels that the county engineer position is no further of any necessity or benefit to the county, then said commissioners court has the authority to release said engineer without any obligation to fill said position or vacancy.
Acts 1971, 62nd Leg., p. 2483, ch. 809, eff. June 8, 1971.

Section 16 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the authority of certain counties having a population of not less than 49,400 nor more than 52,000, according to the last preceding federal census, to employ a county engineer; providing certain duties for the county engineer and the commissioners court; providing for a master plan; providing for inspection

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and approval of certain plats; providing for the employment of assistants for the county engineer; and declaring an emergency. Acts 1971, 62nd Leg., p. 2483, ch. 809.

Art. 6812d. Private roads; construction and maintenance in certain counties

Section 1. The county Commissioners Court of a county which has more than 5,300 persons but fewer than 5,500 persons, of a county which has more than 7,200 persons but fewer than 7,600 persons, of a county which has more than 10,600 persons but fewer than 11,000 persons, of a county which has more than 11,860 persons but fewer than 12,000 persons, of a county which has more than 18,120 persons but fewer than 18,500 persons, of a county which has more than 15,500 persons but fewer than 15,700 persons, and of a county which has more than 45,000 persons but fewer than 46,000 persons, all according to the last preceding federal census, by order, may authorize a commissioner of the county to direct the use of county employees and equipment to construct and maintain any private road in his precinct, when requested to do so in writing by a person owning an interest in the private road or in the land on which the private road is to be constructed.

Acts 1965, 59th Leg., p. 304, ch. 137, eff. May 13, 1965. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1829, ch. 542, § 52, eff. Sept. 1, 1971.

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Art. 6812e. Private roads; construction and maintenance in counties of 8,040 to 8,055

Section 1. The commissioners court of any county with a population of not less than 8,040 nor more than 8,055 according to the last preceding federal census may by order authorize a commissioner of the county to use county employees and equipment to construct, maintain, or improve a private road in his precinct when requested to do so in writing by a person owning an interest in the private road or in the property on which the private road is to be constructed, maintained, or improved.

Sec. 2. (a) A county commissioner who uses county employees and equipment under an order provided for in Section 1 of this Act shall, on behalf of the county, charge persons requesting the use of the employees and equipment for the use of the employees and equipment.

(b) The charges shall be an amount established by the commissioners court but not less than prevailing charges for like work in the area.

(c) Money collected under this section shall be paid to the county treasurer and credited to the county road and bridge fund to be used in the precinct in which the work is done.

Sec. 3. No county commissioner may authorize any work for which the charges will exceed $200 nor may he authorize any work for which professional contractor services are reasonably available.

Sec. 4. The commissioners court shall maintain public records of work done by county employees and equipment under this Act. The commissioners court may prescribe the type of records that will be maintained under this section.

Acts 1971, 62nd Leg., p. 1619, ch. 448, eff. Aug. 30, 1971.

Section 5 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the use of county employees and equipment to construct, maintain, or improve private roads in certain counties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1619, ch. 448.

TITLE 117—SALARIES

Art. 6819a—13. Repealed by Acts 1971, 62nd Leg., p. 826, ch. 91, § 3, eff. April 28, 1971

See, now, art. 6819a—13a.

Art. 6819a—13a. Additional compensation for district judge of 75th Judicial District

Section 1. In addition to the compensation provided by law and paid by the state, the commissioners courts of Liberty and Chambers counties are hereby authorized to pay the district judge of the 75th Judicial District, for services rendered to those counties and for performing administrative duties, a reasonable sum not to exceed $6,000 a year.

Sec. 2. The supplementary compensation provided for in Section 1 shall be paid by the counties on a pro rata basis according to the population of each county as determined by the last preceding federal census.
Acts 1971, 62nd Leg., p. 825, ch. 91, §§ 1, 2, eff. April 28, 1971.

Art. 6819a—18a. Additional compensation for Justices of Courts of Civil Appeals

Section 1. In addition to the compensation provided by law and paid by the State of Texas, the Commissioners Courts in the counties of each of the fourteen Supreme Judicial Districts of Texas are hereby each authorized to pay to each of the Justices of the Courts of Civil Appeals residing within said Supreme Judicial Districts for all judicial and administrative services performed by them a sum not to exceed Eight Thousand Dollars ($8,000) per annum, to be paid in twelve equal monthly installments; provided, however, that the total of all sums so authorized to be paid to the individual Justices of the Courts of Civil Appeals shall not exceed the total additional compensation authorized to be paid to any District Judge residing within such affected Supreme Judicial District.

Sec. 2. The compensation provided for in Section 1 shall be in addition to the compensation provided by law and paid by the State of Texas to the various Justices of the Courts of Civil Appeals.
Acts 1971, 62nd Leg., p. 1217, ch. 297, eff. May 24, 1971.

Title of Act:

An Act enabling County Commissioners Courts to supplement the compensation of Justices of the Courts of Civil Appeals from county funds; and providing expressly that such compensation shall be in addition to the amounts paid to the Justices by the State; and declaring an emergency. Acts 1971, 62nd Leg., p. 1217, ch. 297.

Art. 6819a—19b. Judges of district courts in counties of 1,500,000 or more

(a) In any county in this State having a population of 1,500,000 or more, according to the last preceding Federal Census, and having twenty-five, or more district courts of general jurisdiction, the judges

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of the several district courts of such counties shall receive, in addition to the salary paid by the State to them, and to other district judges of this State, the sum of $12,000 annually, to be paid in equal monthly installments out of the General Fund or Officers' Salary Fund of such counties, such salary to be as compensation for all judicial and administrative services performed by them. The Commissioners Court shall make proper budget provision for the payment thereof. Any district judge of the State who may be assigned to sit for the judge of any district court in such counties under the provisions of Article 200–A, Vernon's Texas Civil Statutes, as amended, may, while so serving, receive in addition to his necessary expenses, additional compensation from county funds in an amount not to exceed the difference between the pay of such visiting judge from all sources and that pay received from all sources by district judges in the counties affected by the provisions of this Act, such amount to be paid by the county upon approval of the presiding judge of the administrative district in which said court is located.

Acts 1961, 57th Leg., p. 772, ch. 359, eff. Aug. 28, 1961. Subsec. (a) amended by Acts 1971, 62nd Leg., p. 1213, ch. 294, § 1, eff. May 20, 1971.

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Art. 6819a—19c. Judges of district courts in counties of 750,000 to 1,000,000

In any county in this State having a population of not less than 750,000 nor more than 1,000,000, according to the last preceding federal census, and having nine or more district courts, the judges of the several district courts of such counties shall receive, in addition to the salary paid by the State to them and to other District Judges of this State, the sum of $8,000 annually, to be paid in equal monthly installments out of the General Fund or Officers Salary Fund of such counties, for all services rendered to said counties and for performing administrative services. The Commissioners Court of said counties shall make proper budget provisions for the payment thereof. Any District Judge of the State who may be assigned to sit for the judge of any district court in such counties under the provisions of Article 200a, Revised Civil Statutes, may, while so serving, receive in addition to his necessary expenses, additional compensation from county funds in an amount not to exceed the difference between the pay of such visiting judge from all sources and that pay received from all sources by District Judges in the counties affected by the provisions of the Act, such amount to be paid by the county upon approval of the presiding judge in which said court is located.

Acts 1963, 58th Leg., p. 466, ch. 165, § 1, eff. May 14, 1963. Amended by Acts 1969, 61st Leg., p. 993, ch. 318, § 1, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 1820, ch. 542, § 16, eff. Sept. 1, 1971.

Art. 6819a—25a. Additional compensation of judges of district and criminal district courts in counties of 1,200,000 to 1,500,000

In any county in this State having a population of 1,200,000 or more and not more than 1,500,000 according to the last preceding Federal Census, the Judges of the several District and Criminal District Courts of such counties shall receive, in addition to the salary paid by the State to them, and to other District Judges of this State, the sum of Twelve Thousand Dollars ($12,000) annually, to be paid in equal monthly installments out of the general fund or Officers' Salary Fund of such counties. The Commissioners Court shall make proper budget provisions for the payment thereof. Any District Judge of the State who may be assigned to sit for the Judge of any District Court in such counties under the provisions of Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes), may, while so

serving, receive in addition to his necessary expenses, additional compensation from county funds in an amount not to exceed the difference between the pay of such visiting Judge from all sources by District Judges in the counties affected by the provisions of this Act, such amount to be paid by the county upon approval of the presiding Judge of the Administrative District in which said Court is located.

Acts 1961, 57th Leg., p. 437, ch. 211. Amended by Acts 1965, 59th Leg., p. 452, ch. 229, § 1, eff. Aug. 30, 1965; Acts 1971, 62nd Leg., p. 1946, ch. 588, § 2, eff. Aug. 30, 1971.

Art. 6819a—36. Additional compensation of district court judges of 47th, 108th and 181st Judicial Districts

Section 1. In addition to the compensation otherwise provided by law, the district judges of the 47th, 108th, and 181st Judicial Districts shall be paid for services rendered to the county or counties comprising each such district a sum of not less than $3,500 per annum and may be paid not more than $6,000 per annum. The minimum additional compensation of $3,500 shall be paid from the funds of the county or counties comprising each of the judicial districts by the commissioners courts of the counties in the same proportion as the population in each county bears to the total population of the counties comprising such judicial district, according to the last preceding federal census. The total additional remuneration paid to any one judge of the above-listed judicial districts under the provisions of this Act shall not exceed the sum of $6,000 per annum. The additional compensation provided for herein shall be paid in equal monthly installments.

Sec. 2. The compensation provided for in Section 1 shall be in addition to all other compensation paid or authorized to be paid to the judges of the 47th, 108th, and 181st Judicial Districts.

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Acts 1963, 58th Leg., p. 925, ch. 355, eff. May 24, 1963. Secs. 1, 2 amended by Acts 1971, 62nd Leg., p. 1292, ch. 334, § 1, eff. Aug. 30, 1971.

Art. 6819a—40. Additional compensation of county and district court judges in McLennan County

Section 1. (a) The Commissioners Court of McLennan County shall supplement the salary of the District Court Judges whose jurisdiction lies in McLennan County, the Judge of the County Court at Law of McLennan County, and the salary of the County Judge of McLennan County in an amount not less than $1,500 nor more than $5,000 a year for services rendered to the Juvenile Board of McLennan County.

(b) The Commissioners Court may also supplement District Judges' salary by not more than $5,000 a year for administrative services rendered to the County.

Sec. 2. The supplemental salary described in Section 1 of this Act is in addition to all other salary now paid or authorized to be paid by the State to the Judges of the District Courts, of the County Court at Law and of the County Court of McLennan County.

Acts 1965, 59th Leg., p. 772, ch. 363, eff. Aug. 30, 1965. Amended by Acts 1971, 62nd Leg., p. 1785, ch. 524, § 3, eff. June 1, 1971.

Art. 6819a—43. Additional compensation for judge of the 143rd Judicial District

In the 143rd Judicial District the district judge may receive annually, payable in monthly installments, a salary to be fixed by the commissioners

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court of each county, to be paid by the county out of the general or jury fund, as compensation for all judicial and administrative services now rendered by the judge, and any additional judicial or administrative services hereafter to be assigned to the judge, in addition to all salaries paid or hereafter to be paid to the judge by the State of Texas out of state revenues. The salary fixed shall be a reasonable sum for performing such duties not to exceed $6,000 per year, apportioned by the counties of the district on the basis of population according to the last preceding federal census.

Acts 1971, 62nd Leg., p. 1192, ch. 291, eff. May 19, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Title of Act:

An Act relating to the compensation of the judge of the district court in the 143rd Judicial District; and declaring an emergency. Acts 1971, 62nd Leg., p. 1192, ch. 291.

TITLE 120—SHERIFFS AND CONSTABLES

1. SHERIFFS

1. SHERIFFS

Art. 6869.1 Reserve deputy sheriffs and constables

Section 1. (a) The Commissioners Court of any county in the State may authorize the sheriff of the county to appoint reserve deputy sheriffs, or any constable of the county to appoint reserve deputy constables, who shall be subject to serve as peace officers during the actual discharge of their official duties upon call of the sheriff, in the case of deputy sheriffs, or of the constable, in the case of deputy constables.

(b) The Commissioners Court may limit the number of reserve deputy sheriffs or reserve deputy constables who may be appointed.

(c) Such reserve deputy sheriffs shall serve at the discretion of the sheriff and may be called into service at any time the sheriff considers it necessary to have additional officers to preserve the peace and enforce the law; and such reserve deputy constables shall serve at the discretion of the constable and may be called into service at any time the constable considers it necessary to have additional officers to preserve the peace and enforce the law.

(d) Such reserve deputy sheriffs and deputy constables shall serve without pay but the Commissioners Court may provide compensation for the purchase of uniforms and/or equipment used by such individuals.

(e) Such reserve deputy sheriffs and deputy constables, prior to their entry upon duty and simultaneously with their appointments, shall file an oath and bond in the amount of Two Thousand Dollars ($2,000), payable to the sheriff, in the case of reserve deputy sheriffs, and payable to the constable, in the case of reserve deputy constables, and filed with the county clerk of the county in which said appointment is made.

(f) Such reserve deputy sheriffs, while on active duty at the call of the sheriff and while actively engaged in their assigned duties; and reserve deputy constables, while on active duty at the call of the constable and while actively engaged in their assigned duties, shall be vested with the same rights, privileges, obligations and duties of any other peace officer of the State of Texas.

Sec. 2. The county and/or the sheriff or constable shall not incur any liability by reason of the appointment of any such reserve deputy sheriff or deputy constable who incurs any personal injury while serving in such capacity.

Acts 1971, 62nd Leg., p. 1738, ch. 506, §§ 1, 2, eff. Aug. 30, 1971.

Section 3 of the 1971 act amended article 4413(29aa) by adding a section 2A and sections 4 to 7 thereof provided:

"Sec. 4. Any qualifications established for the position of reserve deputy sheriff or reserve deputy constable by the Commissioners Court shall meet the minimum physical, mental, educational, and moral standards established by the Commission on Law Enforcement Officer Standards and Education, but may be stricter than the standards of the commission.

"Sec. 5. Such reserve deputy sheriffs and deputy constables will wear an emblem or badge at all times while on active duty, said badge bearing the words 'Deputy Sheriff R' or 'Deputy Constable R' as the case may be.

"Sec. 6. All laws in conflict herewith are hereby repealed to the extent of such conflict.

"Sec. 7. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the applications of such invalid provisions, and to this end the provisions of this Act are declared to be severable. If any clause, sentence, paragraph or section of this Act shall, for any reason, be adjudged by any court of competent

jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or section thereof so found unconstitutional and invalid."

Art. 6877—3. Duty hours of peace officers in counties of 100,000 to 120,000

(a) No sheriff, deputy, constable, or other peace officer of any county, or of any city, town, or village located within a county, such county having a population of not less than 100,000 nor more than 120,000, according to the last preceding federal census, shall be required to be on duty more than 48 hours a week.

Acts 1969, 61st Leg., p. 598, ch. 203, § 1, eff. May 14, 1969. Subsec. (a) amended by Acts 1971, 62nd Leg., p. 1821, ch. 542, § 20, eff. Sept. 1, 1971.

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TITLE 120A—STATE AND NATIONAL DEFENSE

Art. 6889—4. Civil Protection Act

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Utilization of services, etc.; cooperation; liability

Sec. 8. (a) In carrying out the provisions of this Act, the Governor and the executive officers or governing bodies of the political subdivisions of the State are authorized to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the State and of the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the Governor and to the civil defense organization of the State upon request.

(b) In carrying out the provisions of this Act, the Governor and the executive officers or governing bodies of the political subdivisions of the State may request the cooperation of the Red Cross, the Salvation Army, and licensed ambulance companies and shall designate them as official defense and disaster relief agents.

(c) No provision of this Act, nor any designation made hereunder, shall limit, alter, or in anyway affect any liability for civil damages at law, that any such organization would otherwise have.

Sec. 8 amended by Acts 1971, 62nd Leg., p. 2593, ch. 851, § 1, eff. June 9, 1971.

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TITLE 121—STOCK LAWS

CHAPTER ONE—MARKS AND BRANDS

Art. 6898. [7159] [4929] Marks and brands recorded

Repeals

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6899—1. Tattoo marks for hogs, dogs, sheep or goats; registration; fees; assignment; filing in county; punishment for certain offenses

Repeals

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6899j. Marks and brands of livestock in all counties; recording and re-recording

Section 1. (a) This Act shall apply to every county in this State. In all the counties each owner of any livestock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of 1925 shall within six months after this Act takes effect have his mark and brand for such stock recorded in the office of the county clerk of the county. These owners shall record the marks and brands whether the brands and marks have been previously recorded or not.

(b) The owner shall have the right to have his mark and brand recorded in his name who according to the present records of the county first recorded the brand and mark in the county, or in event it can not be ascertained from the records who first recorded the brand and mark in the county, then the person who has been using such mark and brand the longest shall have the right to have the brand and mark recorded in his name.

(c) After the expiration of six months from the taking effect of this Act all records of marks and brands now in existence in the county shall no longer have any force or effect and after the expiration of six months only the records made after this Act takes effect shall be examined or considered in recording marks and brands in the county.

(d) Immediately upon the taking effect of this Act the county clerk of the county shall have this Act published in some newspaper of general circulation in the county for a period of thirty days. The publication shall be paid for by the county out of the general county fund.

Sec. 2. All clerks in re-registering brands shall comply with Articles 6890 through 6899, inclusive, of the Revised Civil Statutes of Texas, 1925,

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as amended, and with Section 1, Chapter 273, Acts of the 41st Legislature, 1929, as amended (Article 6899a, Vernon's Texas Civil Statutes), and shall also be aware of and comply with Articles 1484, 1485, and 1486 of the Penal Code of Texas, 1925.

Sec. 3. All brands and marks registered under the provisions of this Act shall be re-registered every 10 years in the manner prescribed in Section 1 of this act.

Acts 1971, 62nd Leg., p. 1643, ch. 459, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the recording and re-recording of livestock brands and marks; and declaring an emergency. Acts 1971, 62nd Leg., p. 1643, ch. 459.

CHAPTER THREE—SLAUGHTER AND SHIPMENT

Art. 6905. [7175] [4944] Recorded before driving

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

CHAPTER FOUR—ESTRAYS

Art. 6912. [7186-92-93] Appraisement and bond

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6913. [7187—8] Proof of ownership

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6923. [7203] [4972] If estray dies

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 6927. [7207—8] Notice of estray

Repeals

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

CHAPTER SIX—STOCK RUNNING AT LARGE

Art. 6954. [7325] Petition

Upon the written petition of thirty-five (35) freeholders of any of the following counties: Anderson, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, DeWitt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harris, Harrison, Hartley, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kleberg, Knox, Lamar, Lamb, Lampasas, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Madison, Marion, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Nacogdoches, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Throckmorton, Titus, Tom Green, Travis, Trinity, Upshur, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Wood, Young, Zapata, and Zavala; or upon the petition of fifteen (15) freeholders of any such subdivision of any county of this State as may be described in the petition, and defined by the Commissioners Court of the county in which said subdivision is situated, the Commissioners Court of said county shall order an election to be held in such county or such subdivision of a county as may be described in the petition and defined by the Commissioners Court on the day named in the order for the purpose of enabling the freeholders of such county or subdivision of a county as may be described in the petition and defined by the Commissioners Court to determine whether cattle shall be permitted to run at large in such county or such subdivision of a county as may be described in the petition and defined by the Commissioners Court.

Amended by Acts 1971, 62nd Leg., p. 1590, ch. 433, § 1, eff. May 26, 1971; Acts 1971, 62nd Leg., p. 2679, ch. 876, § 1, eff. June 9, 1971.

Section 2 of Acts 1971, 62nd Leg., p. 2680, ch. 876, provides: "This Act does not affect the operation of Chapter 186, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 1370a, Vernon's Texas Penal Code)."

For Annotations and Historical Notes, see V.A.T.S.

Art. 6965. Duty of officers

It shall be the duty of any sheriff or constable of any county, or subdivision thereof, within this State, where the provisions of this Chapter are or may hereafter become operative, to seize any stock which may become known to him to be running at large on any outside premises where the provisions of the stock law are in force, and impound the same in some place provided for that purpose, and immediately notify the owner thereof, if such owner is known to such officer, who may redeem the same on the payment of an impounding fee of One Dollar ($1) per head, and the following additional fee for each day such stock is so kept: One Dollar ($1) per day per head for horses, mules, and cattle; fifty cents (50¢) per day per head for jacks and jennets; and twenty-five cents (25¢) per day per head for sheep, goats, and swine; provided that in any county having a population of not less than twenty-four thousand five hundred (24,500) nor more than twenty-four thousand seven hundred (24,700), according to the last preceding federal census, the additional fee shall not exceed Five Dollars ($5) per day per head for swine.

Amended by Acts 1961, 57th Leg., p. 278, ch. 152, § 1, eff. May 15, 1961; Acts 1971, 62nd Leg., p. 1843, ch. 542, § 105, eff. Sept. 1, 1971.

Art. 6967. [7251] Fees for impounding

Any owner, lessee or person in lawful possession of inclosed lands shall be entitled to the following fees for impounding stock, to wit: fifty cents (50¢) per day per head for horses and mules; thirty-five cents (35¢) per day per head for cattle; thirty cents (30¢) per day per head for jacks and jennets; twenty-five cents (25¢) per day per head for swine; and fifteen cents (15¢) per day per head for sheep and goats; provided that in any county having a population of not less than twenty-four thousand five hundred (24,500) nor more than twenty-four thousand seven hundred (24,700), according to the last preceding federal census, the additional impounding fee shall not exceed Five Dollars ($5) per day per head for swine. The damages done by such stock, if any, and the fees due to the taker-up of such stock, if any, may be assessed by any three (3) disinterested freeholders of the subdivision in which said stock is taken up, who shall, upon the application of the taker-up of the stock, be appointed by the justice of the peace of the precinct in which such subdivision is situated. When such justice shall fail or refuse to make appointments, or when the stock law has been adopted by an entire county, said freeholders shall be appointed by the County Judge of the county. Said freeholders, after being duly sworn to discharge with impartiality the duties devolving upon them by said appointment, shall proceed after hearing the evidence to determine whether or not any trespass prohibited by the provisions of this Chapter has been committed, and to ascertain the damages, if any, occasioned thereby, and the fees due the taker-up of the stock by reason of said trespass, and shall make an assessment of damages and fees in writing and signed by said freeholders, or two (2) of them, and verified by the affidavit of said freeholders to the effect that said assessment is just and that they have no bias in favor of or prejudice against any party interested therein, and shall file said assessment with the justice of the peace, which shall be final; provided, that the owner of the stock, if known, shall have five (5) days notice of the time and place of the meeting of said freeholders, and if the owner is unknown, then a written notice thereof shall be posted in two (2) public places in said subdivision and one (1) at the courthouse door of the county.

Amended by Acts 1961, 57th Leg., p. 278, ch. 152, § 2, eff. May 15, 1961; Acts 1971, 62nd Leg., p. 1843, ch. 542, § 105, eff. Sept. 1, 1971.

CHAPTER SEVEN—PROTECTION OF STOCK RAISERS

Art. 7008a. Processing of export-import livestock; agreements; fees

Section 1. The Texas Department of Agriculture is hereby authorized to receive and hold for processing livestock or other animals transported in international trade, and to establish and collect reasonable fees for yardage, maintenance, feed, medical care, and other necessary expenses incurred in the course of processing.

Sec. 2. The Texas Department of Agriculture is hereby authorized to execute agreements with corporations, companies or other private concerns to provide feed, medical care or other necessary goods and services in connection with the processing of export-import livestock or other animals.

Sec. 3. In order to assure the collection of fees herein authorized, the Texas Department of Agriculture shall collect such fees or other indebtedness owed the State and suppliers of goods and services in connection with the processing of export-import livestock or other animals, prior to the time such livestock or other animals are removed from the Department of Agriculture processing facilities. Livestock or other animals left by their owners in such facilities for longer than thirty (30) calendar days may be sold at public auction to satisfy any unpaid fees or indebtedness of the State of Texas and private suppliers. Such fees or indebtedness shall be deducted from the proceeds of sale and shall be paid in the following order:

(1) Fees due the State of Texas shall be paid first and deposited in the General Revenue Fund of the State;

(2) When all fees due the State of Texas have been paid, fees or other indebtedness due private suppliers shall be paid and forwarded to them;

(3) The balance of proceeds remaining, if any, shall be forwarded to the owner or owners of the livestock or other animals sold at auction, such owner or owners to be determined by the manifest or shipping order accompanying such livestock or other animals.

Sec. 4. The Texas Department of Agriculture shall exercise reasonable care in the handling and movement of livestock or other animals utilizing export-import processing facilities of the Department. The Department shall not be held responsible for death or injury suffered by livestock or other animals as a result of the negligence or criminal conduct of private suppliers or persons who are not authorized employees of the Department.

Acts 1971, 62nd Leg., p. 2890, ch. 954, eff. June 15, 1971.

Section 5 of the 1971 act was a severability provision.

Title of Act:

An Act authorizing the Texas Department of Agriculture to receive and hold for processing export-import livestock or other animals; authorizing the establishment and collection of yardage, feed and maintenance fees in connection with processing; and declaring an emergency. Acts 1971, 62nd Leg., p. 2890, ch. 954.

TITLE 122—TAXATION

CHAPTER TWO—TAXES BASED UPON GROSS RECEIPTS

Art. 7064a. Tax on domestic life, accident and health insurance organizations

Every group of individuals, society, association, group hospital service plan, or corporation (all of which shall be deemed included in the term "insurance organization" wherever used in this Act) organized under the laws of this State and transacting the business of life insurance, personal accident insurance, life and accident insurance, or health and accident insurance for profit or otherwise, or for mutual benefit, or protection in this State shall on or before the first day of March of each year file its annual statement showing the gross amount of premiums collected during the year ending December 31st, preceding, from persons residing or domiciled in this State on policies of insurance, and showing in separate columns the first-year premiums and the renewal premiums collected on such Texas policies, and each such insurance organization, except local mutual aid associations, fraternal benefit societies, and fraternal insurance associations or societies that limit their membership to one (1) occupation, shall pay an annual tax of 1.1% of the gross amount of premiums collected during such year from persons residing or domiciled in the State of Texas on policies of insurance. Each such insurance organization shall also report to the Board of Insurance Commissioners on or before the first day of March of each year the amount that it had invested on the 31st day of December, preceding, in Texas securities as defined by Article 3.34, Texas Insurance Code, as amended; provided, however, that all such insurance companies whose gross premium receipts are less than Four Hundred and Fifty Thousand Dollars ($450,000) for the preceding year ending December 31st, wherever and irrespective of from whom collected, according to its annual statement which shall disclose such information, shall pay a tax of 55/80 of 1% of the gross amount of premiums collected during such year from persons residing or domiciled in the State of Texas except as to first-year premiums as provided herein; provided, however, that the gross premium taxes herein imposed shall not be applicable to first-year premiums; and provided further that where any policy is written on a term plan only the premium collected during the first year shall be deducted on such policy or any renewal, extension or substitution thereof by the company issuing such term policy, and provided further that the amount of all examination and valuation fees paid in such taxable year to or for the use of the State of Texas by any insurance organization hereby affected shall be allowed as a credit on the amount of premium taxes to be paid by any such insurance organization for such taxable year. Such gross premium receipts so reported shall not include premiums received from other licensed companies for reinsurance of business in Texas and there shall be no deduction for premiums paid for reinsurance. Such gross premium receipts so reported shall not include premiums received from the Treasury of the State of Texas or from the Treasury of the United States for insurance contracted for by the state or federal government for the purpose of providing welfare benefits to designated welfare recipients or for insurance contracted for by the state or federal government in accordance with or in furtherance of the provisions of the State Welfare Act or the Federal Social Security Act. If any such insurance organization does more than

one (1) kind of insurance business, then it shall pay the tax herein levied upon the gross premiums on each kind of insurance written. The report of the gross premium receipts and the invested assets shall be made upon the sworn statement of two (2) principal officers.

Upon receipt by it of the sworn statement above provided, the Board of Insurance Commissioners shall certify to the State Treasurer the amount of taxes due by such insurance organization which shall be paid to the State Treasurer on or before the 15th day of March, following, and the State Treasurer shall issue his receipt therefor as evidence of the payment of such tax. Such taxes shall be for and on account of business transacted within this State during the calendar year ending December 31st, in which such premiums were collected, or for that portion of the year during which the insurance organization transacted business in this State. The taxes aforesaid shall constitute all taxes and license fees collectible under the laws of this State from any such insurance organization, organized under the laws of this State, except, and only except unemployment compensation taxes levied under Senate Bill No. 5, passed at the Third Called Session of the Forty-fourth Legislature and amendments thereto [1]; and the fees provided for under Article 4.07, Texas Insurance Code, the deposit fees prescribed by that Article and amendments thereto; and in case of companies writing workman's compensation insurance, the taxes otherwise provided by law on account of such business; and no other taxes shall be levied or collected by the State or any county, city or town except State, county, and municipal ad valorem taxes upon real or personal properties of such insurance organization.

Amended by Acts 1971, 62nd Leg., p. 1535, ch. 406, § 1, eff. May 26, 1971.

[1] Article 5221b—1 et seq.

Section 2 of the 1971 amendatory act provided: "Repealer Clause. All laws and parts of laws in conflict with this Act are hereby repealed, insofar as they are inconsistent therewith."

Art. 7083a. Allocation of revenue derived from certain occupations and gross receipts taxes; appropriations and allocations for certain funds

* * * * * * * * * * *

Sec. 2.

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(4-b) After the above allocations and payments have been made from such Clearance Fund, beginning with the fiscal year September 1, 1959, and annually thereafter, there is hereby appropriated, allocated, transferred and credited, to a fund to be known as the Farm-to-Market Road Fund of the State Highway Department of the State of Texas the sum of Fifteen Million Dollars ($15,000,000.00) per year for the construction of Farm-to-Market Roads by the State Highway Department within the State of Texas. The transfer, allocation and payment herein provided shall be made in equal installments during the months of April, May, June, July, and August of each fiscal year beginning with the fiscal year starting September 1, 1959, or as funds therefor become available.

The State Highway Department shall use the funds herein made available in conjunction with other funds available for such purposes so that not less than Twenty-Three Million Dollars ($23,000,000.00) per year shall be used for the construction of additional miles of newly designated Farm-to-Market Roads, meaning roads in rural areas including feeder roads, secondary roads, school bus routes, rural mail routes, milk routes, etc., and not a part of the designated State Highway System or the designated Primary Federal Aid Highway System.

These funds shall be expended on a system of road selected by the State Highway Department after consultation with the County Commis-

For Annotations and Historical Notes, see V.A.T.S.

sioners Courts of the counties of Texas relative to the most needed unimproved rural roads in the counties involved. The selections shall be made in a manner to insure equitable and judicious distribution of funds and work among the several counties of the state.

The general characteristics of the roads to be selected are as follows:

a. The roads shall not be potential additions to the Federal Aid Primary Highway System;

b. The roads shall serve rural areas primarily and shall connect farms, ranches, rural homes and sources of natural resources such as oil, mines, timber, etc., and/or water loading points, schools, churches and points of public congregation, including community developments and villages;

c. The roads shall be capable of assisting in the creation of economic values in the areas served;

d. The roads shall preferably serve as public school bus routes, or rural free delivery postal routes, or both;

e. The roads shall be capable of early integration with the previously improved Texas Road System and at least one end should connect with a road already or soon to be improved on the State System of Roads.

The above allocation shall be made irrespective of any other subsection of this Section of this Article and Subsection (5) of Section 2 of this Article shall not be applicable to the Farm-to-Market Road Fund. Amended by Acts 1962, 57th Leg., 3rd C.S. p. 2, ch. 2, § 2, eff. May 3, 1962; Acts 1971, 62nd Leg., p. 1203, ch. 292 art. 5, § 3, eff. July 1, 1971; Acts 1971, 62nd Leg., p. 1210, ch. 293, § 3, eff. July 1, 1971.

* * * * * * * * * * *

(9) There shall be allocated, transferred, and credited to a special fund in the State Treasury, to be known as the Temporary Welfare Administration Fund, the sum of $625,708. The allocation provided herein shall be made in one payment in the month of April, 1971, and shall be the first priority allocation after the allocation to the Farm-to-Market Road Fund for that month only.

Acts 1941, 47th Leg., p. 269, ch. 184, Art. XX, § 2, subsec. 9, added Acts 1971, 62nd Leg., p. 18, ch. 6, § 2, eff. Feb. 26, 1971.

Art. 7083a.2 Allocations and payments to teacher retirement system; annual estimates; adjustments; actuarial report; matching contributions

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Sec. 3. (1) The provisions of Section 1 of this Act[1] shall have no force and effect after August 31, 1963. From and after September 1, 1963, all moneys allocated pursuant to the provisions of House Bill No. 8, Acts of the 47th Legislature, Regular Session, 1941, as amended, and appropriated by the State to the Teacher Retirement System shall be paid to the Teacher Retirement System in equal monthly installments based on the annual estimate by the State Board of Trustees of the Teacher Retirement System of the contributions to be received from the members of said System during the year; provided further, in the event said estimate of the contributions of the members of the System shall vary from the actual amount of the teachers' contributions during the year, then such adjustments shall be made at the close of each fiscal year as may be required.

(2) The allocations and payments provided in Subsection (1) of this section shall be reduced in an amount not to exceed $9,000,000 for the month of April, 1971, and not to exceed $6,500,000 each month for the months of May, June, July, and August, 1971. In addition to the allocations provided in Subsection (1) of this section, there shall be allocated

to the Teacher Retirement System, beginning on the first day of September, 1971, from the first tax moneys available a total of $35,000,000 or such an amount as necessary to match contributions from the members of the system for the fiscal year ending August 31, 1971.

Acts 1961, 57th Leg., 2nd C.S., p. 514, ch. 3. Sec. 3 amended by Acts 1971, 62nd Leg., p. 17, ch. 6, § 1, eff. Feb. 26, 1971.

[1] Article 7083a, § 2(3A).

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CHAPTER FOUR—INTANGIBLE TAX BOARD

Art. 7100. Legislative Property Tax Committee

Establishment, membership, etc.

Section 1. (a) There is hereby established a Legislative Property Tax Committee composed of five (5) members: One (1) public representative to be appointed by the Governor; one (1) Senator to be appointed by the Lieutenant Governor; one (1) Representative to be appointed by the Speaker of the House; one (1) attorney-at-law to be appointed by the Chief Justice of the Supreme Court of Texas, and one (1) Assessor-Collector (present, former or retired) of any Texas Tax Unit to be appointed by the Comptroller of Public Accounts.

(b) Committee members shall serve from the dates of their respective appointments until June 1, 1973, and shall be eligible for reappointment for terms ending June 1, 1975. Any member holding a public office at the time of his appointment to this Committee shall perform the duties of a member of the board as additional duties required of him in his other official capacity.

(c) If vacancies occur on the Committee, they shall be filled for the remainder of the term by appointment of new members by the respective officials who appointed the Committee members being replaced.

(d) The Governor shall call the first meeting of the Committee immediately after a majority of the members have accepted appointment.

Duties of the committee

Sec. 2. The Committee is authorized and directed:

(a) To make a thorough inquiry into the whole process of ad valorem taxation in Texas, together with such investigation into the property tax systems of other states as the Committee deems necessary, and to recommend to the Legislature such changes or modifications of the laws of this State, and such additional laws as may to the Committee or any member thereof, seem necessary or proper to remedy injustice in property taxation, and to facilitate the assessment and collection of ad valorem taxes in Texas.

(b) To make a comprehensive study of the ad valorem tax laws of Texas, past and present, found in constitutional provisions, statutes, charters, ordinances, Rules of Civil Procedure, court decisions, opinions of the Attorney General and orders and regulations of the Comptroller and to prepare and submit to the Legislature and the Supreme Court of Texas a Property Tax Code of laws which shall be uniform as to all Tax Units in the State insofar as possible.

(c) To develop a uniform data processing system for property tax levies, assessments, collections, rolls and reports and make the system available to all tax units.

(d) To study the feasibility of establishing regional computer facilities available to all tax units or of providing a means for all tax units to use the regional computer facilities created for educational agencies

under Chapter 866, Acts of the 61st Legislature, Regular Session, 1969 (Article 2654—3f, Vernon's Texas Civil Statutes),[1] or to use other computer facilities of State agencies and institutions.

(e) To complete, verify, correct and update data on assessed valuations, tax rates, collections and delinquent taxes of all tax units in Texas as compiled by the Delinquent Ad Valorem Tax Study Commission created by Senate Concurrent Resolution No. 4, 61st Legislature, 2nd Called Session, 1969, and to obtain information on assessment ratios, bonded indebtedness and outstanding time warrants of all tax units in the State, and such other statistics on Texas property taxation as the Committee may deem relevant so that the Committee may report to the Legislature the whole amount of ad valorem taxes levied and collected by all tax units, the amount of such revenues which may be lost through failure to make proper levies, assessments and collections and the causes of such losses, and such other matters concerning the property tax in Texas as the Committee, or any member thereof, may deem to be of public interest.

(f) To examine all books, papers and accounts and to interrogate under oath, or otherwise, any and all persons whom said Committee or any member thereof, may desire to examine for the purpose of obtaining or acquiring any information that may in any way aid in securing a compliance with any property tax law in this State by any and all persons, companies, corporation or associations liable to ad valorem taxation under any law in this State, which is now in force, or which may hereafter be enacted.

[1] Repealed by Acts 1971, 62nd Leg., p. 1449, ch. 405, § 54(2). See, now, V.T.C.A. Education Code, § 11.33(c) to (f).

Powers of the committee

Sec. 3. (a) The Committee shall make such rules and regulations as it shall deem proper with respect to its own meetings and procedure, and to carry out effectually the purposes for which the Committee is created.

(b) The Committee, or any member thereof, shall at least once in each year visit such counties of the State as the Committee or the Governor may direct, for the purposes of investigating into and aiding in the enforcement of the property tax laws of the State, and especially those concerning the rendition, assessment and collection of taxes.

(c) The Committee shall have power to administer oaths and to subpoena and examine witnesses, and to issue subpoenas duces tecum, and shall have access to and power to order the production before such Committee of any and all books, documents and papers which may be in the possession or under the control of any person, company, corporation or receiver, assignee, trustee in bankruptcy, or bailee, whenever such Committee may consider same necessary or proper in the prosecution of any inquiry under or in the execution of any provision of this Act and all such process shall be served under the provisions of law governing the service of process in civil cases, insofar as applicable.

(d) Any person who shall disobey any such subpoena, or subpoena duces tecum, or any such order of said Committee, or who shall fail or refuse to attend as by such subpoena directed, or to testify when so required to do under the provisions of this Act, shall be deemed guilty of contempt, and may be punished therefor by the Committee under provisions of laws applicable to the district courts in such cases.

(e) The Committee also shall have free access to all books and records in the several departments of the State government, and of all tax units in the State, and officials of every State agency, department, institution and tax unit are directed to provide such information as may be requested by the Committee and to assist the Committee in accomplishing its objectives. The State Auditor is expressly authorized and directed

to assist the Committee in the development of a property tax data processing system, computer feasibility study and a compilation of property tax statistics as provided in Section 2 above; provided, that if Senate Bill No. 464, now pending, becomes law and an Office of Information Services is established thereunder, then the Office of Information Services is expressly authorized and directed to participate with the Committee and the State Auditor in the development of a property tax data processing system, computer feasibility study and compilation of property tax statistics as provided in Section 2 above.

A tax unit or unit as used in this Act shall mean any governmental agency authorized to levy taxes under the laws of this State.

(f) The Committee shall have power and authority to expend its funds, hereinafter provided, to employ and compensate all necessary consultants, investigators and other personnel, to contract for materials and services as required and to pay travel, telephone and other official expenses approved by the Committee.

Special fee and fund; appropriation

Sec. 4. In addition to the fees authorized by Article 7331, Revised Civil Statutes of Texas, 1925, as amended, each County Tax Assessor-Collector shall collect and remit to the Comptroller, as directed, a special fee of One Dollar ($1) for each delinquent tax receipt, redemption certificate, judgment receipt, or any of them, processed by the County Tax Office, and also for each receipt issued for taxes paid under provisions of Articles 7207, 7208, 7209 and 7346 through 7349, inclusive, of the Revised Civil Statutes of Texas, 1925, or any of them, the proceeds of this additional fee to be deposited in the State Treasury as a special fund for the use of the Property Tax Committee herein created.

The payment of this additional fee shall be a condition precedent to the valid issuance of each such receipt or certificate, and the collection and handling of this special fee shall be as directed by the comptroller, with remittances to be made monthly or more frequently, as directed. All moneys deposited in this special fund shall be and the same are hereby appropriated to the use of the Property Tax Committee in carrying out the tasks assigned under this Act, the funds thus appropriated to be disbursed upon written orders of the Committee, with an annual accounting by the Committee to be filed with the State Auditor. This appropriation is made for a two-year period beginning June 1, 1971, and shall be renewed automatically for an additional two-year period beginning June 1, 1973, unless the 63rd Legislature shall direct otherwise.

Expenses of the committee

Sec. 5. Members of the Committee shall be reimbursed for their actual expenses incurred in performance of their official duties and may be compensated by order of the Committee for any special additional services performed at the request of the Committee.

Repealer

Sec. 6. Articles 7101, 7102, 7103 and 7104, Revised Civil Statutes of Texas, 1925, are hereby expressly repealed and all laws or parts of laws in conflict herewith are repealed to the extent necessary to accomplish the purposes of this Act.

Subpoena power

Sec. 7. No subpoena shall be issued except upon majority vote of said Committee.

Amended by Acts 1971, 62nd Leg., p. 1063, ch. 221, § 1, eff. Aug. 1, 1971.

Sections 2 and 3 of the 1971 Act provided:

"Sec. 2. This Act shall become effective from and after passage.

"Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Arts. 7101 to 7104. Repealed by Acts 1971, 62nd Leg., p. 1066, ch. 221, § 6, eff. Aug. 30, 1971

CHAPTER SIX—PROPERTY SUBJECT TO TAXATION AND RENDITION

Art. 7150. [7507] [5065] Exemption from taxation

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Sec. 22a. All real and personal property owned by nonprofit corporations (as defined in the Texas Non-Profit Corporation Act) which property is reasonably necessary for, and used for, the promotion of any of the following purposes shall be exempt from all ad valorem taxation:

(1) Libraries and archival institutions;

(2) Zoos;

(3) Restoration and preservation of historic houses, structures and landmarks;

(4) Symphony orchestras, choirs, and chorals;

(5) Theaters of the dramatic arts, historical pageants;

(6) Ecological laboratories used solely by public and private colleges and universities within this State.

Sec. 22a added by Acts 1969, 61st Leg., 2nd C.S. p. 5, ch. 1, art. 4, § 3, eff. Oct. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 2804, ch. 907, § 1, eff. Aug. 30, 1971.

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Art. 7173. [7529] [5087] Leasehold interests in land, buildings, or improvements owned in whole or in part by the State, a county, a city or cities, a school district or any other governmental or public entity or body politic

Property held under a lease for a term of one year or more, or held under a contract for the purchase thereof, belonging to the State, a county, a city or cities, a school district, or any other governmental or public entity, authority or body politic or that is exempt by law from taxation in the hands of the owner thereof, except for properties held, owned or dedicated, in trust or otherwise, to the support, maintenance or benefit of institutions of higher education, shall be considered for all the purposes of taxation, as the property of person so holding the same, except as otherwise specially provided by law; however this shall not include:

(a) A lease or use of a public transportation building or facility, or

(b) A use by way of concession in or relative to the use of a public airport terminal, public park, public market, fairground or similar public property, or

(c) A grazing or agricultural lease on property owned by such a governmental or public entity.

Timber held by persons or corporations, heretofore or hereafter purchased from the State under the various laws for that purpose, shall likewise be subject to assessment for taxes, and the value thereof for taxation shall be ascertained as the value of other property is ascertained.

And should the owner of such timber fail or refuse to pay the taxes assessed against it, the same shall be sold for the taxes thereon, as provided in this title for the sale of personal property for taxes, provided that the same can be found by the collector; but, if the timber cannot be found, then the collector shall collect the taxes due as the taxes on other personal property are collected; provided, further, that the Land Commissioner shall furnish by the first of January each year to the various commissioners courts and the tax assessors of this State a full and complete list of all timber sold by the State belonging to the school funds, giving the number of acres, price and to whom sold, in the respective counties where the timber so sold is situated. In case of the sale of such timber for taxes as herein provided, the purchaser shall take and hold the same under the same terms and conditions as the original purchaser thereof from the State.

Amended by Acts 1971, 62nd Leg., p. 3029, ch. 997, § 1, eff. June 15, 1971.

Art. 7174. [7530] [5088] Valuation of property for taxation

Each separate parcel of real property shall be valued at its true and full value in money, excluding the value of crops growing or ungathered thereon.

In determining the true and full value of real and personal property the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which such property would sell at auction or a forced sale or in the aggregate with all the property in his county; but he shall value each tract or lot by itself, and at such sum and price as he believes the same to be fairly worth in money at the time such assessment is made.

In valuing any real property on which there is a coal or other mine, or stone or other quarry, or springs possessing medicinal properties, the same shall be valued at such price as such property, including a mine, or quarry or spring, would probably sell at a fair voluntary sale for cash.

Taxable leasehold estates on non-exempt property shall be valued at such price as such leasehold estates would bring at a voluntary sale for cash, and taxable leasehold estates on exempt property shall be valued at such price as such leasehold estates would bring at a voluntary sale thereof for cash, based upon the value of a comparable improvement if located on non-exempt property, with reductions for reversionary interests, restrictions on use, and credit for normal rental.

Personal property of every description shall be valued at its true and full value in money.

Money, whether in possession or on deposit, or in the hands of any member of the family, or any person whatsoever, shall be entered in the statement at the full amount thereof.

Every credit for a sum certain, payable either in money or property of any kind, shall be valued at the full value of the same so payable. If for a specified article or for a specified number or quantity of property of any kind, it shall be valued at the current price of such property at the place where payable. Annuities or moneys payable at stated periods shall be valued at the price that the person listing the same believes them to be worth in money.

Amended by Acts 1971, 62nd Leg., p. 3030, ch. 997, § 1, eff. June 15, 1971.

CHAPTER EIGHT—COLLECTION AND COLLECTOR

Art. 7246—½. Appointment of assessor-collector following election adding separate office in county under 10,000

Where the separate office of assessor-collector of taxes is added to the list of authorized county offices in a county having less than 10,000 inhabitants by an election held pursuant to Article VIII, Section 16a, of the Texas Constitution, the commissioners court in its discretion may fill the office by appointment until an assessor-collector is elected at the next general election and qualifies for the office as required by law. Before entering upon the duties of the office, the appointee shall take the official oath and shall give bond in the manner prescribed by law for other assessor-collectors.
Added by Acts 1971, 62nd Leg., p. 74, ch. 39, § 1, eff. March 30, 1971.

Art. 7298. [7662] Limitation not available

Acts 1971, 62nd Leg., p. 2858, ch. 937, §§ 1 to 3, classified as Article 7329a, provided for a deferral of delinquent tax collections on homesteads owned by persons 65 or older. Section 4 thereof provided that if this Act be in conflict with any part or portion of Article 7298, the terms and provisions of this Act shall govern.

CHAPTER TEN—DELINQUENT TAXES

Art. 7329a. Homestead owned by person 65 or older; collection of delinquent taxes deferred

Section 1. Any person who is 65 years of age or older and who owns and occupies a homestead, as defined in Article XVI, Section 51 of the Texas Constitution, against which any taxing unit has filed any suit to collect delinquent ad valorem taxes may, in addition to any other pleading, file an affidavit that such person owns and occupies such property as his or her homestead and that the affiant has already passed his or her sixty-fifth (65th) birthday. If the taxing unit does not file a controverting affidavit, or if upon hearing such controverting affidavits it shall be found that the affiant owns and occupies such property as homestead and has already passed his or her sixty-fifth (65th) birthday, no further action shall be taken in said cause until said homestead is no longer owned and occupied by such affiant who has passed such sixty-fifth (65th) birthday.

Sec. 2. This Act shall not extinguish or release the delinquent taxes, penalties, interest or costs against such homestead property, and in any suit upon which action is deferred pursuant to this Act no plea of limitation, laches, or want of prosecution shall apply against the taxing unit.

Sec. 3. Penalty and interest shall continue to accrue during the period of deferment prescribed in this Act and delinquent taxes, penalties, interest, and costs shall at all times remain a first and paramount lien

upon the land and all mutations thereof until paid, to the end that no taxing unit shall lose its taxes, penalty, interest, and costs upon such homestead property because of deferment of action pursuant to this Act. Acts 1971, 62nd Leg., p. 2858, ch. 937, eff. June 15, 1971.

Section 4 of the 1971 act provided: "If any portion of this Act be in conflict with any part or portion of Article 7298, Revised Civil Statutes of Texas, 1925, as amended, or any other law of this State, the terms and provisions of this Act shall govern."

Title of Act:

An Act relating to deferring the collection of delinquent ad valorem taxes on certain real property; and declaring an emergency. Acts 1971, 62nd Leg., p. 2858, ch. 937.

Art. 7336f. Remission of delinquent taxes, compilation of record of delinquent taxes not barred

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Sec. 2. In a county having as many as two (2) years taxes delinquent which have not been included in the delinquent tax record, the Assessor-Collector of taxes shall within two (2) years from the effective date of this Act, cause to be compiled a delinquent tax record of all delinquent taxes not barred by this Act. The form of the delinquent tax record shall be prescribed by the Comptroller of Public Accounts. In addition to the information or data that may be required on the form prescribed by the Comptroller, the delinquent tax record shall contain substantially the following:

a. Items described under grantee name and abstract number shall be shown first on the record; abstracts shall appear in numerical order by abstract number. In certain abstracts which have been platted into tracts, lots and blocks, divisions of subdivisions items may be shown according to the platting of the particular abstract.

b. Cities, towns and villages shall appear in alphabetical order.

c. Additions to the respective cities and towns shall be shown under the city or town to which same is attached, and in alphabetical order by addition name.

d. Within the original plat of any city or town, and within additions, the blocks shall appear in numerical order by block number, if numbered blocks, and alphabetically, if lettered blocks.

e. Within the block, lots shall appear in numerical order by lot number, if numbered lots, and alphabetically, if lettered lots.

f. Mineral, lease and royalty items may be shown in a separate section of the record and/or with the fee items. If mineral, lease and royalty items are shown in a separate section of the record, such items may appear in alphabetical order by owner name and/or as herein provided for lands and platted property.

g. Items having insufficient descriptions may appear in alphabetical order by owner name under any section of the record to which same may be correctly attached, and/or in a separate section of the record.

h. In all instances, items arranged and shown on the record as herein provided shall appear with the years in chronological order beginning with the earliest year delinquent.

The delinquent tax record shall be examined by the Commissioners Court or governing body and the Comptroller; corrections may be ordered made, and when found correct and approved by them, payment for the compilation thereof shall be authorized and made at actual cost to the Tax Assessor-Collector, proportionately from each state and county taxes, district taxes, or municipal taxes. Such cost in no case shall exceed a sum equal to twenty cents (20¢) per item or written line of the original copy of such record, and in no event shall any compiling cost be charged to the taxpayer. The delinquent tax record, when approved, shall be

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prima facie evidence of the delinquency shown thereon; and when there shall be as many as two (2) years of delinquency accumulated which are not shown on the record, a recompilation, or a two-year supplement thereto shall then be made as herein provided. The Tax Assessor-Collector shall cause to be compiled like records of taxes delinquent due any district for which he collects from tax rolls other than the state and county rolls, and when approved by the governing body of the particular district the cost of same shall be allowed in the manner herein provided. If any Tax Assessor-Collector fails to compile the delinquent tax record, or recompile or supplement as provided for in this Act, all fees, commissions, payments or compensations accruing to him for the collection of delinquent taxes shall be held in abeyance until such delinquent tax record has been compiled; provided, however, should the Commissioners Court and Comptroller of Public Accounts find in any instance the Tax Assessor-Collector was unable to comply with the requirements of this Act relative to compiling delinquent tax records because of the maximum compensation herein fixed, this provision shall not be applicable. If for any reason the Assessor-Collector of Taxes and his regular deputies are unable to perform the duties required by this Act, then such Assessor-Collector shall contract with a competent person or persons to compile, recompile or supplement the delinquent tax record, as the case may be, at a fee not to exceed twenty cents (20¢) per item or written line of the original copy of such record. Any contract, entered into by the Assessor-Collector and some person to perform this service, shall be approved by the Commissioners Court and Comptroller of Public Accounts and provide for prompt payment of such person or persons performing such service upon approval of such compilation by the Commissioners Court or governing body and the Comptroller.

Amended by Acts 1965, 59th Leg., p. 962, ch. 462, § 1, eff. July 1, 1966; Sec. 2 amended by Acts 1971, 62nd Leg., p. 713, ch. 76, § 1, eff. April 26, 1971.

Sections 2 and 3 of the amendatory act of 1971 provided:

"Sec. 2. All laws or parts of laws in conflict herewith are repealed insofar as a conflict exists with the provisions of this Act; and provided further, that the provisions of this Act shall be cumulative of the provisions of Chapter 10, Title 122, Delinquent Taxes, of Revised Civil Statutes, 1925, and amendments thereto.

"Sec. 3. If any section, paragraph, sentence, clause or provision of this Act shall, for any reason, be held invalid, such invalidity shall not affect any other section, paragraph, sentence, clause or provision thereof which can be given effect without the invalid section, paragraph, sentence, clause or provision, and to this end the provisions of this Act are declared to be severable."

Art. 7345a. Transfer of tax lien

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

TITLE 122A—TAXATION—GENERAL

CHAPTER 1—GENERAL PROVISIONS

Art. 1.07C Uniform Federal Tax Lien Registration Act

Notices of liens; filing

Section 1. (a) Notices of liens upon real property for taxes payable to the United States, and certificates and notices affecting the liens shall be filed in the office of the county clerk of the county in which the real property subject to a federal tax lien is situated.

(b) Notices of liens upon personal property, whether tangible or intangible, for taxes payable to the United States and certificates and notices affecting the liens shall be filed as follows:

(1) if the person against whose interest the tax lien applies is a corporation or a partnership whose principal executive office is in this state, as these entities are defined in the internal revenue laws of the United States, in the office of the secretary of state;

(2) in all other cases in the office of the county clerk of the county where the taxpayer resides at the time of filing of the notice of lien.

Certification of notices of liens; filing

Sec. 2. Certification by the Secretary of the Treasury of the United States or his delegate of notices of liens, certificates, or other notices affecting tax liens entitles them to be filed and no other attestation, certification, or acknowledgement is necessary.

Duties of filing officer

Sec. 3. (a) If a notice of federal tax lien, a refiling of a notice of tax lien, or a notice of revocation of any certificate described in Subsection (b) is presented to the filing officer and

(1) he is the secretary of state, he shall cause the notice to be marked, held and indexed in accordance with the provisions of Subsection (d) of Section 9.403, of the Uniform Commercial Code as if the notice were a financing statement within the meaning of that code; or

(2) he is any other officer described in Section 1 of this Act, he shall endorse thereon his identification and the date and time of receipt and forthwith file it alphabetically or enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the serial number of the district director and the total unpaid balance of the assessment appearing on the notice of lien.

(b) If a certificate of release, non-attachment, discharge or subordination of any tax lien is presented to the secretary of state for filing he shall

(1) cause a certificate of release or non-attachment to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code, except that the notice of lien to which the certificate relates shall not be removed from the files, and

(2) cause a certificate of discharge or subordination to be held, marked and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial Code.

(c) If a refiled notice of federal tax lien referred to in Subsection (a) or any of the certificates or notices referred to in Subsection (b) is presented for filing with any other filing officer specified in Section 1, he shall permanently attach the refiled notice of the certificate to the

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original notice of lien and shall enter the refiled notice or the certificate with the date of filing in any alphabetical federal tax lien index on the line where the original notice of lien is entered.

(d) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, any notice of federal tax lien or certificate or notice affecting the lien, filed on or after the effective date of this Act, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate is $1. Upon request the filing officer shall furnish a copy of any notice of federal tax lien or notice or certificate affecting a federal tax lien for a fee of $1 per page.

Fees

Sec. 4. The fee for filing and indexing each notice of lien or certificate or notice affecting the tax lien is:

(1) for a notice of tax lien, $2;

(2) for a certificate of discharge or subordination, $1;

(3) for all other notices, including a certificate of release or non-attachment, $1.

Construction of Act

Sec. 5. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. The fees specified under the provisions of this Act for filing and indexing a notice of lien or certificate or notice affecting a tax lien shall be assessed in lieu of fees for such filing and indexing provided in Article 3930, Revised Civil Statutes of Texas, 1925, as amended.

Citation of Act

Sec. 6. This Act may be cited as the Uniform Federal Tax Lien Registration Act.

Effective date

Sec. 7. This Act shall take effect January 1, 1972.

Acts 1971, 62nd Leg., p. 1865, ch. 551, eff. Jan. 1, 1972.

Title of Act:

An Act relating to the filing and execution of certain notices and certificates concerning liens upon real and personal property for taxes payable to the United States and prescribing certain fees; and declaring an emergency. Acts 1971, 62nd Leg., p. 1865, ch. 551.

CHAPTER 6. MOTOR VEHICLE RETAIL SALES AND USE TAX

Art. 6.01 Imposition of Tax

(1) There is hereby levied a tax upon every retail sale of every motor vehicle sold in this State, such tax to be equal to four percent (4%) of the total consideration paid or to be paid for said motor vehicle. In the case of a motor vehicle purchased to be rented or held for rental, the tax is levied on the gross rental receipts of the renting of such motor vehicle at the same rate as that tax levied in Article 20.02 of this title. Provided, however, that where the period for rental is intended to be for more than 31 days, such rental is deemed to be a lease as defined in this Article and the purchaser-lessor must pay the tax on total consideration paid or to be paid for said motor vehicle. The tax on rental receipts shall be collected by the owner from the renter who has exclusive use of the motor vehicle for a period of time and has the right to direct the manner of use of the vehicle, whether exercised or not, for that period. It is unlawful and shall be a misdemeanor for the owner of the rented motor vehicle to advertise that the tax or any part thereof will be absorbed or assumed by the renter.

(2) There is hereby levied a use tax upon every motor vehicle purchased at retail sale outside this State and brought into this State for use upon the public highways by any person, firm or corporation who is a resident of this State or who is domiciled or doing business in this State. The tax imposed by this subsection shall be equal to four percent (4%) of the total consideration paid or to be paid for said vehicle at said retail sale. The tax shall be the obligation of and be paid by the person, firm or corporation operating said motor vehicle upon the public highways of this State.

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(6) In the renting of motor vehicles, as that term is defined in this Article, and where the gross rental receipts are subjected to tax in lieu of a tax on the total consideration paid or to be paid for a motor vehicle, the purchaser shall furnish the County Assessor and Collector of Taxes with a resale certificate in accordance with the provisions of Article 6.04 of this Chapter, whereupon the Tax Collector shall accept the motor vehicle for registration or transfer.

(7) Motor vehicles purchased to be rented or to be held for renting must be purchased by an owner for use in a business where the renting of motor vehicles is an established business. Every motor vehicle used in a business which either rents or leases motor vehicles to others, as those terms are defined in this Article, and for consideration, must have paid the tax on total consideration at the time of purchase of those motor vehicles intended for leasing or must be collecting and paying the gross rentals receipts tax on renting those motor vehicles. Any motor vehicle leased in this State and owned by the original manufacturer must be registered in this State and taxed in accordance with the provisions of this Article. If a person engages in both renting and leasing of motor vehicles, he shall keep complete and adequate records, segregating or enabling the segregation of both types of transactions.

(8) When the owner of a motor vehicle changes the status of the motor vehicle from a rental unit to a lease unit, the owner shall so inform the State Comptroller of Public Accounts of such change on a form to be supplied by the Comptroller, and the owner shall then pay the tax on such motor vehicle based on the owner's book value and at the rate provided in this Article.

Secs. (1), (2) amended by Acts 1971, 62nd Leg., p. 1196, ch. 292, art. 2, § 1, eff. July 1, 1971; Secs. (6) to (8) added by Acts 1971, 62nd Leg., p. 1197, ch. 292, art. 2, § 2, eff. July 1, 1971.

Art. 6.03 Title Definitions

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(B) Retail Sale. The term 'retail sale' as herein used shall include all sales of motor vehicles except those whereby the purchaser acquires a motor vehicle for the exclusive purpose of resale and not for use and shall not include those operated under and in accordance with the terms of Article 6686, Revised Civil Statutes of Texas, 1925, as amended. The term 'retail sale' also shall include rentals the gross receipts from which are subject to the tax imposed by this Chapter, and purchases used or to be held for in such rentals shall be considered purchases for resale.

(C) Motor Vehicle. The term 'motor vehicle' as herein used shall mean every self-propelled vehicle in or by which any person or property is or may be transported upon a public highway, including trailers and semitrailers, and also including house trailers as such term is defined by the Certificate of Title Act.[1] It shall not mean any device moved only by human power or used exclusively upon stationary rails or tracks and shall not include farm machinery or farm trailers or road-building machinery or any self-propelled vehicle used exclusively to move any of the three (3) immediately preceding vehicles.

(D) Total Consideration

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(3) Any person purchasing motor vehicles for resale at retail who has obtained a certificate of title to a motor vehicle which he uses for personal or business purposes may deduct the fair market value of such vehicle from the 'total consideration' when such person purchases another motor vehicle upon which he obtains a certificate of title as a substitute vehicle for personal or business use and the original vehicle is offered for sale at retail.

(E) Rental or Renting. Those terms as herein used shall mean the agreeing by the owner to give exclusive use of a motor vehicle to another for a consideration and for a period of time not to exceed 31 days under any one agreement.

(F) Lease or Leasing. Those terms as herein used shall mean the agreeing by the owner to give exclusive use of a motor vehicle to another for a consideration and for a period of time exceeding 31 days under such agreement.

Secs. (B), (C) Amended by Acts 1971, 62nd Leg., p. 1197, ch. 292, art. 2, §§ 3, 4, eff. July 1, 1971; Sec. (D), subsec. (3) added by Acts 1971, 62nd Leg., p. 1198, ch. 292, art. 2, § 5, eff. July 1, 1971; Secs. (E), (F) added by Acts 1971, 62nd Leg., p. 1198, ch. 292, art. 2, § 6, eff. July 1, 1971.

[1] See Vernon's Ann.P.C. art. 1436—1, § 2a.

Art. 6.04 Collection of Taxes

The taxes on total consideration paid or to be paid levied in this Chapter shall be collected by the Assessor and Collector of Taxes of the county in which any such motor vehicle is first registered or first transferred after such a sale; the Tax Collector shall refuse to accept for registration or for transfer any motor vehicle until the tax thereon is paid or he is furnished with a resale certificate in accordance with Article 6.01(6) of this Chapter.

The taxes on gross rental receipts levied in this Chapter shall be reported and paid to the State Comptroller of Public Accounts in the same manner that the Limited Sales, Excise and Use Taxes of this State are reported and paid by retailers under Chapter 20, Article 20.05. Motor vehicle owners required to collect, report and pay the taxes on gross rental receipts imposed by this Chapter shall register as sellers with the State Comptroller of Public Accounts and obtain from him a Motor Vehicle Retail Seller's Permit in the same manner as required under the Limited Sales, Excise and Use Tax laws of this State, Article 20.031 of this title.

When a tax becomes due on a motor vehicle purchased outside of this State and brought into this State for use upon the highways the person, firm or corporation operating said motor vehicle upon the public highways of this State shall pay the tax imposed by Article 6.01(2) to the Tax Collector of the county in which such motor vehicle is to be registered. The tax shall be paid at the time application is made for registration of said motor vehicle, and the Tax Collector shall refuse to issue the registration license until the tax is paid or he is furnished with a resale certificate in accordance with Article 6.01(6) of this Chapter. Amended by Acts 1971, 62nd Leg., p. 1198, ch. 292, art. 2, § 7, eff. July 1, 1971.

Art. 6.07 Receipts; Disposition of Collections

The Tax Assessor and Collector shall issue a receipt to the person paying the taxes imposed by this Chapter, making two (2) duplicate copies of the said receipt. The Comptroller of Public Accounts shall pre-

scribe the form of the receipt. On the tenth day of each month, the Tax Assessor and Collector shall forward ninety-five percent (95%) of the money collected from the taxes imposed by this Chapter to the Comptroller of Public Accounts, together with one duplicate copy of each receipt issued by him to persons paying the tax or fee imposed by this Chapter. The Tax Assessor and Collector shall retain one duplicate receipt as a permanent record in his office and shall retain five percent (5%) of the taxes collected as fees of office, or to be paid into the officers' salary fund of the county as provided by General Law.
Amended by Acts 1971, 62nd Leg., p. 892, ch. 121, § 1, eff. Aug. 30, 1971.

CHAPTER 7—CIGARETTE TAX LAW

Art. 7.01 Definitions

The following words, terms, and phrases, as used in this Chapter are hereby defined as follows:

(1) "Cigarette" shall mean and include any roll for smoking made of tobacco irrespective of size or shape and irrespective of tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or other material than tobacco. This definition shall not include cigars.

Subd. 1 Amended by Acts 1971, 62nd Leg., p. 2765, ch. 895, § 1, June 14, 1971.

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Art. 7.06 Additional Tax

(1) In addition to the tax levied by Article 7.02 herein, there is hereby imposed a tax of Seven Dollars and Twenty-five Cents ($7.25) per thousand on cigarettes weighing not more than three (3) pounds per thousand and Seven Dollars and Twenty-five Cents ($7.25) per thousand on those weighing more than three (3) pounds per thousand on all cigarettes used or otherwise disposed of in this State for any purpose whatsoever. The tax shall be paid only once by the person making the 'first sale' in this State and shall become due and payable as soon as such cigarettes are subject to a 'first sale' in Texas, it being intended to impose the tax as soon as such cigarettes are received by any person in Texas for the purpose of making a 'first sale' of same. No person, however, shall be required to pay a tax on cigarettes brought into this State on or about his person in quantities of forty (40) cigarettes or less when such cigarettes have had the individual packages or the seals thereof broken and when such cigarettes are actually used by said person and not sold or offered for sale.

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(3) The net revenue derived from the tax levied under this Article shall be allocated as follows:

(a) Fifty cents of the tax levied under this Article on each 1,000 cigarettes shall be credited to a new special fund known as the Texas Parks Fund which may be used by the Parks and Wildlife Department for the acquisition, planning, and development of state parks and historic sites. Provided, no portion of the revenues allocated under this subsection shall be set aside to any fund for the administration and enforcement of the cigarette tax law of this State. Provided, further, the revenues allocated under this subsection may be credited daily to the Omnibus Clearance Fund hereafter referred to in this Act and on the first day of each month following the collection of the revenues allocated under this subsection, the said revenues shall be credited to the Texas Parks Fund,

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except that the revenues allocated under this subsection during the month of August of each year shall be credited to the Texas Parks Fund on the thirty-first day of August of each year; it being specifically understood that no portion of the said revenues allocated under this subsection shall remain or be distributed under the provisions governing the said Clearance Fund.

(b) The remaining net revenue derived from the tax levied under this Article after allocating the amount specified in Subsection (a) of this Section shall be credited to the General Fund of this State. Provided, no portion of the revenues allocated under this subsection shall be set aside to any fund for the administration and enforcement of the cigarette tax law of this State. Provided, further, the revenues allocated under this subsection may be credited daily to the Omnibus Clearance Fund hereafter referred to in this Act and on the first day of each month following the collection of the revenues allocated under this subsection, the said revenues shall be credited to the General Fund, except that the revenues allocated under this subsection during the month of August of each year shall be credited to the General Fund on the thirty-first day of August of each year; it being specifically understood that no portion of the said revenues allocated under this subsection shall remain or be distributed under the provisions governing the said Clearance Fund. Secs. (1), (3) amended by Acts 1971, 62nd Leg., p. 1200, ch. 292, art. 4, § 1, eff. July 1, 1971.

Art. 7.08 Authority of Comptroller

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(2) The Comptroller, acting through the Treasurer, shall, upon receipt of the stamps hereinabove authorized to be printed or manufactured, designate the date of issue of the new design of stamps by issuing a proclamation as hereinafter provided. Provided that the stamps shall be affixed by the distributor on each individual package of cigarettes that will be handled, sold, distributed, or used; that said stamps shall be supplied by said Treasurer to all distributors holding a permit at a discount of 2¾ percent of the face value; provided, that no discount shall be allowed to out-of-state purchasers residing in the states that do not give discounts on cigarette tax stamps purchased from said states by Texas cigarette distributors; provided that if any distributor fails or refuses to comply with any provision of the cigarette tax law or violates the same, such distributor shall be required to pay the full face value for stamps purchased during the period of such offense and the Treasurer shall, upon receipt of an affidavit from the Comptroller setting forth such violation, refuse to supply stamps at the discount provided until such offending distributor has paid any unauthorized discounts received by him and has otherwise purged himself of all such violations; provided further, that every distributor shall cause to be affixed to every individual package of cigarettes on which a tax is due, stamps of an amount equaling the tax due thereon, before any such distributor sells, offers for sale, or consumes, or otherwise distributes or transports the same.

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(9) The State Treasurer shall require that payment in full for stamps or meter settings be made within fifteen (15) days from the date the stamps or the set meter are received by the distributor. In each fiscal year, payment for stamps and meters received in August of that year shall be paid in full on or before August 31 no matter when purchased or received by the distributor during that month. Upon receipt of an order for stamps or the setting of a meter, the State Treasurer shall ship such stamps or set such meter in compliance with the order and transmit with the stamps or the meter a certified statement showing the amount

due for said stamps or meter setting, and the distributor shall forward a remittance as payment in full of the amount certified as due by the State Treasurer within fifteen (15) days after receipt of the stamps or the set meter and the certified statement, or for stamps and meters received in August of each fiscal year in full on or before August 31 no matter when purchased or received by the distributor during that month. However, in order to secure the payments of the tax as provided in this Section, a distributor must file with the State Treasurer a surety bond, approved by the State Treasurer and the Attorney General, with a corporate surety authorized to do business in this State, conditioned upon payment in full for the stamps or meter settings within the time specified in this Section. Payment by a company check or by personal check of a bonded distributor shall be treated as cash payment when received by the State Treasurer for payment of stamps or meter settings received by the bonded distributor. The State Treasurer shall fix the amount of the bond, in an amount equal to one and one-half times the credit in stamps and/or meter settings requested by the distributor and approved by the State Treasurer for the purchase of stamps and/or meter settings during the succeeding month. Any distributor who fails to forward the proper remittance by the due date shall be notified by the State Treasurer within five (5) days after the due date to appear within five (5) days before the Treasurer to show cause why he should not be denied the privilege of ordering stamps as herein provided, and if such distributor shall fail to show good cause, the Treasurer is hereby authorized to discontinue the shipment of stamps or the setting of meters as provided in this Section and to enforce payment of the bond.
Secs. (2), (9) amended by Acts 1971, 62nd Leg., p. 2347, ch. 712, §§ 1, 2A, eff. Aug. 30, 1971.

Art. 7.10 Possession of Unstamped Cigarettes

Every person, other than a distributing agent, bonded distributor, or common carrier, shall before receiving or accepting delivery of any cigarettes without stamps affixed to evidence the payment of the tax, obtain from the Treasurer the requisite amount or number of stamps necessary to stamp such cigarettes and the possession of any unstamped cigarettes without the possession of the requisite amount or number of stamps shall be prima facie evidence that said cigarettes are possessed for the purpose of making a 'first sale' thereof without stamps and without payment of the tax levied herein.

Every distributor in this State shall cause all cigarettes received by him to have the requisite denominations and amount of stamps affixed to represent the tax as levied herein, within ninety-six (96) hours, excluding Saturdays, Sundays, and legal holidays, after receiving delivery of them.
Amended by Acts 1971, 62nd Leg., p. 2348, ch. 712, § 2, eff. Aug. 30, 1971.

CHAPTER 8. CIGARS AND TOBACCO PRODUCTS TAX

Art. 8.02 Tax Levy and Rate

There is hereby levied a tax upon the 'first sale' of cigars and tobacco products as those terms are defined herein, which tax shall be determined by the following schedule:

(a) Upon cigars of all description weighing not more than three (3) pounds per one thousand (1,000), one cent (1¢) for each ten (10) cigars or fraction thereof.

(b) Upon cigars of all description weighing more than three (3) pounds per one thousand (1,000) sold at factory list price, exclusive of any trade discount, special discount, or deals for not more than three and three-tenths cents (3.3¢) each, seven dollars and fifty cents ($7.50) per one thousand (1,000).

(c) (1) Upon cigars of all description weighing more than three (3) pounds per one thousand (1,000) sold at factory list price, exclusive of any trade discount, special discount, or deals for over three and three-tenths cents (3.3¢) each, containing no substantial amount of non-tobacco ingredients, having a factory list price of less than one hundred seventy dollars ($170) per thousand (1,000), twelve dollars ($12) per thousand (1,000).

(2) Upon cigars of all description weighing more than three (3) pounds per one thousand (1,000) sold at factory list price, exclusive of any trade discount, special discount, or deals for over three and three-tenths cents (3.3¢) each, containing no substantial amount of non-tobacco ingredients, having a factory list price of one hundred seventy dollars ($170) or more per thousand (1,000), fifteen dollars ($15) per thousand (1,000).

(3) Upon cigars of all description weighing more than three (3) pounds per one thousand (1,000) sold at factory list price exclusive of any trade discount, special discount, or deals for over three and three-tenths cents (3.3¢) each, containing a substantial amount of non-tobacco ingredients, fifteen dollars ($15) per thousand (1,000).

(4) All cigars described in this Paragraph (c) are presumed to contain a substantial amount of non-tobacco ingredients unless the report to the Comptroller made for the purpose of establishing the tax upon such cigars is accompanied by an affidavit, by the manufacturer when the manufacturer prepares such report or by both the manufacturer and the distributor, when the distributor prepares such report, stating that specific cigars described in such report contain no sheet wrapper, sheet binder, or sheet filler.

(d) Upon all chewing tobacco and all smoking tobacco including granulated, plug-cut, crimp-cut, ready-rubbed, and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette: the tax shall be twenty-five percent (25%) of the factory list price, exclusive of any trade discount, special discount, or deals. Amended by Acts 1971, 62nd Leg., p. 1205, ch. 292, art. 6, § 1, eff. July 1, 1971.

Art. 8.04 Report to be Filed with Comptroller

On or before the tenth day of each calendar month every distributor shall file with the Comptroller in Austin, Travis County, Texas, on a form prescribed by the Comptroller, a report covering the preceding month which shall show such information as the Comptroller may require of cigars and tobacco products handled by said distributor during the preceding month including all such products purchased, received, acquired or ordered, all such products sold, distributed, used, lost or otherwise disposed of, all such products on hand at the beginning and end of said month, and such other information pertinent to cigars and tobacco products handled and the taxes due on said products as the Comptroller may require.

The distributor shall, at the time of making said report, pay to the State of Texas at the office of the Comptroller the taxes levied herein upon all cigars and tobacco products sold, used or otherwise disposed of by him during the preceding month, which said tax payment shall be in legal tender or in proper form of money order or exchange made payable to the State Treasurer.

If any distributor shall fail to file such report and pay tax as required by this Chapter, where some shall be due, he shall forfeit five percent (5%) of the amount of tax due as a penalty, and after the first thirty (30) days, he shall forfeit an additional five percent (5%) of such tax. Provided, however, that the penalty shall never be less than One Dollar ($1). Delinquent taxes shall draw interest at the rate of six percent (6%) per annum beginning sixty (60) days from the date due. Venue for the collection of such penalties by suit shall be in Travis County, Texas.

Amended by Acts 1971, 62nd Leg., p. 1206, ch. 292, art. 6, § 2, eff. July 1, 1971.

CHAPTER 9—MOTOR FUEL (GASOLINE) TAX

Art. 9.01 Definitions

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(7) "Dealer" shall mean and include any person who as the operator of a service station or other retail outlet delivers motor fuel into the fuel supply tanks of motor vehicles, boats or aircraft owned or operated by others.

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(14) "Wholesaler" or "Jobber" shall mean and include any distributor as defined or other person who purchases tax paid motor fuel at wholesale from a duly licensed distributor for resale or distribution at wholesale to dealers, or for resale or distribution at wholesale to dealers and bulk users.

(15) "Bulk User" shall mean and include any person who purchases tax paid motor fuel for delivery in quantities of twenty-five hundred (2500) gallons or more per delivery into storage facilities maintained by him primarily for delivery of such motor fuel into fuel supply tanks of motor vehicles.

Sec. (7) amended by Acts 1971, 62nd Leg., p. 2031, ch. 626, § 1, eff. Aug. 30, 1971; Secs. (14), (15) added by Acts 1971, 62nd Leg., p. 2031, ch. 626, § 2, eff. Aug. 30, 1971.

Sections 1 to 6 of the 1971 act amended this article, arts. 9.02, 9.07 and 9.13. Sections 7 to 9 thereof provided:

"Sec. 7. Saving Clause. All taxes, penalties and interest incurred and all liens created and bonds executed to secure their payment under any laws repealed or amended by this Act prior to its effective date, are hereby declared to be legal and valid obligations to this State; and any offense committed or any fines or penalties incurred under any laws repealed or amended by this Act prior to its effective date, shall not be affected by the repeal or amendment of any such laws but the punishment of such offenses and recovery of such fines, penalties and interest shall take place as if the laws repealed or amended had remained in force.

"Sec. 8. Severability. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 9. Repealer. All laws or parts of laws in conflict herewith are, so far as such confliction exists, hereby repealed and this Act shall prevail over any conflicting provisions of law."

Art. 9.02 Rate of Tax; Allowance for Handling and Evaporation

(1) There shall be and is hereby levied and imposed (except as hereinafter provided) upon the first sale, distribution, or use of motor fuel in this State an excise tax of five cents (5¢) per gallon or fractional part thereof so sold, distributed, or used in this State. Every distributor who makes a first sale or distribution of motor fuel in this State for any purpose whatsoever shall, at the time of such sale or distribution, col-

lect the said tax from the purchaser or recipient of said motor fuel, in addition to his selling price, and shall report and pay to the State of Texas the taxes collected at the time and in the manner as hereinafter provided. Every such distributor shall also be liable to the State of Texas for the said tax of five cents (5¢) per gallon on each gallon of motor fuel or fractional part thereof used or consumed by him, and shall report and pay said tax as hereinafter provided. In each subsequent sale or distribution of motor fuel upon which the tax of five cents (5¢) per gallon has been collected, the said tax shall be added to the selling price, so that such tax is paid ultimately by the person using or consuming said motor fuel for the purpose of generating power for the propulsion of any motor vehicle upon the public highways of this State.

It is the intent and purpose of this Article to collect the tax levied herein at the source of said motor fuel in Texas or as soon thereafter as the same may be subject to being taxed. No person, however, shall be required to pay a tax on motor fuel brought into this State in a quantity of thirty (30) gallons or less in a fuel tank, with a capacity of not more than thirty (30) gallons, when said fuel is connected with and feeds the carburetor of said motor vehicle and the motor fuel contained therein is used in the operation of said motor vehicle and not otherwise."

(2) The tax on two percent (2%) of the taxable gallons of motor fuel sold or distributed in this State shall be allocated to the persons selling, distributing or handling motor fuel in this State which allocation or allowance shall be deducted by the distributors in the payment to the State of Texas of the taxes herein levied and shall be apportioned among the persons selling, distributing and handling motor fuel in this State as follows:

I. One percent (1%) to the distributor making the first taxable sale or distribution of such motor fuel and paying the tax levied hereunder to the State of Texas for the expense of collecting, accounting for, reporting and remitting the taxes so collected and for keeping records.

II. One-half of one percent (½ of 1%) to wholesalers or jobbers who pay taxes to a distributor on motor fuel purchased for resale or distribution at wholesale to dealers or bulk users to cover losses by evaporation, temperature changes in the motor fuel and ordinary handling from the time the motor fuel is acquired tax paid by said wholesalers or jobbers until its sale or distribution and delivery to purchasers.

III. One-half of one percent (½ of 1%) to dealers, or bulk users to cover losses by evaporation, temperature changes in motor fuel or other handling losses from the time the motor fuel is delivered to the storage facilities of said dealers or bulk users until it is sold or delivered into the fuel supply tanks of motor vehicles. If title to motor fuel consigned to a dealer or bulk user remains in the consignor until it is delivered into the fuel supply tanks of motor vehicles, the consignor shall be entitled to such allowance or allocation.

In the sale and distribution of motor fuel in this State, if any person performs more than one (1) of the functions or activities of distributor, wholesaler or jobber, dealer or bulk user, he shall be entitled to the apportionment or allowance for each such function or activity, but provided the aggregate allowance shall never exceed the total amount of two percent (2%) authorized herein.

The intent and purpose of the above allowance or allocation to wholesalers or jobbers or dealers and the extension herein of such allowance or allocation to include bulk users, is to fully reimburse persons acting in such capacities for losses sustained by them from evaporation, temperature changes and ordinary handling of motor fuel, and to facilitate the payment of tax refunds without volume adjustments of motor fuel purchased tax paid and thereafter used in other states by distributor-users; and it is expressly provided that the tax shall be computed and paid or

collected and paid over to the State on the gross or volumetric gallons of taxable motor fuel sold or distributed to such wholesalers or jobbers, dealers or bulk users, as shown by the Comptroller's measurement certificate issued for the vehicle tank making such deliveries, or as shown by any other measuring device approved by the Comptroller.

Nothing herein shall be construed as prohibiting volume correction of motor fuel under accepted practices when sold or distributed to or between licensed motor fuel distributors.

Pursuant to rules and regulations to be prescribed by the Comptroller, the allocation or allowance hereinabove provided shall be distributed to the persons entitled thereto as follows: (1) Every distributor who makes a first sale or distribution of motor fuel to a wholesaler or jobber, or other distributor, upon which said first sale or distribution the tax is required to be collected and paid over to this State shall, after setting out the tax separately on the manifest as required by this Chapter, deduct one percent (1%) from the amount of such tax and the balance shall be the amount such distributor shall be entitled to collect from such purchaser; and (2) every wholesaler, jobber or distributor who makes a sale, resale, or distribution of motor fuel upon which the tax is required to be collected, to a dealer, consignor, or bulk user of said motor fuel shall, after setting out the tax separately on the manifest as required by this Chapter, deduct one-half of one percent (½ of 1%) from the amount of such tax and the balance shall be the amount such wholesaler or jobber or distributor shall be entitled to collect from such purchaser.

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Sec. (1) amended by Acts 1971, 62nd Leg., p. 1201, ch. 292, art. 5, § 1, eff. July 1, 1971; Acts 1971, 62nd Leg., p. 1208, ch. 293, § 1, eff. July 1, 1971; Sec. (2) amended by Acts 1971, 62nd Leg., p. 2031, ch. 626, § 3, eff. Aug. 30, 1971.

Subsection (1). Acts 1971, 62nd Leg., p. 1208, ch. 293, which, by section 1 amended this subsection, provided in sections 7 and 8:

"Sec. 7. This Act takes effect on July 1, 1971, on the condition that it is passed by a vote of at least two-thirds of all members elected to each House as required by Section 39, Article III, Constitution of the State of Texas. Otherwise, this Act takes effect on September 1, 1971.

"Sec. 8. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Art. 9.07. Bond

(1) Before any permit shall be issued and before engaging in the first sale, use, or distribution of motor fuel upon which a tax is required to be paid in Texas, every distributor shall execute and file with the Comptroller a good and sufficient surety bond, which shall run concurrently with the permit required of a distributor to be obtained. The said bond shall be signed by said distributor and a good and sufficient surety company or companies authorized to do business in this State, to be approved by the Comptroller, and except as hereinafter provided, in an amount not less than One Thousand Dollars ($1,000) nor more than Fifty Thousand Dollars ($50,000) payable to the State of Texas, and conditioned upon the full, complete, and faithful performance by the distributor of all the conditions and requirements imposed upon him by this Chapter, or the rules and regulations of the Comptroller promulgated hereunder, on a form to be prescribed by the Comptroller with the approval of the Attorney General, expressly providing for the performance of said obligations and the remittance and/or payment at Austin, Travis County, Texas, of all taxes collected and required to be collected for the use and benefit of the State, and all other taxes due and accruing upon

the use of motor fuel by said distributor, and all costs, penalties, and interest provided in this Chapter, provided, however, that in any event the total of all recoveries under such bond for any and all breaches of its conditions occurring at any time while it remains in force to support a permit, shall not for any calendar year exceed the penal sum named therein; provided further, that any such bond, continuous in form, may be, if sufficient and acceptable to the Comptroller, continued in effect by a renewal certificate, and, if so continued in effect, shall be sufficient to support the issuance of any new permit; and provided further, that the said renewal certificate, as, if and when issued shall have all the force and effect of an original bond for the calendar year for which renewal certificate is issued. The amount of any bond required of any distributor shall be fixed by the Comptroller, and subject to the limitations herein provided, additional bond may be required by the Comptroller at any time an existing bond becomes insufficient, unsatisfactory, or unacceptable. However, the distributor may demand a reduction of his bond after six (6) months from the effective date thereof to a sum to be not more than two (2) times the highest tax said distributor has collected and paid to the State for any month during the preceding six (6) months, or two times the highest tax that could accrue on motor fuel purchased tax free or otherwise held in inventory during any said month, whichever is higher.

Provided, that when a distributor or other person produces, manufactures, refines, or acquires in any other manner any product of petroleum or natural gas for his own use and consumption as motor fuel and not to be sold or distributed, the Comptroller may accept a minimum bond in an amount of not less than Five Hundred Dollars ($500); said bond to be in the form and substance and conditioned as hereinabove provided.

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(4) That in lieu of giving a bond, any distributor may deposit in the Suspense Account of the State Treasury money in the amount of the bond that may be required, which shall never be released until securities are substituted for the same, or a bond executed in lieu thereof, or until the Comptroller has made a complete and thorough investigation and authorized the same to be released; and, provided, in lieu of cash, or bond required by this Article, such distributor may deposit securities with the Comptroller that shall be acceptable to him. Said securities shall be placed in the State Treasury as other securities, and shall be of the same class as the Funds of The University of Texas may be legally invested in; or a distributor in lieu of furnishing a bond as otherwise required may with the written approval of the Comptroller supply an assignment, given either by himself or by others in his behalf, of a Certificate of Deposit, in a Texas bank or savings and loan association or institution, whose accounts necessarily are insured by an agency of the Federal Government, for an amount which is equal to or greater than the amount of bond required for which said deposit or account is being substituted.

When a distributor has filed with the Comptroller a bond in an amount of not less than Fifty Thousand Dollars ($50,000) together with a current financial statement which said bond and financial statement when reviewed by the Comptroller are, in his opinion, inadequate to cover certificates of authority to purchase motor fuel tax free in the quantities desired, such distributor may, with the Comptroller's written permission and on forms approved by the Comptroller as security to the State for the additional gallons the distributor desires to purchase tax free, supply the Comptroller with a lien or encumbrance upon real property in favor of the Comptroller executed on a form recordable in the deed records of the county in which such property may be located, by the owner of such real property who may be either the distributor or other person acting in such distributor's behalf.

Nothing herein shall be construed as prohibiting the Comptroller from accepting a bond in excess of Fifty Thousand Dollars ($50,000) from any distributor who desires to furnish bond in a larger amount for obtaining a certificate of authority for greater quantities in lieu of depositing securities, certificates of deposit, or lien or encumbrance on real property, or in addition to such deposits.

Provided, however, that if, in the opinion of the Comptroller, the cash, securities, certificates of deposit or liens, so deposited shall become insufficient for the purpose for which they were deposited, he shall demand additional cash, securities, certificates of deposit or liens on real property, and upon the failure or refusal of the distributor to supply the additional deposits within ten (10) days after demand, the Comptroller shall cancel the distributor's permit as herein provided. When default of payment of taxes collected upon the sale or distribution of motor fuel and accruing upon the use of motor fuel by said distributor, is made by any distributor who has money and/or securities deposited with the State Treasurer in lieu of a bond as herein provided, suit shall be instituted by the State and after the State has established its debt for delinquent taxes by final judgment of Court, money on deposit in the suspense account shall be withdrawn therefrom and shall be used to pay off and satisfy such judgment; and provided further, if securities, certificates of deposit or liens or encumbrances on real property are on deposit with the State Treasurer or Comptroller, such securities or certificates of deposit shall be sold by the Comptroller and said liens or encumbrances shall be foreclosed and the property sold and the proceeds of sale shall be used in paying off and satisfying said judgment and accrued Court costs and interest. Provided, however, the defaulting distributor may acknowledge in writing the correctness of the State's claim for taxes, costs, and penalties, and may authorize the withdrawal of said money or securities to pay on said claim without having suit filed.

When the Comptroller determines that all taxes, penalties, interest and court costs due by a distributor have been paid to this State, or that the need no longer exists for the securities, certificates of deposit, or liens or encumbrances on real property deposited with the Comptroller, he may issue appropriate release of such securities, deposits or liens.

Provided further, that the cash, securities or certificates of deposit or any unpaid portion thereof, deposited by said distributor in lieu of surety bond, shall not be returned or refunded to any person except the distributor, unless the person claiming any right, title, and interest in and to said funds or securities, shall have declared said right, title, and interest in writing, executed jointly by said distributor and said claimant, under oath, and filed with the Comptroller at the time such deposit was made. Provided further, that suit may be filed against any surety or sureties on any bond furnished by a distributor, without first resorting to or exhausting the assets of said distributor or without making said distributor, as principal obligor in said bond, a party to said suit.

Secs. (1), (4) amended by Acts 1971, 62nd Leg., p. 2033, ch. 626, §§ 4, 5, eff. Aug. 30, 1971.

Art. 9.13 Claims for Refunds

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(2) Any person (except as hereinafter provided), who shall use motor fuel for the purpose of operating or propelling any stationary gasoline engine, motorboat, aircraft, or tractor used for agricultural purposes, or for any other purpose except in a motor vehicle operated or intended to be operated upon the public highways of this State, and who shall have paid the tax imposed upon said motor fuel by this Chapter, either directly or indirectly, shall, when such person has fully complied with all provisions of this Article and the rules and regulations promulgated by

the Comptroller, be entitled to reimbursement of the tax paid by him less any amount allowed distributors, wholesalers or jobbers, retailers or others under the provisions of Article 9.02(2) of this Chapter. Provided, however, no tax refund shall be paid to any person on motor fuel used in any construction or maintenance work which is paid for from any State funds to which motor fuel tax collections are allocated or which is paid jointly from any said State funds and Federal funds, except that when such fuel is used in maintenance of way machines, or other equipment of a railroad, operated upon stationary rails or tracks, then such railroad shall be entitled to a tax refund on such fuels.

Sec. (2) amended by Acts 1971, 62nd Leg., p. 2035, ch. 626, § 6, eff. Aug. 30, 1971.

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Art. 9.25 Enforcement Fund, Allocation of Revenue

Before any diversion or allocation of the motor fuel tax collected under the provisions of this Chapter is made, one per cent (1%) of the gross amount of said tax shall be set aside in the State Treasury in a special fund, subject to the use of the Comptroller in the administration and enforcement of the provisions of this Chapter, and so much of said proceeds of one per cent (1%) of the motor fuel tax paid monthly as may be needed in such administration and enforcement be and is hereby appropriated for said purpose. Any unexpended portion of said fund so specified shall, at the end of each fiscal year, revert (1) to the Highway Motor Fuel Tax Fund, and (2) to the funds prescribed in Section (6a) of Article 9.13, as provided in this Chapter, in proportion to the amounts originally derived from such respective sources. The same shall then be allocated as provided in Article 9.13 of this Chapter and Section (6a) thereof, and in this Article 9.25, in the proportions above prescribed.

Each month the Comptroller of Public Accounts, after making all deductions for exempt refund purposes and for the funds derived from 'unclaimed refunds' as provided in Article 9.13 of this Chapter, and for the enforcement of the provisions of this Chapter, shall allocate and deposit the net remainder of the taxes collected under the provisions of this Chapter, as follows: one-fourth (¼) of such tax shall go to, and be placed to the credit of, the Available Free School Fund; one-half (½) of such tax shall go to and be placed to the credit of the State Highway Fund for the construction and maintenance of the State Road System under existing laws; and from the remaining one-fourth (¼) of such tax the Comptroller shall: (1) place to the credit of the County and Road District Highway Fund an amount determined by the Board of County and District Road Indebtedness and certified by the Board to the Comptroller of Public Accounts prior to August 31st of each year, for the fiscal year beginning September 1st each year, to be required in addition to any and all funds already on hand, for the payment by the Board of the principal, interest and sinking fund requirements for each year, on all bonds, warrants or other legal evidences of indebtedness heretofore issued by counties or defined road districts of this state, which mature on or after January 1, 1933, insofar as amounts of same were issued for and proceeds have been actually expended in the construction of roads that constituted and comprised a part of the system of designated state highways on September 17, 1932, or which subsequent to such date and prior to January 2, 1939, have been designated a part of the System of State Highways and declared by the Board of County and District Road Indebtedness prior to January 2, 1945, to be eligible to participate in the distribution of the moneys in the County and Road District Highway Fund under the provisions of existing laws; (2) for the fiscal year beginning September 1, 1951, and each fiscal year thereafter, the Comptroller shall place to the credit of the fund known as

the County and Road District Highway Fund the sum of Seven Million, Three Hundred Thousand Dollars ($7,300,000.00), said amount to be provided on the basis of equal monthly payments, payable on the first day of each calendar month, which sum shall be allocated by the Board of County and District Road Indebtedness to all of the counties of Texas not later than September 15th of each year, through the Lateral Road Account, as provided under Subsection (h) of Section 6 of Chapter 324 of the General and Special Laws of the 48th Legislature, Regular Session, 1943, as amended by Section 1 of Chapter 319, Acts of the 50th Legislature, 1947 [1]; and (3) the Comptroller shall place to the credit of the State Highway Fund the remainder of such one-fourth (¼) of such tax, said amount to be provided on the basis of equal monthly payments, payable on the first day of each calendar month, which sum shall be used by the State Highway Department for the construction and improvement of Farm-to-Market Roads having the same general characteristics as the roads eligible for construction under Subsection (4-b) of Article XX of House Bill No. 8, Chapter 184, Acts of the Regular Session of the 47th Legislature, as amended.[2] During any fiscal year, under the terms of Subsection (4-b) of Section 2 of Article XX of House Bill No. 8, Chapter 184, Acts of the Regular Session of the 47th Legislature, as amended, in which there shall be a valid, effective appropriation of Fifteen Million Dollars ($15,000,000.00) in the Farm-to-Market Road Fund to the State Highway Department for the purpose of constructing Farm-to-Market Roads, the Highway Department may use up to one-half (½) the above remainder for the maintenance of Farm-to-Market Roads.

All receipts due the Available School Fund which are in the Highway Motor Fuel Tax Fund on August 31st of each fiscal year shall be credited to the Available School Fund on August 31st of each fiscal year.

Amended by Acts 1971, 62nd Leg., p. 1202, ch. 292, art. 5, § 2, eff. July 1, 1971; Acts 1971, 62nd Leg., p. 1209, ch. 293, § 2, eff. July 1, 1971.

[1] Vernon's Ann.Civ.St. art. 6674q—7(h).

[2] Vernon's Ann.Civ.St. art. 7083a, § 2(4-b).

CHAPTER 10. SPECIAL FUELS TAX LAW

Art. 10.02 Definitions

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(7a) "Airport Fixed Base Operator" means any person who purchases diesel fuel in bulk quantities for resale and delivery into fuel supply tanks of aircraft or into any equipment of said person which is not licensed or required to be licensed as a motor vehicle, and who does not use, sell or deliver any diesel fuel on which a tax is required to be collected or paid to this State by this Subchapter.

Sec. (7a) added by Acts 1971, 62nd Leg., p. 2343, ch. 710, § 1, eff. Aug. 30, 1971.

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Art. 10.03 Levy of Tax

(1) There shall be and is hereby levied and imposed (except as hereinafter provided) upon the first sale, distribution, or use of diesel fuel in this State an excise tax of Six and Five-Tenths cents (6.5¢) per gallon, or fractional part thereof so sold, distributed or used in this State. Upon each subsequent sale or distribution of diesel fuel for the propulsion of motor vehicles upon the public highways, on which the tax has been collected, the said tax shall be added to the selling price so that such tax is paid ultimately by the person using or consuming said diesel fuel for the propulsion of motor vehicles upon the public highways of this State.

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For Annotations and Historical Notes, see V.A.T.S.

(3) Every supplier shall collect and remit the tax, except as hereinafter provided to the contrary, upon each gallon of diesel fuel sold or distributed by him to dealers, users and unlicensed suppliers, and upon each gallon of diesel fuel delivered into the fuel supply tanks of motor vehicles not operated by him, and shall pay the tax upon each gallon of diesel fuel delivered into the fuel supply tanks of motor vehicles owned or operated by him. Upon each sale or distribution of diesel fuel to a dealer for resale and delivery into motor vehicles, the tax shall be collected and remitted to this State on the gross or volumetric gallons of diesel fuel delivered to said dealer as shown by the Comptroller's measurement certificate issued for the vehicle tank making such delivery, or as shown by any other measuring device approved by the Comptroller for measuring bulk deliveries of diesel fuel to the storage facilities of dealers or service stations. It is further provided that when diesel fuel is delivered into the storage facilities of dealers or service stations by consignment or otherwise, the tax on the first sale or distribution of said diesel fuel shall be computed and paid to this State by the supplier upon the gross gallons delivered to such storage facilities as shown by the Comptroller's measurement certificate or other measuring device described above.

It is expressly provided, however, that the sale or distribution of diesel fuel may be made without collecting the tax otherwise imposed, (a) when such sales or distributions are made by a licensed supplier to other suppliers holding valid permits, or to bonded users who have secured from the Comptroller and then and there hold valid permits authorizing them to purchase tax free diesel fuel which is predominantly for use off the public highways of this State, or (b) when deliveries are made by a licensed supplier into a storage facility of a service station or of an airport fixed base operator from which diesel fuel or jet fuels will be resold and delivered to purchasers for exclusive non-highway use and not otherwise, and providing that the storage facility of each such service station is maintained separate and apart from facilities servicing fuel supply tanks of motor vehicles and is prominently labeled "NOT FOR HIGHWAY USE" in a manner to be prescribed by the Comptroller, and in plain view of the public to indicate that non-tax paid products are contained therein, or (c) when deliveries are made into fuel supply tanks of railway engines, aircraft, boats, or vehicle refrigeration units powered by separate motors from separate fuel tanks; provided that invoices shall be issued showing the vehicle unit number, highway license number and other information required by Article 10.12 of this Subchapter, or (d) when deliveries of kerosene having a flashpoint not lower than 115 degrees Fahrenheit are made by a licensed supplier into a storage facility maintained and prominently labeled as kerosene by a store or mercantile establishment, or a gasoline retail station which does not handle other diesel fuel, for the storage of said kerosene for resale at retail to purchasers for illuminating, heating, cooking and similar non-highway consumption and not otherwise, or (e) when the purchaser furnishes the seller a signed statement that none of the diesel fuel purchased in this State will be delivered by him or permitted by him to be delivered into fuel supply tanks of motor vehicles.

Except as otherwise prescribed by rule and regulation of the Comptroller, such statement when furnished to a licensed supplier shall remain in effect as long as said licensed supplier continues to sell and distribute diesel fuel to said purchaser, unless the statement is revoked in writing by the purchaser or supplier, or unless notification of a change in the status of the purchaser has been furnished the supplier by the Comptroller.

A taxable use of any part of the diesel fuel purchased pursuant to the above statement shall, in addition to the penal provisions otherwise provided by law, forfeit the right of said person to purchase diesel fuel

tax free for a period of one (1) year from the date of the offense. Such person may, however, file claim for refund of the tax paid on any diesel fuel used for non-highway purposes under the refund provisions of Article 10.14 of this Subchapter.

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Sec. (1) amended by Acts 1971, 62nd Leg., p. 1204, ch. 292, art. 5a, § 1, eff. July 1, 1971; Acts 1971, 62nd Leg., p. 1212, ch. 293, § 5, eff. July 1, 1971; Sec. (3) amended by Acts 1971, 62nd Leg., p. 2343, ch. 710, § 2, eff. Aug. 30, 1971.

Section 1 of Acts 1971, 62nd Leg., p. 2343, ch. 710, added section (7a) to article 10.02; section 2 thereof amended section (3) of this article; and sections 3 to 5 provided:

"Sec. 3. Saving Clause. All taxes, penalties and interest incurred and all liens created and bonds executed to secure their payment under any laws repealed or amended by this Act prior to its effective date, are hereby declared to be legal and valid obligations to this State; and any offense committed or any fines or penalties incurred under any laws repealed or amended by this Act prior to its effective date, shall not be affected by the repeal or amendment of any such laws but the punishment of such offenses and recovery of such fines, penalties and interest shall take place as if the laws repealed or amended had remained in force.

"Sec. 4. Severability. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

"Sec. 5. Repealer. All laws or parts of laws in conflict herewith are, so far as such confliction exists, hereby repealed and this Act shall prevail over any conflicting provisions of law."

Art. 10.52 Definitions

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(7) "User" means any person who delivers, or causes to be delivered, any liquefied gas into the fuel supply tanks of motor vehicles owned or operated by him for use on the public highways of the State of Texas.

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(14) "Farm Motor Vehicle" means any truck, pickup, automobile or any other self-propelled motor vehicle designed for use on or required to be licensed for operation upon the public highways, which is used primarily for or in connection with farming, ranching, and other agricultural operations.

(15) "Carburetor dealer" means any person engaged to any extent in the business of selling, leasing, renting, lending or installing any liquefied gas carburetion system on or for use on motor vehicles in this State.

Sec. (7) amended by Acts 1971, 62nd Leg., p. 1703, ch. 493, § 1, eff. Sept. 1, 1971; Secs. (14), (15) added by Acts 1971, 62nd Leg., p. 1703, ch. 493, § 2, eff. Sept. 1, 1971.

The 1971 amendatory act, which by sections 1 to 9 amended this article and arts. 10.53, 10.58, 10.59, and 10.61 to 10.63, in sections 10 and 11 thereof provided:

"Sec. 10. All taxes, penalties and interest accrued, and all liens created and bonds executed to secure their payments under any laws amended or repealed by this Act prior to its effective date, are hereby declared to be legal and valid obligations to this State; and any offenses committed or any fines or penalties incurred under any laws amended or repealed by this Act prior to its effective date shall not be affected by such amendments or repeal, but the punishment of such offenses and the recovery of such fines or penalties shall take place as if the laws amended or repealed had remained in force.

"Sec. 11. All laws or parts of laws in conflict herewith are, insofar as such conflict exists, hereby repealed and this Act shall prevail over any conflicting provisions of law."

Art. 10.53 Levy of Tax

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(3) Every supplier shall collect and remit the tax, except as hereinafter provided to the contrary, upon each gallon of liquefied gas sold or delivered by him and shall pay the tax upon each gallon of liquefied gas

delivered by him into the fuel supply tanks of motor vehicles owned or operated by him. Upon each taxable sale or delivery of liquefied gas to a user or to a dealer or service station for resale and delivery into motor vehicles, the tax shall be collected and remitted to this State on the gross or volumetric gallonage of liquefied gas so sold or delivered without temperature adjustment of the volume so delivered.

It is expressly provided, however, that deliveries of liquefied gas may be made without collecting the tax otherwise imposed under the following circumstances: (a) when bulk sales or deliveries are made by a bonded supplier to other suppliers holding valid permits, or to bonded dealers, bonded users or special farm users who have secured from the Comptroller and then and there hold valid permits authorizing them to purchase liquefied gas tax free, or (b) when such deliveries are made by a bonded supplier into a stationary storage facility of a service station from which liquefied gas will be resold and delivered to purchasers for nonhighway use and not otherwise, providing such storage facility is maintained separate and apart from facilities servicing fuel supply tanks of motor vehicles and is prominently labeled "NOT FOR HIGHWAY USE" in a manner prescribed by the Comptroller and in plain view of the public to indicate that non-tax paid products are contained therein, or (c) when such deliveries are made into separate fuel tanks not connected, or fitted for connection, to the propulsion system of the motor vehicle, on invoices showing the vehicle unit or highway license number and other information required by Article 10.62 of this subchapter, or (d) when such deliveries are made into the fuel supply tanks of farm tractors, or other farm or ranch vehicles designed primarily for nonhighway use, owned or operated by farmers and ranchers when said liquefied gas is used upon the public highway only to propel or move such tractors or vehicles to or from lands owned or operated by or under the control of such farmers or ranchers and located within a ten (10) mile radius of the point which is the customary base of operations of said farmers or ranchers, or (e) when such deliveries are made to a purchaser for exclusive nonhighway use who furnishes the seller a signed statement that none of the liquefied gas purchased or acquired in Texas by him will be delivered by him or permitted by him to be delivered into the fuel supply tanks of motor vehicles; except as otherwise prescribed by rule and regulation of the Comptroller such statement, when furnished to a licensed supplier, shall be effective as long as said licensed supplier continues to sell and deliver liquefied gas to said purchaser, unless the statement is revoked in writing by the purchaser or supplier, or unless notice in writing of a change in the status of the purchaser is given the supplier by the Comptroller, or (f) when such deliveries are made into the fuel supply tank of any farm motor vehicle displaying a special farm user permit decal issued by the Comptroller as provided in this subchapter.

A taxable use of any part of the liquefied gas purchased tax free pursuant to Subsection (e) above shall, in addition to the penal provisions otherwise provided by law, forfeit the right of the user thereof to purchase liquefied gas tax free for a period of one (1) year from the date of the offense. The Comptroller may, however, issue said person a special nonbonded user's permit, to be effective for the period of the forfeiture authorizing such person to file claim for refund of the tax paid on any liquefied gas used for nonhighway purposes under the refund provisions of Article 10.64 of this subchapter.

(4) Every dealer shall collect the tax, where provided, on each gallon of liquefied gas delivered by him into the fuel supply tanks of motor vehicles, and shall report and pay to this State any tax so collected which has not been paid to a bonded supplier.

(5) Every user except special farm users shall report and pay to this State the tax, at the rate imposed, on each gallon of liquefied gas delivered

by him into the fuel supply tanks of motor vehicles, unless said tax has been paid to a supplier or dealer. Every import user shall also report and pay the tax, at the rate imposed, on each gallon of liquefied gas imported into this State in the fuel supply tanks of motor vehicles owned or operated by him and used in the operation of such motor vehicles upon the public highways of this State. No permit shall be required and no tax shall be paid on liquefied gas imported in the fuel supply tanks of any motor vehicle when said fuel supply tanks, and any additional containers, have an aggregate capacity of not more than thirty (30) gallons, and if said motor vehicle is not operated by said user for hire, or compensation, or for commercial purposes.

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(8) In authorizing a special farm user to pay taxes in advance on the basis of one thousand two hundred (1200) gallons per calendar year for the privilege of thereafter purchasing such product tax free without securing another user's permit and performing the functions required of such user, it is expressly provided that if the Comptroller determines that taxes paid in advance for a special farm user's permit are wholly inadequate to compensate for the taxable gallons being used by the permittee on the public highways, he may require such permittee to pay taxes in advance based upon the actual taxable gallonage being so used which if not paid will be cause for revocation of the permit.

(9) No part of this subchapter shall prevent sale and delivery by a supplier or dealer to any person, user, or other consumer of liquefied gas for highway use when such user or consumer shall pay the prescribed tax to such supplier or dealer upon such delivery.

Secs. (3)–(5) amended by Acts 1971, 62nd Leg., p. 1703, ch. 493, § 3, eff. Sept. 1, 1971; Sec. (8) amended by Acts 1971, 62nd Leg., p. 1703, ch. 493, § 3, eff. Sept. 1, 1971; Sec. (9) added by Acts 1971, 62nd Leg., p. 1705, ch. 493, § 4, eff. Sept. 1, 1971.

Art. 10.58 Tax Computation on Mileage Basis

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Text of section (2) as amended by Acts 1971, 62nd Leg., p. 711, ch. 75, § 1

(2) Any person who operates one or more motor vehicles propelled with liquefied gas within this State with a maximum gross loaded weight in excess of twelve thousand (12,000) pounds, without keeping the invoices and all other records required of him by law, from which the average miles traveled per gallon of liquefied gas consumed can be determined, shall be prima facie presumed to have consumed not less than one (1) gallon of liquefied gas for every four (4) miles traveled by each such motor vehicle. Any person who operates one or more pickups or other motor vehicles propelled with liquefied gas within this State with a maximum gross loaded weight of twelve thousand (12,000) pounds or less without then and there holding a valid permit as required by law, or without keeping the invoices and all other records required of him by law shall be prima facie presumed to have consumed one (1) gallon of liquefied gas for every eight (8) miles traveled, and the taxes due this State may be computed on this basis.

Sec. (2) amended by Acts 1971, 62nd Leg., p. 711, ch. 75, § 1, eff. April 26, 1971.

For text of section (2) as amended by Acts 1971, 62nd Leg., p. 1703, ch. 493, § 5, see section (2), post.

Text of section (2) as amended by Acts 1971, 62nd Leg., p. 1705, ch. 493, § 5

(2) Any person except persons holding special farm user permits, who operates one or more motor vehicles propelled with liquefied gas within or into this State with a maximum gross loaded weight in excess of twelve thousand (12,000) pounds, without keeping the invoices and all other records required of him by law, from which the average miles trav-

eled per gallon of liquefied gas consumed can be determined, shall be prima facie presumed to have consumed not less than one (1) gallon of liquefied gas for every four (4) miles traveled by each such motor vehicle. Any person except persons holding special farm user permits who operates one or more pickups or other motor vehicles propelled with liquefied gas within or into this State with a maximum gross loaded weight of twelve thousand (12,000) pounds or less without keeping the invoices and all other records required of him by law shall be prima facie presumed to have consumed one (1) gallon of liquefied gas for every eight (8) miles traveled, and the taxes due this State shall be computed on this basis. Sec. (2) amended by Acts 1971, 62nd Leg., p. 1705, ch. 493, § 5, eff. Sept. 1, 1971.

For text of section (2) as amended by Acts 1971, 62nd Leg., p. 711, ch. 75, § 1, see section (2), ante.

Sections 2 and 3 of Acts 1971, 62nd Leg., p. 711, ch. 75, provided:

"Sec. 2. Saving Clause. All taxes, penalties and interest accrued, and all liens created and bonds executed to secure their payments under any laws amended or repealed by this Act prior to its effective date, are hereby declared to be legal and valid obligations to this State; and any offenses committed or any fines or penalties incurred under any laws amended or repealed by this Act prior to its effective date shall not be affected by such amendments or repeal but the punishment of such offenses and the recovery of such fines or penalties shall take place as if the laws amended or repealed had remained in force.

"Sec. 3. Repealer. All laws or parts of laws in conflict herewith are, insofar as such conflict exists, hereby repealed and this Act shall prevail over any conflicting provision of law."

Art. 10.59 Application for Permits

(1) Every person defined herein as a supplier, dealer, carburetor dealer, special farm user, import user or other user shall secure from the Comptroller the kind and class of permit required herein to act in such capacity or to perform such functions. Application shall be filed with the Comptroller for any such permit on a form prescribed by the Comptroller, showing the kind and class of permit desired, and such other information as the Comptroller may require. It is expressly provided, however, that each applicant for a special farm user permit shall file with and as a part of such application and each renewal thereof, information showing for each motor vehicle equipped to use liquefied gas for its propulsion, the make, the motor number or other identification number, and the total mileage recorded on the speedometer of the motor vehicle at the time application is filed, and said information shall be filed with the Comptroller for each and every motor vehicle equipped to use liquefied gas as a fuel which is thereafter purchased or acquired or put into operation by said permit holder.
Sec. (1) amended by Acts 1971, 62nd Leg., p. 1705, ch. 493, § 6, eff. Sept. 1, 1971.

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Art. 10.61 Permits

(1) Upon approval of an application and approval of any bond required, the Comptroller shall issue to the applicant a permit authorizing him to engage in the kind of business or other operation or to perform the functions set out in and authorized by the class of permit so issued. The permits shall be issued for each calendar year, or any unexpired part of a year, and shall be effective from the date of issue to the end of such calendar year, unless revoked or suspended for cause, as hereinafter provided. Such permits shall be of the kinds and classifications as set out hereinbelow:

BONDED SUPPLIER PERMITS.

Authorizing persons to engage in business as suppliers of liquefied gas to licensed dealers, users, other suppliers, and to other authorized purchasers of liquefied gas.

NONBONDED DEALER PERMITS.

Authorizing dealers whose purchases of liquefied gas are predominantly for sale and delivery into the fuel supply tanks of motor vehicles to operate as dealers who pay the tax imposed herein to the supplier of such fuel and claim refund of the tax paid on any liquefied gas thereafter sold for nonhighway use.

BONDED DEALER PERMITS.

Authorizing dealers whose purchases of liquefied gas are predominantly for resale for nonhighway use to purchase liquefied gas tax free from their supplier and to report and pay taxes to this State on the part of such liquefied gas which is delivered into the fuel supply tanks of motor vehicles.

NONBONDED USER PERMITS.

Authorizing users whose purchases of liquefied gas are predominantly for delivery by them into the fuel supply tanks of motor vehicles owned or operated by them, or users whose right to purchase liquefied gas tax free has been forfeited, to pay the tax imposed herein to the supplier and claim refund of the tax paid on any liquefied gas thereafter used by them off the public highways.

BONDED USER PERMITS.

Authorizing users whose purchases of liquefied gas are predominantly for nonhighway use by them to purchase liquefied gas tax free from their suppliers and to report and pay taxes to this State on the part of such liquefied gas which is delivered into the fuel supply tanks of motor vehicles owned or operated by them.

SPECIAL FARM USER PERMITS.

Authorizing users of liquefied gas for the propulsion of farm motor vehicles on the public highways of this State to elect to pay taxes in advance on one thousand two hundred (1200) gallons of liquefied gas for each and every motor vehicle owned or operated by them and propelled in whole or in part with liquefied gas during the calendar year and thereafter to purchase liquefied gas tax free in lieu of securing a bonded user's permit and filing monthly reports and tax payments, and keeping records other than the annual mileage records provided herein. In the event any additional farm motor vehicles equipped to use liquefied gas as a fuel are placed in operation by a special farm user after the first month of any calendar year, a tax shall become due and payable to this State and is hereby imposed at the tax rate prescribed herein on one-twelfth (1/12) of one thousand two hundred (1200) gallons per motor vehicle so added for each calendar month or fraction thereof remaining in the current calendar year. The Comptroller shall issue special permit decals for each motor vehicle on which taxes have been paid in advance, which shall be affixed on each such motor vehicle as the Comptroller may direct.

BONDED IMPORT-USER PERMITS.

Authorizing users to import or bring liquefied gas into this State in the fuel supply tanks of motor vehicles owned or operated by them, and to report and pay the tax due thereon to this State, and to claim credit or a refund of the tax paid on liquefied gas which is thereafter used in other states.

CARBURETOR DEALER PERMITS.

Authorizing persons holding such permits to sell, lease, transfer, or make installation of liquefied gas carburetion systems and requiring reports to be filed monthly with the Comptroller showing the date and recipient of each carburetion system sold, leased, transferred or installed on or for use on a farm motor vehicle and such other information as the Comptroller may require.

Nothing herein shall be construed as permitting any tax free sale or delivery of liquefied gas to an import user, or of permitting any sale and delivery of liquefied gas directly into the fuel supply tanks of a motor vehicle without collecting the tax thereon from the purchaser of such liquefied gas, except sales or deliveries into the fuel supply tanks of farm motor vehicles displaying valid special farm user permit decals issued and held pursuant to the provision of this subchapter.

The Comptroller shall determine from the information shown in the application or other investigation the kind and class of permits to be issued.

A supplier may operate under his supplier's permit as a dealer, an import-user, or as a user without securing a separate permit, but he shall be subject to all other conditions, requirements, and liabilities imposed by this subchapter upon a dealer, an import-user, or a user. A licensed dealer may use liquefied gas in motor vehicles owned or operated by him without securing a separate permit as a user, subject to all conditions, requirements and liabilities imposed herein upon a user.

If any farm motor vehicle on which taxes have been paid in advance by a special farm user, for which a permit decal has been issued shall, prior to the end of the calendar year, be destroyed, sold, traded or otherwise disposed of, or for any reason the permittee ceases to be the owner or operator thereof, the permittee shall be required to remove such decal and immediately give notice in writing to the Comptroller of such destruction, sale or other disposition thereof. Failure to remove such permit decals and to notify the Comptroller in writing of said removals as above provided shall be grounds for cancellation of the special farm user permit or for requiring such person to secure a nonbonded user's permit; provided, however, when a motor vehicle upon which the tax has been paid in advance is sold or transferred by one special farm user to another special farm user or to a person who shall qualify for and obtain a special farm user permit, the Comptroller may issue written authority to transfer the decal issued and attached to said motor vehicle and all rights thereunder to the purchasing special farm user in such manner and form as may be required by the Comptroller.

If a farm motor vehicle shall be destroyed or sold or transferred so that it shall no longer qualify for the special farm user permit decal, then in that event the owner or operator shall be entitled to a return of the unused portion of the advance taxes theretofore paid to the Comptroller for that calendar year. The owner or operator shall submit to the Comptroller an affidavit identifying the vehicle, and stating the circumstances entitling him to a refund, the initial date of disuse or conversion, the permit and decal number assigned and all other information reasonably required by the Comptroller. Upon receipt of the affidavit and when satisfied as to the circumstances, the Comptroller shall cause to be refunded to the owner or operator that portion of his tax payment that corresponds to the number of complete months remaining in the calendar year for which the tax has been paid, beginning with the month following the date on which the vehicle was no longer utilized. No refund shall be made if the use of the vehicle ceased within the last month of the calendar year.

All permits shall be posted in a conspicuous place or kept available for inspection at the principal place of business of the owner thereof. Permit holders shall reproduce the permit by photostat or other method and keep a copy on display at each additional place of business or other place of storage from which liquefied gas is sold, delivered or used and in each motor vehicle used by the permit holder to transport liquefied gas purchased by him for resale, distribution or use. Persons holding import-user permits shall reproduce the permit and carry a photocopy thereof with each motor vehicle being operated into or from the State of Texas.
Sec. (1) amended by Acts 1971, 62nd Leg., p. 1706, ch. 493, § 7, eff. Sept. 1, 1971.

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Art. 10.62 Records Required

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(3) a. Every user except a special farm user shall keep a record of deliveries into his motor vehicles and a complete record of the total gallons of liquefied gas used for other purposes during each month and the purposes for which said liquefied gas was used.

b. A special farm user who has paid taxes in advance on one or more farm motor vehicles shall not be required to issue and keep invoices of each delivery of liquefied gas into the fuel supply tanks of such motor vehicles when proper permit decals are affixed thereto, and shall not be required to keep any other records of liquefied gas purchased and used by him except a record of the total miles traveled by each farm motor vehicle operated by him on which taxes have been paid in advance, from the date the permit decal is issued or assigned to said motor vehicles to the end of the calendar year. Failure to keep such records shall be grounds for cancellation of the special farm user permit.
Sec. 3 amended by Acts 1971, 62nd Leg., p. 1708, ch. 493, § 8, eff. Sept. 1, 1971.

Art. 10.63 Tax Payments—Reports

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(4) Every user except a special farm user who purchases or acquires liquefied gas tax-free shall, on or before the 25th day of each calendar month, file with the Comptroller upon forms prescribed by the Comptroller an itemized report, made subject to the penalties of Article 1.12, Chapter 1 of this title, accounting for the liquefied gas handled during the preceding month, which report shall show the quantities of liquefied gas purchased or received and the suppliers from whom received, the quantities delivered into the fuel supply tanks or motor vehicles owned or operated by such user, the quantities used off the public highways of this State and the purposes for which used, the quantities lost by fire or other accident or disposed of in any other manner, and the total quantities on hand at the beginning and at the end of the month covered by such report. The Comptroller may in his discretion require schedules from any such user with respect to any purchases, deliveries or uses of liquefied gas. Every such user shall attach legal tender to said report or make proper form of money order or exchange payable to the State Treasurer in the amount of taxes due for the period covered by the report.

Every carburetor dealer who sells, leases or transfers liquefied gas carburetion systems or who installs such systems for use in supplying liquefied gas to propel motor vehicles in this State, shall on or before the 25th day of each calendar month file with the Comptroller upon forms prescribed by the Comptroller a report made subject to the penalties of Article 1.12, Chapter 1 of this title, accounting for every liquefied gas carburetion system sold, leased, transferred, or installed by such carburetor dealer, and showing such other information as the Comptroller may

deem necessary in the control of the taxable use of liquefied gas used to propel motor vehicles upon the public highways of this State.

Sec. 4 amended by Acts 1971, 62nd Leg., p. 1709, ch. 493, § 9, eff. Sept. 1, 1971.

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CHAPTER 12—FRANCHISE TAX

Art. 12.03 Corporations Exempt

The franchise tax imposed by this Chapter shall not apply to any

(a) insurance company, surety, guaranty, or fidelity company, transportation company, or sleeping, palace car, and dining company now required to pay an annual tax measured by their gross receipts;

(b) corporation organized as a railway terminal corporation and having no annual net income from the business done by it; to any corporation having no capital stock and organized for the exclusive purpose of promoting the public interest of any county, city, or town, or other area within the state; to any corporation organized for the purpose of religious worship or for providing places of burial not for private profit; to any corporation organized for the purpose of holding agricultural fairs and encouraging agricultural pursuits, or for strictly educational purposes, which includes non-profit corporations organized for the sole purpose of providing a student loan fund, or for purely public charity; to any state-chartered building and loan association; to any mutual investment company registered under the Federal Investment Company Act of 1940, as from time to time amended,[1] that holds stocks, bonds, or other securities of other companies, solely for mutual investment purposes; to any non-profit corporation having no capital stock and organized for the purpose of educating the public in the protection and conservation of fish, game, and other wildlife, as well as grasslands and forests; and to any non-profit water supply or sewer service corporation organized in behalf of cities or towns, pursuant to Chapter 76, Acts of the 43rd Legislature, 1st Called Session, 1935, as amended [2]; to any corporation organized under the Texas Non-Profit Corporation Act [3] for the purpose of constructing, acquiring, owning, leasing, or operating a natural gas utility facility in behalf of and for the benefit of the city or residents of the city;

(c) non-profit corporation (as defined in the Texas Non-Profit Corporation Act) or a charitable trust providing nursing care, licensed by the Texas Department of Health, and providing housing for the low-income elderly, if the facility

(A) operates at least 100 licensed nursing home beds and at least 250 housing units for low-income elderly; and

(B) is designed for, necessitated by, or is involved in geriatric research programs in the areas of chronic care, paramedical personnel training, nutritional development, and programs of psychological and nutritional research for the elderly, and limited to such purpose;

(d) corporation organized for the purpose of providing homes for elderly people sixty-two (62) years of age and older not for profit without regard to whether such corporations are for purely public charity;

(e) non-profit corporation (as defined by the Texas Non-Profit Corporation Act) engaged exclusively in the business of owning residential

property for the purpose of providing cooperative housing for any person or persons.

Amended by Acts 1971, 62nd Leg., p. 1553, ch. 414, § 1, eff. May 26, 1971; Acts 1971, 62nd Leg., p. 2917, ch. 967, § 1, eff. June 15, 1971.

[1] 15 U.S.C.A. § 80a—1 et seq.
[2] Vernon's Ann.Civ.St. art. 1434a.
[3] Vernon's Ann.Civ.St. art. 1396—1.01 et seq.

Art. 12.20 Additional Franchise Tax for the Period Ending April 30, 1972

(1) In addition to all other taxes, there is hereby levied on all corporations paying a franchise tax under the provisions of this Chapter for the preceding fiscal year as shown in the report required to be filed with the Comptroller of Public Accounts between January 1 and May 1, 1971 (or the initial or first year report required to be filed with the Comptroller of Public Accounts), under the provisions of this Chapter an additional franchise tax for the privilege of doing business in Texas in corporate form for the period beginning on the effective date of this Act, and ending April 30, 1972.

(2) The additional franchise tax levied by this Article shall be computed by multiplying the franchise tax due and payable under the provisions of Article 12.01, except Section (1) (a) (ii), and Article 12.19 by 45.45 percent.

(3) The additional franchise tax levied by this Article shall be paid to the Comptroller of Public Accounts within thirty (30) days after the effective date of this Act. If any corporation fails to pay the additional tax levied by this Article within thirty (30) days after the effective date of this Act, the right of such corporation to do business in this State shall be forfeited on April 1, 1972, which forfeiture shall be consummated without judicial ascertainment by the Comptroller of Public Accounts in the same manner as provided for forfeiture in this Chapter, and provided further that such defaulting corporation shall be subject to the same penalties, liens and conditions as provided in this Chapter.

(4) The Comptroller of Public Accounts shall have the right to make and promulgate rules and regulations and to prescribe and mail forms and notices necessary for the efficient and effective administration of the additional franchise tax levied by this Article.

(5) The additional franchise tax levied by this Article shall expire on April 30, 1972.

Amended by Acts 1971, 62nd Leg., p. 1199, ch. 292, art. 3, § 1, eff. July 1, 1971.

Art. 12.211 Additional Franchise Tax

(1) In addition to the franchise tax due and payable under Article 12.01 of this Chapter, there is hereby levied on all corporations paying a franchise tax under the provisions of Article 12.01 of this Chapter an additional franchise tax for the privilege of doing business in Texas in corporate form from and after May 1, 1972, which additional franchise tax shall be computed by multiplying the tax due and payable under Article 12.01, except Section (1) (a) (ii), of this Chapter for the aforesaid periods by 54.54 percent.

(2) Corporations eligible to and electing to compute the franchise tax for which they are liable under the provisions of Article 12.19 of this Chapter shall, for the privilege of doing business in Texas in corporate

form from and after May 1, 1972, pay an additional franchise tax in accordance with the following schedule:

If Total Assets Are at Least	But Less Than	The Tax Shall Be
$ 0.00	$ 15,000.00	$ 20.00
15,000.00	20,000.00	25.00
20,000.00	25,000.00	30.00
25,000.00	30,000.00	35.00
30,000.00	40,000.00	50.00
40,000.00	50,000.00	60.00
50,000.00	60,000.00	75.00
60,000.00	70,000.00	90.00
70,000.00	80,000.00	100.00
80,000.00	90,000.00	115.00
90,000.00	100,000.00	130.00
100,000.00	110,000.00	145.00
110,000.00	120,000.00	160.00
120,000.00	130,000.00	170.00
130,000.00	140,000.00	185.00
140,000.00	150,000.00	200.00

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Secs. (1), (2) amended by Acts 1971, 62nd Leg., p. 1199, ch. 292, art. 3, § 2, eff. July 1, 1971.

CHAPTER 13—TAX ON COIN-OPERATED MACHINES

Transfer of Functions

Acts 1971, 62nd Leg., p. 1942, ch. 587, § 2, transferred to the Texas Vending Commission all of the duties, powers, functions, responsibilities and authority heretofore exercised by the Comptroller of Public Accounts under this chapter, so that hereafter the term "Texas Vending Commission" shall be substituted for the phrase "Comptroller of Public Accounts" or the word "Comptroller" in this chapter, effective September 1, 1971. See Vernon's Ann.Civ.St. art. 4413(41), § 2.

Art. 13.17 Regulation of Music and Skill or Pleasure Coin-Operated Machines

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Fees

Sec. 16.

(1) The annual license fee for either an import or a general business license shall be based on the number of music and the number of skill and pleasure, coin-operated machines in which each licensee shall have any interest as set forth in Section 8 of this article; and said annual fee shall be Ten Dollars ($10.00) for each such coin-operated machine, but in no event shall such fee be less than Fifty Dollars ($50.00) nor more than Three Thousand Dollars ($3,000.00). This fee shall be in addition to the tax levied by Article 13.02.

(2) After issuance of a license to a licensee, the Texas Vending Commission may not refund any portion of a license fee.

Sec. 16 amended by Acts 1971, 62nd Leg., p. 1943, ch. 587, § 5, eff. Aug. 30, 1971.

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Mandatory grounds for refusal, suspension, cancellation or refusal of renewal of license

Sec. 19.

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(4) The Texas Vending Commission shall not renew a license for a business under this article if it finds that a partner or major stockholder, or any one employed by a licensee has been convicted of a felony in a court of competent jurisdiction, regardless of whether the sentence was probated or served, within five (5) years from the date of such person's first employment or association with the business, or thereafter.

Sec. 19, subsec. (4) added by Acts 1971, 62nd Leg., p. 1944, ch. 587, § 6, eff. Aug. 30, 1971.

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CHAPTER 14—INHERITANCE TAX AND FEDERAL ESTATE TAX CREDIT

I. BASIC INHERITANCE TAX

I. BASIC INHERITANCE TAX

Art. 14.01 Property Subject

(A) All property within the jurisdiction of this State, real or personal, corporeal or incorporeal, and any interest therein, whether belonging to inhabitants of this State or to persons who are not inhabitants, regardless of whether such property is located within or without this State, which shall pass absolutely or in trust by will or by the laws of descent or distribution of this or any other state, or by deed, grant, sale, or gift made or intended to take effect in possession or enjoyment after the death of the grantor or donor, shall, upon passing to or for the use of any person, corporation, or association, be subject to a tax for the benefit of the State's General Revenue Fund, in accordance with the following classification, including:

(1) Property passing under a general power of appointment exercised by the decedent by will.

(2) The proceeds of life insurance to the extent of the amount receivable by the executor or administrator as insurance under policies taken out by the decedent upon his own life, and to the extent of the excess over Forty Thousand ($40,000) Dollars of the amount receivable by all other beneficiaries as insurance under policies taken out by the decedent upon his own life.

(B) Any transfer made by a grantor, vendor, or donor, whether by deed, grant, sale, or gift, shall, unless shown to the contrary, be deemed to have been made in contemplation of death and subject to the same tax as herein provided, if such transfer is made within three (3) years prior to the death of the grantor, vendor, or donor, of a material part of his estate, or if the transfer made within such period is in the nature of a final distribution of property and without adequate valuable consideration.

(C) The tax imposed by this Chapter in respect to personal property of nonresidents (other than tangible property having an actual situs in this State) shall not be payable:

(1) if the grantor/or donor at the time of his death was a resident of a state or territory of the United States which, at the time of his death, did not impose a transfer or inheritance tax of any character in respect of personal property of residents of this State (other than tangible personal property having an actual situs in said State); or,

(2) if the laws of the State or territory of the residence of the grantor or donor at the time of his death, contained a reciprocal provision under which nonresidents were exempted from transfer or inheritance taxes of every character in respect to personal property (other than tangible personal property having an actual situs therein) provided the State or territory of residence of such nonresidents allowed a similar exemption to residents of the State or territory of residence of such a grantor or donor. For the purpose of this Chapter the District of Columbia and possessions of the United States shall be considered territories of the United States.

(D) The provisions of this Chapter shall not apply to residents of those states which have no inheritance tax law.

Amended by Acts 1971, 62nd Leg., p. 2943, ch. 974, § 1, eff. Aug. 30, 1971.

The 1971 amendatory act, which by sections 1 to 7 amended this article and various other articles of this chapter, provided in section 8: "If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Art. 14.011 Joint Tenancies

(1) Property held in joint tenancy with a right of survivorship in the tenants is subject to the tax imposed by this Chapter on the death of a tenant to the extent of the value of the tenancy:

(A) contributed to the tenancy by the decedent, less any consideration from the other tenants received by, or accruing to the benefit of, the decedent; and

(B) received by the tenancy by gift from a person other than a tenant and attributable to the decedent.

(2) The value of a joint tenancy received by gift from a person other than a tenant is attributable to the tenant for whom the gift was intended by the donor at the time of the gift, or if there is no evidence of the intent of the donor, it is presumed that the gift was to all tenants equally.

(3) In the absence of evidence to the contrary, it is presumed that each tenant contributed to the joint tenancy equally.

Added by Acts 1971, 62nd Leg., p. 947, ch. 158, § 1, eff. May 11, 1971.

Art. 14.08 Divided Estate

If the property passing as aforesaid shall be divided into two or more estates, as an estate for years or for life and a remainder, the tax shall be levied on each estate or interest separately, according to the value of the same at the death of the decedent. The value of estates for years, estates for life, remainders and annuities, shall be determined by their present value. The Comptroller shall adopt by regulation an actuarial table for calculating the present value.

Amended by Acts 1971, 62nd Leg., p. 2944, ch. 974, § 2, eff. Aug. 30, 1971.

Art. 14.10 Deductions

The only deductions permissible under this law are the debts due by the estate, funeral expenses, expenses incident to the last illness of the

deceased, which shall be due and unpaid at the time of death, all Federal, State, County, and Municipal taxes due at the time of the death of the decedent, attorney's fees and Court costs accruing in connection with the assessing and collecting of the taxes provided for under this Chapter, and an amount equal to a percentage of the value of any property forming a part of the gross estate situated in the United States received from any person who dies within ten (10) years prior to the death of the decedent, according to the following schedule:

Time Interval Between the Dates of Death of Present and Prior Decedents	Percentage of the Value of Property Received from a Prior Decedent Allowable as a Deduction from the Gross Estate
Within one year	100%
Within two years	90%
Within three years	80%
Within four years	70%
Within five years	60%
Within six years	50%
Within seven years	40%
Within eight years	30%
Within nine years	20%
Within ten years	10%
After ten years	no deduction

This deduction, however, is to be only in the amount of a percentage of the value of the property upon which an inheritance tax was actually paid and shall not include any legal exemptions claimed by and allowed the heirs or legatees of the estate of the prior decedent. A full statement of facts authorizing deductions must be made in duplicate under oath by the executor, administrator, or trustee, and one copy filed with the county clerk and the other with the Comptroller, before any deductions will be allowed.

Amended by Acts 1971, 62nd Leg., p. 2945, ch. 974, § 3, eff. Aug. 30, 1971.

Art. 14.11 Value of Property Transferred

(A) The inheritance tax imposed by Article 14.01 shall be imposed upon the actual market value of taxable property transferred, if it has a market value, and in case it has none, then its real value. Any bonds of the United States, saving notes or other obligations which, upon the death of the decedent, constitute a part of his estate, and which may be and are received, by the United States at par and accrued interest, in payment of any estate or inheritance taxes or any other tax liability imposed by the United States shall for Texas inheritance tax purposes be valued in such estate at the amount for which same are used in payment of any such Federal tax liability.

(B) Date of Valuation. Property shall be valued at the time of the death of the decedent, provided that if the personal representative so elects, property may be valued as follows:

(1) In the case of property distributed, sold, exchanged, or otherwise disposed of, within six (6) months after the decedent's death such property shall be valued as of the date of distribution, sale, exchange, or other disposition.

(2) In the case of property not distributed, sold, exchanged, or otherwise disposed of, within six (6) months after the decedent's death, such property shall be valued as of the date six (6) months after the decedent's death.

(3) Any interest or estate which is affected by mere lapse of time shall be included at its value as of the time of death (instead of the later

date) with adjustment for any difference in its value as of the later date not due to mere lapse of time.

Secs. (A), (B) amended by Acts 1971, 62nd Leg., p. 2945, ch. 974, § 4, eff. Aug. 30, 1971.

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III. ADMINISTRATION

Art. 14.14 Returns and Reports

(A) Repealed by Acts 1971, 62nd Leg., p. 2947, ch. 974, § 9, eff. Aug. 30, 1971.

(B) Inventory and Appraisement. Within twenty (20) days after an inventory and appraisement and a list of claims shall have been filed and approved by the County or Probate Court, in the estate of a decedent, it shall be the duty of the Clerk of said Court to furnish the Comptroller a certified copy of the inventory and appraisement and list of claims and a certified copy of the last will and testament or, in the absence of a will, proof of heirship. Said Clerk shall also give the Comptroller any other information which that official may call for in reference to any such estate, such information shall be furnished within ten (10) days after being called for. The Clerk shall be entitled to a fee of One Dollar ($1) for making the reports herein required on each such estate, which shall be taxed against said estate as Court costs, and be accounted for as fees of office.

(C) Final Return. A final tax return must be filed within nine (9) months of the date of death of the decedent giving such information as the Comptroller deems necessary for the enforcement of this Chapter, unless the Comptroller has determined on the basis of the preliminary report that no tax is due. If complete information is not available at the time the final return is due, the Comptroller shall provide for an additional period of time for the filing of a supplementary report.

Secs. (B), (C) amended by Acts 1971, 62nd Leg., p. 2946, ch. 974, § 5, eff. Aug. 30, 1971.

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Art. 14.16 Payment of the Tax

(A) Date Due. The inheritance taxes levied by this Chapter shall be due and payable nine (9) months after the date of death of the decedent, unless such date for the filing of the return and the payment of the tax shall be extended by the Comptroller upon the showing that the payment thereof will result in undue hardship to the beneficiaries of the estate, in which event the inheritance taxes levied by this Chapter shall be due and payable on the date specified by the Comptroller in granting any request for extension.

Sec. (A) amended by Acts 1971, 62nd Leg., p. 2946, ch. 974, § 6, eff. Aug. 30, 1971.

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Art. 14.17 Penalty and Interest for Late Payment

If any tax imposed by the Chapter is not paid on or before the due date, a penalty of five percent (5%) of the tax due shall become due and payable, and if any tax is not paid within thirty (30) days of the due date, an additional penalty of five percent (5%) of the tax shall become

due and payable, unless in each instance it is shown that the failure is due to reasonable cause and not due to willful neglect. Interest at the rate of six percent (6%) per annum on any tax due shall be added to any tax and penalties imposed by this Chapter that are not paid within nine (9) months from the date of death of the decedent, unless the computed interest would be less than Five Dollars ($5).
Amended by Acts 1971, 62nd Leg., p. 2947, ch. 974, § 7, eff. Aug. 30, 1971.

CHAPTER 17—STORES AND MERCANTILE ESTABLISHMENTS

Repeal

Acts 1971, 62nd Leg., p. 937, ch. 148, § 2, repeals this chapter, effective January 1, 1975.

Art. 17.05 License Fees; Exemptions

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(e) The license and exemption fees provided by this article shall be computed and paid as follows:

1. For the calendar year 1972 the full amount of the fees shall be computed and the total reduced by 25%, the remaining 75% to be paid to the Comptroller of Public Accounts.

2. For the calendar year 1973 the full amount of the fees shall be computed and the total reduced by 50%, the remaining 50% to be paid to the Comptroller of Public Accounts.

3. For the calendar year 1974 the full amount of the fees shall be computed and the total reduced by 75%, the remaining 25% to be paid to the Comptroller of Public Accounts.
Subsec. (e) added by Acts 1971, 62nd Leg., p. 937, ch. 148, § 1, eff. Aug. 30, 1971.

CHAPTER 20—LIMITED SALES, EXCISE AND USE TAX

Art. 20.02 Imposition of Limited Sales Tax

There is hereby imposed a limited sales tax at the rate of four per cent (4%) on the receipts from the sale at retail of all taxable items within this State.
Amended by Acts 1971, 62nd Leg., p. 1194, ch. 292, art. 1, § 1, eff. July 1, 1971.

Additional tax. Acts 1971, 62nd Leg., p. 1206, ch. 292, art. 7, § 1, provided:

"Section 1. The passage of Public Law 91-156 [12 U.S.C.A. § 548] by the Congress of the United States shall not operate to impose or permit the imposition of any additional tax or taxes upon the institutions affected thereby unless:

"(a) The tax or taxes were being imposed prior to January 1, 1971, or

"(b) Such institutions are specifically designated as being subject to such additional tax or taxes other than the limited sales and use tax by an Act of the Legislature passed subsequent to the effective date of Public Law 91-156."

Exemptions. Acts 1971, 62nd Leg., p. 1207, ch. 292, art. 9, §§ 1 to 3, provided:

"Section 1. (a) There are exempted from the three-fourths of one percent increase in the Limited Sales, Excise and Use Tax imposed by this Act the receipts from the sale, use, or rental, and the storage, use or consumption in this State of taxable items, if:

"(1) the items are used for the performance of a written contract entered into prior to the effective date of this Act, if the contract is not subject to change or modification by reason of the tax; or the items are used pursuant to an obligation of a bid or bids submitted prior to the effective date of this Act, if the bid or bids may not be withdrawn, modified, or changed by reason of the tax imposed by this Act; and

"(b) The exemptions provided by this section have no effect after three years following the effective date of this Act.

For Annotations and Historical Notes, see V.A.T.S.

"Sec. 2. This Act takes effect on July 1, 1971, on the condition that it is passed by a vote of at least two-thirds of all members elected to each House as required by Section 39, Article III, Constitution of the State of Texas. Otherwise, this Act takes effect on September 1, 1971.

"Sec. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Art. 20.021 Method of Collection; Bracket System

(A) Every retailer shall add the sales tax imposed by Article 20.02 of this Chapter to his sale price and when added the tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. It is further specified that where tangible personal property is segregated in contemplation of transfer of title or possession and is thereafter to be transported by common carrier from the seller to the buyer, with the price fixed F.O.B. the seller's place of business, and with transportation charges separately stated, the tax herein imposed shall be computed only upon the basis of the charge for the tangible personal property itself, exclusive of the separately stated and independently fixed transportation charges. When the sale price shall involve a fraction of a dollar, the tax shall be added to the sale price upon the following schedule:

Amount of Sale	Tax
$ .01 to $ .12	No Tax
.13 to .37	$ .01
.38 to .62	.02
.63 to .87	.03
.88 to 1.12	.04

Provided, that for successive brackets for this schedule in this paragraph, the tax shall be computed by multiplying four percent (4%) times the amount of the sale. Any fraction of one cent ($.01) which is less than one half of one cent ($.005) of tax shall not be collected. Any fraction of one cent ($.01) of tax equal to one half of one cent ($.005) or more shall be collected as a whole cent ($.01) of tax.

When several taxable items are purchased together and at the same time, the tax shall be computed on the total amount of the several items less the amount paid for any article or item of tangible personal property specifically exempt under the provisions of Article 20.04 of this Chapter.

The use of tokens or stamps for the purpose of collecting or of enforcing the collection of the tax imposed in this Chapter or for any other purpose in connection with such tax is prohibited.

Sec. (A) amended by Acts 1971, 62nd Leg., p. 1194, ch. 292, art. 1, § 2, eff. July 1, 1971.

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Art. 20.04 Exemptions

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(D) Items Taxed Under Existing Statutes.

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(4) There are exempted from the taxes imposed by this Chapter the receipts from the sale, preparation, or service of mixed beverages or of ice or nonalcoholic beverages, if the receipts are taxable under Section 20d, Article I, Texas Liquor Control Act.[1]

(5) There are also exempted from the taxes imposed by this Chapter the receipts from the sale of alcoholic beverages to the holder of a Private Club Registration Permit, or to his agent or employee, acting as

agent of the members of the club, if the beverages are to be served on the premises of the club.

[1] Vernon's Ann.P.C. art. 666-20d.

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(P) Vessels.

(1) There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of, or the storage, use or other consumption in this State of materials, equipment and machinery which enter into and become component parts of ships, vessels, including commercial fishing vessels, vessels used commercially as vessels for pleasure fishing by individuals as paying passengers thereon, or barges, of fifty (50) tons displacement and over, and the receipts from the sale of such ships, vessels, or barges when sold by the builder thereof, and repair services, renovation, and/or conversion, including labor and materials to such ships, vessels or barges.

(2) The taxes imposed by this Chapter shall not apply to the receipts from the sale, lease or rental of, or the storage, use or other consumption in this State of materials and supplies purchased by the owners or operators of ships or vessels operating exclusively in foreign or interstate coastwise commerce, where such materials and supplies are loaded upon the ship or vessel for use or consumption in the maintenance and operation thereof; or to materials and supplies used in the repair of such ships and vessels where such materials and supplies enter into and become a component part of such ships or vessels.

(3) The taxes imposed by this Chapter shall not apply to the receipts from the sale, lease or rental of, or the storage, use or other consumption in this State of drilling equipment used in the exploration for or production of oil, gas, sulphur, or other minerals when such equipment is built for exclusive use outside the boundaries of the State and is removed forthwith from the State upon completion.

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(Z) There are exempted from the taxes imposed by this Chapter the receipts from the leasing or licensing of motion picture films of any kind to or by motion picture theatres which are subject to admission taxes as imposed by Chapter 21, Title 122A, Revised Civil Statutes of Texas, 1925, as amended, and to or by licensed television stations.

Sec. (D), subsecs. (4), (5) added by Acts 1971, 62nd Leg., 1st C.S. p. 20, ch. 3, § 3, eff. June 8, 1971; Sec. (P) amended by Acts 1971, 62nd Leg., p. 3036, ch. 1001, § 1, eff. Aug. 30, 1971; Sec. (Z) amended by Acts 1971, 62nd Leg., p. 1, ch. 1, § 1, eff. Feb. 5, 1971.

Art. 20.05 Return and Payments

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(B) Method Retailer Is to Use in Computing Tax. The limited sales tax levied under Article 20.02 shall be computed and paid to the Comptroller on the basis of the same percentage rate as is provided in Article 20.02 of this Title, applied to all receipts from the total sales of taxable tangible personal property and taxable services sold by the retailer; provided any retailer who can establish to the satisfaction of the Comptroller that fifty percent (50%) or more of his receipts from the sale of tangible personal property and taxable services arise from individual transactions where the total sales price is twelve cents (12¢) or less may exclude the receipts from such sales when reporting and paying the tax imposed by Article 20.02 of this Chapter. No retailer shall avail himself of this provision without prior written approval of the Comptroller. The Comptroller shall grant such approval when he is satisfied that the retailer qualifies on the basis set forth in this Section and when the retailer has submitted satisfactory evidence that he can and will maintain records adequate to substantiate the exclusion herein authorized.

For Annotations and Historical Notes, see V.A.T.S.

Any attempt on the part of any retailer to exercise this provision without prior written approval of the Comptroller shall be deemed to be a failure and refusal to pay the Limited Sales, Excise and Use Tax and the retailer shall be subject to assessment for back taxes, penalties and interest as provided for in this Chapter.

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(J) Commingled Tax and Receipts. Any retailer who establishes an accounting system under which the amount of tax collected pursuant to this Chapter is commingled with the receipts from the sale of taxable items may determine taxable receipts in the following manner:

(1) He shall subtract from his total receipts the receipts from any sales which are specifically exempt from or otherwise excluded from the tax imposed by this Chapter. The remainder shall consist of the receipts from the sale of taxable items plus the tax collected pursuant to the provisions of this Chapter.

(2) This remainder shall then be divided by 1.04. The answer resulting shall be the taxable gross receipts of the retailer for reporting purposes as prescribed by Section (B) of this Article.

The sole purpose of this Section is to permit the widest possible latitude in the internal accounting system of retailers and to avoid requiring certain retailers to remit to the State a tax computed upon a base which already includes the tax imposed by this Chapter. Nothing herein shall be construed to relieve the retailer of the obligation and duty of collecting the tax in the specific manner prescribed by Article 20.021 of this Chapter.

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Secs. (B), (J) amended by Acts 1971, 62nd Leg., p. 1194, ch. 292, art. 1, §§ 3, 4, eff. July 1, 1971.

CHAPTER 21—ADMISSIONS TAX

Art. 21.04 Penalties

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(2) The State of Texas shall have a prior lien for all delinquent taxes and penalties provided for in this Chapter on all property, real and personal, belonging to the operator of any place of amusement as designated in this Chapter, and the Attorney General of the State of Texas may file suit for the collection of such tax and penalties in any court of competent jurisdiction in Travis County, Texas, and for the foreclosure of such lien, and may enjoin the operation of any such business until such taxes and penalties are paid.

Sec. (2) amended by Acts 1971, 62nd Leg., p. 2808, ch. 910, § 1, eff. June 15, 1971.

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TITLE 123—TIMBER

Art. 7361. [7728] [5245] To be recorded

Repeal

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 7362. [7729] [5246] Written report to be filed

Repeals

Acts 1971, 62nd Leg., p. 2722, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as article 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

TITLE 125A—TRUSTS AND TRUSTEES

IN GENERAL

Art. 7425a—2. Employment of banks by fiduciaries as custodians of securities

Section 1. In this Act, unless the context requires a different definition, "fiduciary" means an executor, administrator, trustees of express trusts, including a corporation or a natural person acting as a fiduciary, and a successor or substitute fiduciary, whether designated in a trust instrument or not.

Sec. 2. (A) In the absence of contrary or limiting provisions in the court order or decree appointing a fiduciary, or in a subsequent order or decree, or in the will, deed or other instrument, every fiduciary is authorized to employ any bank incorporated in this state or any national bank located in this state as custodian of any stock or other securities held as a fiduciary, and the cost thereof, except in the case of a corporate fiduciary, shall be a charge upon the estate or trust. The records of such bank shall at all times show the ownership of such stock or other securities. Such stock or other securities shall at all times be kept separate from the assets of such bank and may be kept by such bank

(1) in a manner such that all certificates representing the securities from time to time constituting the assets of a particular estate, trust or other fiduciary account are held separate from those of all other estates, trusts or accounts; or

(2) in a manner such that, without certification as to ownership attached, certificates representing securities of the same class of the same issuer and from time to time constituting assets of particular estates, trusts or other fiduciary accounts are held in bulk, including, to the extent feasible, the merging of certificates of small denomination into one or more certificates of large denomination, provided that a bank when operating under the method of safekeeping security certificates described in this subparagraph (2), shall be subject to such rules and regulations as, in the case of state chartered institutions, the State Finance Commission and, in the case of national banking associations, the Comptroller of the Currency may from time to time issue. Such bank shall on demand by the fiduciary, certify in writing the securities held by it for such estate, trust or fiduciary account.

(B) Every fiduciary is authorized to cause any stock or other securities (hereinafter referred to as "securities") held by any bank, when acting as fiduciary, whether alone or jointly with an individual, with the consent of the individual fiduciary, if any (who is hereby authorized to give such consent), to be registered and held in the name of a nominee of such bank without disclosure of the fiduciary relationship; and, in the case of an individual acting as fiduciary, to direct any bank located in this state to register and hold any securities deposited with such bank in the name of a nominee of such bank. The bank shall not redeliver such securities to the individual fiduciary, who authorized their registration in the name of a nominee of the bank, without first registering the securities in the name of the individual fiduciary, as such. But, any sale of such securities by the bank at the direction of the individual fiduciary shall not be treated as a redelivery. The bank may make any disposition of such securities which is authorized or directed by an order or decree of the

court having jurisdiction of the estate or trust. Any such bank shall be liable for any loss occasioned by the acts of its nominee with respect to the securities so registered. The records of the bank shall at all times show the ownership of any such securities and of those held in bearer form. Such securities and those held in bearer form shall at all times be kept separate from the assets of the bank and may be kept by such bank

(1) in a manner such that all certificates representing the securities from time to time constituting the assets of a particular estate, trust or other fiduciary account are held separate from those of all other estates, trusts or accounts; or

(2) in a manner such that, without certification as to ownership attached, certificates representing securities of the same class of the same issuer and from time to time constituting assets of particular estates, trusts or other fiduciary accounts are held in bulk, including, to the extent feasible, the merging of certificates of small denomination into one or more certificates of large denomination, provided that a bank, when operating under the method of safekeeping security certificates described in this subparagraph (2), shall be subject to such rules and regulations as, in the case of state chartered institutions, the State Finance Commission and, in the case of national banking associations, the Comptroller of the Currency may from time to time issue. Such bank shall, on demand by any party to an accounting by such bank as fiduciary or on demand by the attorney for such party, certify in writing the securities held by such bank as such fiduciary.

Sec. 3. This Act shall be regarded as permissive and shall be cumulative of all the general laws on the subject.

Acts 1971, 62nd Leg., p. 3037, ch. 1002, eff. Aug. 30, 1971.

Title of Act:

An Act in relation to a bank as custodian employed by a fiduciary and to property held by such custodian; and declaring an emergency. Acts 1971, 62nd Leg., p. 3037, ch. 1002.

Art. 7425b—29. Corporate distributions

(a) Corporate distributions of shares of the distributing corporation, including distributions in the form of a stock split or stock dividend, are principal. A right to subscribe to shares or other securities issued by the distributing corporation accruing to stockholders on account of their ownership and the proceeds of any sale of the right are principal.

(b) Except to the extent that the corporation indicates that some part of a corporate distribution is a settlement of preferred or guaranteed dividends accrued since the trustee became a stockholder or is in lieu of an ordinary cash dividend, a corporate distribution is principal if the distribution is pursuant to

(1) a call of shares;

(2) a merger, consolidation, reorganization, or other plan by which assets of the corporation are acquired by another corporation; or

(3) a total or partial liquidation of the corporation, including any distribution which the corporation indicates is a distribution in total or partial liquidation or any distribution of assets, other than cash, pursuant to a court decree or final administrative order by a government agency ordering distribution of the particular assets.

(c) Distributions made from ordinary income by a regulated investment company or by a trust qualifying and electing to be taxed under federal law as a real estate investment trust are income. All other distributions made by the company or trust, including distributions from capital gains, depreciation, or depletion, whether in the form of cash or an option to take new stock or cash or an option to purchase additional shares, are principal.

For Annotations and Historical Notes, see V.A.T.S.

(d) Except as provided in Subsections (a), (b), and (c), all corporate distributions are income, including cash dividends, distributions of or rights to subscribe to shares or securities or obligations of corporations other than the distributing corporation, and the proceeds of the rights or property distributions. Except as provided in Subsections (b) and (c), if the distributing corporation gives a stockholder an option to receive a distribution either in cash or in its own shares, the distribution chosen is income.

(e) The trustee may rely upon any statement of the distributing corporation as to any fact relevant under any provision of this Article concerning the source or character of dividends or distributions of corporate assets.

(f) This Act shall be applicable only to trusts created after the effective date of the Texas Trust Act, and shall not be construed to have any effect on trusts created prior to the effective date of the Texas Trust Act, Acts 1943, 48th Legislature, Page 232, Chapter 148. No provision of this Act shall be construed to alter the intent of any testator or testatrix as expressed in any testamentary instrument whether executed before or after the effective date of such Texas Trust Act and this Act. Amended by Acts 1971, 62nd Leg., p. 2914, ch. 965, § 1, eff. June 15, 1971.

CHARITABLE TRUSTS [NEW]

Art. 7425e. Amendment of charitable trusts

Amendment by operation of law

Section 1. Notwithstanding any provision in the laws of this State (including, but not limited to, Title 125A, Vernon's Texas Civil Statutes) [1] or in the governing instrument to the contrary (except as provided in Section 2 of this Act), the governing instrument of each trust which is a private foundation described in Section 509 of the Internal Revenue Code of 1954 [2] (including each nonexempt charitable trust described in Section 4947(a) (1) of the Code [3] which is treated as a private foundation) and the governing instrument of each nonexempt split-interest trust described in Section 4947(a) (2) of the Code [4] (but only to the extent that Section 508(e) of the Code [5] is applicable to such nonexempt split-interest trust under Section 4947(a) (2) of the Code)[4] shall be deemed to contain the following provisions: "The trust shall make distributions at such time and in such manner as not to subject the trust to tax under Section 4942 of the Internal Revenue Code of 1954 [6]; the trust shall not engage in any act of self-dealing which would be subject to tax under Section 4941 of the Code [7]; the trust shall not retain any excess business holdings which would subject it to tax under Section 4943 of the Code [8]; the trust shall not make any investments which would subject it to tax under Section 4944 of the Code [9]; and the trust shall not make any taxable expenditures which would subject it to tax under Section 4945 of the Code.[10]" With respect to any such trust created prior to January 1, 1970, this Section 1 shall apply only for its taxable years beginning on or after January 1, 1972.

Election to avoid amendment by law

Sec. 2. The trustee of any trust described in Section 1 of this Act (with the consent of the trustor, if then living and competent to give consent) may, without judicial proceedings, amend such trust to expressly exclude the application of Section 1 of this Act by executing a written amendment to the trust and filing a duplicate original of such amendment with the Attorney General of Texas, and upon filing of such amendment, Section 1 of this Act shall not apply to such trust.

Permissive amendment by trustee

Sec. 3. The trustee of any trust described in Section 1 of this Act (with the consent of the trustor, if then living and competent to give con-

sent) may, without judicial proceedings, amend the governing instrument to expressly include the provisions required by Section 508(e) of the Code by executing a written amendment to the trust and filing a duplicate original of such amendment with the Attorney General of Texas.

Definitions

Sec. 4. A. The definitions of "trust," "trustee" and "trustor" contained in the Texas Trust Act shall apply to such terms as used in this Act; provided that "trust" shall include any trust, regardless of when created.

B. All references in this Act to "the Code" are to the Internal Revenue Code of 1954, and all references in this Act to specific sections of the Code include corresponding provisions of any subsequent Federal tax laws.

Severability

Sec. 5. If any word, phrase, clause, paragraph, sentence, part, portion or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid of unconstitutional, the remainder of this Act shall nevertheless be valid, and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision. All of the terms and provisions of this Act are to be liberally construed to effectuate the purposes, powers, rights, functions and authorities herein set forth.

Acts 1971, 62nd Leg., p. 886, ch. 117, eff. May 10, 1971.

[1] Article 7425a et seq.
[2] 26 U.S.C.A. (I.R.C.1954) § 509.
[3] 26 U.S.C.A. (I.R.C.1954) § 4947(a) (1).
[4] 26 U.S.C.A. (I.R.C.1954) § 4947(a) (2).
[5] 26 U.S.C.A. (I.R.C.1954) § 508(e).
[6] 26 U.S.C.A. (I.R.C.1954) § 4942.
[7] 26 U.S.C.A. (I.R.C.1954) § 4941.
[8] 26 U.S.C.A. (I.R.C.1954) § 4943.
[9] 26 U.S.C.A. (I.R.C.1954) § 4944.
[10] 26 U.S.C.A. (I.R.C.1954) § 4945.

Title of Act:

An Act to amend the governing instruments of private foundations and nonexempt split-interest trusts to require certain distributions, prohibit certain self-dealing, prohibit excess business holdings, describe authorized investments, and prohibit certain expenditures; enacting other provisions relating to the subject; providing a severability clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 886, ch. 117.

TITLE 128—WATER

I. IRRIGATION AND WATER RIGHTS

CHAPTER ONE—USE OF STATE WATER

Acts 1971, 62nd Leg., p. 110, ch. 58, enacts a new Texas Water Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective August 30, 1971.

1. PUBLIC RIGHTS

Arts. 7466 to 7466f. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7466g to 7466i. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

2. TEXAS WATER RIGHTS COMMISSION

Art. 7467. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Art. 7467c. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Art. 7467d. Repealed by Acts 1971, 62nd Leg., p. 1984, ch. 612, art. 2, § 4

Article 7467d related to the authority of the water rights commission to issue emergency permits for the diversion and use of water. It was derived from Acts 1971, 62nd Leg., p. 1691, (H.B. No. 1418) ch. 484, § 1, which was codified as section 5.1371 of the Texas Water Code by Acts 1971, 62nd Leg., p. 1974, ch. 612, art. 1, § 1.

Arts. 7468 to 7470. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7470b to 7474. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Art. 7475. Repealed by Acts 1967, 60th Leg., p. 852, ch. 360, § 2, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 7476 to 7477d. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Art. 7489. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Art. 7492. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58 § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 7493 to 7495. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7500 to 7511. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7513 to 7532. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Art. 7533. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 7535 to 7537b. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

3. REGULATION OF USE

Arts. 7538 to 7544. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

For Annotations and Historical Notes, see V.A.T.S.

Arts. 7547 to 7551. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7554 to 7563. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7565 to 7568. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7570 to 7576. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7578 to 7583. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7585 to 7621. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

4. POLLUTION

Art. 7621b. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Art. 7621d—1. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Art. 7621d—2. Gulf Coast Waste Disposal Authority

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SUBCHAPTER 3. POWERS AND DUTIES

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Contracts generally

Sec. 3.23.

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(b) Any construction or repair contract, or contract for the purchase of material, equipment or supplies, or any contract for services (other than technical, scientific, legal, fiscal or other professional services) shall be awarded to the lowest and best bidder therefor, after publication of a notice to bidders once each week for three consecutive weeks before the date set for awarding the contract, if the contract will require an estimated expenditure of more than $10,000, or if the contract is for a term of more than two years. In the event of an emergency, the authority may let such contracts as are necessary to protect and preserve the public health and welfare or the properties of the authority, without such bidding procedures.

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SUBCHAPTER 4. GENERAL FISCAL PROVISIONS

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Fiscal year and audit by state auditor

Sec. 4.04.

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(b) The board shall keep separate books and accounts of all money received from the State of Texas, and the state auditor shall audit annually such books and accounts in a manner enabling him to report to the Legislature the manner and purpose of the expenditure of the authority's money received from the state during each fiscal year.

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Accounts and independent audit

Sec. 4.07 (a) The authority shall keep a complete system of accounts and an audit of its affairs (except as provided in Section 4.04(b) above) for each year shall be prepared by an independent certified public accountant, or a firm of independent certified public accountants, of recognized integrity and ability selected by the board. The cost of said audit shall be paid by the authority.

(b) The authority shall file copies of the independent audit with the Governor of the State of Texas, the quality board, and the commissioners court of each county in the district; and the board shall keep at least one copy of such audit at the office of the district open to inspection by any interested person during normal office hours.

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SUBCHAPTER 5. BOND AND TAX PROVISIONS

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Tax limit

Sec. 5.08. The maximum rate of tax which may be levied by the board in any fiscal year for all purposes, other than taxes levied pursuant to Section 6.05, shall not exceed ten cents (10¢) on each $100 of assessed valuation of taxable property.

Bonds as legal investments and security for deposits

Sec. 5.09. All bonds and refunding bonds of the authority shall be and are hereby declared to be legal, eligible and authorized investments for banks; savings and loan associations; insurance companies; fiduciaries; trustees; the sinking funds of cities, towns, villages, counties, school districts, or any other political corporations or 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 and refunding bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, 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 face value, when accompanied by all unmatured coupons appurtenant thereto.

SUBCHAPTER 6. POLLUTION CONTROL DISTRICTS

Authority to establish; purpose

Section 6.01. The authority may establish one or more 'Pollution Control Districts' for the purpose of accomplishing any of the powers, purposes, rights, privileges or authority vested in the authority.

Procedure for establishing districts; resolution; public hearing; election

Sec. 6.02. (a) Pollution Control Districts may be established by the procedures contained in this Section.

(1) The board may adopt a resolution calling for the creation of a Pollution Control District, defining the boundaries thereof, estimating the principal amount of and stating the purpose of bonds proposed to be issued by the authority on behalf of the proposed Pollution Control District, declaring that taxes for the payment of the proposed bonded indebtedness shall be levied exclusively upon the taxable property within the proposed Pollution Control District, and fixing a time and place for a public hearing on the matters set out in the resolution; or

(2) The board may adopt a resolution calling for the creation of a Pollution Control District, defining the boundaries thereof, declaring that taxes for the maintenance of the authority and its improvements shall be levied upon the taxable property within the proposed Pollution Control District, and fixing a time and place for a public hearing on the matters set out in the resolution.

(b) The resolutions authorized by Section 6.02. (a) may be adopted simultaneously and simultaneous hearings on proposed bond and maintenance taxes may be held.

(c) The public hearing may be conducted by a quorum of the board of directors, or one or more directors, or one or more employees who may be designated by the board. If someone other than a quorum of the board conducts the hearing, he shall have power to accept evidence and make recommendations upon which the board may act. The board may alter, modify or change any provision of the resolution calling for the creation of the proposed Pollution Control District subsequent to the public hearing; provided, however, that the boundaries of the Pollution Control District may not be enlarged or expanded without further notice as hereinafter provided.

(d) Notice of the public hearing shall be published in a newspaper of general circulation within the proposed Pollution Control District once not less than fifteen (15) nor more than thirty (30) days prior to the public hearing. To the extent not inconsistent with the provisions hereof, notice of the public hearing shall also comply with Article 6252—17, Vernon's Texas Civil Statutes, as amended.

(e) All public hearings on creation of a Pollution Control District shall be held within the boundaries of the proposed Pollution Control District, and may be held concurrently or in connection with any other public hearing, meeting or proceeding conducted by the board.

(f) Any interested person, including persons residing or owning property within the authority, may appear at the public hearing and present evidence relevant to the matter set forth in the resolution calling for the creation of the proposed Pollution Control District. All persons residing within or owning property within the proposed Pollution Control District shall have the right to appear at the public hearing and present evidence with regard to whether they will receive benefits from the proposed improvements or taxation. Failure to appear at the public hearing shall constitute a waiver of all objections which the absent party might have had to all matters set forth in the resolution calling for the creation of the proposed Pollution Control District.

(g) The board shall review the findings and recommendations resulting from the public hearing, and may adopt a resolution creating the Pollution Control District, stating the purposes for which the Pollution Control District has been created, designating the boundaries of the Pollution Control District, declaring that the indebtedness to be incurred or the cost of services to be rendered by the authority for the benefit of the Pollution Control District shall be payable from taxes levied upon property within the Pollution Control District, finding that the property within the Pollution Control District will benefit from the indebtedness proposed to be incurred or the services proposed to be rendered by the authority on its behalf, and calling for an election within the Pollution Control District to authorize said indebtedness and/or said maintenance tax. Said resolution shall further state the date of the election, the proposition or propositions to be voted on, the location of the polling places, and the names of the officers of the election. Said election may be held in conjunction with a general election or any special election other than a primary election. The provisions of the Texas Election Code shall govern the election unless contrary to any provision of this Act.

(h) The resolution of the board creating a Pollution Control District shall be final and conclusive, and shall not be subject to review by any court except upon the basis of whether the resolution is supported by substantial evidence. Said resolution shall be filed in the deed records of the county or counties wherein the territory within the Pollution Control District is situated. Any action or proceeding wherein the validity of the board's resolution creating a Pollution Control District or of the proceedings relative thereto is contested, questioned or denied, shall be commenced within thirty (30) days from the effective date of the resolution; otherwise, said resolution and all proceedings relative thereto, including the creation of the Pollution Control District, shall be held to be valid and in every respect legal and incontestable.

Boundaries; annexation proceedings

Sec. 6.03. (a) The boundaries of a Pollution Control District may include any territory within the authority, whether or not the territory contains non-contiguous parcels of land, and whether or not the territory is located within the boundaries of any incorporated city, town, village, or any other governmental entity or political subdivision of the State of Texas. If any portion of the territory of a proposed Pollution Control District falls within the boundaries or within the exclusive extraterritorial jurisdiction of an incorporated city, town or village, the board shall not create said Pollution Control District until it has obtained the consent of said city, town or village. Said consent may contain such conditions as may be mutually agreed upon by the authority and said city, town or village, and shall be evidenced by a duly enacted ordinance of the governing body of said city, town or village.

For Annotations and Historical Notes, see V.A.T.S.

(b) Proceedings for the annexation of territory to an existing Pollution Control District may be initiated by a resolution of the board, or by a petition signed by the owners of 50% or more of the value of the land subject to the proceedings, or by a petition signed by a majority of the residents of the land to be annexed. The petition shall, insofar as is practicable, set forth substantially those matters set forth in a resolution calling for the creation of a Pollution Control District, and shall request a public hearing by the board on the matters set out in the petition. The public hearing shall be held in substantial compliance with the provisions set forth herein for a public hearing on creation of a Pollution Control District. If the board determines that the annexation should be accomplished, it may adopt a resolution calling separate elections on the matter of annexation to be held within the existing Pollution Control District and within the land to be annexed. The annexation shall not become final until approved by a majority of the qualified voters within the existing Pollution Control District, and until a majority of the qualified voters within the boundaries of the land to be annexed approve said annexation and elect to allow the land to be annexed to be taxed for maintenance purposes and/or to assume its pro rata share of indebtedness theretofore authorized and/or taxes necessary to support the voted but unissued tax or tax-revenue bonds of the authority which are to be issued on behalf of the existing Pollution Control District, and authorize the board to levy a tax on the property therein for payment for such unissued bonds, when issued. Said elections shall conform to the Texas Election Code, insofar as said Code is not inconsistent with the provisions of this Act. The board's resolution canvassing the returns of such elections shall redefine the boundaries of the Pollution Control District and shall be recorded in the deed records of the county within which the annexed territory lies.

(c) Proceedings for the addition of territory to an existing Pollution Control District on which less than three (3) qualified voters reside may be initiated by a petition signed by the owner or owners thereof praying that the land described therein be added thereto and become a part thereof. The petition shall, insofar as applicable set forth substantially those matters set forth in a resolution calling for the creation of a Pollution Control District and shall request a public hearing by the board on the matters set out in the petition. The public hearing shall be held in substantial compliance with provisions set forth herein for a public hearing on creation of a Pollution Control District. If the board determines that the addition should be accomplished, it may adopt a resolution adding such land. If taxes or bonds have been authorized within the Pollution Control District prior to the addition of said land, said resolution adding the land shall be temporary and the addition shall not become final until approved by a majority of the qualified voters within the Pollution Control District as it exists after said addition. Such election shall be held as soon as practicable after said addition on the proposition of approving said addition, ratifying the unissued tax or tax-revenue bonds of the authority which are to be issued on behalf of the Pollution Control District, and to authorize the board to levy a tax on the property within the Pollution Control District as enlarged for payment of said unissued bonds when issued and/or for the maintenance of the authority. Such election shall conform to the Texas Election Code so far as such Code is not inconsistent with the provisions of this Act. The board's resolution canvassing the returns of such election or adding the territory shall redefine the boundaries of the Pollution Control District and shall be recorded in the deed records of the county within which the added territory lies.

Bonds; maintenance tax

Sec. 6.04. (a) If the qualified voters in the elections called pursuant to Section 6.02 and/or Section 6.03 authorize the authority to incur indebtedness for the benefit of a Pollution Control District, the board

shall have authority to issue bonds as provided in Subchapter 5 of this Act; provided, however, that taxes levied for the purpose of making payments of the interest on or principal of said bonds shall be levied only on taxable property within the Pollution Control District.

(b) Notwithstanding any provision of this Act to the contrary, if the qualified voters in the elections called pursuant to Section 6.02 or Section 6.03 authorize the authority to levy and collect ad valorem taxes for the maintenance of the authority and its improvements, the board shall have authority to levy, assess and collect said maintenance tax as provided in Subchapter 5 of this Act; provided, however, that said maintenance tax shall be levied only on taxable property within the Pollution Control District.

Indebtedness authorized; taxes

Sec. 6.05. The board may incur all such indebtedness as may be necessary to provide all improvements, and the maintenance thereof, requisite to the achievement of the purposes for which any Pollution Control District is organized, and the authority is authorized to levy and collect all such taxes as may be necessary for the payment of the interest thereon and the creation of a sinking fund for the payment thereof, and such taxes shall be a lien upon the property assessed for the payment thereof.

Acts 1969, 61st Leg., p. 1336, ch. 409, § 1, eff. Sept. 1, 1969. Sec. 3.23 (b) amended by Acts 1971, 62nd Leg., p. 1028, ch. 202, § 1A eff. May 13, 1971; Secs. 4.04(b), 4.07, 5.08 amended by Acts 1971, 62nd Leg., p. 1028, ch. 202, §§ 1B, 1C, 1D, eff. May 13, 1971; Sec. 5.09 added by Acts 1971, 62nd Leg., p. 1028, ch. 202, § 1E, eff. May 13, 1971; Secs. 6.01–6.05 added by Acts 1971, 62nd Leg., p. 1029, ch. 202, § 1F, eff. May 13, 1971.

Sections 2 and 3 of the 1971 amendatory Act provided:

"Sec. 2. The Legislature specifically finds and declares that the requirements of Article XVI, Section 59(d) of the Constitution of the State of Texas have been done and accomplished in due course and time, and in due order, and that the Legislature has the power and authority to enact this Act.

"Sec. 3. If any word, phrase, clause, paragraph, sentence, part, portion or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid, and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision. All of the terms and provisions of this Act are to be liberally construed to effectuate the purposes, powers, rights, functions and authorities herein set forth."

Art. 7621e. Water Well Drillers Act

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Appeal of board action

Sec. 9. Appeal of Board Action.

(a) A person affected by any ruling, order, decision or other act of the Board may appeal by filing a petition in the District Court in the county in which the alleged violation occurred.

(b) Petition must be filed within thirty (30) days after the date of the Board's action, or, in case of a ruling, order, or decision, within thirty (30) days after its effective date.

(c) Service of citation on the Board must be accomplished within thirty (30) days after the date the petition was filed. Citation may be served on the Executive Director of the Water Development Board or on any member of the Water Well Drillers Board.

(d) The plaintiff shall pursue his action with reasonable diligence.

(e) Any ruling of the Board may be appealed in the same manner as appeals from the justice court to the county court. All administrative or executive action taken prior to the filing of the suit shall continue in

force and effect until the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy.

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Penal provisions

Sec. 13. Any person who fails to comply with the provisions of this Act, or with any rule or regulation promulgated by the board or the commission under this Act, or with any term, condition or provision in his permit issued pursuant to this Act, shall be subject to a civil penalty in any sum not exceeding One Thousand Dollars ($1,000) for each day of noncompliance and for each act of noncompliance, as the court may deem proper. The action may be brought by the board or the commission, as appropriate, in any court of competent jurisdiction in the county where the offending activity is occurring or where the defendant resides. Full authority is also given the board or commission, as appropriate, to enforce by injunction, mandatory injunction or other appropriate remedy, in courts having jurisdiction in the county where the offending activity is occurring, any and all reasonable rules and regulations promulgated by it which do not conflict with any law, and all of the terms, conditions and provisions of permits issued by the board or commission pursuant to the provisions of this Act. At the request of the board or the commission, the Attorney General shall institute and conduct a suit in the name of the State of Texas for injunctive relief or to recover the civil penalty, or for both the injunctive relief and civil penalty, authorized in this section. Any party to a suit may appeal from a final judgment as in other civil cases. The obtaining of a permit under the provisions of this Act by a person shall not act to relieve that person from liability under any statutory law or the Common Law.

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Acts 1965, 59th Leg., p. 509, ch. 264, eff. Aug. 30, 1965. Sec. 7(a) amended by Acts 1969, 61st Leg., p. 1180, ch. 376, § 1, eff. Sept. 1, 1969; Sec. 14 amended by Acts 1969, 61st Leg., p. 1180, ch. 376, § 2, eff. Sept. 1, 1969; Sec. 9 amended by Acts 1971, 62nd Leg., p. 1410, ch. 388, § 1, eff. Aug. 30, 1971; Sec. 13 amended by Acts 1971, 62nd Leg., p. 1409, ch. 387, § 1, eff. Aug. 30, 1971.

Art. 7621g. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

CHAPTER TWO—WATER IMPROVEMENT DISTRICTS

Acts 1971, 62nd Leg., p. 110, ch. 58, enacts a new Texas Water Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective August 30, 1971.

Art. 7622. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 7622b to 7634. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7635 to 7641. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7642 to 7652a. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7653 to 7684. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7685 to 7700a. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7701 to 7718. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Art. 7718b. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 7719 to 7731. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7737a to 7775b. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd, Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7775c—1 to 7792. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

For Annotations and Historical Notes, see V.A.T.S.

Arts. 7795 to 7807a. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Art. 7807e. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Art. 7807m. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

CHAPTER THREE—WATER CONTROL AND PRESERVATION DISTRICTS

Art. 7855. Contract: payment

(a) The District shall pay the contract price of such contracts as hereinafter provided:

(b) The directors shall draw a voucher on the District depository for the amount of any payments in favor of the contractor or his assignee. Said vouchers shall be paid out of the Construction and Maintenance Fund. The District will make progress payments monthly as the work proceeds, or at more frequent intervals as determined by the district engineer, on estimates approved by the district engineer. If requested by the district engineer, the contractor shall furnish a breakdown of the total contract price showing the amount included therein for each principal category of the work, in such detail as requested, to provide a basis for determining progress payments. In the preparation of estimates the district engineer, at his discretion, may authorize material delivered on the site and preparatory work done to be taken into consideration. Material delivered to the contractor at locations other than the site may also be taken into consideration (1) if such consideration is specifically authorized by the contract and (2) if the contractor furnishes satisfactory evidence that he has acquired title to such material and that it will be utilized on the work covered by this contract.

(c) In making such progress payments, there shall be retained 10 percent of the estimated amount until final completion and acceptance of the contract work. However, if the directors, at any time after 50 percent of the work has been completed, find that satisfactory progress is being made, they may authorize any of the remaining progress payments to be made in full. Also, whenever the work is substantially complete, the directors, if they consider the amount retained to be in excess of the amount adequate for the protection of the district, at their discretion, may release to the contractor all or a portion of such excess amount. Furthermore, on completion and acceptance of each separate project, public work, or other division of the contract, on which the price is stated separately in the contract, payment may be made therefor without retention of a percentage.

Amended by Acts 1971, 62nd Leg., p. 2775, ch. 899, § 1, eff. June 14, 1971.

CHAPTER THREE A—WATER CONTROL AND IMPROVEMENT DISTRICTS

Acts 1971, 62nd Leg., p. 110, ch. 58, enacts a new Texas Water Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective August 30, 1971.

Art. 7880—1. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 7880—2 to 7880—3b1. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7880—3c to 7880—20. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7880—21 to 7880—38. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7880—39 to 7880—75b. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7880—75d, 7880—76. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7880—77 to 7880—90b. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

For Annotations and Historical Notes, see V.A.T.S.

Arts. 7880—91 to 7880—119. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Art. 7880—120. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Article 7880-120 was amended by Acts 1971, 62nd Leg., p. 2774, ch. 898, § 1, effective June 14, 1971, to read:

"(a) The District shall pay the contract price of such contracts as hereinafter provided.

"(b) The District will make progress payments monthly as the work proceeds, or at more frequent intervals as determined by the district engineer, on estimates approved by the district engineer. If requested by the district engineer, the contractor shall furnish a breakdown of the total contract price showing the amount included therein for each principal category of the work, in such detail as requested, to provide a basis for determining progress payments. In the preparation of estimates the district engineer, at his discretion, may authorize material delivered on the site and preparatory work done to be taken into consideration. Material delivered to the contractor at locations other than the site may also be taken into consideration (1) if such consideration is specifically authorized by the contract and (2) if the contractor furnishes satisfactory evidence that he has acquired title to such material and that it will be utilized on the work covered by this contract.

"(c) In making such progress payments, there shall be retained 10 percent of the estimated amount until final completion and acceptance of the contract work. However, if the directors, at any time after 50 percent of the work has been completed, find that satisfactory progress is being made, they may authorize any of the remaining progress payments to be made in full. Also, whenever the work is substantially complete, the directors, if they consider the amount retained to be in excess of the amount adequate for the protection of the district, at their discretion, may release to the contractor all or a portion of such excess amount. Furthermore, on completion and acceptance of each separate project, public work, or other division of the contract, on which the price is stated separately in the contract, payment may be made therefor without retention of a percentage."

Arts. 7880—121 to 7880—147a. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7880—147b to 7880—147c6a. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7880—147p to 7880—147t. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

CHAPTER FOUR—FRESH WATER SUPPLY DISTRICTS

1. ESTABLISHMENT

Acts 1971, 62nd Leg., p. 110, ch. 58, enacts a new Texas Water Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective August 30, 1971.

Arts. 7881 to 7887. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7888 to 7893. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7894 to 7899a. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

2. BOARD OF SUPERVISORS

Arts. 7900 to 7914. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

3. POWERS OF DISTRICTS

Arts. 7915 to 7930. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 7930—2 to 7930—4. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Art. 7930—5. Repealed by Acts 1971, 62nd Leg., p. 660, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

4. BONDS

Arts. 7931 to 7941a. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

For Annotations and Historical Notes, see V.A.T.S.

Art. 7941c. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 7942 to 7959a. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

II. LEVEES

CHAPTER FIVE—STATE RECLAMATION ENGINEER

Acts 1971, 62nd Leg., p. 110, ch. 58, enacts a new Texas Water Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective August 30, 1971.

Art. 7960. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 7962 to 7971. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

CHAPTER SIX—LEVEE IMPROVEMENT DISTRICTS

Acts 1971, 62nd Leg., p. 110, ch. 58, enacts a new Texas Water Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective August 30, 1971.

1. ESTABLISHMENT

Arts. 7972 to 8027. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 8029 to 8030. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

2. ALTERNATE METHOD

Arts. 8031 to 8042. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

III. DRAINAGE

CHAPTER SEVEN—DRAINAGE DISTRICTS

Acts 1971, 62nd Leg., p. 110, ch. 58, enacts a new Texas Water Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective August 30, 1971.

1. ESTABLISHMENT

Art. 8097. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 8098 to 8152. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 8153 to 8161a. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Art. 8161c. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Art. 8161d. Drainage districts in counties of 108,000 to 109,000

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Purchase of supplies and equipment without bids

Sec. 2. Commissioners of drainage districts are authorized to contract for work to be performed for the maintenance, enlargement, extension or improvement of the district's property or of the drainage system and to purchase, rent, use, operate and maintain equipment, material and supplies for such purposes; provided that if the cost of work to be performed under contract or the cost of equipment, material and supplies does not exceed One Thousand and No/100 Dollars ($1,000.00), it shall not be necessary to take bids therefor. Before any payment is made on such expenditures of a drainage district, a requisition in triplicate shall be issued and signed by the drainage commissioners, one (1) copy to be

For Annotations and Historical Notes, see V.A.T.S.

delivered to the person, firm or corporation to whom such payment is made, one (1) copy to be approved by the County Judge and delivered to the County Treasurer, and one (1) copy to remain on file with the commissioners of the drainage district.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 1949, ch. 590, § 1, eff. June 2, 1971.

* * * * * * * * * * *

Compensation of commissioners; accounts; automobile allowance

Sec. 8. The commissioners of drainage districts shall receive for their services not more than Fifteen and no/100 Dollars ($15.00) per day for the time actually engaged in the work of their district, which compensation shall be fixed by an order of the Commissioners Court. Before the accounts of such commissioners shall be approved by the Commissioners Court such commissioners shall first submit a detailed report in writing under oath, to the Commissioners Court of their county showing the time actually consumed in the work for said district, and describing the work done, and such reports shall be audited and allowed by the Commissioners Court in such amount as it may determine; and upon application therefor in writing by the commissioners of drainage districts, Commissioners Court may allow commissioners of such drainage districts for work thereafter to be done and services thereafter to be performed an additional sum not to exceed Two and 50/100 Dollars ($2.50) per day; and such courts may upon written application therefor permit an automobile or automobiles to be used by such commissioners in the discharge of their duties and an allowance not to exceed Seven and 50/100 Dollars ($7.50) per day for their use, expense, oil, gas, repairs, and upkeep of each automobile so permitted to be used; provided that such court, after having heard such applications, may deny or grant the same in whole or in part and shall enter their written orders in the premises fixing the amount of such allowance or allowances within the limits aforesaid, stating the reasons and necessity therefor and fixing the number of days in which allowances are to be in effect.

Sec. 8 amended by Acts 1971, 62nd Leg., p. 1949, ch. 590, § 2, eff. June 2, 1971.

Application of law

Sec. 9. The provisions of this Act shall apply only to counties having a population of not less than 108,000 nor more than 109,000, according to the last preceding federal census.

Sec. 9 amended by Acts 1971, 62nd Leg., p. 1950, ch. 590, § 3, eff. June 2, 1971.

Section 4 of the 1971 amendatory act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes."

Arts. 8162 to 8176. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Art. 8176a. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Section 5 of article 8176a was amended by Acts 1971, 62nd Leg., p. 2506, ch. 825, § 1, effective June 9, 1971, to read:

"Sec. 5. By resolution duly passed at a meeting of the Commissioners Court of any county in which is wholly located any drainage district or districts, and by resolution duly passed at a meeting of the commissioners of any such drainage dis-

trict or districts, such county and drainage district or districts may adopt the provisions of this section and from and after the adoption hereof by said Commissioners Court and by such drainage district or districts, any and all functions, powers, rights, and duties exercised by or pertaining to the commissioners of such drainage district or districts shall be transferred to, vest in, and be thereafter exercised by the Commissioners Court of the county within which said drainage district or districts are wholly situated. The Commissioners Court of said county shall thereafter be the sole governing body of such drainage district or districts with the powers, functions, rights, and duties aforesaid and the members of said Commissioners Court shall not be entitled to any compensation by reason thereof, except, however, the members of the said Commissioners Court may be authorized, by resolution duly passed at a meeting of said governing body of such drainage district, to receive an allowance not to exceed the sum of One Hundred Fifty Dollars ($150.00) per month for travel expense incurred by the said commissioners incident to the discharge of their duties as a member of the governing body of such drainage district."

Art. 8176c. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

2. DISSOLUTION

Arts. 8177 to 8193. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

IV. CONSERVATION AND RECLAMATION

CHAPTER EIGHT—CREATION OF DISTRICTS

Art.
8197d—1. Validation of conservation and reclamation districts [New].

Acts 1971, 62nd Leg., p. 110, ch. 58, enacts a new Texas Water Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective August 30, 1971.

Art. 8194. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 8195 to 8197. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 8197b, 8197c. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

For Annotations and Historical Notes, see V.A.T.S.

Art. 8197d—1. Validation of conservation and reclamation districts

Section 1. All proceedings and actions had and taken in the creation of any conservation and reclamation district created under the provisions of Article XVI, Section 59 of the Constitution of Texas, including districts created by special act of the Legislature which adopted in part the general laws applicable to any such conservation and reclamation district, the appointment or election of directors or the governing body of such districts, and all proceedings and actions had and taken by the board of directors or governing body of such districts in organizing, selecting officers, adding or annexing land or excluding land, authorizing, selling and issuing bonds of such districts and all proceedings and actions relating to any of the foregoing, are hereby in all things and all respects ratified, confirmed, approved and validated, notwithstanding that any of the aforementioned proceedings and actions may not in all respects have been had in accordance with statutory provisions.

Sec. 2. The creation and organization of all of such conservation and reclamation districts and all proceedings relating thereto are hereby in all things and all respects ratified, confirmed, approved and validated, notwithstanding that same may not in all respects have been accomplished in accordance with statutory provisions.

Sec. 3. All bonds heretofore voted, authorized, approved, sold or issued by any such conservation and reclamation district for any purpose, and all elections at which bonds were voted for any purpose, are hereby in all things and all respects ratified, confirmed, approved and validated notwithstanding the fact that the governing body of such district may have failed to comply with all statutory requirements, and notwithstanding that any hearing or election held by any such district may not in all respects have been ordered and held in accordance with statutory provisions. When the Attorney General has approved such bonds, and they have been registered by the Comptroller of Public Accounts of the State of Texas, and sold and delivered, they shall be binding, legal, valid and enforceable obligations of any such district, and said bonds shall be incontestable. Provided, however, that this Act shall apply only to such bonds as were authorized at an election or elections wherein at least a majority of the qualified property taxpaying voters, owning property in the district subject to taxation, voting thereat, voted in favor of the issuance of the bonds.

Sec. 4. This Act shall not be construed as validating any proceeding or bonds issued or to be issued, the validity of which is contested or under attack in any suit or litigation pending at the time this Act becomes effective, if such suit or litigation is ultimately determined against the validity thereof.

Sec. 5. If any word, phrase, sentence or portion of this Act is for any reason held unconstitutional, the unconstitutionality thereof shall not affect the remaining words, phrases, sentences or portions of the Act.

Acts 1971, 62nd Leg., p. 2396, ch. 750, eff. June 8, 1971.

Title of Act:

An Act ratifying, confirming, approving and validating the creation and organization of conservation and reclamation districts created under the provisions of Article XVI, Section 59 of the Constitution of Texas, including districts created by special legislative act which adopted in part the general laws applicable to such conservation and reclamation districts, all proceedings and actions taken by the board of directors or governing bodies of such districts in organizing, selecting officers, adding or annexing land or excluding land, authorizing, selling or issuing bonds of such districts; all bonds heretofore voted, authorized, approved, sold or issued by any such district, and related matters; providing a non-litigation clause; providing a saving clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 2396, ch. 750.

Art. 8197e. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Art. 8197f. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

V. NAVIGATION

CHAPTER NINE—NAVIGATION DISTRICTS

Acts 1971, 62nd Leg., p. 110, ch. 58, enacts a new Texas Water Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective August 30, 1971.

1. ORGANIZATION

Art. 8198. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 8199 to 8228. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

2. SPECIAL POWERS

A. PORT FACILITIES

Arts. 8229 to 8235. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 8236 to 8247b—1. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 8247d, 8247e. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

3. GENERAL PROVISIONS

Arts. 8258 to 8263a. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 8263d, 8263e. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Arts. 8263g, 8263h. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

VI. GENERAL PROVISIONS

CHAPTER ELEVEN—IN GENERAL

Acts 1971, 62nd Leg., p. 110, ch. 58, enacts a new Texas Water Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective August 30, 1971.

Art. 8280—1. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Art. 8280—3.2 Water control improvement districts; exclusion of urban property

Section 1. As used in this Act:

(a) "Urban property" means land which has been subdivided into town lots, or town lots and blocks, or small parcels of the same general nature of town lots, or town blocks and lots, designed, intended or suitable for residential or other nonagricultural purposes, as distinguished from farm acreage, including streets, alleys, parkways, parks and railroad property and rights-of-way in such subdivision; whether such subdivision be within or near any established city, town or village, or not; and whether or not a plat or map of such subdivision has been duly filed for record and recorded in the office of the county clerk of the county in which such subdivision or any part thereof is situated. Urban property

shall not be deemed to include land, which is or has been within one year previous to the date of the hearing hereinafter provided, used for farming or agricultural purposes.

(b) "District" means any water control and improvement district now existing or hereafter created for the principal purpose of, or principally engaged in, furnishing water for the irrigation of agricultural lands and having no outstanding bonded indebtedness owing by such water control and improvement district at the time of the hearing hereinafter provided, or having indebtedness only in connection with a loan from an agency of the United States, provided written consent from an authorized representative of the agency of the United States involved to the proposed exclusion hereunder is on file with the district prior to the time of the hearing hereinafter provided.

Sec. 2. Urban property located within the boundaries of a district may be excluded from such district by the Board of Directors after a hearing by the Board of Directors called and held as hereinafter set forth.

Sec. 3. The Board of Directors of a district may by majority vote adopt a resolution calling a hearing to determine whether or not all or any part or parts of any urban property shall be excluded from the district. The resolution adopted by the Board of Directors shall describe the urban property proposed for exclusion by metes and bounds, by lots, blocks and subdivision or by other legal description so as to definitely identify the same, and such resolution shall set forth the purpose of the hearing as well as the date, time and place at which such hearing shall be had.

Sec. 4. It shall be the duty of the Board of Directors to cause notice of such hearing to be given by posting a true copy of the resolution referred to in the preceding section at the courthouse door of the county in which such district or any portion thereof is situated, at a location in or near the urban property proposed for exclusion, and also in a conspicuous place in the principal office of the district for at least three (3) weeks before the date of such hearing. The date, time, place and purpose of such hearing shall also be advertised by publishing notice thereof one time in one or more newspapers giving general circulation in the district, such publication to be at least ten (10) days prior to the date of hearing. In the event railroad right-of-way is involved herein, notice shall be given to the railroad company by mailing, first class, a true copy of the same, properly addressed to the offices of the railroad at the address as it appears on the last approved county tax roll.

Sec. 5. If, as a result of such hearing, which may be continued from day to day, and from time to time until all persons entitled to be heard and who appear at said hearing have had an opportunity to be so heard and offer evidence, the said Board of Directors shall determine and find (a) that the owners of a majority in acreage of such urban property do not desire irrigation of the same; or

(b) that such urban property is not used or intended to be used for agricultural purposes; and

(c) that it would be to the best interest of said district and of the urban property proposed to be excluded or any part or parts thereof, that it be excluded from the district, said Board of Directors shall adopt a resolution setting forth such determination and findings and excluding the urban property or such part or parts thereof as to which such determination and findings are made. Should any canals, ditches, pipelines, pumps or other facilities of the district be located upon lands excluded in the resolution of the Board of Directors, such exclusion shall not affect nor interfere with any rights which the district might have to maintain and continue operation of the facilities as located for the purpose of servicing lands remaining in the district. A copy of said resolution excluding urban property from the district certified to and acknowledged

For Annotations and Historical Notes, see V.A.T.S.

by the Secretary of the Board of Directors shall be recorded by the district in the Deed Records in the county in which the excluded property is situated as evidence of such exclusion.

Sec. 6. From and after the adoption of a resolution by the Board of Directors excluding urban property the excluded property shall constitute no part of such district and shall have no further liability thereafter to said district for taxes, assessments or other charges of the district, but any taxes, assessments or other charges owing to the district at the time of exclusion shall remain the obligation of the landowner and shall continue to be secured by any and all statutory liens, if any.

Acts 1971, 62nd Leg., p. 814, ch. 86, eff. Aug. 30, 1971.

Title of Act:

An Act authorizing certain types of property defined therein as "Urban Property," situated within, and subject to taxation by, certain types of water control and improvement districts, described in the Act, now existing or hereafter to be created, to be excluded from such districts by proceedings and upon conditions prescribed in the Act; and declaring an emergency. Acts 1971, 62nd Leg., p. 814, ch. 86.

Art. 8280—5. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 8280—7 to 8280—9. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Art. 8280—9a.1 Texas Water Development Bonds; additional issue

Section 1. The Texas Water Development Board is hereby authorized to provide for, issue and sell Texas Water Development Bonds in the further amount of Two Hundred Million Dollars ($200,000,000). The bonds issued under this Act shall be issued in the form, denominations and terms as prescribed by law, and the total of the Texas Water Development Bonds initially authorized by Article III, Section 49–c of the Constitution of Texas, Chapter 221, Page 434, Acts of the 59th Legislature, 1965 (Article 8280—9a, Vernon's Texas Civil Statutes), and by this Act shall not exceed Four Hundred Million Dollars ($400,000,000).

Sec. 2. All of the proceeds from the sale of the additional Two Hundred Million Dollars ($200,000,000) of Texas Water Development Bonds authorized by this Act may be used for the purposes set forth in Section 49–c and Section 49–d of Article III of the Constitution of Texas as those Sections and enabling legislation now provide or may provide.

Sec. 3. Any proceeds from the sale of Texas Water Development Bonds initially authorized by Section 49–c, Article III of the Constitution of Texas may also be used for the purposes set forth in Section 49–d of Article III of the Constitution of the State of Texas, as that Section and enabling legislation now provides or may provide.

Sec. 4. [Amends. art. 8280—9, § 4(a)].

Sec. 5. This Act shall be enacted by a record vote of each House of the Legislature, at which time it shall receive an affirmative vote of two-thirds (⅔) of the members elected to each House; otherwise it shall have no force or effect.

Acts 1971, 62nd Leg., p. 3049, ch. 1011, §§ 1–3, 5, eff. June 15, 1971.

Art. 8280—9b. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

Arts. 8280—11, 8280—12. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

Art. 8280—14. Development of resources for recreational purposes

Purpose

Section 1. The policy of the Legislature and the intent of this Act is to encourage the conservation and development of waters in the state and water-related land areas for public recreation. The Legislature finds (1) that the use of water resources in the state for public recreation is a useful purpose; (2) that the conservation and development of such water resources for public recreation purposes are public rights and duties; and (3) that the acquisition and improvement of land areas related to such water resources for public recreation purposes are essential to the maximum beneficial use of such water resources for public recreation purposes.

Definitions

Sec. 2. Words and phrases used in this Act shall have meanings as follows:

(a) "Act" shall mean this Act as hereafter amended.

(b) "Person" means any individual, public agency, public or private corporation, political subdivision or governmental agency of the United States of America or the state, any district as defined herein, any city, copartnership, association, firm, trust, estate, or any other public or private entity whatsoever.

(c) "District" means any district or authority heretofore or hereafter created and existing under Article XVI, Section 59 of the Constitution of Texas, whether created under general law or by specific act of the Legislature, including any river authority.

General powers

Sec. 3. Districts shall have the power, authority, right, privilege and function: (a) to conserve and develop water resources in this state for public recreation purposes in compliance with the provisions of Chapter 1, Title 128, Vernon's Texas Civil Statutes, as amended, and/or (b) to acquire and to improve for park purposes any lands or any interest therein adjacent to or in the vicinity of any public waters or any other impounded waters available to the public (hereafter called "water-related park areas") if the governing body of a district finds that such acquisition or improvement is necessary or desirable to enhance the beneficial use of such waters for public recreation purposes. Any such findings shall be conclusive.

Rules and regulations

Sec. 4. Districts are authorized to adopt and enforce such reasonable rules and regulations relating to the use, operation, management, administration and policing of its water-related park areas as it may consider appropriate; to fix, impose and collect such reasonable fees, tolls, rents, rates and charges for entry to and use of water-related park areas and the facilities thereof as it may deem necessary or desirable; and to abandon the use of all or any part of any public recreation project authorized by this Act.

Leases, concessions, franchises and agreements

Sec. 5. Districts are authorized to make, grant, accept and enter into any and all leases, concessions, franchises, and any and all rental, operating and other agreements covering or relating to the water-related park areas or facilities thereof which the governing body shall deem necessary or convenient to carry out any of the purposes and powers granted in this Act on such terms and conditions and for such periods of time as may be prescribed therein. Any such lease, concession, franchise or agreement may be entered into with any person.

Nature of powers

Sec. 6. The powers, authority, rights, privileges and functions in this Act are hereby conferred upon each district to the same extent as if the same were contained in the general law pursuant to which a district was created or as if the same were contained in the specific legislative act pursuant to which a district was created and to the same extent as if each district were created for such purpose. To accomplish the purposes of this Act, each district shall further have, all and fully, the same powers, authority, rights, privileges and modes of procedure as are now or may hereafter be provided by applicable law to accomplish any other corporate purpose.

Construction of act

Sec. 7. This Act shall be liberally construed to effectuate the purposes set forth herein. This Act shall be cumulative and in addition to any existing laws and shall not repeal same, except that districts may exercise the powers, etc., contained herein without regard to any provisions, restrictions or limitations of any general or special law or specific act. Districts may exercise the powers, etc., of this Act as alternative to the powers of all other laws relating to the same subject or combine such powers, in whole or in part. Nothing contained in this Act shall authorize any fee or charge for boat inspection, fishing or other activity on the waters of the state, or the exercise of the power of eminent domain. Acts 1971, 62nd Leg., p. 2985, ch. 984, eff. June 15, 1971.

Title of Act:

An Act authorizing districts created under Article XVI, Section 59, Constitution of Texas to develop water resources and/or to acquire and improve water-related land areas for public recreation purposes; prescribing the rights, authority, powers, privileges and functions to accomplish such purposes; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 2985, ch. 984.

VII. PARTICULAR WATER SUPPLY AND CONTROL DISTRICTS

CHAPTER TWELVE—CREATION, POWERS AND OBLIGATIONS

Art. 8280—107. Lower Colorado River Authority

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Sec. 2.

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(p) to provide for the study, correcting and control of both artificial and natural pollution including organic, inorganic and thermal, of all ground or surface water of the Colorado River and its tributaries. In this connection, the District is given the power by ordinance to promulgate

rules and regulations with regard to such pollution, both artificial and natural, with the right of policing by said District to enforce such rules and regulations and of providing reasonable and commensurate penalties for the violation of any rules and regulations, which penalties shall be cumulative of any penalties fixed by General Law in Texas, and not to exceed the limit for penalties as fixed elsewhere in this Act. Provided, however, that no ordinance enacted pursuant to the powers hereinabove given the District by this section shall be promulgated in any county or counties outside the existing boundaries of the District;

(q) as a necessary aid to the conservation, control, preservation, purification and distribution of surface and ground waters of the Colorado River and its tributaries, the District shall have the power to construct, own, operate, maintain or otherwise provide sewage gathering, treatment and disposal services, including solid waste disposal services, to charge for such services, and to make contracts in reference thereto with counties, municipalities, and others;

(r) to develop and manage parks, recreational facilities, and natural science laboratories, and to promote the preservation of fish. The District may negotiate contracts with any county, municipality, municipal corporation, person, firm, corporation, nonprofit organization, or State or Federal agency for the operation and maintenance of any such park, recreational facility or natural science laboratory. The preservation of fish shall be in accordance with the rules and regulations, if any, prescribed by the Parks and Wildlife Commission of the State of Texas, or its successor.

(s) to do any and all other acts or things necessary or convenient to the exercise of the powers, rights, privileges or functions conferred upon it by this Act or any other Act or law;

Provided, however, that said District shall not be permitted to use for irrigation purposes any water under any law or permits heretofore issued or now held, owned or enjoyed by said District or which may be hereafter acquired from the Colorado River Corporation or any other company or person whomsoever unless expressly authorized by subsequent permits granted to the District by the Board of Water Engineers under authority of law; and said Board of Water Engineers in considering subsequent applications by said District shall at all times consider the needs of the people living within and on the lands lying within the watershed of the Colorado River and its tributaries above the District; provided, however, that nothing herein shall prevent the District from selling, for irrigation purposes within the boundaries of the District, any water impounded by it under authority of law.

Provided further, that in creating and conferring the benefits of this Act on said District, it is declared as an essential part thereof that irrespective of any existing right or rights or permit or permits issued by the Board of Water Engineers of the State of Texas to use the waters of the Colorado River and its tributaries for the generation of hydro-electric power and which rights or permits may be acquired by the District, the impounding and use of the flood waters of the Colorado River and/or its tributaries for the generation of hydro-electric power by the District and/or anyone who may succeed to the rights and privileges conferred upon it by this Act, shall be subject to the rights of any other person, municipal corporation or body politic heretofore impounding or now putting to beneficial use any such waters for the purposes, set forth in Subdivisions (1), (2) and (3) of Article 7471 of the Revised Civil Statutes of the State of Texas as amended by Chapter 128 of the Acts of the 42nd Legislature of the State of Texas, when such other person, municipal corporation or body politic has heretofore received a permit for such use or uses from the Board of Water Engineers of the State of Texas, or who by law has heretofore been permitted to impound water for the aforesaid purposes, and nothing in this Act shall ever be construed as to require any such municipal corporation or body politic to surrender any such rights

to which it may now be entitled to the District and shall not be construed so as to subject to condemnation by said District or any successor or by anyone who may succeed to the rights and privileges conferred upon it by this Act any waters heretofore impounded or to be impounded within or without the District under any law authorizing water to be impounded or under any permits heretofore granted or hereafter granted to a municipal corporation or body politic or any waters heretofore impounded or permitted to be impounded or use without the District under permits heretofore or hereafter granted to any person.

Nothing in this Act shall be construed as depriving any person or municipality of the right to impound the waters of the Colorado River and/or its tributaries for domestic and/or municipal purposes, nor of repealing any law granting such rights to persons and municipalities.
Sec. 2, subsecs. (p)–(s) amended by Acts 1971, 62nd Leg., p. 2498, ch. 820, § 1, eff. June 8, 1971.

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Sec. 3. The powers, rights, privileges and functions of the District shall be exercised by a board of twelve (12) Directors (herein called the "Board"), consisting of at least one (1) Director from each of the counties named in Section 1 of the Lower Colorado River Authority Act, with the exception of Travis County which shall have two (2) Directors. No county, other than Travis, shall have two (2) Directors for a period greater than six (6) consecutive years. All such Directors shall be appointed by the Governor with the advice and consent of the Senate for a term of six (6) years to begin on the 1st of January and end on the 31st of December six years following their appointment; provided that each Director shall be a resident of and freehold property taxpayer of the county from which he is appointed and shall have been such for not less than two (2) years next preceding such appointment. Not more than two (2) of such Directors shall be residents of the same county. No person shall be eligible for such appointment if he has, during the preceding three (3) years before his appointment been employed by an electric power and light company, telephone company, or any other utility company of any kind whatsoever.

At the expiration of the term of any Director, another Director shall be appointed by the Governor with the advice and consent of the Senate. Each Director shall hold office until the expiration of the term for which he was appointed, and thereafter until his successor shall have been appointed and qualified, unless sooner removed as in this Act provided. Any Director may be removed by the Governor for inefficiency, neglect of duty or misconduct in office, after at least ten (10) days written notice of the charges against him and an opportunity to be heard in person or by counsel at public hearing. A vacancy resulting from the death, resignation or removal of any Director shall be filled by the Governor, for the unexpired term of such Director. Each Director shall qualify by taking the official oath of office prescribed by general statute.

Each Director shall receive a fee of Twenty-five Dollars ($25.00) per day for each day spent in attending meetings of the Board, and a like per diem for each day spent in attending to business of the Authority when authorized by resolution of the Board, together with actual expenses incurred in attending such meetings, and in attending to such business of the Authority. It is provided, however, that no Director shall be paid per diem in excess of one hundred and fifty (150) days in any one calendar year.

Seven (7) Directors shall constitute a quorum at any meeting and, except as otherwise provided in this Act or in the bylaws, all action may be taken by the affirmative vote of a majority of the Directors present at any such meeting, except that no contract which involves an amount greater than Ten Thousand Dollars ($10,000.00) or which is to run for a longer

period than a year, and no bonds, notes, or other evidence of indebtedness and no amendment of the bylaws shall be valid unless authorized or ratified by the affirmative vote of at least seven (7) Directors.

It is expressly provided, however, that nothing herein shall be construed to prevent the present membership of the Board of Directors of the Lower Colorado River Authority from continuing as such until the expiration of their respective terms of office; and it is the express intent that the present membership of said Board shall continue to serve until the expiration of their respective terms of office.

It is expressly provided that said Board of Directors is a State Board as contemplated by Section 30a of Article 16 of the Constitution of Texas.

If any portion of this Act is held unconstitutional by a court of competent jurisdiction, the remaining provisions hereof shall nevertheless be valid, the same as if the portion or portions held unconstitutional had not been adopted by the Legislature.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 985, ch. 174, § 1, eff. Sept. 1, 1971.

Sec. 3a. Repealed by Acts 1971, 62nd Leg., p. 986, ch. 174, § 2, eff. Sept. 1, 1971.

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Sec. 10. The District shall have the power and is hereby authorized to issue bonds from time to time as authorized by this Act, provided that the aggregate principal amount of such bonds outstanding at any one time shall not exceed Three Hundred Million Dollars ($300,000,000.00). Provided, however, that in the event that any outstanding bonds shall be paid at maturity, other than through the application of the proceeds of other bonds or through the issuance of other bonds in exchange therefor; or shall be retired prior to the stated maturity thereof by operation of any sinking fund provided for the bonds so retired and in the proceedings authorizing the same, or from the proceeds of the sale of property, the aggregate principal amount of bonds herein authorized to be outstanding at any one time shall be reduced by the principal amount of the bonds so paid or retired. Any additional amount of bonds must be authorized by an Act of the Legislature. Such bonds (1) shall be sold for cash at public sale to the highest and best bidder, as determined by the Board of Directors with the advice and approval of the Attorney General of Texas, and the interest cost of the money received therefor, computed to maturity in accordance with standard bond tables in general use by banks and insurance companies, shall be determined within the discretion of the Board of Directors, or (2) may be issued in exchange for like principal amounts of other obligations of the District, matured or unmatured, or (3) may be sold to the United States of America, or to any agency or corporation created or designated by the United States of America, in exchange for cash equal in amount to the principal amount of the bonds so sold, and the interest cost of the money received therefor, computed to maturity in accordance with standard bond tables in general use by banks and insurance companies, shall be determined within the discretion of the Board of Directors. The proceeds of the sale of such bonds shall be deposited in such bank or banks or trust company or trust companies and shall be paid out pursuant to such terms and conditions, not in conflict with the provisions of this Act, as may be agreed upon between the District and the purchasers of such bonds. The proceeds of such bonds and any net operating revenues, derived from the sale of electric power or water, which may be available after paying the interest on outstanding bonds and the principal amount of such bonds, and setting aside sufficient funds for working capital, including a reasonable sum for contingencies and setting aside funds for reserves to secure payment of principal of and interest on outstanding bonds, shall be used (1) to build and construct dams within the District, on the Colorado River and its tributaries for the impounding and storage

of flood and surface water; (2) to purchase and install in the dams on the Colorado River hydroelectric generators and other related facilities for the generation of hydroelectric power; and (3) for the construction of such additional lines and the purchase and installation of such additional equipment as the Board of Directors of the District may deem necessary or expedient to enable the District to continue to meet the demand for electric power in the area now served by its transmission lines and distribution systems, provided that no steam generating capacity shall be installed by the District, except that the District may acquire, install, construct, and enlarge and make additions to, and operate one or more steam generating plants, the sum of whose aggregate capacity shall not be more than 1,500,000 kilowatts, to be located within the boundaries of either one or more of Colorado, Fayette, Bastrop, Travis, Blanco, Burnet, Llano or San Saba Counties, and to be utilized for the sole purpose of serving the area served by the District's transmission lines and distribution systems on January 1, 1962; and (4) for the purpose of building levees or such other flood control structures between the City of Austin and the mouth of the Colorado River as may be deemed necessary and desirable by the Board of Directors and installing such facilities as may be necessary to supply water for irrigation and other useful purposes within the counties composing the Colorado River District; and (5) in aid of any soil conservation or soil reclamation projects within the District which the Board of Directors may deem to be in the public interest, provided, however, that any such soil conservation or soil reclamation project shall be approved by the Extension Department of Texas A&M University, providing that nothing herein shall be construed as establishing priorities as to the uses of water contrary to the present General Laws of this State or those hereinafter enacted with reference thereto. Any proceeds of bonds sold by the District, and any net operating revenues, as determined by the Board of Directors not needed to carry out the projects set out in Phrases (1), (2), and (3) of the preceding sentence, to the extent not required by an outstanding trust indenture to be used to redeem outstanding bonds, shall be placed in a separate fund to be designated "The Irrigation, Conservation and Reclamation Fund of the District" and used only for carrying out the projects and purposes authorized in Phrases (4) and (5) of the preceding sentence, unless and until otherwise directed by the Legislature of the State of Texas. Such dams as may be built on the tributaries of the Colorado River shall be used for the purpose of impounding and storing flood and surface waters to be used during emergencies created by subnormal rainfall in the drainage basin of the Colorado River watershed. All such bonds shall be authorized by resolution or resolutions of the Board of Directors concurred in by at least six (6) of the members thereof, and shall bear such date or dates, mature at such time or times, bear interest at such rates payable annually or semiannually, be in such denominations, be in such form either coupon or registered, carry such registration privileges as to principal only or as to both principal and interest, and as to exchange of coupon bonds for registered bonds or vice versa, and exchange of bonds of one denomination for bonds of other denominations, be executed in such manner and be payable at such place or places within or without the State of Texas, as such resolution or resolutions may provide. Any resolution or resolutions authorizing any bonds may contain provisions, which shall be part of the contract between the District and the holder thereof from time to time (a) reserving the right to redeem such bonds at such time or times, in such amounts and at such prices, not exceeding one hundred and five per centum (105%) of the principal amount thereof, plus accrued interest, as may be provided; (b) providing for the setting aside of sinking funds or reserve funds and the regulation and disposition thereof; (c) pledging to secure the payment of the principal of, and interest on such bonds and of the sinking

fund or reserve fund payments agreed to be made in respect of such bonds, all or any part of the gross or net revenues thereafter received by the District in respect of the property, real, personal or mixed, to be acquired and/or constructed with such bonds or the proceeds thereof, or all or any part of the gross or net revenues theretofore or thereafter received by the District from whatever source derived; (d) prescribing the purposes to which such bonds or any bonds thereafter to be applied; (e) agreeing to fix and collect rates and charges sufficient to produce revenues adequate to pay the items specified in Subdivisions (a), (b), (c), and (d), of Section 8 hereof, and prescribing the use and disposition of all revenues; (f) prescribing limitations upon the issuance of additional bonds and upon the agreements which may be made with the purchasers and successive holders thereof; (g) with regard to the construction, extension, improvement, reconstruction, operation, maintenance, and repair of the properties of the District and carrying of insurance upon all or any part of said properties covering loss or damage or loss of use and occupancy resulting from specified risks; (h) fixing the procedure, if any, by which, if the District shall so desire, the terms of any contract with the holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (i) for the execution and delivery by the District to a bank or trust company authorized by law to accept trusts, of indentures and agreements for the benefit of the holders of such bonds setting forth any or all of the agreements herein authorized to be made with or for the benefit of the holders of such bonds and such other provisions as may be customary in such indentures or agreements; and (j) such other provisions, not inconsistent with the provisions of this Act, as the Board may approve, provided that no agreement, contract or commitment shall ever be made which, under any contingency, could or would result in the Government of the United States or any of its agencies or bureaus claiming the right or privilege of controlling or managing the properties and facilities of the District or the control or disposition of the water of the Colorado River or its tributaries; provided nothing herein shall be construed as limiting or restricting the rights or powers as set out hereinbelow in the event of any default on the part of the District. Nothing herein provided is intended to prohibit compliance with existing Federal Regulations, provided compliance therewith is done upon the advice and approval of the Attorney General of the State of Texas.

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

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

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

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

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

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

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

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

(5) after such notice to the District as such resolution may provide, declare the principal of all of such bonds due and payable, and if all defaults shall have been made good, then with the written consent of the holders of twenty-five per centum (25%) in aggregate principal amount of such bonds at the time outstanding, annul such declaration and its consequences; provided, however, that the holders of more than a majority in principal amounts of the bonds authorized thereby and at the time outstanding, shall by instrument or instruments in writing, delivered to such trustee, have the right to direct and control any and all action taken or to be taken by such trustee under this paragraph. Any such resolution, indenture, or agreement may provide that in any such suit, action or proceeding, any such trustee, whether or not all of such bonds shall have been declared due and payable, and with or without possession of any thereof, shall be entitled as of right to the appointment of a receiver who may enter and take possession of all or any part of the properties of the District and operate and maintain the same and fix, collect and recieve rates and charges sufficient to provide revenues adequate to pay the items set forth in Subparagraphs (a), (b), (c), and (d), of Section 8 hereof and the costs and disbursements of such suit, action or proceeding, and to apply such revenues in conformity with the provisions of this Act and the resolution or resolutions authorizing such bonds. In any suit, action or proceeding by any such trustee, the reasonable fees, counsel fees and expenses of such trustee or the receiver or receivers, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge upon any revenues pledged to secure the payment of such bonds. Subject to the provisions of the Constitution of the State of Texas, the courts of the County of Travis shall have jurisdiction of any suit, action or proceeding by any such trustee on behalf of the bondholders and of all property involved therein. In addition to the powers hereinabove specifically provided for, each such trustee shall have and possess all powers necessary or appropriate for the exercise of any thereof, or incident to the general representation of the bondholders in the enforcement of their rights.

Before any bonds shall be sold by the District, a certified copy of the proceedings for the issuance thereof, including the form of such bonds, together with any other information which the Attorney General of the State of Texas may require shall be submitted to the Attorney General, and if he shall find that such bonds have been issued in accordance with law he shall approve such bonds and he shall execute a certificate to the effect which shall be filed in the office of the Comptroller of the State of Texas and be recorded in a record kept for that purpose. No bond shall be issued until the same shall have been registered by the Comptroller, who shall so register the same if the Attorney General shall have filed with the Comptroller his certificate approving the bonds and the proceedings for the issuance thereof as hereinabove provided.

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

Annually hereafter the State Auditor shall audit the books and accounts of the District in such manner as to enable him to report to the Legislature as to the manner and purpose of the expenditure of all funds of the District. Such audit shall cover the fiscal year from July the first to June the thirtieth, and a report thereof shall be made before the first

day of January of each year, a copy of which shall be filed with the Governor of Texas, the Attorney General of Texas, the Lieutenant Governor of Texas and the Speaker of the House of Representatives. The State Auditor, after completing such report, shall prepare a detailed statement showing the actual cost of such audit and certifying such account to the Governor of the State of Texas for his approval, and when approved by the Governor, the State Auditor shall deliver an official copy thereof to the Manager of the District, and the District shall forthwith deposit such sum of money with the State Treasurer, which sum shall be placed in the General Fund of the State of Texas. Nothing herein contained shall prohibit an independent audit as required under any bond indenture.

It is hereby declared to be the policy of this State that the District shall so manage and use its facilities, the water impounded by its dams on the Colorado River or its tributaries and the net operating revenues which may be available, to accomplish as nearly as possible, such of the purposes included in Section 59a, Article XVI of the Constitution of the State of Texas as are enumerated in the provisions of this Act, and the District shall market such electric power (as in the opinion of the Board will not be immediately needed by the District) under such contracts and on such conditions as will best enable the District to pay its operating expenses, meet its outstanding financial obligations as they mature, supply the increasing demand for electric power in the area now dependent upon its transmission lines and distribution systems for electric service and assure, as nearly as possible, an adequate supply of water for irrigation and other useful purposes, when and as it may be needed in the various counties comprising the District. When bonds are to be issued to finance in whole or in part water-using facilities, before giving his approval the Attorney General shall be furnished a resolution from the Texas Water Rights Commission certifying that the Authority is possessed of the necessary water right authorizing it to impound or otherwise appropriate the waters to be utilized by the project.

Sec. 10 amended by Acts 1955, 54th Leg., p. 532, ch. 165; Acts 1959, 56th Leg., p. 708, ch. 327, § 1; Acts 1962, 57th Leg., 3rd C.S., p. 27, ch. 11, § 1; Acts 1965, 59th Leg., p. 287, ch. 124, § 1, eff. May 6, 1965; Acts 1967, 60th Leg., p. 1711, ch. 655, § 1, eff. June 16, 1967; Acts 1971, 62nd Leg., p. 1218, ch. 298, § 1, eff. Aug. 30, 1971.

Sec. 10a added by Acts 1967, 60th Leg., p. 1783, ch. 678, § 1, and repealed by Acts 1971, 62nd Leg., p. 1223, ch. 298, § 2, eff. Aug. 30, 1971.

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Acts 1971, 62nd Leg., p. 985, ch. 174, § 3, provided: "This act takes effect on September 1, 1971."

Section 3 of Acts 1971, 62nd Leg., p. 1218, ch. 298, was a severability clause.

Art. 8280—115. Nueces River Authority

Section 1. It being declared by Constitutional provision the policy of the State of Texas, Section 59, Article 16, to provide for the conservation and development of all the natural resources of the State, including the control, storing, preservation and distribution of its storm and flood waters, the waters of its rivers and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semi-arid, and other lands needing irrigation, the reclamation and drainage of its overflowed lands, and other lands needing drainage, the conservation and development of its forest, water and hydroelectric power, the navigation of its inland and coastal waters, and the preservation and conservation of all such natural resources of the State, are each and hereby declared public rights and duties, which may be affected through the creation within the State, or the division of the State into such number of Conservation and Reclamation Districts, and/or Industrial Districts, as may be determined to be essential to the accomplishment of the purposes of the policy

expressed in the Constitution of the State, such Districts to be governmental agencies and bodies politic and corporate, with all rights, privileges and functions as may be conferred by law, there is hereby created the Nueces River Authority, including the other Governmental bodies, politic and corporate as herein defined.

After the effective date of this amendment, the name of the Nueces River Conservation and Reclamation District is changed to the Nueces River Authority.

Sec. 1 amended by Acts 1971, 62nd Leg., p. 2269, ch. 695, § 1, eff. June 4, 1971.

Sec. 2. The Nueces River Authority is created as a governmental agency, a municipality, body politic and corporate, vested with all the authority as such under the Constitution and Laws of the State; and shall have and be recognized to exercise all of the powers of such governmental agency and body politic and corporate as are expressly authorized in the provisions of the Constitution, Section 59 of Article 16, for Districts created to conserve, control, and utilize to beneficial service the storm and flood waters of the rivers and streams of the State, or such powers as may be contemplated and implied by the purposes of this provision of the Constitution, and as may be conferred by General Law, and in the provisions of this Act; and shall have and be recognized to exercise all the rights and powers of an independent governmental agency, municipality, body politic and corporate to formulate any and all plans deemed essential to the operation of the District and for its administration in the control, storing, preservation and distribution to all useful purposes of the storm and flood waters of the Nueces River and its tributary streams; as such District, shall have and be recognized to exercise such authority and power of control and regulation over such storm and flood waters of the Nueces River and its tributaries as may be exercised by the State of Texas, subject to the provisions of the Constitution and the Acts of the Legislature.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 2270, ch. 695, § 1, eff. June 4, 1971.

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Sec. 4. The Nueces River Authority shall have and be recognized to exercise, in addition to all the general powers vested by virtue of the constitution and statutes as a governmental agency and body politic and corporate, for the greatest practicable measure of the conservation and beneficial utilization of storm, flood, and unappropriated flow waters, the powers of control and employment of such flood, storm and unappropriated flow waters of the said District in the manner and for the particular purposes hereinafter set forth.

(a) To provide through any practical and legal means for the control and the coordination of the regulation of the waters of the watershed of the Nueces River and its tributary streams as a unit.

(b) To provide by adequate organization and administration for the preservation of the equitable rights of the people of the different sections of the watershed area of the beneficial use of storm, flood and unappropriated flow waters of the Nueces River and its tributary streams, and for the said different sections create individual units.

(c) For the storing, controlling, and conserving of storm, flood and unappropriated flow waters of the Nueces River and its tributaries, and the prevention of the escape of any such waters without the minimum of public service; for the prevention of devastation of lands from recurrent overflows, and the protection of life and property in such watershed area from uncontrolled flood waters.

(d) For the conservation of waters essential for domestic uses of the people of the watershed of the Nueces River and its tributaries, including all necessary water supplies for cities, and towns, and industrial districts.

(e) For the irrigation of lands in the watershed of the Nueces River and its tributary streams where irrigation is required for agricultural purposes or may be deemed helpful to more profitable agricultural production; and for the equitable distribution of storm, flood and unappropriated flow waters to the regional potential requirements for all uses. All plans and all works provided by said districts and as well, all works which may be provided under authority of said district should have primary regard to the necessary and potential needs for water, by or within the respective areas constituting the watershed of the Nueces River and its tributary streams.

(f) For the better encouragement and development of drainage systems and provisions for drainage of lands in the valleys of the Nueces River and its tributary streams needing drainage for profitable agricultural and livestock production and industrial activities; and drainage for other lands in the watershed area of the district requiring drainage for the most advantageous use.

(g) For the purpose of conservation of all soils against destructive erosion and thereby preventing the increased flood menace incident thereto.

(h) To control and make available for employment flood, storm and unappropriated flow waters in the development of commercial and industrial enterprises in all sections of the watershed area of the district.

(i) For the control, storing and employment of flood, storm and unappropriated flow waters in the development and distribution of hydroelectric power, where use may be economically coordinated with other and superior uses, and subordinated to the uses declared by law to be superior.

(j) And for each and every purpose for which flood, storm and unappropriated flow waters when controlled and conserved may be utilized in the performance of a useful service as contemplated and authorized by the provisions of the Constitution and the public policy therein declared.

(k) Nothing in this Act shall affect or repeal Articles 7496, 7500A of 1925 Revised Statutes or Article 7471, Revised Statutes of 1925 as amended by Chapter 128 Acts of the Regular Session of the Forty-second Legislature.

Sec. 4 amended by Acts 1971, 62nd Leg., p. 2270, ch. 695, § 1, eff. June 4, 1971.

Sec. 5. The powers and duties herein devolved upon the Nueces River Authority are recognized to be taken subject to all Legislative declaration of public policy in the maximum utilization of the storm, flood and unappropriated flow waters of the Nueces River Watershed for the purposes for which the District is created, as expressed and indicated in this Act, and subject to the continuing rights of the supervision by the State which shall be exercised through the State Board of Water Engineers, which agency shall be charged with the authority and duty to approve, or to refuse to approve, the adequacy of any plan or plans for flood control or conservation improvement purposes devised by the district for the achievement of the plans and purposes intended in the creation of the district, and which plans contemplate improvements supervised by the respective State authority under the provisions of the general law. To enable the Nueces River Authority to render the maximum beneficial services authority is hereby extended to such district as expressed and indicated in this Act and under the General Laws of the State of Texas to designate one or more separate and individual subordinate districts for separate and individual improvement and/or industrial purposes as expressed and indicated in this Act and subject to the continuing rights of the supervision by the Nueces River Authority; said separate and individual improvement and/or industrial districts when created and carved out of the original parent or master district to be individual governmental agencies and bodies politic or corpo-

rate, with all rights, provisions and function as may be conferred by law and by virtue hereof. The governing authority provided hereby for the Nueces River Authority shall fix the boundaries of said separate and individual districts within said original Nueces River Authority and provide for the government of said smaller district by the appointment of seven (7) directors who shall reside in said subordinate district and conferring on said directors the duties for the government and improvement of said subordinate district; said subordinate district to be designated as municipalities with separate and individual names and in addition to the powers conferred herein and hereby upon the Nueces River Authority said separate and individual subordinate districts shall have the following additional rights and privileges, to wit:

a. To purchase for the use and benefit of the people of the said municipality or for the use and benefit of a portion of the area of the municipality served thereby, works, buildings, equipment and facilities together with all rights, land and easements appurtenant thereto and necessary therefor, for rendering any type of public service which has heretofore been authorized by the statutes of this State as a public utility or a public service. Long term installment purchase contracts are hereby specifically authorized.

b. To borrow money for the purpose of constructing works and facilities of the said nature, and for purchasing all lands, easements and rights necessary to effectuate the purpose in question.

c. To both purchase such works and facilities and to borrow money for extending and enlarging such works.

d. To enter into such short or long term contracts as may be appropriate for acquiring properties of the said nature or for constructing same, either or both, for the use and benefit of the public.

e. To finance such purchase and/or construction by giving in consideration of the purchase price or selling its revenue bonds in such amount as necessary for the purpose, such bonds to bear interest as not exceeding six per cent (6%) per annum and to mature serially or otherwise in not to exceed forty (40) years from their date.

All such bonds shall be secured solely by, first, a lien on the property purchased by or constructed from the proceeds thereof; second, by pledge that the municipality will charge and enforce rates sufficient to pay the reasonable costs of operating and maintaining the property in question together with the required net earnings for meeting the interest on and providing a sinking fund for amortizing the principal of the issue of bonds; and for creating annually a surplus not exceeding said annual interest and sinking fund requirement.

f. No ad valorem tax shall ever be levied for, nor shall the proceeds of any such tax ever be applied to, the payment of any part of the interest or principal of bonds issued under the authority of this Act.

Each bond of any issue under authority of this Act shall have plainly printed thereon the title "Revenue Bond," with the name of the issuing body and the purpose for which issued; and each interest coupon shall bear the title "Revenue Bond Coupon." Every such bond shall have plainly printed on the face thereof "no ad valorem tax shall ever be levied for, nor shall the proceeds of any such tax ever be applied to the payment of any part of the principal of or interest on this bond."

g. Such municipal projects financed in accordance with this law are hereby declared to be self-liquidating in character and supported by charges other than taxation.

h. No such municipality shall ever mortgage or encumber any properties built from the proceeds of ad valorem taxes or any other property

owned by the public free of encumbrance for the purpose of financing extensions or enlargements thereof under this Act, until the governing body has published notice of its intention to take such action in at least five consecutive issues of a daily paper of wide circulation among the citizenship of such municipality, nor prior to ten (10) days after the last day of such required advertisement; subject to the provisions that in event that, prior to the expiration of the period of ten (10) days, ten percent (10%) of the qualified voters of such municipality shall so petition, the encumbrance of the property and issuance of bonds and all proceedings in connection therewith shall be submitted for ratification or rejection by majority vote of the qualified property tax paying citizens at an election held for that purpose.

i. Any such municipality is hereby vested with the right of eminent domain for the purpose of acquiring any property or easements necessary for any public utility or public service authorized to be purchased or constructed under the terms of this Act.

j. In the event the authority or municipality or any other political subdivision, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, rerouting or changing the grade of, or altering the construction of, any highway, railroad, electric transmission line, telegraph or telephone properties and facilities, or pipeline, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the authority, municipality or any other political subdivision. The term 'sole expense' shall mean the actual cost of such relocation, raising, lowering, rerouting, or change in grade or alteration of construction to provide comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility.

No such County or District shall ever give a lien against any publicly owned water power site.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 2271, ch. 695, § 1, eff. June 4, 1971.

Sec. 6. The powers, rights, privileges, and functions of the Nueces River Authority shall be exercised by a board of twenty-one (21) directors, each of whom shall be a resident of and freehold property taxpayer in the district as described in Section 3 of this Act, or in any county which in whole or in part composes a part of said district. All such directors shall be appointed by the Governor with the advice and consent of the Senate and shall hold office for a term of six (6) years or until their successors have been appointed and qualified. Provided that the board of directors appointed under the provisions of Section 6 of Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature, as amended by Section 2 of Chapter 20, Acts of the Second Called Session of the Forty-fifth Legislature, as amended by Section 1 of Chapter 390, Acts of the Regular Session of the Forty-eighth Legislature, shall continue to serve until the expiration of their respective terms. All vacancies occurring shall be filled by appointment of the Governor by and with the advice and consent of the Senate, so that each such appointee, except the first seven (7) members appointed hereunder, shall hold office for a term of six (6) years or until their successors have been appointed and qualified; it being the intention of the Legislature that as the present terms expire, seven (7) members of the board shall be appointed each biennium, that is to say, seven (7) shall be appointed after the effective date of this Act, whose terms shall expire on February 1, 1951, seven (7) shall be appointed on February 1, 1947, and seven (7) shall be appointed on February 1, 1949. Said directors shall take and subscribe to the official oath of office, and the same shall be filed with the Secretary of State. Eleven (11) members shall constitute a quorum to transact busi-

ness. No more than two (2) of said directors shall be appointed who reside in the same county at the time of their appointment. The board shall hold its meetings at its official and principal place of business as determined and established by said board, unless it directs otherwise for specific occasions, and it shall meet then when called by order of the President, Vice President or a majority of its members; provided however, that the board shall fix, by order entered in the minutes of its proceedings, a specified time for its regular meetings.

Sec. 6 amended by Acts 1971, 62nd Leg., p. 2273, ch. 695, § 1, eff. June 4, 1971.

Sec. 6a. The Governor may remove any Director from office for inefficiency, neglect of duty, misconduct in office, or absence from three (3) consecutive regular meetings of the Board of Directors. Before a Director is removed from office, the Board of Directors shall conduct a hearing on the charges against him, and he shall be entitled to appear at the hearing and present evidence to show why he should not be removed from office. At least thirty (30) days before the day of the hearing, the Director shall be given notice of the charges against him and the time and place for the hearing. An affirmative vote of not less than eleven (11) of the Directors shall be required to vote a recommendation for removal. Such recommendation shall be forwarded to the Governor for his consideration and action in accordance with the provisions herein.

Sec. 6a added by Acts 1971, 62nd Leg., p. 2276, ch. 695, § 2, eff. June 4, 1971.

Sec. 7. The Board of Directors shall be authorized and directed to make surveys and engineering investigations for the information of the District, and to determine plans necessary to the accomplishment of the purposes for which the District is created, as expressed in the provisions of this Act, and to do all things useful and helpful in carrying out said plans and accomplishing such purposes of said District; and, to this end, said Board of Directors may employ engineers, attorneys, and all other technical and nontechnical assistants or employees, and fix and provide the amount and manner of their compensation, and provide for any other expenditure found essential or useful in the maintenance, operation, and administration of said District. Provided, that the General Manager, the Treasurer, and all other 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 upon the faithful performance of their duties and an accounting for all funds and property of the District coming into their hands, each of which bonds shall be in form and amount and with a surety approved by the Board of Directors, and the premiums on such bonds shall be paid by the District and charged as an operating expense. Any Director may perform any service required by the Board, and his compensation therefor be fixed by the Board, but in any such case such Director shall not receive the per diem and other compensation as a Director at the same time. Each Director of said District shall receive a per diem of Ten Dollars ($10) per day for each day spent in attending meetings of said Board of Directors, together with Five (5) Cents per mile traveled in going to and from such Board meetings as traveling expenses. It is provided, however, that no Director shall be paid per diem in excess of fifty (50) days in any one calendar year. The Board of Directors may authorize payment of other reasonable and necessary expenses incurred by Directors and Officers on official business.

Sec. 7 amended by Acts 1971, 62nd Leg., p. 2274, ch. 695, § 1, eff. June 4, 1971.

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Sec. 10. The Nueces River Authority shall not be authorized to issue bonds nor to incur any form of continuing obligation or indebtedness for purposes of effecting improvements comprehended in the plan of organization and administration of the District, nor incur any indebtedness in the form of a continuing charge upon lands or properties within the District, except self-liquidating renewal bonds, notes or warrants and, only, unless such proposition shall have been submitted to the qualified property taxpaying voters of the District, or, in appropriate case, such voters of a defined area within the District, and approved by a majority of such electors voting thereon.

Sec. 10 amended by Acts 1971, 62nd Leg., p. 2275, ch. 695, § 1, eff. June 4, 1971.

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Sec. 13. The moneys hereafter collected by, granted or donated to the Nueces River Authority are declared to be Trust Funds for the purposes herein set out and such sums as said district may be obligated to repay and which sums may have been advanced and/or loaned by the United States of America for use in preparing the necessary plans, specifications and data, and/or in making the necessary surveys, it being expressly hereby provided that immediately upon funds becoming available under this Act a complete and detailed survey shall be in addition to the other duties herein authorized, be made of the underground waters of the Nueces River Authority in counties having a sufficient amount of such underground water available for irrigation for the purpose of determining the volume and capacity of underground water in said counties available for irrigation purposes and to ascertain such other data as may be necessary in the judgment of the Board of Water Engineers of the State of Texas to fully develop irrigation from underground water in the said counties of the said Nueces River Authority, providing that no such survey has heretofore been made, and/or in acquiring the necessary lands, leases, easements, and/or acquittances, and/or in the building and/or operation or having built and/or operated, and/or cooperating in the building and/or operation of proper structures, dams, reservoirs, levees, and/or other engineering project suitable for the control, in so far as practicable, of the recurrent devastating floods of the valley of the Nueces River, which have, over a long period of years, caused a deplorable loss of life and property, and the erosion of soil and a depletion of the fertility of the lands in said valley and the watershed served by the Nueces River in Texas and the public highways and structures and lands belonging to the State of Texas situated within said watershed, all of which is hereby declared to be a public calamity.

Sec. 13 amended by Acts 1971, 62nd Leg., p. 2275, ch. 695, § 1, eff. June 4, 1971.

Sec. 14. It is contemplated by this Act that the said Nueces River Authority will apply for and receive the cooperation of the United States of America in alleviating the public calamity herein declared, and that beneficial use may be found for the flood waters impounded, which are hereby declared to be incidental to the purpose of removing said public calamity, and that revenues will be derived from such incidental benefits, all of which, together with the funds hereby donated and granted, shall be used during the time and for the purposes herein specified, to the end that such public calamities may be averted in so far as practicable. Until all moneys receivable by the United States of America for loans and/or advances made to said Nueces River Authority or subordinate district for the purpose herein set out, shall have been fully paid, the moneys hereafter donated or granted to said District, together with the net revenue as hereinafter defined accruing to said District from any other source whatsoever, shall be used exclusively

for the purposes of repaying such loans and/or advances made by the United States of America, but after all of such obligations to the United States of America have been paid in full, then all revenues accruing to said District, from all sources whatsoever, shall be used by said District to pay the reasonable cost of collecting such revenues and of the operation and maintenance of the properties acquired and controlled by said District.
Sec. 14 amended by Acts 1971, 62nd Leg., p. 2275, ch. 695, § 1, eff. June 4, 1971.

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Sec. 17. The Nueces River Authority and/or subordinate shall have and it is hereby granted the right and power to receive and accept grants, loans, and advancements from the United States of America for the furtherance of any one or more of the purposes set forth in this Act, and may contract to repay any such loans and/or advancements out of the sums hereby granted and/or donated and/or out of any other revenues of the District, in such manner and/or such terms as the Directors of said District may determine and may issue such evidence of indebtedness as the Board of Directors of said District shall determine, provided, however, that in no event shall said District or the directors thereof ever pledge or have the power to pledge the credit of this State or of the Nueces River Authority or any subordinate district, nor to secure any payment by any tax money.
Sec. 17 amended by Acts 1971, 62nd Leg., p. 2276, ch. 695, § 1, eff. June 4, 1971.

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Sec. 23. The Board of Directors of the Nueces River Authority and each board of directors of said subordinate districts shall, on or before the first day of January of each year, cause to be made an itemized statement, under oath and in triplicate, showing the amount of money received by such District under this Act during the next preceding fiscal year ending August thirty-first next preceding, and showing how, to whom, and for what purpose the same has been expended. One copy of such statement, after having been audited, shall be forwarded to and filed with the Board of Water Engineers of the State of Texas and another copy to the Comptroller of Public Accounts. The said statement shall be sworn to by the treasurer and secretary of the said Nueces River Authority as same relates to such parent or master district and by like officers of such smaller districts, and the correctness thereof shall be certified by an auditor appointed by said Board of Water Engineers, which auditor shall, while auditing said statement have before him all vouchers upon which expenditures have been made and no item or expenditure shall be allowed or passed by said auditor unless he have in his possession legal and proper vouchers therefor, showing compliance with this Act. And upon the completion of said audit, the third copy of said report and all vouchers shall be attached together, numbered correctly, and consecutively, and be by said auditor returned to and thereafter safely kept by the secretary of said Nueces River Authority or secretary of each subordinate district as a part of the records in his office.
Sec. 23 amended by Acts 1971, 62nd Leg., p. 2276, ch. 695, § 1, eff. June 4, 1971.

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Art. 8280—124. Upper Guadalupe River Authority

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Sec. 16. (a) Without limiting the powers granted to the District by this Act, the District shall specifically have the right, power, privilege, function and authority to control, develop, store and preserve the waters and flood waters of the Upper Guadalupe River and its tributaries within or without the boundaries of the District for any beneficial or useful purpose and to purchase, acquire, build, construct, im-

prove, extend, reconstruct, repair and maintain any and all dams, structures, waterworks systems, sanitary or storm sewer or drainage or irrigation systems, buildings, waterways, pipelines, distribution systems, ditches, lakes, ponds, reservoirs, plants, and recreational facilities for public use and any and all other facilities or equipment in aid thereof, and to purchase or acquire the necessary sites, easements, rights-of-way, land or other properties necessary thereof and to do any and all acts and things which may be necessary to the exercise of any and all of the rights, powers, privileges, functions and authority of the District, and same may be accomplished by any and all practical means, and the District may sell water and other services.

(b) As a necessary aid to the conservation, control, preservation, and distribution of such water for beneficial use, the Authority shall have the power to construct, own and operate sewage gathering, transmission and disposal services, to charge for such service, and to make contracts in reference thereto with municipalities and others.

Sec. 10(a) added by Acts 1957, 55th Leg., p. 185, ch. 83, § 1; Amended by Acts 1965, 59th Leg., p. 1439, ch. 632, § 1, eff. June 17, 1965; Sec. 16 amended by Acts 1971, 62nd Leg., p. 1586, ch. 430, § 1, eff. Aug. 30, 1971.

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Art. 8280—145. San Patricio Municipal Water District

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Sec. 7.

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(b) Such bonds shall be authorized by resolution of the Board of Directors and shall be issued in the name of the District, signed by the president or vice-president, attested by the secretary and have the seal of the District impressed thereon. They shall mature serially or otherwise in not to exceed forty (40) years and may be sold at a price and under terms determined by the Board of Directors to be the most advantageous reasonably obtainable, provided that the interest cost to the District, calculated by use of standard bond interest tables currently in use by insurance companies and investment houses does not exceed eight per cent (8%) 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.

Sec. 7, subsec. (b) amended by Acts 1971, 62nd Leg., p. 2375, ch. 737, § 1, eff. June 8, 1971.

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Sec. 9a. The Board of Directors is hereby authorized to issue bonds of the District payable both principal and interest from an ad valorem tax upon all the taxable property within the District. Such bonds may be issued pursuant to a resolution or resolutions adopted by the Board of Directors provided the proposition authorizing the bonds shall first have been submitted to the property taxpaying voters of such District and adopted by not less than a majority of such qualified voters voting at such election. The election on the proposition for the issuance of such bonds shall be ordered by the Board of Directors. The time and place or places for holding such election shall be designated in the election order and such election shall be held not less than fifteen (15) days from the date of such order. Notice of said election shall be given by posting a substantial copy of the election order in three (3) public places in each area of the District not less than fourteen (14) days prior to the date set for said election. Such posting shall be done by the Secretary of the Board of Directors or by one of the members of the Board of Di-

rectors. Except as herein provided, the manner of holding said election shall be governed by the General Election Laws.

The District may issue bonds thus authorized for any and all purposes permitted to the District under the authority of this Act. Such bonds may be issued to mature serially or otherwise as may be determined by the Board of Directors, the maximum maturity date not to exceed forty (40) years and to bear interest at a rate not to exceed eight per cent (8%) per annum. Such bonds may be sold at not less than ninety-five per cent (95%) of their par value. Interest to accrue on the bonds for a period not to exceed three (3) years from their date may be appropriated and paid from the proceeds from the sale of the bonds.

Whenever bonds shall have been issued by the District in accordance with the provisions of law the Board of Directors shall levy a continuing tax upon all property within the District sufficient in amount to pay the interest on such bonds and the principal thereof as such interest and principal respectively mature and to create and maintain such reserve as may be required in the resolution or resolutions authorizing the issuance of such bonds, and the Board of Directors of the District shall annually determine and fix, or cause to be determined and fixed the rate of tax to be assessed and collected for such year upon all property within said District in an amount sufficient for such requirements of principal and interest and to create and maintain such reserve, including an amount sufficient to pay the expense of assessing and collecting such tax, and for anticipated delinquencies in tax payments. This section shall not be applicable to bonds secured only by a pledge of net revenues.

Such bonds of the District may be refunded without the necessity of an election provided that the average annual interest rate of the refunding bonds calculated to maturity shall not be greater than the average interest rate of the bonds refunded calculated to maturity and provided the maximum maturity of the refunding bonds shall not exceed forty (40) years.

Sec. 9a amended by Acts 1971, 62nd Leg., p. 2376, ch. 737, § 2, eff. June 8, 1971.

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Art. 8280—193. North Central Texas Municipal Water Authority

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Sec. 24. The Authority is authorized to establish or otherwise provide for public parks and recreation facilities, and to acquire land for such purposes.

Sec. 24 amended by Acts 1971, 62nd Leg., p. 2591, ch. 849, § 1, eff. June 9, 1971.

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Section 2 of Acts 1971, 62nd Leg., p. 2591, ch. 849, provided: "If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

Art. 8280—213. Hondo Creek Watershed Improvement District

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Sec. 3. (a) After the election in 1973 all powers of the District shall be exercised by a Board of five (5) Directors. The persons who are serving on the Board on the effective date of this amendment shall serve until the end of their current terms. Each Director shall serve for his 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 twenty-one (21) years of age, resides in Karnes County, Texas, and owns property in the territorial limits of the District. No member of a governing body of any county, city or town, and no employee of a county, city or town shall be a Director. Such Directors shall subscribe to the Constitutional oath of office, and each shall give bond in the amount of Five Thousand Dollars ($5,000.00) for the faithful performance of his duties, the cost of which shall be paid by the District. A majority shall constitute a quorum.

(b) An election for the election of Directors shall be held on the first Tuesday in April of each year. At the election held in April, 1972, the electors shall elect two (2) Directors instead of six (6) and at the election held in April, 1973, the electors shall elect three (3) Directors instead of five (5). Thereafter, two (2) Directors shall be elected in each even-numbered year and three (3) in each odd-numbered year. The yearly election shall be ordered by the Board of Directors. Notice of the election shall be published in a newspaper of general circulation in said District one (1) time at least thirty (30) days before the election. The election order shall state the time, place and purpose of the election, and the Board of Directors of said District shall appoint a presiding judge who shall appoint an assistant judge and two (2) clerks to assist in holding the election. Only qualified voters residing in Karnes County, Texas, and owning property in the territorial limits of the District shall be entitled to vote at said election. The candidates receiving the highest number of votes shall be declared elected. The returns of the election shall be made to and canvassed by the Board of Directors of said District, who shall enter an order declaring the results of the election.

(c) 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 twenty (20) residents of the District who are qualified to vote at the election. Such petition shall be presented to the secretary of the Board of Directors. The petition shall be presented on such date as will allow not less than ten (10) full days between the date of presentation and the date of election.

(d) Any vacancies occurring in the Board of Directors shall be filled for the unexpired term by majority vote of the remaining Directors.

(e) Each Director shall receive a fee of not to exceed Five Dollars ($5.00) for attending each meeting of the Board, and not to exceed Five Dollars ($5.00) per day devoted to the business of the district, and to reimbursement for actual expenses incurred in attending to District business provided that such service and expense are expressly approved by the Board.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 1040, ch. 208, § 1, eff. May 13, 1971.

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Acts 1971, 62nd Leg., p. 1040, ch. 208, § 2 provided: "The legislature finds that the requirements of Article XVI, Section 59(d), of the Texas Constitution, concerning the introduction of this Act have been met."

Art. 8280—244. Mayfair Park Municipal Utility District

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Sec. 3. (a) The management and control of the District is vested in a Board of Supervisors which is composed of five (5) members. The Board of Supervisors shall have the same powers, authority, and duties which are exercised by the Board of Supervisors of a fresh water district organized under Chapter 4, Title 128, Revised Civil Statutes of Texas, 1925, as amended.

(b) Each Supervisor shall be elected to represent a specific place number. On the first Tuesday in January after this amendment becomes effective, Supervisors shall be elected to serve in Places 1, 3, and 5 for a two-year term and until their successors are elected and have qualified, and Supervisors shall be elected to serve in Places 2 and 4 for a term of one year and until their successors are elected and have qualified. Thereafter, an election shall be held each year on the first Tuesday in January to elect persons to serve in the appropriate places on the Board, and these Supervisors shall serve for a term of two (2) years and until their successors are elected and have qualified.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 901, ch. 127, § 1, eff. Aug. 30, 1971.

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Art. 8280—258. Palo Pinto County Municipal Water District No. 1

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Sec. 6(a). In addition to other methods of annexing territory herein permitted, territory may be annexed to the District in the manner now provided by Acts 1969, 61st Legislature, 2nd Called Session, Chapter 10.

Sec. 6(a) added by Acts 1971, 62nd Leg., p. 1623, ch. 450, § 4, eff. May 26, 1971.

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Sec. 9. The District is authorized to acquire, construct or improve within or without the boundaries of the District within Palo Pinto County, Eastland County or Parker County, on land held in fee, leased or otherwise held by the District, a dam or dams and all works, plants and other facilities necessary or useful for the purpose of impounding, processing and transporting water to cities and others for all useful purposes. The size of each dam and reservoir shall be determined by the Texas Water Rights Commission, taking into consideration probable future increases in water requirements. No dam or other facilities for impounding water shall be constructed until the plans therefor are approved by the Texas Water Rights Commission.

Sec. 9 amended by Acts 1969, 61st Leg., p. 2494, ch. 837, § 1, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 1622, ch. 450, § 1, eff. May 26, 1971.

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Sec. 11.

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(a) The District shall have the right to acquire by condemnation the fee simple title to, easements or rights-of-way in or upon, or other interests in land and other property and easements within and without the boundaries of the District but not to extend more than five miles within Palo Pinto County, Eastland County or Parker County necessary to the exercise of the powers, rights, privileges and functions conferred upon the District by this Act in the manner provided by Title 52, Revised Civil Statutes, as amended, relating to eminent domain; or at the option of the District in the manner provided by statutes relative to condemnation by Districts organized under General Law pursuant to Section 59, Article XVI of the Constitution of the State of Texas. Such right of eminent domain shall be exercised only as to properties located in Palo Pinto County, Eastland County or Parker County. This District is hereby declared to be a municipal corporation within the meaning of Article 3268 of said Title 52. The amount of and character of interest in land, other property and easements thus to be acquired shall be determined by the Board of Directors. The District shall have the same rights and powers as are

conferred upon water control and improvement districts by Section 49 of Chapter 25, Acts of the 39th Legislature, with reference to making surveys and attending to other business of the District.

Sec. 11(a) amended by Acts 1969, 61st Leg., p. 2494, ch. 837, § 2, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 1623, ch. 450, § 2, eff. May 26, 1971.

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Sec. 13.

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(d) 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 theretofore or thereafter made or other revenues or income specified by resolution of the Board of Directors or in the trust indenture or other instrument securing the bonds. Any such pledge may reserve the right, under conditions therein specified, to issue additional bonds which will be on a parity with respect to the pledged revenues only, or subordinate to the bonds then being issued. The term 'net revenues' as used in this Section shall mean the gross revenues and income of the District from all sources (other than taxation) after deduction of the amount necessary to pay the cost of maintaining and operating the District and its properties.

Sec. 13(d) amended by Acts 1971, 62nd Leg., p. 1623, ch. 450, § 3, eff. May 26, 1971.

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Acts 1971, 62nd Leg., p. 1622, ch. 450, §§ 5 and 6 provided:

"Sec. 5. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"Sec. 6. Proof of publication of the constitutional notice required in the enactment hereof under the provisions of paragraph (d) of Section 59 of Article XVI of the Texas Constitution has been made in the manner provided therein and a copy of said notice and the bill as originally introduced have been delivered to the Governor of the State of Texas as required in such constitutional provision, and such notice and delivery are hereby found and declared to be proper and sufficient to satisfy such requirements."

Art. 8280—266. El Paso County Water Authority

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Sec. 3.

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(e) Each Director shall receive a fee not to exceed Twenty-Five Dollars ($25.00) for attending each meeting of the Board, however, that in no case shall a Director receive more than Fifty Dollars ($50.00) for attending Board meetings during any month. Each Director shall also be entitled to receive not to exceed Twenty-Five Dollars ($25.00) per day devoted to the business of the Authority and to reimbursement for actual expenses incurred in attending to Authority business provided that such service and expense are expressly approved by the Board.

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Sec. 3 amended by Acts 1969, 61st Leg., p. 2099, ch. 718, § 2, eff. June 12, 1969; Subsec. (e) amended by Acts 1971, 62nd Leg., p. 1254, ch. 314, § 1, eff. May 24, 1971.

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Sec. 6.

(a) For the purpose of carrying out any power or authority conferred by this Act, the Authority shall have the following rights:

(i) to acquire and hold, by purchase, lease or otherwise, but not by condemnation, surface or underground water rights within or without the Authority;

(ii) to acquire and hold, by purchase, lease, condemnation, or otherwise, land, improvements, easements for sewer facilities, water pipelines or conveyors of water, and other facilities within the Authority;

(iii) to acquire and hold, by purchase, lease, condemnation, or otherwise easements for sewer facilities, water pipelines or conveyors of water without the Authority.

The right of condemnation shall be exercised in the same manner as is provided by law for counties. The amount and character of interest to be acquired in property shall be determined by the Board of Directors. The Authority shall have the same power as is conferred upon water control and improvement districts by Section 49, Chapter 25, Acts of the 39th Legislature, 1925, with reference to making surveys and attending to other business of the Authority.

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Sec. 6, subsec. (c) added by Acts 1969, 61st Leg., p. 2105, ch. 718, § 7, eff. June 12, 1969; Subsec. (a) amended by Acts 1971, 62nd Leg., p. 1254, c. 314, § 2, eff. May 24, 1971.

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Sec. 17. Land may be added to or annexed to the Authority in the manner now provided by Chapter 3A, Title 128, Revised Civil Statutes of Texas, 1925, as amended; provided, however, that the Board of Directors may require the petitioners, if land is being added in the manner provided by Chapter 25, Acts of the 39th Legislature, 1925 (Article 7880—75, Vernon's Texas Civil Statutes), to allow the land to be added to assume its pro rata share of taxes necessary to support the voted but unissued tax or tax-revenue bonds of the Authority and authorize the Board to levy a tax on their property in payment for such unissued bonds, when issued, or if land is being annexed in the manner provided by Section 75b, Chapter 25, Acts of the 39th Legislature, 1925, as amended (Article 7880—75b, Vernon's Texas Civil Statutes), the Board may also submit a proposition to the property taxpaying voters of the area to be annexed on the question of the assumption by the area to be annexed of its pro rata share of the tax or tax-revenue bonds of the Authority theretofore voted but not yet issued or sold and the levy of an ad valorem tax on taxable property within the area to be annexed along with the tax in the rest of the Authority for the payment thereof. If the petitioners consent or if the election results favorably, the Authority shall be authorized to issue its voted but unissued tax or tax-revenue bonds even though the boundaries of the Authority have been changed since the voting or authorization of such bonds. Provided, however, that if land is added by petition in the manner provided by Chapter 25, Acts of the 39th Legislature, 1925 (Article 7880—75, Vernon's Texas Civil Statutes), the land to be added may be described by reference to recorded surveys as well as by metes and bounds in said petition.

Sec. 17 added by Acts 1971, 62nd Leg., p. 1255, ch. 314, § 3, eff. May 24, 1971.

Acts 1971, 62nd Leg., p. 1254, ch. 314, §§ 4 and 5 provided:

"Sec. 4. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

"Sec. 5. Proof of publication of the constitutional notice required in the enactment hereof under the provisions of Paragraph (d) of Section 59 of Article XVI of the Texas Constitution has been made in the manner provided therein and a copy of said notice and the bill as originally introduced has been delivered to the Governor of the State of Texas as required in such constitutional provision and such notice and delivery are hereby found and declared to be proper and sufficient to satisfy such requirements."

Art. 8280—287. Bayview Municipal Utility District of Galveston County

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Sec. 3A. At the next election of Supervisors after this amendment becomes effective, three (3) Supervisors shall be elected to serve for a term of two (2) years and until their successors are elected and have qualified and two (2) Supervisors shall be elected to serve for a term of one year and until their successors are elected and have qualified. Thereafter, an election shall be held each year to elect the appropriate number of Supervisors to serve on the Board and these Supervisors shall serve for a term of two (2) years and until their successors are elected and have qualified.

Sec. 3A added by Acts 1971, 62nd Leg., p. 998, ch. 186, § 1, eff. May 13, 1971.

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Art. 8280—296. Aransas County Conservation and Reclamation District

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Sec. 3a. Sanitary sewer system; revenue bonds. The District shall be and is hereby empowered to purchase, acquire, construct, operate, maintain, improve, and extend all works, facilities, plants, equipment, and appliances in any and all manner incident to, helpful, or necessary to the collection, transportation, processing, disposal, and control of all domestic, industrial, or communal wastes, whether fluids, solids, or composites hereafter called "sanitary sewer system."

All of the provisions of this Act with respect to the powers, duties, and responsibilities of the District and its Board of Directors shall apply to and govern the methods and procedures whereby the District shall provide such sanitary sewer system, including the issuance of revenue-supported bonds, provided, however, no tax may be levied for the payment of any bonds authorized for sanitary sewer system purposes.

Sec. 3a added by Acts 1971, 62nd Leg., p. 1925, ch. 582, § 1, eff. June 1, 1971.

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Acts 1971, 62nd Leg., p. 1925, ch. 582, §§ 2 and 3 provided:

"Sec. 2. Nothing in this Act shall be construed to violate any provision of the federal or state constitutions and all acts done hereunder shall be done in such manner as may conform thereto whether herein expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such constitutions the district shall have the power by resolution to provide an alternative procedure conformable to such constitutions. If any provision of the act shall be invalid, such fact shall not affect the creation of the district or the validity of any other provision of this Act, and the Legislature hereby declares that it would have created the district and enacted the valid provisions of this Act notwithstanding the invalidity of any other provision or provisions hereof.

"Sec. 3. It is determined and found that a proper and legal notice of the intention to introduce this Act, setting forth the general substance of this act, has been published at least 30 days and not more than 90 days prior to the introduction of this Act in the Legislature of Texas, in a newspaper having general circulation in Aransas County, Texas; that a copy of such notice and a copy of this Act have been delivered to the Governor of Texas who has submitted such notice and act to the Texas Water Rights Commission, and said Texas Water Rights Commission had filed its recommendation as to such Act with the Governor, Lieutenant Governor, and Speaker of the House of Representatives of Texas within 30 days from the date such notice and Act were received by the Texas Water Rights Commission; and that all the requirements and provisions of Article XVI, Section 59(d), of the Constitution of the State of Texas have been fulfilled and accomplished as therein provided."

Art. 8280—305. Plateau Underground Water Conservation and Supply District

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Elections

Sec. 10. (a) The board shall call an election to elect directors to the board on the first Saturday in April two years after the election held under Section 42(b) of this Act, and shall call an election to elect directors every two years thereafter.

Sec. 10, subsec. (a) amended by Acts 1971, 62nd Leg., p. 1283, ch. 326, § 1, eff. May 24, 1971.

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Initial Board

Sec. 42. (a) On the effective date of the creation of this district, as set out in Section 3 of this Act, the following persons are the directors of the board:

Precinct 1, Ford Oglesby
Precinct 2, James L. Powell
Precinct 3, Bobby R. Sykes
Precinct 4, Earl Lloyd
Director-at-large, Mort Mertz.

(b) The term of office of the initial board members is from the effective date of the creation of this district, as set out in Section 3 of this Act, until their successors are elected and have qualified. The successors of the initial board members shall be elected at an election to be held on the first Saturday in April following the effective date of the creation of the district.

Sec. 42 amended by Acts 1971, 62nd Leg., p. 1283, ch. 326, § 2, eff. May 24, 1971.

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Art. 8280–341. Franklin County Water District

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Sec. 3.

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Governing body of the district

(f) The Directors shall receive such fees for attending Board meetings as may be established by unanimous vote of the Board, but not to exceed Twenty-five Dollars ($25) for each meeting and not more than Fifty Dollars ($50) for all meetings held in any one calendar month. Said Directors shall also be entitled to receive reimbursement for actual expenses incurred in attending to District business, provided that such expenses are approved by the Board.

Sec. 3, subsec. (f) amended by Acts 1971, 62nd Leg., p. 1330, ch. 354, § 1, eff. May 24, 1971.

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WATER DISTRICTS—SPECIAL ACTS

The 62nd Legislature, 1971 Regular Session, created 114 additional districts and amended the Acts of six districts created by the 61st Legislature, 1969 Regular Session, all of which are listed in the Tables below. The first Table lists the districts alphabetically by name, showing the Vernon's Annotated Texas Statutes classification, the citation of the Act which created the district, and in the case of those created in 1969, the citation of the 1971 Amendatory Act. The second Table lists the same districts by Vernon's Annotated Texas Statutes classification.

For full text of these new and amendatory acts consult Vernon's Annotated Texas Statutes or the General and Special Laws of Texas, 62nd Legislature, Regular Session 1971.

ALPHABETICAL TABLE

Name of District	V.A.T.S. Classification	Created by
Addicks Utility District	8280-548	Acts 1971, 62nd Leg., p. 2156, ch. 661.
Aldine Public Utility District	8280-561	Acts 1971, 62nd Leg., p. 2197, ch. 674.
Bandera County River Authority	8280-526	Acts 1971, 62nd Leg., p. 2045, ch. 629.
Bayfield Public Utility District	8280-532	Acts 1971, 62nd Leg., p. 2084, ch. 641.
Bear Creek Utility District	8280-543	Acts 1971, 62nd Leg., p. 2129, ch. 655.
Beaumont Place Utility District	8280-517	Acts 1971, 62nd Leg., p. 1918, ch. 578.
Bellfort Public Utility District	8280-478	Acts 1971, 62nd Leg., p. 961, ch. 169.
Beltway Municipal Utility District	8280-505	Acts 1971, 62nd Leg., p. 1677, ch. 476.
Bilma Public Utility District	8280-512	Acts 1971, 62nd Leg., p. 1889, ch. 559.
Booker Public Utility District	8280-484	Acts 1971, 62nd Leg., p. 1135, ch. 253.
Buffalo Camp Farms Public Utility District	8280-575	Acts 1971, 62nd Leg., p. 2247, ch. 688.
Burleson County Municipal Utility District No. 1	8280-587	Acts 1971, 62nd Leg., p. 2319, ch. 703.
Cedar Bayou Municipal Utility District	8280-520	Acts 1971, 62nd Leg., p. 1962, ch. 603.
Cibolo Creek Municipal Authority	8280-487	Acts 1971, 62nd Leg., p. 1312, ch. 347.
Colony Hills Public Utility District	8280-541	Acts 1971, 62nd Leg., p. 2123, ch. 653.
Concord Public Utility District	8280-495	Acts 1971, 62nd Leg., p. 1582, ch. 429.
Corinthian Point Utility District	8280-531	Acts 1971, 62nd Leg., p. 2067, ch. 636.
Cy-Champ Public Utility District	8280-573	Acts 1971, 62nd Leg., p. 2241, ch. 686.
Cypress Forest Public Utility District	8280-479	Acts 1971, 62nd Leg., p. 1007, ch. 195.
Cypress-Klein Utility District	8280-542	Acts 1971, 62nd Leg., p. 2126, ch. 654.
Cypresswood Utility District	8280-515	Acts 1971, 62nd Leg., p. 1912, ch. 576.
Delta County Municipal Utility District	8280-589	Acts 1971, 62nd Leg., p. 2327, ch. 705.
Dove Meadows Municipal Utility District	8280-525	Acts 1971, 62nd Leg., p. 2042, ch. 628.
Dowdell Public Utility District	8280-581	Acts 1971, 62nd Leg., p. 2280, ch. 697.
El Dorado Utility District	8280-538	Acts 1971, 62nd Leg., p. 2103, ch. 648.
Emerald Forest Utility District	8280-519	Acts 1971, 62nd Leg., p. 1928, ch. 584.
Encanto Real Utility District	8280-584	Acts 1971, 62nd Leg., p. 2288, ch. 700.
Enchanted Place Public Utility District	8280-513	Acts 1971, 62nd Leg., p. 1898, ch. 565.
Enchanted Valley Public Utility District	8280-552	Acts 1971, 62nd Leg., p. 2167, ch. 665.
Flying "L" Public Utility District	8280-508	Acts 1971, 62nd Leg., p. 1735, ch. 505.
Glen Hollow Public Utility District	8280-481	Acts 1971, 62nd Leg., p. 1120, ch. 248.
Grant Road Public Utility District	8280-504	Acts 1971, 62nd Leg., p. 1673, ch. 474.
Greens Public Utility District	8280-510	Acts 1971, 62nd Leg., p. 1879, ch. 556.
Gulf Coast Water Control and Improvement District	8280-585	Acts 1971, 62nd Leg., p. 2292, ch. 701.
Hannah Nash Public Utility District	8280-499	Acts 1971, 62nd Leg., p. 1605, ch. 440.
Harris County Utility District No. 1	8280-405	Acts 1969, 61st Leg., p. 432, ch. 148; amended by Acts 1971, 62nd Leg., p. 1897, ch. 564, § 1.
Harris County Utility District No. 2	8280-423	Acts 1969, 61st Leg., p. 780, ch. 263; amended by Acts 1971, 62nd Leg., p. 1591, ch. 434, § 1.
Harris County Utility District No. 3	8280-406	Acts 1969, 61st Leg., p. 441, ch. 149; amended by Acts 1971, 62nd Leg., p. 1593, ch. 435, § 1.
Harris County Utility District No. 4	8280-416	Acts 1969, 61st Leg., p. 656, ch. 222; amended by Acts 1971, 62nd Leg., p. 3031, ch. 998, § 1.
Harris County Utility District No. 8	8280-528	Acts 1971, 62nd Leg., p. 2055, ch. 633.
Harris County Utility District No. 9	8280-497	Acts 1971, 62nd Leg., p. 1599, ch. 438.
Harris County Utility District No. 10	8280-498	Acts 1971, 62nd Leg., p. 1602, ch. 439.
Harris County Utility District No. 11	8280-500	Acts 1971, 62nd Leg., p. 1611, ch. 444.
Harris County Utility District No. 12	8280-514	Acts 1971, 62nd Leg., p. 1906, ch. 571.
Harris County Utility District No. 13	8280-506	Acts 1971, 62nd Leg., p. 1682, ch. 479.
Harris County Utility District No. 14	8280-501	Acts 1971, 62nd Leg., p. 1613, ch. 445.
Harris County Utility District No. 15	8280-533	Acts 1971, 62nd Leg., p. 2086, ch. 642.
Harris County Utility District No. 16	8280-496	Acts 1971, 62nd Leg., p. 1596, ch. 437.
Holiday Hills Public Utility District	8280-511	Acts 1971, 62nd Leg., p. 1885, ch. 558.
Huffsmith Road Public Utility District	8280-563	Acts 1971, 62nd Leg., p. 2203, ch. 676.
Indian Springs Utility District	8280-586	Acts 1971, 62nd Leg., p. 2315, ch. 702.
Irving Flood Control District	8280-477	Acts 1971, 62nd Leg., p. 910, ch. 135.
Jackrabbit Road Public Utility District	8280-562	Acts 1971, 62nd Leg., p. 2200, ch. 675.
Jetero Public Utility District	8280-570	Acts 1971, 62nd Leg., p. 2230, ch. 683.
Klein Public Utility District	8280-490	Acts 1971, 62nd Leg., p. 1543, ch. 411.
Knollwood Public Utility District	8280-560	Acts 1971, 62nd Leg., p. 2193, ch. 673.
Kuykendahl Road Public Utility District No. 1	8280-565	Acts 1971, 62nd Leg., p. 2211, ch. 678.

Name of District	V.A.T.S. Classification	Created by
Kuykendahl Road Public Utility District No. 2	8280-564	Acts 1971, 62nd Leg., p. 2206, ch. 677.
Lake Forest Utility District	8280-518	Acts 1971, 62nd Leg., p. 1921, ch. 579.
LaPorte Utility District	8280-540	Acts 1971, 62nd Leg., p. 2119, ch. 652.
League City Semi-Tropical Gardens Utility District	8280-521	Acts 1971, 62nd Leg., p. 1988, ch. 615.
Liberty Public Utility District	8280-522	Acts 1971, 62nd Leg., p. 2022, ch. 623.
Long Island Utility District	8280-485	Acts 1971, 62nd Leg., p. 1226, ch. 302.
Longhorn Town Utility District	8280-547	Acts 1971, 62nd Leg., p. 2141, ch. 659.
Louetta North Public Utility District	8280-572	Acts 1971, 62nd Leg., p. 2238, ch. 685.
Luce Bayou Public Utility District	8280-509	Acts 1971, 62nd Leg., p. 1872, ch. 554.
Malcomson Road Utility District	8280-546	Acts 1971, 62nd Leg., p. 2138, ch. 658.
Mason Creek Utility District	8280-551	Acts 1971, 62nd Leg., p. 2164, ch. 664.
May Public Utility District	8280-523	Acts 1971, 62nd Leg., p. 2025, ch. 624.
McAllen Foreign-Trade Zone Utility District	8280-590	Acts 1971, 62nd Leg., p. 3418, ch. 1046.
Memorial Point Utility District	8280-493	Acts 1971, 62nd Leg., p. 1563, ch. 423.
Montgomery County Utility District No. 2	8280-530	Acts 1971, 62nd Leg., p. 2062, ch. 635.
Montgomery County Utility District No. 3	8280-529	Acts 1971, 62nd Leg., p. 2058, ch. 634.
Montgomery County Utility District No. 4	8280-486	Acts 1971, 62nd Leg., p. 1305, ch. 344.
Montgomery County Municipal Utility District No. 5	8280-577	Acts 1971, 62nd Leg., p. 2259, ch. 692.
Montgomery County Municipal Utility District No. 6	8280-578	Acts 1971, 62nd Leg., p. 2263, ch. 693.
Montgomery County Municipal Utility District No. 7	8280-579	Acts 1971, 62nd Leg., p. 2267, ch. 694.
Montgomery County Municipal Utility District No. 9	8280-588	Acts 1971, 62nd Leg., p. 2322, ch. 704.
Mossy Oaks Utility District	8280-516	Acts 1971, 62nd Leg., p. 1915, ch. 577.
North Park Public Utility District	8280-580	Acts 1971, 62nd Leg., p. 2277, ch. 696.
Northbrook Municipal Utility District	8280-545	Acts 1971, 62nd Leg., p. 2134, ch. 657.
Northwest Harris County Public Utility District No. 1	8280-535	Acts 1971, 62nd Leg., p. 2094, ch. 645.
Northwest Harris County Public Utility District No. 2	8280-536	Acts 1971, 62nd Leg., p. 2097, ch. 646.
Northwest Harris County Public Utility District No. 3	8280-537	Acts 1971, 62nd Leg., p. 2100, ch. 647.
Northwest Municipal Utility District	8280-553	Acts 1971, 62nd Leg., p. 2172, ch. 666.
Oakmont Public Utility District	8280-524	Acts 1971, 62nd Leg., p. 2028, ch. 625.
Pine Bough Public Utility District	8280-480	Acts 1971, 62nd Leg., p. 1117, ch. 247.
Pine Forest Municipal Utility District	8280-494	Acts 1971, 62nd Leg., p. 1577, ch. 427.
Pine Forest Public Utility District	8280-482	Acts 1971, 62nd Leg., p. 1123, ch. 249.
Pine Village Public Utility District	8280-539	Acts 1971, 62nd Leg., p. 2114, ch. 650.
Prestonwood Public Utility District	8280-550	Acts 1971, 62nd Leg., p. 2161, ch. 663.
Robin Public Utility District	8280-559	Acts 1971, 62nd Leg., p. 2191, ch. 672.
Rolling Creek Utility District	8280-549	Acts 1971, 62nd Leg., p. 2158, ch. 662.
Rolling Fork Public Utility District	8280-576	Acts 1971, 62nd Leg., p. 2254, ch. 689.
Roman Forest Public Utility District No. 1	8280-534	Acts 1971, 62nd Leg., p. 2091, ch. 644.
Roman Forest Public Utility District No. 2	8280-554	Acts 1971, 62nd Leg., p. 2177, ch. 667.
Roman Forest Public Utility District No. 3	8280-555	Acts 1971, 62nd Leg., p. 2180, ch. 668.
Roman Forest Public Utility District No. 4	8280-556	Acts 1971, 62nd Leg., p. 2182, ch. 669.
Roman Forest Public Utility District No. 5	8280-557	Acts 1971, 62nd Leg., p. 2185, ch. 670.
Roman Forest Public Utility District No. 6	8280-558	Acts 1971, 62nd Leg., p. 2188, ch. 671.
Sagemeadow Utility District	8280-566	Acts 1971, 62nd Leg., p. 2216, ch. 679.
Seabourne Creek Public Utility District	8280-582	Acts 1971, 62nd Leg., p. 2283, ch. 698.
Shasla Public Utility District	8280-491	Acts 1971, 62nd Leg., p. 1546, ch. 412.
Spanish Cove Public Utility District	8280-489	Acts 1971, 62nd Leg., p. 1539, ch. 409.
Spencer Road Public Utility District	8280-583	Acts 1971, 62nd Leg., p. 2285, ch. 699.
Spring Creek Forest Public Utility District	8280-527	Acts 1971, 62nd Leg., p. 2049, ch. 630.
Spring Creek Utility District	8280-569	Acts 1971, 62nd Leg., p. 2226, ch. 682.
Spring Public Utility District	8280-492	Acts 1971, 62nd Leg., p. 1549, ch. 413.
Tall Timbers Utility District	8280-544	Acts 1971, 62nd Leg., p. 2132, ch. 656.
Thunderbird Utility District	8280-503	Acts 1971, 62nd Leg., p. 1635, ch. 456.
Tiger Lake Utility District	8280-571	Acts 1971, 62nd Leg., p. 2233, ch. 684.

Name of District	V.A.T.S. Classification	Created by
Varner Creek Utility District	8280-488	Acts 1971, 62nd Leg., p. 1326, ch. 352.
Village Public Utility District	8280-483	Acts 1971, 62nd Leg., p. 1131, ch. 251.
Westcrest Utility District	8280-507	Acts 1971, 62nd Leg., p. 1684, ch. 480.
Westway Utility District	8280-502	Acts 1971, 62nd Leg., p. 1616, ch. 446.
Willacy County Drainage District No. 1	8280-413	Acts 1969, 61st Leg., p. 22, ch. 10; amended by Acts 1971, 62nd Leg., p. 1179, ch. 281, §§ 1, 2.
Willacy County Drainage District No. 2	8280-414	Acts 1969, 61st Leg., p. 31, ch. 11; amended by Acts 1971, 62nd Leg., p. 1178, ch. 280, §§ 1, 2.
Windfern Forest Utility District	8280-574	Acts 1971, 62nd Leg., p. 2245, ch. 687.
Windswept Utility District	8280-568	Acts 1971, 62nd Leg., p. 2221, ch. 681.
Woodforest North Utility District	8280-567	Acts 1971, 62nd Leg., p. 2218, ch. 680.

CLASSIFICATION TABLE

V.A.T.S. Classification	Name of District—Citation of Act
8280-405	Harris County Utility District No. 1—Acts 1969, 61st Leg., p. 432, ch. 148; amended by Acts 1971, 62nd Leg., p. 1897, ch. 564, § 1.
8280-406	Harris County Utility District No. 3—Acts 1969, 61st Leg., p. 441, ch. 149; amended by Acts 1971, 62nd Leg., p. 1593, ch. 435, § 1.
8280-413	Willacy County Drainage District No. 1—Acts 1969, 61st Leg., p. 22, ch. 10; amended by Acts 1971, 62nd Leg., p. 1179, ch. 281, §§ 1, 2.
8280-414	Willacy County Drainage District No. 2—Acts 1969, 61st Leg., p. 31, ch. 11; amended by Acts 1971, 62nd Leg., p. 1178, ch. 280, §§ 1, 2.
8280-416	Harris County Utility District No. 4—Acts 1969, 61st Leg., p. 656, ch. 222; amended by Acts 1971, 62nd Leg., p. 3031, ch. 998, § 1.
8280-423	Harris County Utility District No. 2—Acts 1969, 61st Leg., p. 780, ch. 263; amended by Acts 1971, 62nd Leg., p. 1591, ch. 434, § 1.
8280-477	Irving Flood Control District—Acts 1971, 62nd Leg., p. 910, ch. 135.
8280-478	Bellfort Public Utility District—Acts 1971, 62nd Leg., p. 961, ch. 169.
8280-479	Cypress Forest Public Utility District—Acts 1971, 62nd Leg., p. 1007, ch. 195.
8280-480	Pine Bough Public Utility District—Acts 1971, 62nd Leg., p. 1117, ch. 247.
8280-481	Glen Hollow Public Utility District—Acts 1971, 62nd Leg., p. 1120, ch. 248.
8280-482	Pine Forest Public Utility District—Acts 1971, 62nd Leg., p. 1123, ch. 249.
8280-483	Village Public Utility District—Acts 1971, 62nd Leg., p. 1131, ch. 251.
8280-484	Booker Public Utility District—Acts 1971, 62nd Leg., p. 1135, ch. 253.
8280-485	Long Island Utility District—Acts 1971, 62nd Leg., p. 1226, ch. 302.
8280-486	Montgomery County Utility District No. 4—Acts 1971, 62nd Leg., p. 1305, ch. 344.
8280-487	Cibolo Creek Municipal Authority—Acts 1971, 62nd Leg., p. 1312, ch. 347.
8280-488	Varner Creek Utility District—Acts 1971, 62nd Leg., p. 1326, ch. 352.
8280-489	Spanish Cove Public Utility District—Acts 1971, 62nd Leg., p. 1539, ch. 409.
8280-490	Klein Public Utility District—Acts 1971, 62nd Leg., p. 1543, ch. 411.
8280-491	Shasla Public Utility District—Acts 1971, 62nd Leg., p. 1546, ch. 412.
8280-492	Spring Public Utility District—Acts 1971, 62nd Leg., p. 1549, ch. 413.
8280-493	Memorial Point Utility District—Acts 1971, 62nd Leg., p. 1563, ch. 423.
8280-494	Pine Forest Municipal Utility District—Acts 1971, 62nd Leg., p. 1577, ch. 427.
8280-495	Concord Public Utility District—Acts 1971, 62nd Leg., p. 1582, ch. 429.
8280-496	Harris County Utility District No. 16—Acts 1971, 62nd Leg., p. 1596, ch. 437.
8280-497	Harris County Utility District No. 9—Acts 1971, 62nd Leg., p. 1599, ch. 438.
8280-498	Harris County Utility District No. 10—Acts 1971, 62nd Leg., p. 1602, ch. 439.
8280-499	Hannah Nash Public Utility District—Acts 1971, 62nd Leg., p. 1605, ch. 440.
8280-500	Harris County Utility District No. 11—Acts 1971, 62nd Leg., p. 1611, ch. 444.
8280-501	Harris County Utility District No. 14—Acts 1971, 62nd Leg., p. 1613, ch. 445.
8280-502	Westway Utility District—Acts 1971, 62nd Leg., p. 1616, ch. 446.
8280-503	Thunderbird Utility District—Acts 1971, 62nd Leg., p. 1635, ch. 456.
8280-504	Grant Road Public Utility District—Acts 1971, 62nd Leg., p. 1673, ch. 474.

V.A.T.S. Classification	Name of District—Citation of Act
8280-505	Beltway Municipal Utility District—Acts 1971, 62nd Leg., p. 1677, ch. 476.
8280-506	Harris County Utility District No. 13—Acts 1971, 62nd Leg., p. 1682, ch. 479.
8280-507	Westcrest Utility District—Acts 1971, 62nd Leg., p. 1684, ch. 480.
8280-508	Flying "L" Public Utility District—Acts 1971, 62nd Leg., p. 1735, ch. 505.
8280-509	Luce Bayou Public Utility District—Acts 1971, 62nd Leg., p. 1872, ch. 554.
8280-510	Greens Public Utility District—Acts 1971, 62nd Leg., p. 1879, ch. 556.
8280-511	Holiday Hills Public Utility District—Acts 1971, 62nd Leg., p. 1885, ch. 558.
8280-512	Bilma Public Utility District—Acts 1971, 62nd Leg., p. 1889, ch. 559.
8280-513	Enchanted Place Public Utility District—Acts 1971, 62nd Leg., p. 1898, ch. 565.
8280-514	Harris County Utility District No. 12—Acts 1971, 62nd Leg., p. 1906, ch. 571.
8280-515	Cypresswood Utility District—Acts 1971, 62nd Leg., p. 1912, ch. 576.
8280-516	Mossy Oaks Utility District—Acts 1971, 62nd Leg., p. 1915, ch. 577.
8280-517	Beaumont Place Utility District—Acts 1971, 62nd Leg., p. 1918, ch. 578.
8280-518	Lake Forest Utility District—Acts 1971, 62nd Leg., p. 1921, ch. 579.
8280-519	Emerald Forest Utility District—Acts 1971, 62nd Leg., p. 1928, ch. 584.
8280-520	Cedar Bayou Municipal Utility District—Acts 1971, 62nd Leg., p. 1962, ch. 603.
8280-521	League City Semi-Tropical Gardens Utility District—Acts 1971, 62nd Leg., p. 1988, ch. 615.
8280-522	Liberty Public Utility District—Acts 1971, 62nd Leg., p. 2022, ch. 623.
8280-523	May Public Utility District—Acts 1971, 62nd Leg., p. 2025, ch. 624.
8280-524	Oakmont Public Utility District—Acts 1971, 62nd Leg., p. 2028, ch. 625.
8280-525	Dove Meadows Municipal Utility District—Acts 1971, 62nd Leg., p. 2042, ch. 628.
8280-526	Bandera County River Authority—Acts 1971, 62nd Leg., p. 2045, ch. 629.
8280-527	Spring Creek Forest Public Utility District—Acts 1971, 62nd Leg., p. 2049, ch. 630.
8280-528	Harris County Utility District No. 8—Acts 1971, 62nd Leg., p. 2055, ch. 633.
8280-529	Montgomery County Utility District No. 3—Acts 1971, 62nd Leg., p. 2058, ch. 634.
8280-530	Montgomery County Utility District No. 2—Acts 1971, 62nd Leg., p. 2062, ch. 635.
8280-531	Corinthian Point Utility District—Acts 1971, 62nd Leg., p. 2067, ch. 636.
8280-532	Bayfield Public Utility District—Acts 1971, 62nd Leg., p. 2084, ch. 641.
8280-533	Harris County Utility District No. 15—Acts 1971, 62nd Leg., p. 2086, ch. 642.
8280-534	Roman Forest Public Utility District No. 1—Acts 1971, 62nd Leg., p. 2091, ch. 644.
8280-535	Northwest Harris County Public Utility District No. 1—Acts 1971, 62nd Leg., p. 2094, ch. 645.
8280-536	Northwest Harris County Public Utility District No. 2—Acts 1971, 62nd Leg., p. 2097, ch. 646.
8280-537	Northwest Harris County Public Utility District No. 3—Acts 1971, 62nd Leg., p. 2100, ch. 647.
8280-538	El Dorado Utility District—Acts 1971, 62nd Leg., p. 2103, ch. 648.
8280-539	Pine Village Public Utility District—Acts 1971, 62nd Leg., p. 2114, ch. 650.
8280-540	LaPorte Utility District—Acts 1971, 62nd Leg., p. 2119, ch. 652.
8280-541	Colony Hills Public Utility District—Acts 1971, 62nd Leg., p. 2123, ch. 653.
8280-542	Cypress-Klein Utility District—Acts 1971, 62nd Leg., p. 2126, ch. 654.
8280-543	Bear Creek Utility District—Acts 1971, 62nd Leg., p. 2129, ch. 655.
8280-544	Tall Timbers Utility District—Acts 1971, 62nd Leg., p. 2132, ch. 656.
8280-545	Northbrook Municipal Utility District—Acts 1971, 62nd Leg., p. 2134, ch. 657.
8280-546	Malcomson Road Utility District—Acts 1971, 62nd Leg., p. 2138, ch. 658.
8280-547	Longhorn Town Utility District—Acts 1971, 62nd Leg., p. 2141, ch. 659.
8280-548	Addicks Utility District—Acts 1971, 62nd Leg., p. 2156, ch. 661.
8280-549	Rolling Creek Utility District—Acts 1971, 62nd Leg., p. 2158, ch. 662.
8280-550	Prestonwood Public Utility District—Acts 1971, 62nd Leg., p. 2161, ch. 663.
8280-551	Mason Creek Utility District—Acts 1971, 62nd Leg., p. 2164, ch. 664.
8280-552	Enchanted Valley Public Utility District—Acts 1971, 62nd Leg., p. 2167, ch. 665.
8280-553	Northwest Municipal Utility District—Acts 1971, 62nd Leg., p. 2172, ch. 666.

V.A.T.S. Classification	Name of District—Citation of Act
8280-554	Roman Forest Public Utility District No. 2—Acts 1971, 62nd Leg., p. 2177, ch. 667.
8280-555	Roman Forest Public Utility District No. 3—Acts 1971, 62nd Leg., p. 2180, ch. 668.
8280-556	Roman Forest Public Utility District No. 4—Acts 1971, 62nd Leg., p. 2182, ch. 669.
8280-557	Roman Forest Public Utility District No. 5—Acts 1971, 62nd Leg., p. 2185, ch. 670.
8280-558	Roman Forest Public Utility District No. 6—Acts 1971, 62nd Leg., p. 2188, ch. 671.
8280-559	Robin Public Utility District—Acts 1971, 62nd Leg., p. 2191, ch. 672.
8280-560	Knollwood Public Utility District—Acts 1971, 62nd Leg., p. 2193, ch. 673.
8280-561	Aldine Public Utility District—Acts 1971, 62nd Leg., p. 2197, ch. 674.
8280-562	Jackrabbit Road Public Utility District—Acts 1971, 62nd Leg., p. 2200, ch. 675.
8280-563	Huffsmith Road Public Utility District—Acts 1971, 62nd Leg., p. 2203, ch. 676.
8280-564	Kuykendahl Road Public Utility District No. 2—Acts 1971, 62nd Leg., p. 2206, ch. 677.
8280-565	Kuykendahl Road Public Utility District No. 1—Acts 1971, 62nd Leg., p. 2211, ch. 678.
8280-566	Sagemeadow Utility District—Acts 1971, 62nd Leg., p. 2216, ch. 679.
8280-567	Woodforest North Utility District—Acts 1971, 62nd Leg., p. 2218, ch. 680.
8280-568	Windswept Utility District—Acts 1971, 62nd Leg., p. 2221, ch. 681.
8280-569	Spring Creek Utility District—Acts 1971, 62nd Leg., p. 2226, ch. 682.
8280-570	Jetero Public Utility District—Acts 1971, 62nd Leg., p. 2230, ch. 683.
8280-571	Tiger Lake Utility District—Acts 1971, 62nd Leg., p. 2233, ch. 684.
8280-572	Louetta North Public Utility District—Acts 1971, 62nd Leg., p. 2238, ch. 685.
8280-573	Cy-Champ Public Utility District—Acts 1971, 62nd Leg., p. 2241, ch. 686.
8280-574	Windfern Forest Utility District—Acts 1971, 62nd Leg., p. 2245, ch. 687.
8280-575	Buffalo Camp Farms Public Utility District—Acts 1971, 62nd Leg., p. 2247, ch. 688.
8280-576	Rolling Fork Public Utility District—Acts 1971, 62nd Leg., p. 2254, ch. 689.
8280-577	Montgomery County Municipal Utility District No. 5—Acts 1971, 62nd Leg., p. 2259, ch. 692.
8280-578	Montgomery County Municipal Utility District No. 6—Acts 1971, 62nd Leg., p. 2263, ch. 693.
8280-579	Montgomery County Municipal Utility District No. 7—Acts 1971, 62nd Leg., p. 2267, ch. 694.
8280-580	North Park Public Utility District—Acts 1971, 62nd Leg., p. 2277, ch. 696.
8280-581	Dowdell Public Utility District—Acts 1971, 62nd Leg., p. 2280, ch. 697.
8280-582	Seabourne Creek Public Utility District—Acts 1971, 62nd Leg., p. 2283, ch. 698.
8280-583	Spencer Road Public Utility District—Acts 1971, 62nd Leg., p. 2285, ch. 699.
8280-584	Encanto Real Utility District—Acts 1971, 62nd Leg., p. 2288, ch. 700.
8280-585	Gulf Coast Water Control and Improvement District—Acts 1971, 62nd Leg., p. 2292, ch. 701.
8280-586	Indian Springs Utility District—Acts 1971, 62nd Leg., p. 2315, ch. 702.
8280-587	Burleson County Municipal Utility District No. 1—Acts 1971, 62nd Leg., p. 2319, ch. 703.
8280-588	Montgomery County Municipal Utility District No. 9—Acts 1971, 62nd Leg., p. 2322, ch. 704.
8280-589	Delta County Municipal Utility District—Acts 1971, 62nd Leg., p. 2327, ch. 705.
8280-590	McAllen Foreign-Trade Zone Utility District—Acts 1971, 62nd Leg., p. 3418, ch. 1046.

TITLE 130—WORKMEN'S COMPENSATION LAW

PART 2

PART I

Art. 8306, sec. 8a. Persons to whom death benefits payable; exemptions; distribution; payments

Sec. 8a. The compensation provided for in the foregoing section of this law shall be for the sole and exclusive benefit of the surviving husband who has not, for good cause and for a period of three years prior thereto, abandoned his wife at the time of the injury, and of the wife who has not, at the time of the injury without good cause and for a period of three years prior thereto, abandoned her husband, and of the minor children, parents and stepmother, without regard to the question of dependency, dependent grandparents, dependent children, dependent grandchildren and dependent brothers and sisters of the deceased employee; and the amount recovered thereunder shall not be liable for the debts of the deceased nor the debts of the beneficiary or beneficiaries and shall be distributed among the beneficiaries as may be entitled to the same as hereinbefore provided, according to the laws of descent and distribution of this State; provided, the right in such beneficiary or beneficiaries to recover compensation for death be determined by the facts that exist at the date of the death of the deceased and that said right be a complete, absolute and vested one. Such compensation shall not pass to the estate of the deceased to be administered upon, but shall be paid directly to said beneficiaries when the same are capable of taking, under the laws of this State, or to their guardian in case of lunacy, infancy or other disqualifying cause; except payments may be made directly to the person having custody of the person of such beneficiary, who shall be entitled to receive and receipt for such payments unless or until the association is notified that a guardian has been appointed, in which event payment shall thereafter be made to such guardian. The compensation provided for in this law shall be paid weekly to the beneficiaries herein specified, subject to the provisions of this law.

Sec. 8a amended by Acts 1971, 62nd Leg., p. 1386, ch. 372, § 1, eff. Aug. 30, 1971.

Sections 2 to 4 of the 1971 amendatory act provided:

"Sec. 2. As respects claims for injury sustained prior to the effective date of this Act, no inchoate, vested, matured, existing or other rights, remedies, powers, duties, or authority, either of any employee or legal beneficiary, or of the board, or of the association, or of any other person shall be in any way affected by any of the amendments or repeals herein made to the original law hereby amended or repealed, but all such rights, remedies, powers, duties, and authority shall remain and be in force as under the original law just as if the amendments or repeals hereby adopted had never been made, and to that end it is hereby declared that as respects such injuries occurring prior to the effective date of this Act, said original law is not repealed, but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties, and authority; and further this Act insofar as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment.

"Sec. 3. If any section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

"Sec. 4. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict."

Art. 8306, sec. 12c. Subsequent injury; Second-Injury Fund

Sec. 12c. If an employee who has suffered a previous injury shall suffer a subsequent injury which results in a condition of incapacity to which both injuries or their effects have contributed, the association shall be liable for all compensation provided by this Act, but said association shall be reimbursed from the "Second Injury Fund" as hereinafter described, to the extent that the previous injury contributes to the combined incapacity.

Sec. 12c amended by Acts 1971, 62nd Leg., p. 1257, ch. 316, § 1, eff. Sept. 1, 1971.

Sections 4 to 6 of Acts 1971, 62nd Leg., p. 1258, ch. 316, provided:

"Sec. 4. As respects claims for injury sustained prior to the effective date of this Act, no inchoate, vested, matured, existing or other rights, remedies, powers, duties, or authority, either of any employee or legal beneficiary, or of the Board, or of the association, or of any other person shall be in any way affected by any of the amendments or repeals herein made to the original law hereby amended or repealed, but all such rights, remedies, powers, duties, and authority shall remain and be in force as under the original law just as if the amendments or repeals hereby adopted had never been made, and to that end it is hereby declared that as respects such injuries occurring prior to the effective date of this Act, said original law is not repealed, but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties, and authority; and further, this Act insofar as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment.

"Sec. 5. If any section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

"Sec. 6. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict."

Art. 8306, sec. 12c–1. Permanent and total incapacity through loss of or loss of use of, another member or organ

Sec. 12c–1. If an employee who has previously lost, or lost the use of, one hand, one arm, one foot, one leg, or one eye, becomes permanently and totally incapacitated through the loss or loss of use of another member or organ, the association shall be liable for all compensation provided by this Act, not to exceed 401 weeks, but said association shall be reimbursed from the "Second Injury Fund," as hereinafter described, to the extent that its payment exceeds the amount due for the second injury as above set out. In order to qualify for reimbursement from the "Second Injury Fund" under this section, the association must file its claim with the Industrial Accident Board within 180 days following date of injury, together with evidence of its payment of all compensation provided by this Act and of the preexisting permanent physical impairment qualifying the association for such reimbursement. Good cause for late filing as set forth in Section 4(a), Article 8307, Revised Civil Statutes of Texas, 1925, as amended, shall also apply in such claims for reimbursement. Provided further, if the association makes payment in a lump sum to the injured claimant, the association shall be entitled to reimbursement from the "Second Injury Fund" by lump sum payment.

Sec. 12c–1 amended by Acts 1971, 62nd Leg., p. 1257, ch. 316, § 2, eff. Sept. 1, 1971.

Art. 8306, sec. 12c–2. Second Injury Fund—how created

Sec. 12c–2. The special fund known as the "Second Injury Fund" shall be created in the following manner:

(a) In every case of the death of an employee under this Act where there is no person entitled to compensation surviving said employee, the association shall pay to the Industrial Accident Board the full death benefits, but not to exceed 360 weeks of compensation, as provided in Section 8, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, to be deposited with the Treasurer of the State for the benefit of said Fund and the Board shall direct the distribution thereof.

For Annotations and Historical Notes, see V.A.T.S.

(b) When the total amount of all such payments into the Fund, together with the accumulated interest thereon, equals or exceeds Two Hundred Fifty Thousand Dollars ($250,000) in excess of existing liabilities, no further payments shall be required to be paid to said Fund; but whenever thereafter the amount of such Fund shall be reduced below One Hundred Twenty-Five Thousand Dollars ($125,000) by reason of payments from such Fund, the payments to such Fund shall be resumed forthwith, and shall continue until such Fund again amounts to Two Hundred Fifty Thousand Dollars ($250,000) including accumulated interest thereon.

Sec. 12c–2 amended by Acts 1969, 61st Leg., p. 48, ch. 18, § 8, emerg. eff. May 18, 1969; Acts 1971, 62nd Leg., p. 1258, ch. 316, § 3, eff. Sept. 1, 1971.

Art. 8306, sec. 20. "Injury" or "Personal Injury", and "Occupational Disease" defined; ordinary diseases

Sec. 20. Wherever the terms "Injury" or "Personal Injury" are used in the Workmen's Compensation Laws of this State, such terms shall be construed to mean damage or harm to the physical structure of the body and such diseases or infections as naturally result therefrom. The terms "Injury" and "Personal Injury" shall also be construed to mean and include "Occupational Diseases," as hereinafter defined. Whenever the term "Occupational Disease" is used in the Workmen's Compensation Laws of this State, such term shall be construed to mean any disease arising out of and in the course of employment which causes damage or harm to the physical structure of the body and such other diseases or infections as naturally result therefrom. An "Occupational Disease" shall also include damage or harm to the physical structure of the body occurring as the result of repetitious physical traumatic activities extending over a period of time and arising in the course of employment; provided, that the date of the cumulative injury shall be the date disability was caused thereby. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where such diseases follow as an incident to an "Occupational Disease" or "Injury" as defined in this section.

Sec. 20 amended by Acts 1971, 62nd Leg., p. 2539, ch. 834, § 1, eff. Aug. 30, 1971.

Sections 3 to 6 of the 1971 amendatory act read:

"Sec. 3. As respects claims for injury sustained prior to the effective date of this Act, no inchoate, vested, matured, existing or other rights, remedies, powers, duties, or authority, either of any employee or legal beneficiary, or of the Board, or of the association, or of any other person shall be in any way affected by any of the amendments or repeals herein made to the original law hereby amended or repealed, but all such rights, remedies, powers, duties, and authority shall remain and be in force as under the original law just as if the amendments or repeals hereby adopted had never been made, and to that end it is hereby declared that as respects such injuries occurring prior to the effective date of this Act, said original law is not repealed, but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties, and authority; and further that this Act insofar as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment.

"Sec. 4. If any section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

"Sec. 5. It is the express intent of the Legislature in enacting this Act that nothing contained in this Act shall ever be deemed or considered to limit or expand recovery in cases of mental trauma accompanied by physical trauma.

"Sec. 6. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict."

Art. 8306, secs. 25 to 27. Repealed by Acts 1971, 62nd Leg., p. 2540, ch. 834, § 2, eff. Aug. 30, 1971

See, now, section 20 of this article.

Art. 8306, sec. 28. Workmen's Compensation Fund

Sec. 28. There is hereby established as a special fund, separate and apart from all public monies or funds of this state, a Workmen's Compensation Fund which shall be used by the Board for the purpose of paying costs of the administration of the law, in addition to amounts appropriated by the Legislature of the State of Texas. The State Treasurer shall be the treasurer and custodian of the fund. He shall administer such fund in accordance with the directions of the Board, and the Comptroller shall issue warrants upon it in accordance with the directions of the Board. In addition to all other taxes now being paid, each stock company, mutual company, reciprocal, or inter-insurance exchange or Lloyds Association writing Workmen's Compensation insurance in this state, shall pay annually into the State Treasury, for the use and benefit of the Workmen's Compensation Fund, an amount equal to one-fourth (¼) of one percent (1%) of gross premiums collected by such company or association during the preceding year under workmen's compensation policies written by such companies or associations covering risks in this state according to the reports made to the Board of Insurance Commissioners as required by law. Said amount shall be collected at the same time and in the same manner as provided by law for the collection of taxes on gross premiums of such workmen's compensation insurance carriers. All self-insurers under any of the Workmen's Compensation Acts of the State of Texas shall report to the State Board of Insurance the total amount of their medical and indemnity costs for the previous year and pay a like amount of tax as provided above on said total amount of medical and indemnity costs. The Industrial Accident Board is hereby authorized and directed to decrease the amount of tax herein provided for any year if the revenue received from House Bill 686, 62nd Legislature, 1971 [1], produces sufficient revenue to pay the appropriations authorized the Industrial Accident Board by the Legislature for that year. Failure to make any report required by this Section shall be punishable by fine not to exceed One Thousand ($1000) Dollars and the failure to pay any tax within thirty (30) days after same is due under this Section shall be punishable by a penalty of ten percent (10%) of the amount, and shall be recovered by the Attorney General in a suit brought by him in the name of the State of Texas and such penalties when collected shall be deposited in the State Treasury for the use and benefit of the Workmen's Compensation Fund.

Sec. 28 amended by Acts 1971, 62nd Leg., p. 1754, ch. 514, § 1, eff. Sept. 1, 1971.

[1] Acts 1971, 62nd Leg., p. 1755, ch. 515, amending art. 8308, § 18a.

Sections 2 to 4 of the 1971 amendatory act provided:

"Sec. 2. This Act shall be effective September 1, 1971.

"Sec. 3. If any section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

"Sec. 4. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict."

PART 2

Art. 8307, sec. 5c. Multiple subscribers; payment of claims; deposit of proportionate share prior to liability determination

Sec. 5c. In any proceeding in which it is determined that compensation, including costs for medical services incurred, is allowable in a sum certain for injuries sustained by an employee, but there is a dispute with respect to which of two or more subscribers said employee was serving

at the time of injury, the Association and other workmen's compensation insurer, or insurers, of each such subscriber shall be required to deposit with the Board or court a proportionate share of the compensation awarded, including costs for medical services incurred, for the injuries received. Such proportionate share due from the Association and other workmen's compensation insurer, or insurers, shall be determined by dividing the compensation awarded, including costs for medical services incurred, by the number of subscribers who are alleged to have been the employer of the injured employee at the time of injury, and the Association and workmen's compensation insurer of each such subscriber shall pay such proportionate share, or shares, depending on whether they insure one or more of such subscribers. The Board or court shall deliver the full amount of the workmen's compensation award, including costs for medical services incurred, in the same manner as if the sum had been paid only by the responsible insurer. Thereafter, upon final determination of liability for compensation, whether by agreement, award of the Board or order of the court, the insurer, or insurers found not to be liable shall be entitled to reimbursement for its, or their, proportionate share deposited with the Board or court from the insurer who is determined to be liable for compensation and medical costs incurred.
Added by Acts 1971, 62nd Leg., p. 940, ch. 152, § 1, eff. May 11, 1971.

Art. 8307, sec. 7a. Failure to file report; limitation on filing of claim

Sec. 7a. Where the association or subscriber has been given notice or the association or subscriber has knowledge of an injury or death of an employee and fails, neglects, or refuses to file a report thereof as required by the provisions of Section 7 of this Article, the limitation in Section 4a of this Article in respect to the filing of a claim for compensation shall not begin to run against the claim of the injured employee or his dependents entitled to compensation, or in favor of either the association or subscriber until such report shall have been furnished as required by Section 7 of this Article.
Sec. 7a added by Acts 1971, 62nd Leg., p. 3006, ch. 993, § 1, eff. Aug. 30, 1971.

Art. 8307, sec. 7b. Claim forms to employee; filing requirements

Sec. 7b. Upon receipt of the written report required under Section 7 of this Article the Industrial Accident Board shall immediately furnish the injured employee claim forms which shall clearly inform the employee of the filing requirements of Section 4a of this Article, and if applicable, Section 7a of this Article.
Sec. 7b added by Acts 1971, 62nd Leg., p. 3007, ch. 993, § 2, eff. Aug. 30, 1971.

Art. 8307c. Protection of claimants from discrimination by employers; remedies; jurisdiction

Section 1. No person may discharge or in any other manner discriminate against any employee because the employee has in good faith filed a claim, hired a lawyer to represent him in a claim, instituted, or caused to be instituted, in good faith, any proceeding under the Texas Workmen's Compensation Act, or has testified or is about to testify in any such proceeding.

Sec. 2. A person who violates any provision of Section 1 of this Act shall be liable for reasonable damages suffered by an employee as a re-

sult of the violation, and an employee discharged in violation of the Act shall be entitled to be reinstated to his former position. The burden of proof shall be upon the employee.

Sec. 3. The district courts of the State of Texas shall have jurisdiction, for cause shown, to restrain violations of this Act.

Acts 1971, 62nd Leg., p. 884, ch. 115, Aug. 30, 1971.

Title of Act:

An Act relating to the protection of persons who file a claim or hire an attorney or aid in filing a claim or testify at hearings concerning a claim under the Texas Workmen's Compensation Act; and declaring an emergency. Acts 1971, 62nd Leg., p. 884, ch. 115.

PART 3

Art. 8308. Employers' Insurance Association

* * * * * * * * * * *

Information to be furnished when employer becomes subscriber; filing fee; failure to comply; notice; penalty

Sec. 18a. Whenever any employer of labor in this State becomes a subscriber to this law, he shall immediately notify the Board of such fact, stating in such notice his name, place of business, character of the business, approximate number of employees, estimated amount of his payroll and the name of the insurance company carrying his insurance, the date of issuing the policy and the date when the same will expire, and whenever any policy is renewed that fact shall be made known to the Board and the notice thereof shall contain the above facts. Any such notice of renewal of an existing policy, by the same insurance company, may be signed by the licensed local recording agent through whom the renewal policy is issued. The association shall also report the same to the Board, giving the name of the employer, place of business, character of the business, approximate number of employees, estimated amount of payroll, date of issuance and date of expiration of said policy. The Board is authorized and directed to collect a Seven Dollar and Fifty Cent ($7.50) filing fee from the subscriber (including self-insurers) at the time of filing for each year of coverage or portion thereof on each legal entity on all policies including renewals and endorsements required to be filed with the Board in accordance with this Section. Said fee to be made payable to the Industrial Accident Board by the employer at the time of filing and shall not be an expense of the association nor considered in any premium rate making procedure. The association shall transmit said fee to the Board. The fees collected hereunder shall be allocated and disbursed according to the terms and provisions of Section 28, Article 8306, Revised Civil Statutes of Texas, The Workmen's Compensation Fund. Any employer or association willfully failing or refusing to make any such report shall be liable for and shall pay to the State of Texas a penalty of not more than one thousand dollars for each offense. The Executive Director of the Board shall notify the Board of any willful failure or refusal to comply with this Section and after notice and hearing, the Board shall make a finding and if said finding is against the employer or association assess a penalty not to exceed one thousand dollars. The employer or association may appeal the Board's ruling de novo as provided in Section 5, Article 8307, Revised Civil Statutes of Texas, 1925, as amended. The Board's ruling if adverse to the employer or association and not appealed as provided above shall be enforced as provided in Section 5a, Article 8307, Revised Civil Statutes of Texas, 1925, as amended.

Sec. 18a amended by Acts 1967, 60th Leg., p. 206, ch. 118, § 1, eff. May 4, 1967; Acts 1971, 62nd Leg., p. 1755, ch. 515, § 1, eff. July 1, 1971.

* * * * * * * * * * *

Section 2 to 4 of the 1971 amendatory act provided:

"Sec. 2. This Act shall be effective July 1, 1971.

"Sec. 3. If any section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

"Sec. 4. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict."

PART 4

Art. 8309c. County employees

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Authority of county; order; notice; acceptance by employees

Sec. 3. The county is hereby authorized to either be self-insuring or that it purchase workmen's compensation insurance for its employees from any company authorized to do business in Texas, and is charged with the administration of this Act. It is expressly understood that the provision authorizing counties to provide such compensation or insurance is permissive and not mandatory; provided, however, that in any county of this State, the Commissioners Court on its own motion may call an election for the purpose of determining whether the county shall adopt the provisions of this Act. If a majority of the qualified voters at such an election votes for the adoption of the provisions of this Act, the provisions of this Act shall thereafter be applicable to such county, and in such event it shall be mandatory that such county be either self-insuring or that it purchase workmen's compensation insurance for its employees from any company authorized to do business in Texas, and is charged with the administration of this Act; provided, however, that if such county fails to provide either self-insurance or insurance under a policy of insurance, the county shall be subject to Sections 1 and 4, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended or as they may hereafter be amended.

The Commissioners Court may by proper order put into effect the provisions of this Act. The Commissioners Court of the county shall notify the Board of the effective date of such insurance, stating in such notice the nature of the work performed by the employee of the county, the approximate number of employees, and the estimated amount of payroll.

The Commissioners Court of the county shall give notice to all workmen that effective at the time stated in such notice, the county has provided for payment of insurance.

Employees of the county shall be conclusively deemed to have accepted the provisions hereof in lieu of common law or statutory causes of action, if any, for injuries resulting in the course of their employment.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 2795, ch. 904, § 1, eff. Aug. 30, 1971.

* * * * * * * * * * *

Sections 2 to 4 of the 1971 amendatory act provided:

"Sec. 2. As respects claims for injury sustained prior to the effective date of this Act, no inchoate, vested, matured, existing or other rights, remedies, powers, duties, or authority, either of any employee or legal beneficiary, or of the Board, or of the association, or of any other person shall be in any way affected by any of the amendments or repeals herein made to the original law hereby amended or repealed, but all such rights, remedies, powers, duties, and authorities shall remain and be in force as under the original law just as if the amendments or repeals hereby adopted had never been made, and to that end it is hereby declared that as respects such injuries occurring prior to the effective date of this Act, said original law is not repealed but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties, and authority; and further this Act insofar as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment.

"Sec. 3. If any section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

"Sec. 4. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict."

Art. 8309c—1. Extension of workmen's compensation insurance to employees of certain drainage districts

* * * * * * * * * * *

Sec. 2. The provisions of Chapter 428, Acts of the 51st Legislature, 1949 (Article 8309c, Vernon's Texas Civil Statutes), as amended or as may hereafter be amended, shall apply to such drainage districts, including the provisions of Section 1 through Section 19 of such chapter outlining the procedure to be followed by the commissioners of such drainage districts in adopting the provisions relating to such workmen's compensation insurance, which shall be identical to such procedures followed by counties in this State, including the right to provide for the payment of all costs, charges and premiums on such policies of insurance and the benefits to be paid thereunder and the commissioners of such drainage districts shall have the same authority and be under the same obligations and duties as those now conferred on Commissioners Courts of the several counties throughout the State with regard to the provisions of said Chapter 428; provided that the provisions of this Act shall not be mandatory upon the commissioners of such drainage districts; provided, however, that if such drainage districts fail to provide either self-insurance or insurance under a policy of insurance, the drainage district shall be subject to Sections 1 and 4 of Article 8306, Revised Civil Statutes of Texas, 1925, as amended or as they may hereafter be amended.

Acts 1967, 60th Leg., p. 1843, ch. 716, eff. Aug. 28, 1967. Sec. 2 amended by Acts 1971, 62nd Leg., p. 2538, ch. 833, § 1, eff. Aug. 30, 1971.

Sections 2 to 4 of the 1971 amendatory act read:

"Sec. 2. As respects claims for injury sustained prior to the effective date of this Act, no inchoate, vested, matured, existing or other rights, remedies, powers, duties, or authority, either of any employee or legal beneficiary, or of the Board, or of the association, or of any other person shall be in any way affected by any of the amendments or repeals herein made to the original law hereby amended or repealed, but all such rights, remedies, powers, duties, and authority shall remain and be in force as under the original law just as if the amendments or repeals hereby adopted had never been made, and to that end it is hereby declared that as respects such injuries occurring prior to the effective date of this Act, said original law is not repealed, but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties, and authority; and further that this Act insofar as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment.

"Sec. 3. If any section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

"Sec. 4. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict."

For Annotations and Historical Notes, see V.A.T.S.

Art. 8309f. Texas Tech University Regents, Workmen's Compensation Insurance for employees under

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Definitions

Sec. 2. The following words and phrases as used in this Act shall, unless a different meaning is plainly required by the context, have the following meanings, respectively:

1. "Institution" whenever used in this Act shall be held to mean the institution and agency under the direction or government of the Board of Regents of Texas Tech University including the following:

Texas Tech University, Lubbock;

Pan Tech Farm, Carson County, Texas;

Texas Tech University School of Medicine at Lubbock;

Any other agencies now or hereafter under the direction and control of said Board of Regents.

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Sec. 2, par. 1, amended by Acts 1971, 62nd Leg., p. 84, ch. 47, § 1, eff. Aug. 30, 1971.

* * * * * * * * * * *

Amounts to be set aside for awards and expenses; accounts; reports

Sec. 19. The institution covered by this Act is hereby authorized to set aside from available appropriations other than itemized salary appropriations an amount not to exceed three and one-half percent (3½%) of the annual workman payroll of the institution for the payment of all costs, administrative expense, charges, benefits, insurance, and awards authorized by this Act.

The amounts so set aside shall be set up in a separate account in the records of the institution, which account shall show the disbursements authorized by this Act; provided the amounts so set aside in this account shall not exceed three and one-half percent (3½%) of the annual workman payroll at any one time. A statement of the amounts set aside for and disbursements from said account shall be included in reports made to the Governor and the Legislature and required by the statutes.

Sec. 19 amended by Acts 1971, 62nd Leg., p. 84, ch. 47, § 2, eff. Aug. 30, 1971.

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PENAL CODE

TITLE 5—OFFENSES AFFECTING THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENT OF THE GOVERNMENT

CHAPTER ONE—BRIBERY

Arts. 175, 176. Repealed by Acts 1971, 62nd Leg., p. 2920, ch. 969, § 2, eff. Aug. 30, 1971

See, now, art. 428a.

TITLE 7—RELIGION AND EDUCATION

CHAPTER THREE—TEACHERS AND SCHOOLS

Art. 292a. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

Arts. 295a, 295b. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2), eff. May 26, 1971

Art. 295c. Repealed by Acts 1971, 62nd Leg., p. 3363, ch. 1024, art. 2, § 48, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

The provisions of article 295c prohibiting disruption of classes and school activities, enacted by Acts 1971, 62nd Leg., p. 1145, (H.B.No.186) ch. 258, eff. May 18, 1971, were codified by Acts 1971, 62nd Leg., p. 3341, ch. 1024, art. 2, § 11, as V.T.C.A. Education Code, § 4.33.

Art. 295d. Maintaining campus order

Identification

Section 1. (a) During periods of disruption, as determined by the chief administrative officer of a state-supported institution of higher education in accordance with the definition set out in Subsection (b) of this section, the chief administrative officer, or an officer or employee of the institution designated by him to maintain order on the campus or facility of the institution, is authorized to require that any person on the campus or facility present evidence of his identification, or if the person is a student or employee of the institution, his student or employee official institutional identification card, or other evidence of his relationship

with the institution. If any person refuses or fails upon request to present evidence of his identification, or if the person is a student or employee of the institution, his student or employee official identification card, or other evidence of his relationship with the institution, and if it reasonably appears that any such person has no legitimate reason to be on the campus or facility, any such person may be ejected from the campus or facility.

(b) A period of disruption is any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the campus or facility, or a threat of the willful disruption of the orderly operation of the campus or facility.

Students and Nonstudents—14-Day Withdrawal of Consent

Sec. 2. (a) During periods of disruption as determined and defined in Section 1 of this Act, the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on such campus or facility, may notify a person that consent to remain on the campus or facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility and that his presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date on which consent was initially withdrawn. Such notification shall be in accordance with procedures set out in Subsection (b) of this section.

(b) When the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on such campus or facility, decides to withdraw consent for any person to remain on the campus or facility, he shall notify that person in writing that consent to remain is withdrawn. Such written notice shall contain all of the following:

(1) that consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed 14;

(2) the name and job title of the person withdrawing consent, along with an address where the person withdrawing consent can be contacted during regular working hours;

(3) a brief statement of the activity or activities resulting in the withdrawal of consent; and

(4) notification that the person from whom consent has been withdrawn is entitled to a hearing on such withdrawal not later than three days from the date of receipt by the chief administrative officer of a request for a hearing.

(c) Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, such officer or employee shall within 24 hours submit a written report to the chief administrative officer, unless the authorized officer or employee has reinstated consent for such person to remain on the campus. Such report shall contain all of the following:

(1) the description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number; and

(2) a statement of the facts giving rise to the withdrawal of consent.

(d) If the chief administrative officer or, in his absence, a person designated by him for this purpose, upon reviewing the written report described in Subsection (c) of this section, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly

operation of the campus or facility, and that his presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility, he may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer, or in his absence, the person designated by him, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(e) The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal to the chief administrative officer within the 14-day period. Such written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than three days from the date of receipt of such request and shall immediately mail a written notice of the time, place, and date of such hearing to such person. Such hearing shall be held before a duly designated discipline committee or authorized hearing officer of such institution in accordance with Section 5 of this Act. In no instance shall the person issuing such withdrawal notice or causing it to be issued serve on any committee where the validity of his order of withdrawal is in question.

(f) The chief administrative officer shall reinstate consent whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility.

(g) Any person who has been notified by the chief administrative officer of a campus or facility of a state-supported institution of higher education, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to Subsection (a) of this section, who has not had such consent reinstated, and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn, is guilty of a misdemeanor, and is subject to punishment as set out in Section 6 of this Act. This subsection does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer or authorized officer or employee for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(h) This section shall not affect the power of the duly constituted authorities of a state-supported institution of higher education to suspend, dismiss, or expel any student or employee at such university or college.

Students and Employees—Barred From Campus During Suspension or Dismissal

Sec. 3. (a) Every student or employee who has been suspended or dismissed from a state-supported institution of higher education after a hearing, in accordance with procedures established by the institution, for disrupting the orderly operation of the campus or facility of such institution, as a condition of such suspension or dismissal, may be denied access to the campus or facility, or both, of the institution for the period of suspension, and in the case of dismissal, for a period not to exceed one year. A person who has been notified by personal service of such suspension or dismissal and condition and who willfully and knowingly enters upon the campus or facility of the institution to which he has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and is subject to punishment as set out in Section 6 of this Act.

(b) Knowledge shall be presumed if personal service has been given as prescribed in Subsection (a) of this section.

Refusing or Failing to Leave Building

Sec. 4. No person may refuse or fail to leave a building under the control and management of a public agency, including a state-supported institution of higher education, during those hours of the day or night when the building is regularly closed to the public, upon being requested to do so by a guard, watchman, or other employee of a public agency, including a state-supported institution of higher education, controlling and managing the building or property, if the surrounding circumstances are such as to indicate to a reasonable person that such individual or individuals have no apparent lawful business to pursue.

Required Hearing Procedures

Sec. 5. A person from whom consent to remain on the campus of a state-supported institution of higher education has been withdrawn in accordance with Section 2 of this Act is entitled, in addition to the procedures set out in Subsection (b) of Section 2 of this Act, to the following:

(1) to be represented by counsel;

(2) to the right to call and examine witnesses and to cross-examine adverse witnesses;

(3) to have all matters upon which the decision may be based introduced into evidence at the hearing in his presence;

(4) to have the decision based solely on the evidence presented at the hearing;

(5) to prohibit the introduction of statements made against him unless he has been advised of their content and the names of the persons who made them, and has been given the opportunity to rebut unfavorable inferences that might otherwise be drawn; and

(6) to have all findings made at the hearing be final, subject only to his right to appeal to the president and the governing board of the institution.

Penalty

Sec. 6. A person who violates Subsection (g) of Section 2, Subsection (a) of Section 3, or Section 4 of this Act is guilty of a misdemeanor and upon conviction is subject to a fine of not more than $500 or imprisonment in the county jail for not more than six months, or both.

Severability

Sec. 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of the Act are declared to be severable.

Acts 1971, 62nd Leg., p. 2752, ch. 893, eff. Aug. 30, 1971.

Title of Act:

An Act relating to maintaining order on the campuses or facilities of state-supported institutions of higher education; authorizing the chief administrative officer of a state-supported institution of higher education, or his delegate, to demand from any person on the campus or facility certain identification, when the circumstances reasonably indicate that a period of disruption exists, and authorizing ejection from the campus or facility of certain persons not complying; relating to the withdrawal of consent for any student or nonstudent to remain on the campus or facility of a state-supported institution of higher education; authorizing a bar from the campus or facility to be imposed upon a student or employee of a state-supported institution of higher education who has been suspended or dismissed from the institution according to established procedures; prohibiting persons from refusing to leave a building under the control and management of a public agen-

For Annotations and Historical Notes, see V.A.T.S.

cy, including a state-supported institution of higher education, under certain circumstances; requiring certain hearing procedures; providing penalties; providing for severability; and declaring an emergency. Acts 1971, 62nd Leg., p. 2752, ch. 893.

Art. 297. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(2), eff. Aug. 30, 1971

Art. 301a. Repealed by Acts 1971, 62nd Leg., p. 2016, ch. 620, § 2, eff. June 4, 1971

See, now, V.T.C.A. Education Code, § 32.01 et seq.

TITLE 8—OFFENSES AGAINST PUBLIC JUSTICE

CHAPTER SIX—EXTORTION AND PECULATION

Arts. 374 to 378. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

CHAPTER SEVEN—FAILURE OF DUTY

Art. 419b. Repealed by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 3, eff. Sept. 1, 1971

Acts 1971, 62nd Leg., p. 3072, ch. 1024, repealing this article, enacts Title 3 of the Texas Education Code.

CHAPTER EIGHT—MISCELLANEOUS OFFENSES

Art.
428a. Tampering with witness [New].

Art. 428a. Tampering with witness

(a) A person commits an offense if he offers, confers, or agrees to confer any benefit upon a witness or prospective witness in an official proceeding, or coerces a witness or prospective witness in an official proceeding with intent to influence the witness:

(1) to testify falsely;

(2) to withhold any testimony, information, document, or thing;

(3) to elude legal process summoning him to testify or supply evidence; or

(4) to absent himself from an official proceeding to which he has been legally summoned.

(b) A witness or prospective witness in an official proceeding commits an offense if he solicits, accepts, or agrees to accept any benefit on the representation or understanding that he will do any of the things specified in Section (a).

(c) For the purposes of this Article:

(1) "Benefit" means anything reasonably regarded as economic gain or advantage, including benefit to any other person in whose welfare the beneficiary is interested.

(2) "Coerce" means to threaten by any method of communication:

(A) to commit any offense;

(B) to accuse any person of any offense;

(C) to expose any person to hatred, contempt, or ridicule;

(D) to harm the credit or business repute of any person;

(E) to take or withhold action as a public servant or to cause a public servant to take or withhold action.

(3) "Official proceeding" means any type of administrative, executive, legislative, or judicial proceeding that may be conducted before a public servant authorized by law to take statements under oath.

(d) An offense under this Article is a felony punishable by confinement in the penitentiary for not less than two and not more than six years.

Added by Acts 1971, 62nd Leg., p. 2919, ch. 969, § 1, eff. Aug. 30, 1971.

TITLE 9—OFFENSES AGAINST THE PUBLIC PEACE

CHAPTER ONE—UNLAWFUL ASSEMBLIES

Art. 454h. Mass Gatherings Act

Short Title

Section 1. This Act may be cited as the Texas Mass Gatherings Act.

Definitions

Sec. 2. In this Act:

(1) "Mass gathering" means any meeting or gathering held outside the limits of an incorporated city which attracts or can be expected to attract more than 5,000 persons who will remain at the location of the gathering for a period of more than 12 continuous hours.

(2) "Issuing officer" means the county judge in the county in which a mass gathering is to be held.

(3) "Promoter" means any person, group of persons, firm, corporation, partnership, or association that organizes, promotes, manages, finances, or holds a mass gathering.

Prohibition

Sec. 3. No person may act as a promoter of a mass gathering in this state unless he obtains a permit from the issuing officer under the provisions of this Act. If the owner of the property on which the mass gathering will be held is not the promoter as defined in Section 2, subsection (3), the owner of the property shall not be required to obtain a permit under the provisions of this Act.

Application For Permit

Sec. 4. (a) At least 45 days before a mass gathering is to be held, the promoter of the mass gathering shall file with the issuing officer an application for a permit.

(b) The application shall include the following:

(1) the name and address of the promoter;

(2) a financial statement reflecting all funds which are being supplied to finance the mass gathering and who supplied them;

(3) the name and address of the owner of the property on which the mass gathering is to be held and a certified copy of the agreement made between the promoter and the owner of the property;

(4) the location and a description of the property on which the mass gathering is to be held;

(5) the dates and the times that the mass gathering will be held;

(6) the number of persons the promoter will allow to attend the mass gathering and the plan which the promoter intends to use to limit attendance to this number;

(7) the names and addresses of the performers who have agreed to appear and their agents and a description of any agreements reached with these performers;

(8) a description of all steps taken by the promoter to assure that minimum standards of sanitation and health will be maintained during the mass gathering;

(9) a description of all preparations being made to provide traffic control and to assure that the mass gathering will be conducted in an

orderly fashion and that the physical safety of the persons in attendance will be protected;

(10) a description of the preparations made to provide adequate medical and nursing care; and

(11) a description of the preparations made to supervise minor persons who may attend the mass gathering.

Investigation

Sec. 5. (a) After an application is filed with the issuing officer, he shall send copies to the county health officer and the sheriff.

(b) The county health officer shall inquire into preparations for the mass gathering and at least five days before the hearing shall submit a report to the issuing officer stating whether or not he believes that the minimum standards of health and sanitation provided by state and local laws, rules, regulations, and orders will be maintained.

(c) The sheriff shall investigate preparations for the mass gathering and at least five days before the hearing shall submit a report to the issuing officer stating whether or not he believes that minimum standards provided by state and local laws, rules, regulations, and orders for assuring public safety and order will be maintained.

(d) The issuing officer may conduct any additional investigation which he considers necessary.

(e) The county health officer and the sheriff shall be available to give testimony relating to their reports at the hearing.

Hearing

Sec. 6. (a) The issuing officer shall set a date and a time for a hearing on the application which shall be held at least 10 days before the day on which the mass gathering is to begin.

(b) Notice of the time and place of the hearing shall be given to the promoter and to any persons who have an interest in the granting or denial of the permit.

(c) At the hearing, any person may appear and testify for or against the granting of the permit.

Findings of Issuing Officer

Sec. 7. (a) After the hearing is completed, the issuing officer shall enter his findings in the record and shall grant or deny the permit.

(b) The issuing officer may deny the permit if he finds that:

(1) the application contains false or misleading information or required information is omitted;

(2) the financial backing of the promoter is insufficient to assure that the mass gathering will be conducted in the manner stated in the application;

(3) the location selected for the mass gathering is inadequate for the purpose for which it is to be used;

(4) the promoter has not made adequate preparations to limit the number of persons attending the mass gathering or to provide adequate supervision for minor persons attending the mass gathering;

(5) the promoter does not have assurance that performers who are scheduled to appear will appear;

(6) the preparations for the mass gathering do not assure that minimum standards of sanitation and health will be maintained or that the mass gathering will be conducted in an orderly fashion and the physical safety of persons in attendance will be protected, or that adequate supervision of minor persons will not be provided;

(7) adequate arrangements for traffic control have not been provided; or

(8) adequate medical and nursing care will not be available.

Revocation of Permit

Sec. 8. (a) After a permit is issued, if the issuing officer finds that preparations for the event will not be completed by the time the mass gathering is to begin or that the permit has been obtained by fraud or misrepresentation, he may revoke the permit.

(b) The issuing officer must give notice to the promoter 24 hours in advance of the revocation, and hold a hearing on the revocation if requested by the promoter.

Appeal

Sec. 9. Any promoter or person affected by the action of the issuing officer in granting, denying, or revoking a permit under this Act may appeal to a district court for the county in which the mass gathering is to be held.

Rules and Regulations

Sec. 10. (a) The State Department of Health shall promulgate rules and regulations relating to minimum standards of health and sanitation to be maintained at mass gatherings.

(b) The Texas Department of Public Safety shall promulgate rules and regulations relating to minimum standards which must be maintained to protect public safety and maintain order at a mass gathering.

(c) Before any rule or regulation is issued under this section, the department issuing the rule or regulation shall give notice and hold a public hearing.

Penalty

Sec. 11. Any person who violates the provisions of Section 3 of this Act is guilty of a misdemeanor and on conviction is punishable by confinement in the county jail for not more than 90 days or by a fine of not more than $1,000, or both.

Acts 1971, 62nd Leg., p. 1107, ch. 240, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the issuance of permits for and the regulation of mass gatherings; providing a penalty for violations; and declaring an emergency. Acts 1971, 62nd Leg., p. 1107, ch. 240.

Art. 454i. Outdoor music festivals; regulation; registration of promoters

Definitions

Section 1. In this Act:

(1) "Outdoor music festival" and "event" mean any form of musical entertainment provided by live performances occurring on two or more consecutive days or on two days in any three-day period if:

(A) more than 5,000 persons are in attendance at any one performance;

(B) any of the performers or any of the audience are not within a permanent structure; and

(C) the performance occurs outside the boundaries of an incorporated city.

(2) "Promoter" means any person who attempts to organize, promote, or solicit funds for the organization or promotion of an outdoor music festival.

Prohibited acts

Sec. 2. (a) No person may act as a promoter of an outdoor music festival in this state without first having registered with the county clerk of the county in which the event is to be held.

(b) No person may direct or control or participate in the direction or control of an outdoor music festival unless a valid permit for the event has been issued as provided in this Act.

Registration of promoters

Sec. 3. (a) A promoter of an outdoor music festival shall register with the county clerk of the county where the event is to be held.

(b) The registration form must include:

(1) the name and address of the promoter;

(2) the names and addresses of the promoter's associates and employees who are assisting in the promotion of the outdoor music festival; and

(3) a statement as to whether or not the promoter or any of his associates or employees have ever been convicted of any crime involving the misappropriation of funds, theft, burglary, or robbery.

(c) A registration fee of $5 must be submitted with the registration form.

(d) The application must be verified by the promoter and be based on his best information and belief.

Application for permit

Sec. 4. (a) A promoter desiring to hold an outdoor music festival in this state shall file a permit application with the county clerk of the county in which the event is to be held.

(b) The application must be filed at least 60 days before the day the event is to be held.

(c) The application must include:

(1) the name and address of the promoter and the names and addresses of all associates and employees of the promoter assisting in the promotion of the event;

(2) a financial statement of the promoter and a statement specifying from whom capital for the event is being supplied and in what amounts;

(3) a description of the place where the event is to be held;

(4) the name and address of the owner of the place where the event is to be held and a statement describing the terms and conditions of the agreement whereby the promoter is authorized to use the land;

(5) the dates and times that the event is to be held;

(6) the maximum number of persons that the promoter will allow to attend the event and a statement showing how the promoter plans to control the number of persons in attendance at the event;

(7) a description of the promoter's agreements with performers who are scheduled to appear at the event; and

(8) a full and complete statement describing the promoter's preparations for the event to comply with the minimum standards of sanitation and health as prescribed by Chapter 178, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 4477—1, Vernon's Texas Civil Statutes).

(d) The application for the permit must be verified by the promoter and be based on his best information and belief.

(e) A filing fee of $5 must be submitted with the application for a permit.

Health report

Sec. 5. (a) On the filing of an application for a permit, the county clerk shall forward a copy of the application to the county health officer.

(b) The county health officer shall make a written report to the commissioners court. The report shall state whether or not the county health officer believes that the preparations described in the application would, if carried out, be sufficient to protect the community and the persons attending the music festival from health dangers and to avoid violations of

Chapter 178, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 4477—1, Vernon's Texas Civil Statutes).

(c) The report of the county health officer shall be filed with the county clerk no later than two days before the day of the hearing on the permit application.

(d) The county health officer shall be present at the hearing on the permit application and may be called to testify by any person having an interest in the permit.

Hearing

Sec. 6. (a) The commissioners court shall set a date and time for a hearing on the application for a permit. The hearing may be held not later than 30 days before the day set for the first performance of the event and not earlier than 15 days after the day the application is filed.

(b) The promoter is entitled to 10 days' notice prior to the day of hearing.

(c) Any person may appear at the hearing and give testimony for or against the granting of the permit.

Denial of permit; grounds

Sec. 7. (a) A permit for an outdoor music festival shall be granted to an applicant by the commissioners court unless the court finds from a preponderance of the evidence presented at the hearing that:

(1) false or misleading information is contained in the application or required information is omitted;

(2) the promoter does not have sufficient financial backing or stability to carry out the preparations specified in the application or to insure the faithful performance of his agreements;

(3) the preparations specified in the application are insufficient to protect the community or the persons attending the event from health dangers or to avoid violations of Chapter 178, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 4477—1, Vernon's Texas Civil Statutes);

(4) the times and place for the event create a substantial danger of congestion and disruption of other lawful activities in the immediate vicinity of the event;

(5) the preparations specified in the application are insufficient to limit the number of persons in attendance at the event to the maximum number stated in the application; or

(6) the promoter does not have adequate agreements with performers to insure with reasonable certainty that persons advertised to perform will in fact appear.

(b) A finding under Subsection (a) of this section requires a majority vote of the commissioners court.

Permit

Sec. 8. A permit, if issued, shall authorize the promoter to hold an outdoor music festival at a specified place and at specified times.

Revocation of permit

Sec. 9. (a) At any time prior to five days before the day of the first performance of the event, the commissioners court may, after reasonable notice to the promoter and a hearing, revoke the permit on a finding by a majority of the court that the preparations for the event will not be completed in time for the first performance and that the failure to carry out the preparations will result in a serious threat to the health of the community or the persons attending the event.

(b) A permit is irrevocable during the period between five days before the day of the first performance of the event and the final day of the event.

Appeal

Sec. 10. (a) A person affected by an action of the commissioners court in granting, denying, or revoking a permit for an outdoor music festival may appeal by filing a petition in the district court of the county where the commissioners court presides.

(b) The action of the commissioners court shall be reviewed under the substantial evidence rule.

(c) An appeal under this section does not suspend any action of the commissioners court unless suspension is ordered by the district court.

Penalties

Sec. 11. Any person who violates the provisions of Section 2 of this Act is guilty of a misdemeanor and on conviction is punishable by confinement in the county jail for not more than 30 days or by a fine of not more than $1,000 or by both.

Acts 1971, 62nd Leg., p. 1867, ch. 552, eff. June 1, 1971.

Title of Act:

An Act relating to the registration of promoters of certain outdoor music festivals and the issuance of permits for and the regulation of certain outdoor music festivals; providing penalties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1867, ch. 552.

TITLE 10—OFFENSES AGAINST MORALS, DECENCY AND CHASTITY

CHAPTER SEVEN—MISCELLANEOUS OFFENSES

Art. 527. Obscene articles

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Affirmative defense

Sec. 2. It is not innocent but calculated purveyance which is prohibited. This article shall not apply to persons who may possess or distribute obscene matter or participate in conduct otherwise prescribed by this article when such possession, distribution, or conduct occurs in the course of law enforcement activities or in the course of bona fide scientific, educational, or comparable research or study or in the course of employment as a moving picture machine operator, or assistant operator, in a motion picture theater in connection with a motion picture film or show exhibited in said theater if such operator or assistant operator has no financial interest in the motion picture theater wherein he is so employed other than his wages received or owed, or like circumstances of justification where the possession, distribution, or conduct is not limited to the subject matter's appeal to prurient interests.

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Search warrant for seizure of obscene material

Sec. 9. (a) An affidavit for a search warrant shall be filed with the magistrate describing the matter sought to be seized in detail. Where practical, the matter alleged to be obscene shall be attached to the affidavit for search warrant so as to afford the magistrate the opportunity to examine such material.

(b) Upon the filing of an affidavit for a search warrant, the magistrate shall determine, by examination of the matter sought to be seized, if attached, by an examination of the affidavit describing the matter, or by such other manner or means that he deems necessary, if probable cause exists for a hearing upon the question of the issuance of a search warrant. If the magistrate determines that probable cause exists for a hearing, he shall issue notice to the person or persons in possession of the matter, setting a time and place for a hearing to determine if a search warrant shall issue.

(c) The hearing on the affidavit for the issuance of a search warrant shall be at such time and upon such reasonable notice given in such manner as the magistrate may direct. The magistrate's order as to notice and hearing shall give the adverse party the right to appear and produce the matter described in the affidavit for a search warrant, but shall not in any manner require him to produce the said matter.

(d) The magistrate shall further have authority to render such orders as reasonable and necessary to protect the court's jurisdiction over the matter described in the affidavit for a search warrant and may issue orders requiring the matter not to be removed from its location as described in the application for a search warrant or to make any change, alteration or destruction of the matter until such time as a hearing has been conducted and the search warrant executed or the request therefor denied.

(e) Any person who has personal knowledge of the magistrate's order concerning the protection of the matter sought to be seized who knowingly disobeys the order and removes, changes, alters, or destroys the

matter sought to be seized shall be guilty of a misdemeanor and shall be punished by fine of not more than $1,000 or by confinement in the county jail for not more than six months, or by both fine and confinement.

(f) At the time of the hearing on the issuance of a search warrant, the magistrate shall hear evidence concerning the obscenity of the matter and shall examine the matter or any copy of the same if produced in court, and shall afford any person in possession of the matter sought to be seized or claiming ownership of the matter an opportunity to be heard as to the obscenity or nonobscenity of the matter. At the close of the hearing the magistrate shall make a determination as to the obscenity or nonobscenity of the matter and shall determine if probable cause exists for the immediate issuance of a search warrant for its seizure.

(g) If the magistrate finds the matter to be obscene and that probable cause exists for the immediate issuance of a search warrant, then he shall issue a search warrant ordering the seizure of the matter described in the affidavit for a search warrant under the provisions of the Code of Criminal Procedure of Texas.

(h) In the event that a search warrant is issued and matter alleged to be obscene is seized under the provisions of this section, any person alleged to be in possession of the said matter or claiming ownership of the matter at the time of its possession or seizure may file a notice in writing with the magistrate within 10 days of the date of the seizure alleging that the matter is not obscene and the magistrate shall set a hearing within one day after request therefor, or at such time as the requesting party might agree, and at such hearing evidence may be presented as to the obscenity of the matter seized and at the conclusion of such additional hearing, the magistrate shall make a further determination as to the obscenity or nonobscenity of the matter. If at such hearing the magistrate finds the matter not to be obscene, then it shall be returned to the person or persons from whom it was seized.

(i) When a search warrant is issued under the provisions of this section, only that matter described in the complaint shall be seized by the executing peace officer or officers.

(j) Procedures under this section for the seizure of allegedly obscene matter shall be cumulative of all other lawful means of obtaining evidence as provided by the laws of this State. Nothing contained in this section shall prevent the obtaining of alleged obscene matter by purchase or under injunction proceedings as authorized by this Act or by any other statute of the State of Texas.

Destruction of matter or advertisement upon conviction of accused; seizure and disposition of personal property used to make, etc. obscene material

Sec. 10. Upon the conviction of the accused, the court may, when the conviction becomes final, order any matter or advertisement, in respect whereof the accused stands convicted, and which remains in the possession or under the control of the district attorney or any law enforcement agency, to be destroyed, and the court may cause to be destroyed any such material in its possession or under its control. In addition, the court may order the seizure of all tangible personal property of the accused which was used to make, print, show, or distribute the obscene material. The property shall be forfeited and disposed of as provided in Article 18.30, Code of Criminal Procedure, 1965, as amended.

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Enforcement by injunction, etc.

Sec. 13. The district courts of this State and the judges thereof shall have full power, authority, and jurisdiction, upon application by any district, county, or city attorney within their respective jurisdictions, or

the Attorney General to issue any and all proper restraining orders, temporary and permanent injunctions, and any other writs and processes appropriate to carry out and enforce the provisions of this article. Such restraining orders or injunctions may issue to prevent any person from violating any of the provisions of this article. However, no restraining order or injunction shall issue except upon notice to the person sought to be enjoined. Such person shall be entitled to a trial of the issues within one day after joinder of issue and a decision shall be rendered by the court within two days of the conclusion of the trial. In the event that a final order or judgment of injunction be entered against the person sought to be enjoined, such final order or judgment shall contain a provision directing the person to surrender to the sheriff of the county in which the action was brought any obscene matter in his possession and such sheriff shall be directed to seize and destroy such matter.

Amended by Acts 1955, 54th Leg., p. 386, ch. 107, § 1; Acts 1957, 55th Leg., p. 425, ch. 203, § 1; Acts 1961, 57th Leg., p. 1041, ch. 461, § 1, eff. June 16, 1961; Acts 1969, 61st Leg., p. 1547, ch. 468, § 1, eff. June 10, 1969; Secs. 2, 9 amended by Acts 1971, 62nd Leg., p. 2723, ch. 887, §§ 1, 2 eff. Aug. 30, 1971; Sec. 10 amended by Acts 1971, 62nd Leg., p. 3406, ch. 1038, § 1, eff. June 17, 1971; Sec. 13 amended by Acts 1971, 62nd Leg., p. 2725, ch. 887, § 3, eff. Aug. 30, 1971.

[1] Acts 1969, 61st Leg., p. 850, ch. 284, §§ 1 to 16, codified as Vernon's Ann.P.C. art. 534b.

Art. 534b. Protection of minors from harmful materials

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Commencement of civil proceeding

Sec. 4. (a) Whenever the Attorney General of this State or the district, county, or city attorney within their respective jurisdictions has reasonable cause to believe that any person (i) is engaged in selling harmful material to minors, or (ii) may become engaged in selling harmful material to minors, the Attorney General or the district, county, or city attorney within their respective jurisdictions in which such material is offered for sale shall institute an action in the district court for that jurisdiction for adjudication of the question of whether such material is harmful to minors.

(b) The provisions of the Texas Rules of Civil Procedure and all existing and future amendments of said Texas Rules of Civil Procedure and modifications thereof, and the rules now or hereafter adopted pursuant to said Texas Rules of Civil Procedure, shall apply to all proceedings herein except as otherwise provided in this Act.

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Examination by the court

Sec. 6. (a) Upon the filing of the petition described in Section 5, the Attorney General or district, county, or city attorney within their respective jurisdictions, as the case may be, shall present the same, together with the material attached thereto, as soon as practicable to the court for its examination and reading.

(b) If after such examination and reading the court finds no probable cause to believe such material to be harmful to minors, the court shall cause an endorsement to that effect to be placed and dated upon the petition and shall thereupon dismiss the action.

(c) If after such examination and reading the court finds probable cause to believe such material to be harmful to minors, the court shall cause an endorsement to that effect to be placed and dated upon the petition whereupon it shall be the responsibility of the Attorney General or

the district, county, or city attorney within the respective jurisdictions, as the case may be, promptly to request the clerk of the court to issue citation and to copy such endorsement upon such number of duplicates of such petition as are needed for the service of citation, to each copy of which citation shall be attached a copy of such petition as so endorsed. Service of such citation and endorsed petition shall be made upon the respondents thereto in any manner provided by law.

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Injunctions

Sec. 10.

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(c) If the court, pursuant to Section 6, finds probable cause to believe the exhibited material to be harmful to minors, and so endorses the petition, the court may, upon the motion of the Attorney General or the district, county, or city attorney within their respective jurisdictions, as the case may be, issue a temporary restraining order against any respondent prohibiting him from selling, commercially distributing or giving away such exhibited material to minors or from permitting minors to inspect such exhibited material. No temporary restraining order shall be granted without notice to the respondents unless it clearly appears from specific facts shown by affidavit or by the verified petition that one or more of the respondents are engaged in the sale of harmful material to minors and that immediate and irreparable injury to the morals and general welfare of minors in this State will result before notice can be served and a hearing had thereon. Every temporary restraining order shall be endorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its own terms within such time after entry, not to exceed three days, as the court fixes unless within the time so fixed the respondent against whom the order is directed consents that it may be extended for a longer period. In the event that a restraining order is granted without notice, a motion for a preliminary injunction shall be set down for hearing within two days after the granting of such order and shall take precedence over all matters except older matters of the same character; and when the motion comes on for hearing, the Attorney General or the district, county, or city attorney within the respective jurisdictions, as the case may be, shall proceed with the application for a preliminary injunction and, if he does not do so, the court shall dissolve the temporary restraining order.

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Criminal provisions concerning regular sales of harmful material to minors

Sec. 12.

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(b) No criminal proceeding shall be commenced against any person pursuant to the provisions of the preceding Subsection hereof (12(a)) unless, prior to the sale or loan which is the subject of such proceeding, such person

(i) has written notice from the Attorney General or the district, county, or city attorney within their respective jurisdictions, as the case may be, that the material which is the subject of such proceeding has been adjudged harmful to minors pursuant to the provisions of this Section (12) or of Section 9, or

(ii) has been subject to an order entered pursuant to Section 9 prohibiting such person from selling, commercially distributing or giving

away to minors, or from permitting minors to inspect (A) the harmful material which is the subject to such criminal proceeding, or (B) any other harmful material.

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Acts 1969, 61st Leg., p. 850, ch. 284, eff. May 22, 1969. Sec. 4 amended by Acts 1971, 62nd Leg., p. 2725, ch. 887, § 4, eff. Aug. 30, 1971; Secs. 6, 10(c), 12(b) amended by Acts 1971, 62nd Leg., p. 2725, ch. 887, §§ 5, 6, 7, eff. Aug. 30, 1971.

TITLE 11—OFFENSES AGAINST PUBLIC POLICY AND ECONOMY

CHAPTER TWO—INSURANCE

FIRE INSURANCE

FIRE INSURANCE

Art. 597a. Fire extinguishers; portable units and fixed systems; installation and servicing; registration, etc.; rules and regulations

Purpose

Section 1. The purpose of this Act is to regulate the servicing of portable fire extinguishers and the installing and servicing of fixed fire extinguisher systems, in the interest of safeguarding lives and property.

Administration

Sec. 2. The State Board of Insurance shall administer the Act and it may issue rules and regulations which it considers necessary to its administration through the State Fire Marshal.

Definitions

Sec. 3. As used in this Act the following terms have the meanings specified in this section.

(a) "Firm" means any person, partnership, corporation, or association.

(b) "Hydrostatic testing" means pressure testing by hydrostatic methods.

(c) "Portable fire extinguisher" means any device that contains within it chemical fluids, powder, or gases for extinguishing fires and has a label of approval attached by a nationally recognized testing laboratory, such as, but not limited to, the Underwriters Laboratory and Factory Mutual.

(d) "Service and servicing" means servicing portable fire extinguishers or fixed fire extinguisher systems by charging, filling, maintaining, recharging, refilling, repairing, or testing.

(e) "Fixed fire extinguisher system" means those listed or approved fire extinguisher systems installed in compliance with one or more of the following:

(1) the National Fire Protection Association Standards Foam Extinguisher Systems, No. 11, 1969 edition;

(2) the National Fire Protection Association Standards on Carbon Dioxide Extinguisher Systems, No. 12, 1968 edition;

(3) the National Fire Protection Association Standards for Dry Chemical Extinguisher Systems, No. 17, 1969 edition;

(4) the National Fire Protection Association Standards for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment, No. 96, 1969 edition;

(5) the American Restaurant Association's standards for fire prevention; and

(6) the National Fire Protection Association Standards for Halogenated Fire Extinguisher Systems, No. 12A, 1970 edition.

Registration and Licensing

Sec. 4. (a) Each firm engaged in the business of servicing portable fire extinguishers or installing or servicing fixed fire extinguisher sys-

For Annotations and Historical Notes, see V.A.T.S.

tems must have a certificate of registration issued by the State Board of Insurance. The initial fee for the certificate of registration is $225 and the renewal fee for each year thereafter is $150.

(b) Each employee, other than an apprentice, of firms engaged in the business of servicing portable fire extinguishers or installing or servicing fixed fire extinguisher systems who services extinguishers or fixed systems, must have a license issued by the State Board of Insurance. The initial fee for the license is $25 and the renewal fee for each year thereafter is $15.

(c) Each person servicing portable fire extinguishers or fixed fire extinguisher systems as an apprentice shall, before servicing any portable fire extinguisher or servicing any fixed fire extinguisher system, apply to the State Board of Insurance for an apprentice permit. The fee for the apprentice permit is $15. A copy of the application may be used by the applicant as proof of his being temporarily licensed until the official apprentice permit is issued or denied.

(d) Each firm performing hydrostatic testing of fire extinguishers manufactured in accordance with the specifications and procedures of the United States Department of Transportation shall do so in accordance with the procedures specified by that department for compressed gas cylinders and shall be required to have a hydrostatic testing certificate authorizing such testing issued by the state fire marshal. Persons qualified to do this work shall be given such authority on their licenses. The initial fee shall be $125, and the renewal fee for each year thereafter shall be $75. Hydrostatic testing of fire extinguishers not performed pursuant to the United States Department of Transportation specifications shall be performed as recommended by the National Fire Protection Association.

Selling or Leasing of Portable Fire Extinguishers

Sec. 5 (a) No portable fire extinguisher or fixed fire extinguisher system may be sold or installed in this state unless it carries a label of approval of a nationally recognized testing laboratory or a testing laboratory approved by the State Board of Insurance.

(b) The sale, servicing, or recharging of carbon tetrachloride fire extinguishers is prohibited.

(c) Except as provided in Section 6 of this Act, only the holder of a current and valid license or an apprentice permit issued pursuant to this Act may service portable fire extinguishers or install and maintain fixed fire extinguisher systems.

(d) A person who has been issued a license pursuant to this Act to service portable fire extinguishers or install and service fixed fire extinguisher systems must be an employee, agent, or servant of a firm that holds a certificate of registration issued pursuant to this Act.

Exceptions

Sec. 6. The provisions of this Act do not apply to the following:

(a) the filling or charging of a portable fire extinguisher by the manufacturer prior to its initial sale;

(b) the servicing by a firm of its own portable fire extinguishers and/or fixed systems by its own personnel specially trained for such servicing;

(c) the installation or servicing of water sprinkler systems installed in compliance with the National Fire Protection Association's Standards for the Installation of Sprinkler Systems, No. 13;

(d) firms engaged in the retailing or wholesaling of portable fire extinguishers as defined in Section 3, but not engaged in the installation or recharging of them;

(e) fire departments recharging portable fire extinguishers as a public service where no charge is made, provided, however, that the members

of the fire department are trained in the proper filling and recharging of the fire extinguishers.

Applications and Hearings on Licenses, Permits and Certificates

Sec. 7. (a) Applications and qualifications for licenses, permits, and certificates issued hereunder shall be made pursuant to regulations adopted by the State Board of Insurance.

(b) The State Board of Insurance may through the State Fire Marshal conduct hearings or proceedings concerning the suspension, revocation, or refusal of the issuance or renewal of licenses, apprentice permits, hydrostatic testing certificates, certificates of registration, or approvals of testing laboratories issued under this Act or the application to suspend, revoke, refuse to renew, or refuse to issue the same.

Powers and Duties of State Board of Insurance

Sec. 8. The State Board of Insurance shall:

(a) formulate and administer such rules and regulations as may be determined essentially necessary for the protection and preservation of life and property, in controlling:

(1) the registration of firms engaging in the business of servicing portable fire extinguishers or installing and maintaining fixed fire extinguisher systems;

(2) the registration of firms engaged in the business of hydrostatic testing of portable fire extinguishers;

(3) the examination of persons applying for a license to service portable fire extinguishers;

(4) the licensing of persons to service portable fire extinguishers and install fixed fire extinguisher systems; and

(5) the requirements for the servicing of portable fire extinguishers and the maintenance of fixed fire extinguisher systems;

(b) evaluate the qualifications of firms or individuals for a certificate of registration to engage in the business of servicing portable fire extinguishers or installing fixed fire extinguisher systems;

(c) conduct examinations to ascertain the qualifications and fitness of applicants for a license to service portable fire extinguishers or install fixed fire extinguisher systems;

(d) issue certificates of registration for those firms that qualify under the rules and regulations to engage in the business of servicing portable fire extinguishers or installing and servicing fixed fire extinguisher systems, and issue licenses, apprentice permits, and authorizations to perform hydrostatic testing to the firms or individuals who qualify; and

(e) evaluate the qualifications of firms seeking approval as testing laboratories for portable fire extinguishers.

Delegation of Power by State Board of Insurance

Sec. 9. The State Board of Insurance may delegate the exercise of all or part of its functions, powers, and duties under this Act, except for the issuance of licenses, certificates, and permits, and the formulation of rules and regulations, to a Fire Extinguisher Advisory Council whose members shall be appointed by the State Board of Insurance. The members shall be experienced and knowledgeable in one or more of the following areas: fire services, fire extinguisher manufacturing, fire insurance inspection or underwriting, fire extinguisher servicing, or be a member of a fire protection association or industrial safety association.

Certain Acts Prohibited

Sec. 10. No person may do any of the following:

(1) engage in the business of servicing portable fire extinguishers without a current certificate of registration;

For Annotations and Historical Notes, see V.A.T.S.

(2) engage in the business of installing or servicing fixed fire extinguisher systems without a current certificate of registration;

(3) service portable fire extinguishers or fixed fire extinguisher systems without a current license;

(4) perform hydrostatic testing of portable fire extinguishers manufactured in accordance with the specifications of the United States Department of Transportation without a current hydrostatic testing certificate;

(5) obtain or attempt to obtain a certificate of registration or license by fraudulent representation; and

(6) service or sell portable fire extinguishers contrary to the provisions of this Act or the rules and regulations formulated and administered under the authority of this Act.

Use of Funds

Sec. 11. All funds collected through the licensing and other provisions of this Act, excepting penalties, shall be paid to the State Board of Insurance and be deposited in a special fund with the State Treasurer for carrying out the administration of this Act. All such funds deposited with the State Treasurer during the biennium ending August 31, 1972, are hereby appropriated to the State Board of Insurance for its use in carrying out its duties and responsibilities under this Act.

Penalties

Sec. 12. A person who violates Section 10 of this Act shall be fined not less than $100 nor more than $200 for the first offense, not less than $300 nor more than $1,000 for the second offense, and be imprisoned for not less than one nor more than two years, for the third offense.

Acts 1971, 62nd Leg., p. 1993, ch. 616, eff. June 4, 1971.

Title of Act:

An Act providing for the regulation of the servicing of portable fire extinguishers and the installing and servicing of fixed fire extinguisher systems; providing for penalties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1993, ch. 616.

Art. 654. 533–4 Lottery

Section 1. (a) "Lottery" means an enterprise wherein for a consideration the participants are given an opportunity to win a prize, the award of which is determined by chance, even though accompanied by some skill.

(b) "Consideration" means anything which is a financial advantage to the promoter or a disadvantage to any participant.

Sec. 2. Except as provided in Section 3, if any person establishes a lottery or disposes of an estate, real or personal, by lottery, he shall be fined not less than $100 nor more than $1,000; or if any person shall sell, offer for sale or keep for sale any ticket or part ticket in any lottery, he shall be fined not less than $10 nor more than $50.

Sec. 3. (a) This article does not apply to a sale or drawing of a prize at a fair held in this State for the benefit of a church, religious society, veteran's organization, or other nonprofit charitable organization when all of the proceeds of the fair are expended in this State for the benefit of the church, religious society, veteran's organization, or other nonprofit charitable organization.

(b) The lottery is operated for the benefit of the organization or charitable purpose only when the entire proceeds of the lottery go to the organization or charitable purpose and no part of the proceeds go to an individual member or employee thereof.

Amended by Acts 1971, 62nd Leg., p. 2823, ch. 922, § 1, eff. Aug. 30, 1971.

Section 2 of the 1971 amendatory act provides: "The acts set out in this bill shall only apply on property owned by the operating agency."

CHAPTER EIGHT—TEXAS LIQUOR CONTROL ACT

I. INTOXICATING LIQUORS

I. INTOXICATING LIQUORS

Art. 666—3. Possession of certain liquors by wine or beer retailers prohibited

It shall be unlawful for any person to whom a Wine and Beer Retailer's Permit or Beer Retailer's License has been issued or any officer, agent, servant, or employee thereof to have in his possession on the licensed premises, any distilled spirits or any liquor containing alcohol in excess of fourteen per centum (14%) by volume.
Amended by Acts 1971, 62nd Leg., p. 681, ch. 65, § 1, eff. April 21, 1971.

Art. 666—3a. Definitions

The following definitions of words and terms shall apply as used in this Act:

* * * * * * * * * * * *

(7) "Premise" shall mean the grounds as well as all of the buildings, vehicles, and appurtenances pertaining thereto, and shall also include any adjacent premises, if directly or indirectly under the control of the same person; provided, however, that subject to the approval of the Commission or Administrator, any Applicant, except an Applicant for a Package Store Permit or renewal thereof, may designate a portion of the grounds, buildings, vehicles, or appurtenances which shall not be a part of the licensed premises; provided further, however, that the provisions of Section 18, Article I, Texas Liquor Control Act [1], which prohibit the licensing of only a portion of a building as premise for a Package Store Permit shall not apply to any Package Store Permit or a renewal thereof in effect on April 1, 1971, provided:

(a) Such permit was in good standing, not under suspension and was in actual operation and doing business as a Package Store on April 1, 1971, unless operation was temporarily prevented by natural disaster;

For Annotations and Historical Notes, see V.A.T.S.

(b) No change in ownership with respect to such permit has occurred subsequent to April 1, 1971, except by devise or descent where the owner thereof was deceased on or after April 1, 1971;

(c) No change in location of the licensed premise has occurred subsequent to April 1, 1971;

(d) The holder of such permit shall, within ninety (90) days after the effective date of this Act, clearly define the licensed premises by isolating such premise from the remainder of the store by the erection of a wall or screen in such manner that the licensed premise shall be accessible from the remainder of the building only through a door or archway, eight feet or less in width, in such wall or screen, and such door or archway shall be closed during the hours in which it is not legal to sell liquor; and

(e) The holder of such permit continues to comply with all of the provisions of Section 18 of Article I of the Texas Liquor Control Act, except the provision prohibiting the licensing of only a portion of a building as "premise."

All Package Store Permits subject to this exception as to the definition of premise, by complying with the terms hereof, shall be permitted to continue such operation only as long as there is no change in the location or size of the licensed premise and only so long as there is no change in the ownership of such permit, by majority stock transfer or otherwise; and should the right to continue operation under this exception ever terminate for any reason, such right shall not revive.

Subsec. (7) amended by Acts 1959, 56th Leg., p. 956, ch. 444, § 1, eff. Aug. 11, 1959; Acts 1971, 62nd Leg., p. 1743, ch. 510, § 1, eff. Aug. 30, 1971.

[1] Article 666—18.

* * * * * * * * * *

(15) "Mixed Beverage" means one or more servings of a beverage composed in whole or in part of any alcoholic beverage in sealed or unsealed containers of any legal size for consumption on the premises where served or sold by the holder of a Mixed Beverage Permit, the holder of a Daily Temporary Mixed Beverage Permit, the holder of a Caterer's Permit, the holder of a Mixed Beverage Late Hours Permit, the holder of a Private Club Registration Permit, or the holder of a Private Club Late Hours Permit.

Subsec. (15) added by Acts 1971, 62nd Leg., p. 682, ch. 65, § 2, eff. April 21, 1971.

* * * * * * * * * * *

Section 2 of Acts 1971, 62nd Leg., p. 1743, ch. 510, provided: "Sec. 2. In the event of conflict between any other provision of the Texas Liquor Control Act, as amended, and this Act, the provisions of this Act shall prevail, and to such extent the existing provisions of the Texas Liquor Control Act, as amended, are hereby modified."

Art. 666—4. Manufacture, sale or possession of liquor unlawful; consumption in public place

* * * * * * * * * * *

(a–1) It shall not be deemed in violation of the above prohibitions in Section 4 of this article for the head of any family to produce for family use and not for sale an amount of wine not exceeding 200 gallons per annum, provided that prior to the beginning of the production process the head of the family files with the Texas Alcoholic Beverage Commission and with the office of the Commission in the district wherein the wine is to be produced a statement of intent specifying (a) the ingredients to be used, (b) the number of gallons to be produced, (c) the number of adult persons in the family, and (d) any other information which the Commission may require. A fee of $10.00 shall be attached with the copy of the statement filed in the district office. The Commission shall have the authority to prohibit the use of any ingredient found by it to be

detrimental to health or susceptible of utilization to evade the provisions of this Act. The term "wine," as used here means the produce of normal alcoholic fermentation of the juices of grapes, dandelions, raisins, or other fruits. The possession of same shall not constitute violation of the provisions of Section 4, provided the wine conforms with the statement hereinabove required, the specified fee has been paid, and the wine is not distilled, fortified or otherwise altered to increase its alcoholic content.
Subsec. (a–1) added by Acts 1971, 62nd Leg., p. 2554, ch. 839, § 1, eff. Aug. 30, 1971.

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Art. 666—10. Publication of notice of application for permit

Every applicant for a Pharmacist's Medicinal, Brewer's, Distiller's, Mixed Beverage, Winery (except Class B Winery), Wholesaler's, Class B Wholesaler's, Wine Bottler's, or Package Store Permit under this Act shall give notice of such application by publication for two (2) consecutive issues in a newspaper of general circulation published in the city or town in which applicant's place of business is located. Provided, however, that in such instances where no newspaper is published in the city or town, then the same shall be published in a newspaper of general circulation published in the county where the applicant's business is located, and if no newspaper is published in the county, the notice shall be published in a qualified newspaper which is published in the closest neighboring county and circulated in the county of applicant's residence. Such notice shall be printed in ten (10) point black face type and shall set forth the type of permit to be applied for, the exact location of the place of business, the name of the owner or owners thereof, and if operating under an assumed name, the trade name together with the names of all owners, and if a corporation, the names and titles of all officers. The cost of such notice shall be borne by the applicant. This Section does not apply to an applicant for either a Daily Temporary Mixed Beverage Permit or a Caterer's Permit.
Amended by Acts 1971, 62nd Leg., p. 682, ch. 65, § 3, eff. April 21, 1971.

Art. 666—11. Refusal of permit

The Commission or Administrator may refuse to issue a permit, either on an original application or a renewal application, to any applicant either with or without a hearing if it has reasonable grounds to believe and finds any of the following to be true:

(1) That the applicant has been convicted in a court of competent jurisdiction for the violation of any provision of this Act [1] during the two (2) years next preceding the filing of his application, or that three (3) years have not elapsed since the termination of any sentence, by pardon or otherwise, imposed upon the applicant upon conviction for a felony.

(2) That the applicant has violated or caused to be violated, during the six (6) months period immediately preceding the date of his application, any provision of this Act or any rule or regulation of the Commission which involves a question of moral turpitude as distinguished from a technical violation of the Act or any rule or regulation.

(3) That the applicant has failed to answer or has falsely answered or has incorrectly answered any of the questions in his original application or any renewal application.

(4) That the applicant is indebted to the State for any taxes, fees, or payment of penalties imposed by this Act or by any rule or regulation of the Commission.

(5) That the applicant is not of good moral character, that his reputation for being a peaceable, law-abiding citizen in the community where he resides is bad, or that he is under twenty-one (21) years of age.

For Annotations and Historical Notes, see V.A.T.S.

(6) That the place or manner in which the applicant may conduct his business is of such a nature which, based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency, warrants a refusal of a permit.

(7) That the applicant is in the habit of using alcoholic beverages to excess, or is physically or mentally incapacitated.

(8) That the Commission or Administrator believes or has reason to believe that the applicant will sell or knowingly permit any agent, servant, or employee to unlawfully sell liquor in a dry area or in any other manner contrary to law.

(9) That the applicant, except an applicant for a permit created by this Act authorizing the holder thereof to sell mixed beverages, has any financial interest in any permit or license authorizing the holder thereof to sell beer at retail other than is authorized in Section 23(a) (5) or Section 17(1) of Article I of the Texas Liquor Control Act [2].

(10) That the applicant, except an applicant for a permit created by this Act authorizing the holder thereof to sell mixed beverages, is residentially domiciled with any person who has any financial interest in any permit or license authorizing the holder thereof to sell beer at retail other than as authorized in Section 23(a) (5) or Section 17(1) of Article I of the Texas Liquor Control Act.

(11) That the applicant is not a citizen of the United States or has not been a citizen of Texas for a period of three (3) years immediately preceding the filing of his application, provided, however, that this Section 11(11) shall not apply to any person who has been issued a permit or renewal thereof on or before September 1, 1948, and has at some time been a citizen of the United States.

(12) That the applicant does not have available an adequate building at the address for which the permit is sought.

(13) That the applicant is residentially domiciled with any person whose permit or license has been cancelled for cause within the twelve (12) months next preceding the date of the present application for a permit.

(14) That the applicant has failed or refused to furnish a true copy of his application to the Alcoholic Beverage Commission District Office in the district in which the premises sought to be covered by a permit are located.

(14a) That an applicant for a Mixed Beverage Permit, directly or indirectly, or through a subsidiary, affiliate, agent, or employee, or through an officer, director, or firm member, owns any interest of any kind in the premises, business, or permit of a package store, except as permitted in Subsection (5), Section 23(a), of this Article.

(14b) That an applicant for a Package Store Permit, directly or indirectly, or through a subsidiary, affiliate, agent, or employee, or through an officer, director, or firm member, owns any interest of any kind in the premises, business, or permit of a mixed beverage establishment, except as permitted in Subsection (5), Section 23(a), of this Article.

(15) The Commission or Administrator shall be vested with discretionary authority to refuse or grant such permits under the restrictions of this Section, as well as under any other pertinent provision of this Act.

(16) When the word "applicant" is used in Subsections (1) through (14b) of this Section, it shall also mean and include each member of a partnership or association and all officers and the owner or owners of the majority of the corporate stock of a corporation, as of the date of the application, except as permitted in Section 23(a) (5) and Section 17(1) of Article I of the Texas Liquor Control Act.

There may be sufficient legal reason to deny a permit if it is found that during the six (6) months immediately preceding the date of application the premise for which the permit is sought has been operated, used or frequented for any purpose or in any manner that is lewd, immoral, or

offensive to public decency. In the granting or withholding of any permit to sell alcoholic beverages at retail, as provided in Article I, of the Texas Liquor Control Act [3], the Commission or Administrator in forming his conclusions may give consideration to any recommendations made in writing by the District or County Attorney or County Judge or Commissioners Court of the county or the Sheriff of the county, or the Mayor or Chief of Police of any incorporated city or town wherein the applicant proposes to conduct his business and to any recommendations made by representatives of the Commission.

Amended by Acts 1971, 62nd Leg., p. 682, ch. 65, § 4, eff. April 21, 1971.

[1] Articles 666—1 et seq., 667—1 et seq.

[2] Articles 666—23a(5) and 666—17(1).

[3] Article 666—1 et seq.

Art. 666—11a. Application for mixed beverage permit; contents

In addition to the information required of applicants for permits under this Article, the applicant for a Mixed Beverage Permit must file with his original or renewal application a sworn statement in a form prescribed by the Commission or Administrator containing the following information:

(1) The name and residential address of the lessor of the premises;

(2) The name and address of the lessee of the premises;

(3) The amount of monthly rental on the premises and the date of expiration of the lease;

(4) Whether the lease or rental agreement includes furniture and fixtures;

(5) Whether the business is to be operated under a franchise and if so the name and address of the franchisor;

(6) The name and address of the accountant of the business;

(7) A list of all bank accounts, including account numbers, used in connection with the business; and

(8) Any information required by the Commission or Administrator relevant to the determination of all persons having a financial interest of any kind in the granting of a Mixed Beverage Permit.

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 11–a, added by Acts 1971, 62nd Leg., p. 684, ch. 65, § 5, eff. April 21, 1971.

Art. 666—12. Cancellation or suspension of permit; grounds

The Commission or Administrator may cancel or may suspend for a period of time not exceeding sixty (60) days, after notice and hearing, any permit or any renewal of such permit if it is found that any of the following is true:

(1) That the permittee has at any time been convicted for the violation of any provision of this Act.[1]

(2) That the permittee has violated any provision of this Act or any rule or regulation of the Commission at any time.

(3) That the permittee has made any false or misleading statement in connection with his application or renewal application, either in the formal application itself or in any other instrument in writing submitted to the Commission, its officers or its employees, relating to such application or renewal application.

(4) That the permittee is indebted to the State for any taxes, fees, or payment of penalties imposed by this Act or by any rule or regulation of the Commission.

(5) That the permittee is not of good moral character, or that his reputation for being a peaceable and law-abiding citizen in the community where he resides is bad.

(6) That the place or manner in which the permittee conducts his business is of such a nature which, based on the general welfare, health,

peace, morals, and safety of the people and on the public sense of decency, warrants the cancellation or suspension of the permit.

(7) That the permittee is not maintaining an acceptable bond.

(8) That the permittee, his agent, servant, or employee, maintains a noisy, lewd, disorderly or insanitary establishment or has been supplying impure or otherwise deleterious beverages.

(9) That the permittee is insolvent or mentally or physically unable to carry on the management of his establishment.

(10) That the permittee is in the habit of using alcoholic beverages to excess.

(11) That either the permittee, his agent, servant, or employee knowingly misrepresented to a customer or the public any liquor sold by him.

(12) That the permittee, his agent, servant, or employee was intoxicated on the licensed premises.

(13) That the permittee, his agent, servant, or employee sold or delivered alcoholic beverages to any intoxicated person.

(14) That the permittee, his agent, servant, or employee possessed on the premises covered by his permit any alcoholic beverage that he was not authorized by his permit to purchase and sell.

(15) That any Package Store or Wine Only Package Store permittee, his agent, servant, or employee transported, caused to be transported, shipped or caused to be shipped liquor into a dry state, or into any dry area within this State.

(16) That the permittee, his agent, servant, or employee sold or delivered any liquor on Sunday, except as permitted by Section 25, Article I, of this Act.[2]

(17) That the permittee, his agent, servant, or employee knowingly sold or delivered liquor to any person under the age of twenty-one (21) years.

(18) That the permittee, his agent, servant, or employee sold or delivered any liquor in violation of Section 25, Article I, of this Act.

(19) That the permittee, his agent, servant, or employee employed any person to sell, handle, transport, or dispense, or to assist in selling, handling, transporting or dispensing any liquor in violation of Subsection (5), Section 17, Article I of this Act.[3]

(20) That the permittee is residentially domiciled with any person who has financial interest in any establishment engaged in the business of selling beer at retail other than an interest in a mixed beverage establishment or as provided in Section 23(a) (5), and Section 17(1) of Article I of this Act.[4]

(21) That the permittee is residentially domiciled with any person whose permit or license has been cancelled for cause within twelve (12) months next preceding the date of application.

(22) That the permittee, his agent, servant, or employee sold, offered for sale, distributed, or delivered any alcoholic beverage during any period of suspension of his permit by the Commission or Administrator.

(23) That the permittee is not a citizen of the United States or has not been a citizen of Texas for a period of three (3) years immediately preceding the filing of his application; provided, however, this Paragraph (23) shall not apply to any person who has been issued a permit or a renewal thereof on or before September 1, 1948, and has at some time been a citizen of the United States.

(24) That the permittee has been finally convicted of a felony during the period he is the holder of any permit or renewal thereof.

(25) That the permittee, his agent, servant, or employee permitted any intoxicated person to remain on the premises.

(26) That the retail permittee, his agent, servant, or employee, sold or delivered any liquor between 9:00 p. m. of any day and 10:00 a. m. of the following day, except as permitted in Section 25 of this Article.

(27) That the permittee, his agent, servant, or employee permitted any person to open any container or to possess any open container of alcoholic beverage on the licensed premises unless a Mixed Beverage Permit has been issued for the premises.

(28) Where the word "permittee" is used in this Section it also means and includes each member of a partnership or association and each officer and the owner or owners of the majority of the corporate stock of a corporation, except as provided in Section 23(a) (5) and Section 17(1) of Article I of this Act.

(29) In addition to the causes for cancellation or suspension hereinbefore set out, the Commission or Administrator may cancel or suspend the permit of any person upon satisfactory proof that the permittee has been finally convicted of any penal provisions of this Act.

Amended by Acts 1967, 60th Leg., p. 160, ch. 85, § 1, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 685, ch. 65, § 6, eff. April 21, 1971.

[1] Articles 666—1 et seq., 667—1 et seq.
[2] Article 666—25.
[3] Article 666—17(5).
[4] Articles 666—23a(5) and 666—17(1).

Art. 666—13. Period of permit; permit as personal privilege; renewal; inspection of premises; sale by financial institution holding warehouse receipts

(a) All permits issued under this Act expire one year from the date of issue.

Subsec. (a) amended by Acts 1971, 62nd Leg., p. 686, ch. 65, § 7, eff. April 21, 1971.

* * * * * * * * * * *

(f) Notwithstanding any other provision of this Act, if the surviving spouse or surviving descendant of a holder of a Mixed Beverage Permit qualifies as the successor in interest to the permit as provided in Subsection (b) of this Section, the descendant or surviving spouse may continue to renew the permit by paying a renewal fee equal to the fee the permittee would be required to pay had he lived.

Subsec. (f) added by Acts 1971, 62nd Leg., p. 699, ch. 65, § 26, eff. April 21, 1971.

Art. 666—15. Classification of permits

Permits shall be of the following classes:

* * * * * * * * * * *

(22) Mixed Beverage Permit. A Mixed Beverage Permit authorizes the holder to sell mixed beverages from unsealed containers, or from sealed containers containing no less than one fluid ounce but not more than two fluid ounces, for consumption on the premises for which the permit is issued.

Notwithstanding the limitation set out in this subsection and in Section 20e of Article I of the Texas Liquor Control Act,[1] a Mixed Beverage Permit shall authorize the holder thereof to purchase wine, beer, and malt liquor in a container of any legal size containing alcohol of not more than twenty-one per centum (21%) by volume from the holder of any permit or license which authorizes the holder thereof to sell same for resale, and the Mixed Beverage Permit shall authorize the holder thereof to sell such wine, beer and malt liquor in a container of any legal size for consumption on the premises for which the permit is issued. The annual fee for a Mixed Beverage Permit is Two Thousand Dollars ($2,000.00) for an original permit, One Thousand, Five Hundred Dollars ($1,500.00) for the first

annual renewal, One Thousand Dollars ($1,000.00) for the second annual renewal, and Five Hundred Dollars ($500.00) for the third annual and each subsequent annual renewal.

(23) Daily Temporary Mixed Beverage Permit. (a) The Commission may, in its discretion, issue on a temporary basis a Daily Temporary Mixed Beverage Permit. The fee for the permit is Twenty-five Dollars ($25) per day.

(b) The permit authorizes the sale of mixed beverages for consumption on the premises for which the permit is issued and may only be issued to a political party or political association supporting a candidate for public office or a proposed amendment to the State Constitution or other ballot measure, an organization formed for a specific charitable or civic purpose, a fraternal organization in existence for over five years with a regular membership, or a religious organization.

(c) Distilled spirits sold under a Daily Temporary Mixed Beverage Permit must be purchased from the holder of a Local Distributor's permit.

(d) All provisions of this Act applicable to a Mixed Beverage Permit also apply to a Daily Temporary Mixed Beverage Permit, unless there is a special provision to the contrary.

(e) The requirements which apply to the application and issuance of other permits contained in this Act do not apply to the application and issuance of a Daily Temporary Mixed Beverage Permit. The Commission may adopt such rules and regulations as it determines to be necessary to implement and administer the provisions of this Section, including, but not limited to, limitations on the number of times during any calendar year a qualified organization may be issued a license provided for by this Section.

(24) Mixed Beverage Late Hours Permit. A Mixed Beverage Late Hours Permit authorizes the holder to sell mixed beverages on Sunday between the hours of 1 a. m. and 2 a. m. and on any day except Sunday between the hours of 12 midnight and 2 a.m. if the premises covered by the permit are in an area where the sale of mixed beverages during those hours is authorized by this Act. All Sections of this Act which apply to a Mixed Beverage Permit also apply to a Mixed Beverage Late Hours Permit. The annual State fee for a Mixed Beverages Late Hours Permit is One Hundred Dollars ($100).

(25) (a) Caterer's Permit. A Caterer's Permit may only be issued to the holder of a Mixed Beverage Permit. It authorizes the Mixed Beverage Permittee to sell mixed beverages on a temporary basis at a place other than the premises for which the Mixed Beverage Permit is issued, but only in an area where the sale of such beverages has been authorized by a local option election.

(b) The provisions of this Act which apply to the application and issuance of other permits do not apply to the application and issuance of a Caterer's Permit. The restrictions and regulations which apply to the sale of mixed beverages on the licensed premises also apply to the sale under the authority of a Caterer's Permit, and any act which is prohibited on the licensed premises is also prohibited when the permittee is operating other than on the licensed premises under a Caterer's Permit. Any act which, if done on the licensed premises would be a ground for cancellation or suspension of the Mixed Beverage Permit, is a ground for cancellation of both the Mixed Beverage Permit and the Caterer's Permit if done when the permittee is operating away from the licensed premises under the authority of a Caterer's Permit.

(c) A Caterer's Permit is auxiliary to the primary Mixed Beverage Permit held by the permittee. All receipts from the sale of mixed beverages under the authority of the Caterer's Permit shall be treated for tax purposes as if they were made under the authority of the primary permit. If the primary permit ceases to be valid for any reason, the Caterer's

Permit ceases to be valid. All provisions of this Act applicable to the primary permit not inconsistent with this subsection apply to a Caterer's Permit.

(d) The Commission shall adopt rules and regulations governing the application, issuance, and use of Caterer's Permits.

(e) The annual fee for a Caterer's Permit is Two Hundred Fifty Dollars ($250).

Subsecs. 22–25 added by Acts 1971, 62nd Leg., p. 687, ch. 65, § 8, eff. April 21, 1971.

[1] Article 666—20e.

Acts 1971, 62nd Leg., p. 700, ch. 65, § 29, was a severability provision, and section 30 thereof repealed conflicting laws.

666—15a1. Commissioners Courts and cities and towns authorized to levy fee on certain permittees; permits displayed; penalty

Except as to Agent's, Industrial, Carrier's, Private Carrier's, Local Cartage, and Storage Permits, and as to such Wine and Beer Retailer's Permits as shall be issued to operators of dining, buffet, or club cars, and Class B Winery Permits, and except as to Mixed Beverage Permits during the first, second, and third years of their existence, the Commissioners Court of each county in this State shall have the power to levy and collect from every person that may be issued a permit hereunder in said county a fee equal to one-half (½) of the State fee; and the city or town wherein the licensed premises are located shall have the power to levy and collect a fee not to exceed one-half (½) of the State fee, but no other fee or tax shall be levied by either. Nothing herein contained shall be construed as preventing the levying, assessing, and collecting of general ad valorem taxes on the property of said persons. The Commission or Administrator may cancel the permit, or any renewal thereof, of any person upon finding that the permittee has not paid any fee levied by the county or city as provided in this Section. All permits shall be displayed in a conspicuous place at all times on the licensed premises. Any permittee or licensee who engages in the sale of any alcoholic beverage without having first paid the fees which may have been levied by the county or city as herein provided shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars ($10) nor more than Two Hundred Dollars ($200). Nothing herein shall be construed as a grant to any subdivision of any power or authority to regulate licensees or permittees hereunder, save and except the collection of the fees herein authorized, and save and except any power or authority to regulate as granted elsewhere in the Texas Liquor Control Act.

Amended by Acts 1971, 62nd Leg., p. 689, ch. 65, § 10, eff. April 21, 1971.

Art. 666—15e. Private club registration; regulations; permits; licensing fees; violations; penalties

1. For purposes of this Act, the following definition of words and terms shall apply:

(a) "Private Club" shall mean an association of persons, whether unincorporated or incorporated under the laws of the State of Texas, for the promotion of some common object and whose members must be passed upon and elected as individuals, by a committee or board made of members of the club. No employee of the club shall be eligible to serve on such committee or board, and no application for membership shall be approved until said application has been filed with the chairman of the membership committee, or the board, as the case may be, and approved by such chairman. Such club shall own, lease or rent a building, or space in a building of such extent and character as in the judgment of the

Texas Alcoholic Beverage Commission, is suitable and adequate for its members and their guests and shall provide regular food service adequate for its members and their guests. Its aggregate annual membership fees or dues or other income, exclusive of any proceeds from disposition of alcoholic beverages (themselves not for service thereof), shall be sufficient to defray the annual rental of its leased or rented premises, or, if such premises are owned by the club, shall be sufficient to meet the taxes, insurance and repairs and the interest on any mortgage thereof. Its affairs and management shall be conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. No member or any officer, agent or employee of the club shall be paid or, directly or indirectly, shall receive in the form of salary or other compensation any money from the disposition of any alcoholic beverages (themselves not for service thereof), to the members of the club and guests introduced by members.

The manager or other person in charge of the premises may allow temporary members to enter the club if he possesses a valid temporary membership card which shall have no erasures or changes with the temporary dates in a prominent position on the card he may enjoy its service and privileges for a period of not more than three days per invitation. A temporary member does not possess guest privileges. At the time of his admission the temporary member shall pay the club a fee of Two Dollars ($2), which shall represent the fee payable by the permittee to the state. All fees and payments from temporary members shall be collected in cash or through credit cards approved by the Commission or Administrator. Temporary memberships shall be governed by such rules and regulations as may be promulgated by the Commission not inconsistent with the provisions hereof.

Guests shall be limited to those who accompany a member onto the premises or for whom the member has made prior arrangements with the management of the club. Except as set forth in this section, no guest shall be permitted to pay, by cash or otherwise, for any service of alcoholic beverage, but any such service rendered to a guest by the club must be billed by the club in its regular billing cycle, monthly or otherwise, to the member sponsoring such guest.

Provided, however, the manager of a bona fide hotel as defined in this Act who is a member of a private club located within the hotel building may issue guest cards to bona fide patrons of such hotel who are using such hotel accommodations for overnight lodgings or for a longer period of time, and any such guests shall not be allowed to pay, by cash or otherwise, at the time of service in such private club, but all such charges for service shall be charged to the hotel manager's account in such hotel and shall be collected by such hotel manager at the time of departure of such hotel patron with such other charges as may occur in such hotel, including specifically a bona fide charge for lodging overnight or a longer period of time. These hotel records shall be available for inspection at the request of the Commission. If the club operates under the locker system any such guest shall be served from the locker rented to the manager of the hotel.

The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this subsection.

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(c–1) Notwithstanding any other provision of this Act, the pool system shall be legal for any private club operating on the premises of a professional sports stadium which is used wholly or partly for professional sporting events and which has a seating capacity of 40,000 or more, and on the premises of a multiple-unit residential dwelling or dwelling complex having 750 or more units in a county having a population of not less than 1,000,000 nor more than 1,500,000 according to the last preceding federal census.

(c–2) Notwithstanding any other provision of this Section 15(e), the pool system shall be legal for any private club operating in any county where the sale of any alcoholic beverage has been legalized, either throughout the entire county or any portion of such county.

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5a. No Private Club Registration Permit may be issued to a club which does not have at least fifty members who reside in the county in which the premises of the club are located, or at least one hundred members who reside in that area comprised of the county in which the premises of the club is located and an adjacent county or counties.

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6b. Added by Acts 1969, 61st Leg., 2nd C.S., p. 5, ch. 1, art. 6, § 1, eff. Oct. 1, 1969. Repealed by Acts 1971, 62nd Leg., 1st C.S., p. 23, ch. 3, § 10, eff. June 8, 1971.

7. The Commission or Administrator may cancel or suspend for a period of time not exceeding sixty (60) days, after notice and hearing, any Private Club Registration Permit or any renewal of such Private Club Registration Permit, upon finding that the permittee club has:

(a) Sold, offered for sale, purchased or held title to any liquor whatsoever so as to constitute an open saloon. The term "open saloon" as used in this subsection means any place where any alcoholic beverage whatever, manufactured in whole or in part by means of the process of distillation, or any liquor composed or compounded in part of distilled spirits, is sold or offered for sale for beverage purposes by the drink or in broken or unsealed containers, or any place where any such liquors are sold or offered for sale for human consumption on the premises where sold.

(b) Refused to allow any authorized agent or representative of the Texas Alcoholic Beverage Commission or any peace officer to come upon the club premises for the purposes of inspecting alcoholic beverages stored on said premises or investigating compliance with this Act or any provision of the Texas Liquor Control Act.

(c) Refused to furnish the Commission or its agent or representatives when requested any information pertaining to the storage, possession, serving or consumption of alcoholic beverages upon club premises.

(d) Permitted or allowed any alcoholic beverages stored on club premises to be served or consumed at any place other than on the club premises.

(e) Failed to maintain an adequate building at the address for which said Private Club Registration Permit was issued.

(f) Caused, permitted or allowed any member of a club in a dry area to store any liquor on club premises except under the locker system.

(g) Caused, permitted or allowed any person to consume or be served any alcoholic beverages on the club premises at any time on Sunday between the hours of 1:15 a. m. and 12:00 noon, or on any other day at any time between the hours of 12:15 a. m. and 7:00 a. m.; provided, however, that a permittee club holding a Private Club Late Hours Permit shall be entitled to cause, permit and allow service and consumption of alcoholic beverages on the club premises during the additional hours authorized by such permit.

(h) Violated any provision of the Texas Liquor Control Act or this Act.

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12. The permit fee imposed by Subsection 6, Section 15(e), Article I, Texas Liquor Control Act, as amended, and the requirement that regular

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food service must be provided and the prohibition on payment by cash, contained in Subsection 1, Section 15(e), Article I, Texas Liquor Control Act, as amended, shall not apply to any fraternal or veterans' organization any part of whose property is exempt, or would be exempt from taxation under Article 7150, Revised Civil Statutes of Texas, 1925, as now or hereafter amended. All other provisions of Section 15(e) of Article I, Texas Liquor Control Act, as amended, and of Section 20d of Article I, Texas Liquor Control Act [1] and all other provisions of the Texas Liquor Control Act, shall apply to any such organization from and after September 1, 1971, except that the requirement that such club shall hold a Private Club Registration Permit shall be satisfied by a certificate issued by the Commission to the effect that such club is an exempt organization under the provisions of this subsection.

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Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 15(e), added by Acts 1961, 57th Leg., p. 559, ch. 262, § 1, eff. Sept. 1, 1961. Subsec. 12 added by Acts 1961, 61st Leg., p. 559, ch. 262, § 1A, eff. Sept. 1, 1961; Subsec. 7 amended by Acts 1969, 61st Leg., p. 1535, ch. 466, § 3, eff. Sept. 1, 1969; Subsec. 1(c) amended by Acts 1969, 61st Leg., p. 1659, c. 524, § 1, eff. Sept. 1, 1969; Subsec. 7a amended by Acts 1969, 61st Leg., p. 1959, ch. 659, § 1, eff. June 12, 1969; Subsecs. 6a, 13 added by Acts 1969, 61st Leg., 2nd C.S., p. 5, ch. 1, art. 6, §§ 2, 6, eff. Oct. 1, 1969; Subsec. 12 amended by Acts 1969, 61st Leg., 2nd C.S., p. 5, ch. 1, art. 6, § 2, eff. Oct. 1, 1969; Subsec. 7, Acts 1971, 62nd Leg., p. 699, ch. 65, § 25, eff. April 21, 1971; Subsec. 5a added by Acts 1971, 62nd Leg., p. 699, ch. 65, § 25a, eff. April 21, 1971; Subsec. 1(c–1) added by Acts 1971, 62nd Leg., p. 2580, ch. 845, § 1, eff. June 9, 1971; Subsec. 1(a) amended by Acts 1971, 62nd Leg., 1st C.S., p. 21, § 5, eff. June 8, 1971; Subsecs. 5a, 12 amended by Acts 1971, 62nd Leg., 1st C.S., p. 22, ch. 3, §§ 6, 8a, eff. June 8, 1971; Subsec. 1(c–2) added by Acts 1971, 62nd Leg., 1st C.S., p. 22, ch. 3, § 8, eff. June 8, 1971.

[1] Article 666—20d.

Sections 2 and 3 of Acts 1971, 62nd Leg., p. 2580, ch. 845, provided:

"Sec. 2. As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes.

"Sec. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Art. 666—15½. Non-resident Seller's and Manufacturer's Agent's Permit

A.

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(4). It shall be unlawful for any person holding a Nonresident Seller's Permit, or for any officer, director, agent or employee thereof, or for any affiliate, whether corporate or by management, direction or control to:

(a). Hold or have an interest in the permit, business, assets or corporate stock of any person authorized to import liquor into this State for the purpose of resale; provided that such restrictions shall not apply when the holder is a Texas corporation holding a Manufacturer's License and a Brewer's Permit acquired prior to April 1, 1971; and provided that such restrictions shall not be applicable to any such interest acquired on or before January 1, 1941.

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(9)(a) The annual fee for a Nonresident Seller's Permit is One Hundred Dollars ($100).

(b) It shall be unlawful for any holder of a Nonresident Seller's Permit to solicit, accept, or fill any order for any distilled spirits or wine unless the permit holder is the primary American source of supply for the brand of distilled spirits or wine sold or sought to be sold.

Subsec. A(4) (a) amended by Acts 1971, 62nd Leg., p. 900, ch. 65, § 28, eff. April 21, 1971; Subsec. A(9) amended by Acts 1971, 62nd Leg., 1st C.S., p. 23, ch. 3, § 11, eff. June 8, 1971.

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Art. 666—17. Unlawful acts of permittees and others enumerated

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(5) (a) It shall be unlawful for any person to employ anyone under twenty-one (21) years of age to sell, handle, transport, or dispense or to assist in selling, handling, transporting or dispensing any liquor, except malt liquor and ale, which employees shall be at least eighteen (18) years of age; provided further, that any person eighteen (18) years of age or over may be employed by the holder of any type of Wholesaler's Permit to work in any capacity, except as the holder of an agent's permit, either on or off the licensed premises; and provided further, that any person sixteen (16) years of age or over may be employed by the holder of a Wine Only Package Store Permit to work in any capacity on the licensed premises. Except as to the age of employees, the holder of a Wine Only Package Store Permit shall be subject to all other restrictions and penalties set out in Section 17(b) of Article I of the Texas Liquor Control Act which are applicable to the holder of a package store permit.

(b) The provisions of Subdivision (a) of this subsection do not apply to the holder of a Mixed Beverage Permit. The holder of a Mixed Beverage Permit may not employ any person under the age of twenty-one (21) in the actual mixing, preparing, selling, dispensing, or serving of mixed beverages. Employees not involved in the actual mixing, selling, preparing, dispensing, or serving of mixed beverages may be under the age of twenty-one (21).

Subsec. (5) amended by Acts 1969, 61st Leg., p. 80, ch. 38, § 4, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 689, ch. 65, § 11, eff. April 21, 1971.

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(15) Except as required to supply the needs of Airline Beverage Permittees or Mixed Beverage Permittees as authorized under this Act, it shall be unlawful for any person to import, sell, offer for sale, barter, exchange, or possess for the purpose of sale any liquor the container of which contains less than one-half (½) pint; provided, however, that in the case of malt or vinous liquor a six (6) ounce container shall be the minimum; provided further that any bona fide common carrier of persons, engaged in interstate commerce, may be authorized by the Commission to transport liquor in containers of less than one-half (½) pint but not for sale, use or consumption in Texas. The prohibitions contained herein shall not apply to any licensee or permittee under this Act when engaged in supplying the needs of Airline Beverage Permittees or Mixed Beverage Permittees and shall not apply to the possession or sale by Airline Beverage Permittees or Mixed Beverage Permittees as authorized elsewhere in this Act; provided, however, in no event shall any container of liquor contain any less than one fluid ounce.

The Commission may adopt such reasonable regulations as may be necessary to give effect to the above provision.

Subsec. (15) amended by Acts 1951, 52nd Leg., p. 110, ch. 66, § 3; Acts 1971, 62nd Leg., p. 690, ch. 65, § 12, eff. April 21, 1971.

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For Annotations and Historical Notes, see V.A.T.S.

(35) It shall be unlawful for the holder of a Brewer's, Distiller's, Class A Winery, Class B Winery, Rectifier's, Wholesaler's, Class B Wholesaler's, or Wine Bottler's Permit, directly or indirectly, or through a subsidiary or affiliate, any agent or any employee, or by any officer, director or firm member, to own any interest of any kind in the premises of a Package Store, Wine Only Package Store, or Mixed Beverage Permittee, or any interest of any kind in the premises in which any such Package Store, Wine Only Package Store, or Mixed Beverage Permittee conducts its business.

It shall be unlawful for any person who owns or has an interest in the business of a Distiller, Brewer, Rectifier, Wholesaler, Class B Wholesaler, Class A Winery, Class B Winery, Wine Bottler, Local Distributor's Permit or any agent, servant or employee: (a) to own or have an interest directly or indirectly in the business, premises, equipment or fixtures of any Mixed Beverage Permit; (b) to furnish, give or lend any money or service or other thing of value, or to guarantee the fulfillment of any financial obligation of any Mixed Beverage Permittee; (c) to make or offer to enter into an agreement, condition, or system, the effect of which will amount to the shipment and delivery of alcoholic beverages on consignment; (d) to furnish, give, rent, lend, or sell to any Mixed Beverage Permittee any equipment, fixtures, or supplies to be used in the selling or dispensing of alcoholic beverages; (e) to pay or make any allowances to any Mixed Beverage Permittee for a special advertising or distributing service, or to allow any excessive discounts; (f) to offer any prize, premium, gift or other similar inducement, other than to the extent authorized by Section 17(3) (g) of this Article I,[1] to any Mixed Beverage Permittee or the agent, servant, or employee thereof or to advertise in the convention program or sponsor a function at a meeting or convention of any corporate trade association of holders of Mixed Beverage Permits. Provided, however, nothing in this Subsection (f) shall apply to any trade association incorporated prior to 1950.

Subsec. (35) amended by Acts 1971, 62nd Leg., p. 690, ch. 65, § 13, eff. April 21, 1971.

[1] Subsection (3) (g) of this article.

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(37) It shall be unlawful for any wholesaler, Class B wholesaler, Class A winery, wine bottler or local distributor to sell any liquor, nor shall any package store permittee, wine only package store permittee, private club permittee, mixed beverage permittee, or other retailer purchase any liquor, except for cash or on terms requiring payment by the purchaser as follows: on purchases made from the first to the fifteenth day inclusive of each calendar month, payment must be made on or before the twenty-fifth day of the same calendar month; and, on purchases made from the sixteenth to the last day inclusive of each calendar month, payment must be made on or before the tenth day of the succeeding calendar month. Every delivery of liquor must be accompanied by an invoice of sale giving the date of purchase of such liquor. In the event any package store permittee, wine only package store permittee, private club permittee, mixed beverage permittee or other retail dealer becomes delinquent in the payment of any account due for liquor purchased (that is, if he fails to make full payment on or before the date hereinbefore provided) then it shall be the duty of the wholesaler, Class B wholesaler, Class A winery, wine bottler or local distributor to report that fact immediately to the Commission or the Administrator in writing. Any package store permittee, wine only package store permittee, private club permittee, mixed beverage permittee or other retail dealer who becomes delinquent shall not be permitted to purchase liquor from any wholesaler, Class B wholesaler, Class A winery, wine bottler or local distributor until said delinquent account is paid in full, and the delinquent account shall be cleared from the records of the Commission before any wholesaler, Class

B wholesaler, Class A winery, wine bottler or local distributor will be permitted to sell liquor to him. Any wholesaler, Class B wholesaler, Class A winery, wine bottler or local distributor who accepts post-dated checks, notes, or memoranda or who participates in any scheme, trick, or device to assist any package store permittee, wine only package store permittee, private club permittee, mixed beverage permittee or other retail dealer in the violation of this Section shall likewise be guilty of a violation of this Section. The Commission shall have the power and it shall be its duty to adopt rules and regulations giving full force and effect to this Section. Any sales of malt beverages to the holder of a Mixed Beverage Permit or a Daily Temporary Mixed Beverage Permit by any holder of a license under Article II of the Texas Liquor Control Act [1] or the holder of a Local Distributor's Permit which authorizes sales to any licensee or permittee for resale shall be subject to the provisions of Section 24–1/4 and Section 19–C of Article II of the Texas Liquor Control Act.[2]

Subsec. (37) amended by Acts 1971, 62nd Leg., p. 691, ch. 65, § 14, eff. April 21, 1971.

[1] Article 667—1 et seq.

[2] Articles 667—24¼ and 667—19C.

Art. 666—20b. Mixed beverage permittee; refill of containers prohibited and destruction required; facilities for destruction; use of automatic measuring devices; consumption on premises required

(a) No Mixed Beverage Permittee may refill with any substance a container which contained distilled spirits on which the tax prescribed in Section 21, Article I, of this Act [1] has been paid.

(b) A Mixed Beverage Permittee or any person employed by the permittee who empties a bottle containing distilled spirits on which the tax prescribed in Section 21, Article I, of this Act has been paid, shall immediately after emptying the bottle destroy it. A bottle is considered destroyed if it is no longer capable of containing any liquid.

(c) Every Mixed Beverage Permittee shall provide at all service counters where distilled spirits are poured from bottles the necessary facilities for the destruction of bottles so that persons emptying distilled spirits bottles may immediately destroy them.

(d) Any Mixed Beverage Permittee, his officer, agent, or employee, who is found in possession of an emptied distilled spirits bottle which contained distilled spirits on which the tax prescribed in Section 21, Article I, of this Act has been paid, which has not been destroyed is guilty of a separate violation of this Section for each bottle.

(e) An empty distilled spirits bottle which has locked on it an automatic measuring and dispensing device of a type approved by the Administrator or Commission, so as to prevent the refilling of the bottle without unlocking and removing the device from the bottle, is not required to be destroyed as required in Subsections (a) through (d) of this Section, but shall be destroyed immediately upon the unlocking and removal of the device. Subsection (d) of this Section does not apply to the possession of an empty distilled spirits bottle until the device has been unlocked and removed from the bottle.

(f) No holder of a Mixed Beverage Permit shall sell any alcoholic beverage to any other holder of a Mixed Beverage Permit or to any other person, except for consumption on the licensed premises of the selling permit holder.

(g) No holder of a Mixed Beverage Permit shall permit any person to take any alcoholic beverage purchased on the licensed premises from the premises where sold.

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 20b, added by Acts 1971, 62nd Leg., p. 693, ch. 65, § 16, eff. April 21, 1971.

[1] Article 666—21.

For Annotations and Historical Notes, see V.A.T.S.

Art. 666—20c. Mixed beverage permittee; possession of alcoholic beverages without invoice prohibited; penalties

(a) No holder of a Mixed Beverage Permit, nor any officer, agent, or employee of a holder, may possess or permit to be possessed on the premises for which the permit is issued any alcoholic beverage which is not covered by an invoice from the supplier from whom the alcoholic beverage was purchased. A person who violates this Section is punishable, upon conviction, by a fine of not more than One Thousand Dollars ($1,000) or by confinement in the county jail for no more than thirty (30) days or by both. The Commission or Administrator may, after notice and hearing, suspend for a period of up to sixty (60) days, or cancel, the permit of any permittee it finds to have violated this subsection.

(b) No holder of a Mixed Beverage Permit, nor any officer, agent, or employee of a holder, may knowingly possess or permit to be possessed on the premises for which the permit is issued any alcoholic beverage which is not covered by an invoice conforming with the requirements specified in Subsection (a) of this Section 20c. A person who violates this subsection is punishable by a fine of not less than Five Hundred Dollars ($500) nor more than One Thousand Dollars ($1,000) and by confinement in the county jail for not less than thirty (30) days nor more than two (2) years. The Commission or Administrator shall cancel the permit of any permittee convicted of violating this subsection or found by the Commission or Administrator, after notice of hearing, to have violated this subsection.

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 20c, added by Acts 1971, 62nd Leg., p. 694, ch. 65, § 17, eff. April 21, 1971.

Art. 666—20d. Gross receipts tax on mixed beverage and private club permittees; collection and disposition; procedures; violations; penalties; permits restricted

(a) The word "permittee," as used in this section, means a Mixed Beverage Permittee, Late Hour Mixed Beverage Permittee, Daily Temporary Mixed Beverage Permittee, Private Club Registration Permittee, or a Late Hour Private Club Registration Permittee.

(b) A tax at the rate of ten percent (10%) is imposed on the gross receipts of a permittee from the sale, preparation, or service of mixed beverages, or from the sale, preparation, or service of ice or nonalcoholic beverages which are sold, prepared, or served for the purpose of being mixed with alcoholic beverages and consumed on the premises of the permittee.

(c) Every permittee shall make and keep a record, in a form prescribed by the Commission or Administrator, of all taxable receipts and accumulate the total for each business day. A "business day" for the purpose of this section is the period of time between 3 a. m. one day and 3 a. m. the next day. Permittees, except Daily Temporary Mixed Beverage Permittees, shall keep a copy of this record, as well as all other records of receipts and disbursements by the permittee, on file on the premises for a period of two years, and the record is open to inspection by any agent of the Commission or by any peace officer at any time. Daily Temporary Mixed Beverage Permittees shall file a copy of the records for each month with the tax return for that month as prescribed by the Commission.

(d) On or before the fifteenth day of every month every permittee shall file with the Commission a sworn tax return. The return shall be in the form prescribed by the Commission or Administrator and shall include a statement of the total gross taxable receipts during the preceding month and such other information as the Commission or Administrator may require. Tax due for a business day which falls in two different

months is allocated to the month during which the business day begins. If any permittee shall fail to file a return as required herein or shall fail to pay to the Commission the tax as imposed herein when said report or payment is due, the permittee shall forfeit five percent (5%) of the amount due as a penalty and after thirty (30) days the penalty shall be increased to ten percent (10%).

(e) (1) The tax due for the preceding month shall accompany the return and shall be in the form of a cashier's check, certified check, or postal money order payable to the State of Texas. The Commission shall deposit these receipts in the State Treasury to the credit of a special clearance fund to be known as the Mixed Beverage Tax Clearance Fund.

(2) The Commission shall keep a record indicating the name of the permittee from which each return is received, the county and the incorporated city or town, if any, in which it is located, and the amount of the tax received. Before the end of the month following each calendar quarter, the Commission shall submit to the Comptroller of Public Accounts a report showing the total amount of taxes received during the quarter from permittees outside an incorporated city or town within each county and the total amount received from permittees within each incorporated city or town in each county.

(3) As soon as possible after receipt of each quarterly report of the Commission, the Comptroller shall issue to each county a warrant drawn on the Mixed Beverage Tax Clearance Fund in the amount of fifteen percent (15%) of receipts from permittees within the county during the quarter, and shall issue to each incorporated city or town a warrant drawn on that fund in the amount of fifteen percent (15%) of receipts from permittees within the incorporated city or town during the quarter, as shown by the Commission's report. The remainder of the receipts for the quarter shall be transferred to the General Revenue Fund.

(f) The Commission shall require of every permittee a bond or bonds executed by the permittee as principal and a surety company duly qualified and doing business in this state as surety, and the bond or bonds shall be payable to the State of Texas and conditioned as the Commission may require and approved by the Attorney General as to form. The bond or bonds shall be in an amount which in the judgment of the Commission or Administrator will adequately protect the state, but in no case may the amount of the bond be less than $1,000 or more than $25,000.

(g) It shall be unlawful for any Mixed Beverage Permittee, Daily Temporary Mixed Beverage Permittee or Private Club or Registration Permittee to possess, or permit any person to possess on the premises, and it shall be unlawful for any Local Distributor's Permittee to knowingly sell, ship, or deliver to such premises any distilled spirits in any container not bearing a serially numbered identification stamp issued by the Commission or such other identification method approved by the Commission. Such identification stamp shall be issued only to holders of Local Distributor's Permits who shall affix such stamps in a manner prescribed by the Commission or Administrator. The Commission or Administrator may, after notice and hearing, suspend for a period of up to 60 days or cancel the permit of any person who violates this subsection.

(h) The Commission shall examine the tax account of each permittee and shall collect any additional taxes due as established through any records or information that is in the Commission's possession or any records or information that is available or may come into the Commission's possession. For the convenience of the Commission in examining tax accounts of Mixed Beverage Permittees and Private Club Permittees, it is hereby required that each such permittee purchase separately and individually for each licensed premises any and all alcoholic beverages to be sold or served on the licensed premises. When additional taxes are established as due based on an examination by the Commission, a penalty equal

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to ten percent (10%) thereof shall be collected with the additional taxes due. The Commission or Administrator may prescribe reasonable rules and regulations for the collection and administration of the tax imposed by this section.

(i) No person may fail to keep any record in the manner required by this section, fail to file any return in the manner required by this section, keep a false record, or file a false return. A person who violates this subsection is punishable, upon conviction, by a fine of not more than $1,000 or by confinement in the county jail for not more than 30 days or by both. The Commission or Administrator may, after notice and hearing, suspend for a period of up to 60 days, or cancel, the permit of any person it finds to have violated this subsection.

(j) No person may knowingly fail to keep any record in the manner required by this section, fail to file any return in the manner required by this section, keep a false record, or file a false return. A person who violates this subsection is punishable by a fine of not less than $500 nor more than $1,000 and by confinement in the county jail for not less than 30 days nor more than two years. The Commission or Administrator shall cancel the permit of any permittee convicted of violating this subsection or found by the Commission or Administrator, after notice and hearing, to have violated this subsection.

(k) No Mixed Beverage Permit, Daily Temporary Mixed Beverage Permit, or Private Club Registration Permit, may ever be issued to any of the following:

(1) A person whose permit was cancelled because of a violation of Subsection (j) of this section or of Subsection (b), Section 20c, of this Article [1];

(2) A person who held an interest of any kind in a permit that was cancelled because of a violation of Subsection (j) of this section or of Subsection (b), Section 20c, of this Article;

(3) A person who held 50 percent or more of the stock, either in his own name or by any other means, of a corporation whose permit was cancelled because of a violation of Subsection (b), Section 20c, of this Article or Subsection (j) of this section, if the acts on which the cancellation was based occurred while the stock was held;

(4) A corporation if any person holding 50 percent or more of the stock, either in his own name or by any other means, is disqualified from obtaining a permit in his individual capacity because of a violation of Subsection (b), Section 20c, of this Article or Subsection (j) of this section; or

(5) A person residentially domiciled with a person who is barred from obtaining a permit because of a violation of Subsection (j) of this section or of Subsection (b), Section 20c, of this Article.

(*l*) For the purposes of Subdivisions (3) and (4) of Subsection (k) of this section, a person is treated as holding 50 percent or more of the stock in a corporation if the total amount of stock owned by himself and all persons who are his parents, children, or siblings, or with whom he is residentially domiciled, equals or exceeds 50 percent of the stock in the corporation.

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 20d, added by Acts 1971, 62nd Leg., 1st C.S., p. 15, ch. 3, § 1, eff. June 1, 1971.

[1] Article 666—20c(b).

Section 7 of the 1971 act provided that section 1 adding this article shall take effect June 1, 1971. Section 12 thereof was a severability clause.

Art. 666—20e. Mixed beverage or private club permittees; purchase of alcoholic beverages from local distributors, restrictions; local distributor's permit, fee; wholesaler's permittee, promotion of brands, direct orders; nonresident seller or manufacturer's agent, solicitation of business; transportation of alcoholic beverages, restrictions; containers

All distilled spirits sold by a Mixed Beverage Permittee or a Private Club Permittee must be purchased in this State from a holder of a Local Distributor's Permit. No local distributor may sell distilled spirits to a Mixed Beverage Permittee or a Private Club Permittee in individual containers containing less than one fluid ounce. No local distributor may deliver less than two and four-tenths gallons of distilled spirits in a single shipment.

The Commission or Administrator is authorized to issue Local Distributor's Permits only to holders of Package Store Permits issued under the terms of Section 15(8) of Article I of the Texas Liquor Control Act.[1] A Local Distributor's Permit shall authorize the holder thereof to purchase distilled spirits or liquor from holders of Wholesaler's Permits issued under the terms of Section 15(6) of Article I of the Texas Liquor Control Act[2] only, and to sell and distribute to Mixed Beverage Permittees or Private Club Permittees such brands of distilled spirits, liquor, and other alcoholic beverages as are for general distribution and are available from the wholesaler to all local distributors. The fee for a Local Distributor's Permit shall be in the amount of Fifty Dollars ($50) and shall be paid in addition to, and under the same conditions as, the fee paid for the holder's Package Store Permit. Any holder or any agent of a holder of a Wholesaler's Permit issued under the terms of Section 15(6) of this Article I may enter the licensed premises of a Mixed Beverage Permittee or a Private Club Permittee for the purpose of determining the brands offered for sale and suggesting or promoting to the extent authorized by Section 17(3) (g) of this Article I,[3] the sale of other brands; provided, however, that no holder and no agent of a holder of a Section 15(6) Wholesaler's Permit shall be authorized to accept a direct order from a Mixed Beverage Permittee other than a direct order for wine or malt liquor.

No holder of a Nonresident Seller's Permit or a Manufacturer's Agent's Permit issued under Section 15–½ of this Article I,[4] shall, unless accompanied by the holder or the agent of a holder of a Wholesaler's Permit, solicit any business, directly or indirectly, from a Mixed Beverage Permittee or a Private Club Permittee.

Where a Mixed Beverage Permittee or a Private Club Permittee is in an area where there are no local distributors, the holder of a Mixed Beverage Permit or a Private Club Permit shall be empowered to purchase alcoholic beverages in the nearest area where local distributors are located and transport same to the premises of the Mixed Beverage Permittee or Club; provided the permittee transporting such alcoholic beverages is also a holder of a Beverage Cartage Permit, and provided that such transporter shall acquire such alcoholic beverages only on the written order from the holder of a Mixed Beverage Permit or officer or manager of the Club and any such alcoholic beverages must be accompanied by a written statement furnished and signed by a local distributor, showing the name and address of the consignee and consignor, the origin and destination of such shipment, and such other information as may be required by the Commission or Administrator; and it shall be the duty of the person in charge of such alcoholic beverages while they are being so transported to exhibit such written statement to any representative of the Commission or any peace officer making demand therefor, and such statement shall be accepted by such representative or officer as prima facie evidence of the lawful right to transport such alcoholic beverages.

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The Commission is hereby authorized to issue a Beverage Cartage Permit to the holder of a Mixed Beverage Permit or a Private Club Permit to transport alcoholic beverages to the licensed premise from the place of purchase. The holder of a Beverage Cartage Permit shall be privileged to transfer alcoholic beverages as herein provided. The annual State fee for a Beverage Cartage Permit shall be Ten Dollars ($10).

Notwithstanding any other provision of this Act, the holder of a Local Distributor's Permit may sell to holders of Mixed Beverage Permits distilled spirits, wine and vinous liquor in containers containing not less than one ounce but not more than two ounces, as well as any other container authorized by the Texas Liquor Control Act. Holders of Wholesaler's Permits may import, sell, offer for sale, or possess for purpose of resale to holders of Local Distributor's Permits, or as permitted in Section 15(21) of this Article I,[5] distilled spirits, wine and vinous liquor in containers containing not less than one ounce but not more than two ounces, as well as any other container authorized by the Texas Liquor Control Act.

Notwithstanding any other provision of this Act, the holder of a Mixed Beverage Permit, the holder of Daily Temporary Mixed Beverage Permit, the holder of a Caterer's Permit, or the holder of a Mixed Beverage Late Hours Permit, may sell, offer for sale, and possess for purpose of resale, for consumption on the premises where served or sold, any alcoholic beverage in an unsealed container, or in a sealed container of any legal size.

Notwithstanding any other provision of this Act, the holder of a private club registration permit may serve, for consumption on the premises, any alcoholic beverage in an unsealed container or in a sealed container of any legal size.

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 20e, added by Acts 1971, 62nd Leg., p. 692, ch. 65, § 15, eff. April 21, 1971.

1 Article 666—15(8).
2 Article 666—15(6).
3 Article 666—17(3) (g).
4 Article 666—15½.
5 Article 666—15(21).

Art. 666—20e—1. Sale and delivery of alcoholic beverages to distributor and mixed beverage permittees, and of beer to private clubs in wet areas without prior order

In addition to the authority granted in any other provision of this Act, the holder of any permit issued under Section 15(7) and 15(7a), Article I, Texas Liquor Control Act,[1] shall be authorized to sell and deliver alcoholic beverages as authorized under such permits to holders of Local Distributor's Permits, Mixed Beverage Permits and Daily Temporary mixed Beverage Permits.

In addition to the authority granted in any other provision of this Act, the holder of any license issued under Section 3(a), (b), (c) and (d), Article II, Texas Liquor Control Act,[2] shall be authorized to sell and deliver beer to private clubs located in wet areas without the necessity of securing a prior order. All sales made under the authority of this section shall be made in accordance with the provisions of Section 24¼ [3] and Section 19–C,[4] Article II, Texas Liquor Control Act.

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 20e—1 added by Acts 1971, 62nd Leg., 1st C.S., p. 23, ch. 3, § 9, eff. June 8, 1971.

1 Article 666—15(7), (7a).
2 Article 667—3(a) to (d).
3 Article 667—24¼.
4 Article 667—19C.

Art. 666—21. Fees and taxes

(1) There is hereby levied and imposed on the first sale in addition to the other fees and taxes levied by this Act the following:

(a) A tax of $2.00 per gallon on each gallon of distilled spirits, providing the minimum tax on any package of distilled spirits shall be $0.122 if the package contains one-half pint, and providing further that the minimum tax on any package of distilled spirits shall be $0.05 if the package contains 2 ounces or less. Should packages containing less than ½ pint but more than 2 ounces ever be legalized in Texas, the minimum tax on any such package of distilled spirits shall be $0.122.

(b) A tax of $0.17 on each gallon of vinous liquor that does not contain over 14 percent of alcohol by volume.

(c) A tax of $0.34 on each gallon of vinous liquor containing more than 14 percent of alcohol by volume.

(d) A tax of $0.43 on each gallon of artificially carbonated and natural sparkling vinous liquor.

(e) A tax of $0.165 on each gallon of malt liquor containing alcohol in excess of four percent by weight.

(2) the term "first sale" as used in Article I of this Act shall be construed in compliance with whichever of the following rules is applicable:

(a) As to liquor, other than ale or malt liquor, imported into this state by the holder of a wholesaler's permit authorizing such importation, the term "first sale" shall mean the first actual sale by the holder of any wholesaler's permit to the holder of any other permit authorizing the retail sale of the beverage to be taxed, or to the holder of a Local Distributor's Permit.

(b) As to any liquor, other than ale or malt liquor, distilled or produced in or brought into this state by any person, groups of persons, or legal entity other than a holder of a permit authorizing importation, the term "first sale" shall mean and include the first sale, possession, distribution, or use in this state of any and all liquor refined, blended, manufactured, imported into, or in any other manner produced or acquired, possessed, or brought into this state.

(c) As to ale and malt liquor, the term "first sale" shall be given the meaning attributed to "first sale" or importation in Section 33, Article II, Texas Liquor Control Act.[1]

(3) Any holder of a permit authorizing the importation into this state of any liquor, other than ale and malt liquor, shall pay the tax or taxes levied thereon by the laws of this state by the reporting system under bond in compliance with the following provisions:

(a) The Commission shall require of each holder of a permit authorizing the importation into this state of liquor, other than ale and malt liquor, a bond or bonds executed by the permit holder as principal and a surety company duly qualified and doing business in this state as surety, and said bond or bonds shall be made payable to the State of Texas and conditioned as the Commission may require and approved by the Attorney General of Texas as to form. Said bond or bonds shall be in such amount as will adequately protect the State of Texas against the anticipated tax liability on the principal during any six (6) weeks' period.

(b) The tax on liquor, other than ale or malt liquor, imported into this state, shall become due and payable and shall be paid by the permit holder on or before the 15th day of the month following the first sale. As to ale and malt liquor, the tax shall become due and payable as provided in Section 33, Article II, Texas Liquor Control Act.

(c) The tax shall be computed in accordance with the applicable provision or provisions in Subsection (1) of this Section 21, Article I, Texas Liquor Control Act, and remittance therefor made payable to the State Treasurer shall be due at the office of the Alcoholic Beverage Commission in Austin, Travis County, Texas, on or before the 15th day of the month due less two percent (2%) of the amount due which shall be withheld by

the permit holder for the keeping of records, furnishing of bonds, and properly accounting for the remittance of the tax due; provided, however, that no allowance shall be granted or permitted when the tax is delinquent at the time of payment.

(d) Such sworn statements of taxes due as may be required by the Commission, and remittances therefor made payable to the State Treasurer, shall be forwarded to the Commission each month not later than the due date set out herein. All such remittances shall be turned over by the Commission to the State Treasurer for the allocation in conformity with the terms of Section 46, Article I, Texas Liquor Control Act.[2]

(e) If any permit holder, in computing and paying the tax due, through oversight, mistake, error or miscalculation, has paid more tax than is legally due, the permit holder who paid such excess tax shall be entitled to a refund thereof, and a claim for such refund may be made at the time and in the manner prescribed by the Commission or Administrator, and such excess tax shall be refunded to the permit holder who has paid the same, or credit may be allowed on future tax payment. Refunds for overpayment of tax may be made by the Commission from the revenues derived from the collection of the tax before the same has been allocated, and so much of such funds as may be necessary is hereby appropriated for that purpose.

(f) The permit holder shall report to the Commission each receipt of shipment of liquor, other than ale and malt liquor, for sale within this state, under the provisions of this Act, and shall prepare and furnish any such further information and such reports as may be required by rules and regulations of the Commission.

(g) In any suit brought to enforce the collection of any tax owed by a permit holder, a certificate by the Commission or Administrator showing the deficiency shall be prima facie evidence of the levy of the tax or the delinquency of the amount of tax and penalty set forth therein and compliance by the Commission with all provisions of this Act in relation to the computation and levy of the tax.

(4) It is not intended that the tax levied in Subsection (1) of this Section 21 of Article I of the Texas Liquor Control Act shall be collected on liquor shipped out of this state for consumption outside this state or sold aboard ship for ship's supplies, and the Commission shall provide forms for obtaining exemption from or credit for such taxes and shall provide by rule and regulation for equitable and final disposition of any tax credit brought about by such payment of any such unintended or excess tax.

(5) Unless the liquor is exempted from tax under the terms of Subsection (4) of this Section 21 or unless payment has been or is to be made by a permit holder in conformity with the provisions of Subsection (3) of this Section 21, or unless payment has been or is to be made by the permit holder in conformity with Section 21⅛C, Article I, Texas Liquor Control Act [3], the tax levied under Subsection (1) of this Section 21, Article I, Texas Liquor Control Act, shall be paid by affixing a stamp or stamps on each bottle or container of liquor. Said stamps shall be affixed in strict accordance with any rule and regulation promulgated pursuant to this Act. The Commission, however, may, in any situation deemed by it to create an emergency or other circumstance which in its judgment would make it impractical to require the affixing of stamps, by order prescribe special rules for the payment of the tax in the specific situation under consideration.

(6) Every holder of a permit authorizing the wholesaling of liquor, upon receipt of a shipment of liquor for sale within this state, under the provisions of this Act, shall prepare and furnish such information and reports as may be required by rules and regulations of the Commission. All such permittees authorized to transport liquor beyond the boundaries of this state shall furnish to the Commission duplicate copies of all invoices

for the sale of such liquors, within twenty-four (24) hours after such liquors have been removed from their place of business.

(7) Any person, persons, or association who violates any portion of this Section 21 shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than One Hundred Dollars ($100) nor more than One Thousand Dollars ($1,000) or by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year.

Amended by Acts 1951, 52nd Leg., p. 695, ch. 402, § VIII, Acts 1959, 56th Leg., 3rd C.S. p. 187, ch. 1, § 2(1); eff. Sept. 1, 1959; Acts 1971, 62nd Leg., 1st C.S., p. 18, ch. 3, § 2, eff. July 1, 1971.

[1] Article 667—33.
[2] Article 666—46.
[3] Article 666—21⅛, subsec. C.

Section 7 of the 1971 act provided that section 2 amending this section shall take effect July 1, 1971, and that the taxes therein imposed shall apply to the "first sale" as herein defined, occurring on and after July 1, 1971.

Art. 666—21⅛. Tax payment by reporting system under bond or special order

A, B. Repealed by Acts 1971, 62nd Leg., 1st C.S., p. 23, ch. 3, § 10, eff. June 8, 1971.

Saved from Repeal

Acts 1971, 62nd Leg., 1st C.S., 23, ch. 3, § 10, provides that subsection C of this article "is expressly intended to remain in force".

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Art. 666—23. Dry and wet areas; definitions

Whenever the term "dry area" is used in this Act, it shall mean and refer to all counties, justice precincts, incorporated cities or towns wherein the sale of alcoholic beverages had been prohibited by valid local option elections held under the laws of the State in force at the time of taking effect of Section 20, Article XVI, Constitution of Texas in the year 1919. It likewise shall mean and refer to any such areas where sale of such alcoholic beverages shall be prohibited under the terms of this Act.

The term "wet area" shall mean and refer to all other areas of the State.

As to any particular type of alcoholic beverage, each county, justice precinct, incorporated city or town within this State shall be deemed to be a "dry area" unless such political subdivision was a "wet area" at the time Section 20 of Article XVI of the Constitution became effective and has not since said time changed its status, or unless the sale of that particular type of alcoholic beverage has been legalized by local option election in such political subdivision since said time; provided, however, the Commissioners Court of any county of over 500,000 population according to the last federal census, may designate that the area actually encompassed by the building structure of a professional sports stadium, which is used wholly or partly for professional sporting events, having a seating capacity of 40,000 or more, and the land, not to exceed 125 acres, adjacent to such stadium used for the benefit of such stadium (regardless of ownership of such land) and where no registered voters reside, and/or the area actually encompassed by the building structure of a regional airport, shall be wet for purposes of the sale of mixed beverages, only, under this Act; provided further, that such Commissioners Court shall have authority to so declare only in counties where the sale of all alcoholic beverages has been legalized, either throughout the entire county or any portion of

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such county, and where a majority of the voters in the county in which such sports stadium or regional airport is located, at the general election on November 3, 1970, approved the constitutional amendment authorizing mixed beverage local option elections; and such order of the Commissioners Court designating such area wet for the purposes of the sale of mixed beverages will authorize the issuance of a Mixed Beverage Permit.

The term "wet area" shall be construed as including in each particular instance only alcoholic beverages of a type or alcoholic beverage not exceeding in alcoholic content that which have been legalized by a valid local option election in the prescribed area, except as otherwise provided above.

The trial courts of this State shall take judicial knowledge of the status of wet and dry areas as herein defined in any criminal prosecution.

An allegation that any county or political subdivision as herein provided is a dry area as to any particular type of alcoholic beverage shall in law be deemed sufficient in any information, complaint, or indictment; provided, however, that a different status of such area may be urged and proved as a defense.

Amended by Acts 1971, 62nd Leg., p. 2582, ch. 847, § 1, eff. Aug. 30, 1971.

Section 2 of the 1971 amendatory act provided: "If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Art. 666—23a. Transportation from wet area to wet area; importation of liquor for personal use; stamps; hotels authorized to hold certain permits; evidence

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(5) It is further provided that any bona fide hotel shall be authorized to hold a Package Store Permit and a Mixed Beverage Permit as well as a Wine and Beer Retailer's Permit and a Beer Retailer's License provided such businesses are completely and wholly segregated from each other. The Commission is authorized to adopt rules and regulations to enforce this provision. It is further provided that a hotel holding a Package Store Permit may deliver liquor at retail in unbroken packages to the rooms of bona fide guests of such hotel for consumption in such rooms.

Subsec. (5) amended by Acts 1971, 62nd Leg., p. 694, ch. 65, § 18, eff. April 21, 1971.

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Art. 666—25. Sale regulations

(a) No person, except a person selling alcoholic beverages under the authority of a Mixed Beverages Permit, may sell or deliver any liquor:

(1) Between 9:00 o'clock p. m. of any day and 10:00 o'clock a. m. of the following day of any day except Sunday, provided, however, that nothing in this Section shall prevent a wholesaler from making sales and deliveries to retailers between the hours of 7:00 o'clock a. m. and 9:00 o'clock p. m. Provided further, that any person holding more than one Package Store Permit shall be privileged to transfer alcoholic beverages between any of his licensed premises in the same county under such rules and regulations as may be prescribed by the Commission, at any time between the hours of 7:00 o'clock a. m. and 9:00 o'clock p. m. on any day when the sale of such alcoholic beverage is legal, provided that he be the holder of a Local Cartage Permit.

(2) On Christmas Day.

(3) On Sundays.

(b) No person in a county of 300,000 or more population, according to the last preceding federal census, may sell or offer for sale any mixed beverage on Sunday at any time between the hours of 2 a. m. and 12 noon or on any day other than Sunday at any time between the hours of 2 a. m. and 7 a. m.

(c) No person in a county not having a population of 300,000 or more, according to the last preceding federal census, may sell or offer for sale any mixed beverage on Sunday at any time between the hours of 1 a. m. and 12 noon or on any day other than Sunday at any time between the hours of 12 midnight and 7 a. m.

(d) Regardless of the provisions of Subsections (a) and (b) of this Section, the Commissioners Court of any county under 300,000 population, according to the last preceding federal census, may by order adopt for the unincorporated areas of that county the hours prescribed above for counties having a population of 300,000 or more, according to the last preceding federal census, during which the sale or offering for sale of mixed beverages is made unlawful; and the governing body of any incorporated city or town in any county under 300,000 population, according to the last preceding federal census, may by ordinance adopt the hours prescribed above for counties having a population of 300,000 or more, according to the last preceding federal census, during which the sale or offering for sale of mixed beverages is made unlawful; violation of a Commissioners Court order or a city ordinance made under this subsection is punishable as a violation of this Act.

(e) No person may sell or offer for sale any mixed beverage on Sunday between the hours of 1 a. m. and 2 a. m., or on any other day between the hours of 12 midnight and 2 a. m. unless he holds a Mixed Beverage Late Hours Permit.

(f) Notwithstanding any other provision of the Texas Liquor Control Act, except as to the holder of a storage permit, airline beverage permit, or in accordance with Sections 21 and 21–⅛ of Article I,[1] no person shall sell, offer for sale or store for the purpose of sale in Texas, any liquor on which the State and federal tax has not been paid, provided, however, that the holder of any permit authorized to transport liquor out of the State may apply to the Commission for a refund of the excise tax on any liquor on which the State tax has been paid upon proper proof that the liquor was sold or disposed of outside the boundaries of the State of Texas.

Amended by Acts 1967, 60th Leg., p. 162, ch. 85, § 3, eff. Aug. 28, 1967; Acts 1969, 61st Leg., p. 80, ch. 38, § 6, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 695, ch. 65, § 19, eff. April 21, 1971.

[1] Articles 666—21 and 666—21⅛.

Art. 666—40. Local option elections; submission of issues

(a) The Commissioners Court upon petition as herein provided shall, as provided in Section 32, Article I,[1] order local option elections for the purpose of determining whether alcoholic beverages of the various types and alcoholic contents herein provided, shall be legalized or prohibited.

(b) In areas where any type or classification of alcoholic beverages is prohibited and the issue submitted pertains to legalization of the sale of one or more such prohibited types or classifications, one of the following issues shall be submitted:

(1) "For the legal sale of beer for off-premise consumption only" and "Against the legal sale of beer for off-premise consumption only."

(2) "For the legal sale of beer" and "Against the legal sale of beer."

(3) "For the legal sale of beer and wine for off-premise consumption only" and "Against the legal sale of beer and wine for off-premise consumption only."

(4) "For the legal sale of beer and wine" and "Against the legal sale of beer and wine."

(5) "For the legal sale of all alcoholic beverages for off-premise consumption only" and "Against the legal sale of all alcoholic beverages for off-premise consumption only."

(6) "For the legal sale of all alcoholic beverages except mixed beverages" and "Against the legal sale of all alcoholic beverages except mixed beverages."

(7) "For the legal sale of all alcoholic beverages including mixed beverages" and "Against the legal sale of all alcoholic beverages including mixed beverages."

(8) "For the legal sale of mixed beverages" and "Against the legal sale of mixed beverages."

(c) In areas where the sale of all alcoholic beverages including mixed beverages has been legalized, one of the following issues shall be submitted in any prohibitory election:

(1) "For the legal sale of beer for off-premise consumption only" and "Against the legal sale of beer for off-premise consumption only."

(2) "For the legal sale of beer" and "Against the legal sale of beer."

(3) "For the legal sale of beer and wine for off-premise consumption only" and "Against the legal sale of beer and wine for off-premise consumption only."

(4) "For the legal sale of beer and wine" and "Against the legal sale of beer and wine."

(5) "For the legal sale of all alcoholic beverages for off-premise consumption only" and "Against the legal sale of all alcoholic beverages for off-premise consumption only."

(6) "For the legal sale of all alcoholic beverages except mixed beverages" and "Against the legal sale of all alcoholic beverages except mixed beverages."

(7) "For the legal sale of all alcoholic beverages including mixed beverages" and "Against the legal sale of all alcoholic beverages including mixed beverages."

(8) "For the legal sale of mixed beverages" and "Against the legal sale of mixed beverages."

(d) In areas where the sale of all alcoholic beverages except mixed beverages has been legalized one of the following issues shall be submitted in any prohibitory elections:

(1) "For the legal sale of beer for off-premise consumption only" and "Against the legal sale of beer for off-premise consumption only."

(2) "For the legal sale of beer" and "Against the legal sale of beer."

(3) "For the legal sale of beer and wine for off-premise consumption only" and "Against the legal sale of beer and wine for off-premise consumption only."

(4) "For the legal sale of beer and wine" and "Against the legal sale of beer and wine."

(5) "For the legal sale of all alcoholic beverages for off-premise consumption only" and "Against the legal sale of all alcoholic beverages for off-premise consumption only."

(6) "For the legal sale of all alcoholic beverages except mixed beverages" and "Against the legal sale of all alcoholic beverages except mixed beverages."

(e) In areas where the sale of beverages containing alcohol not in excess of fourteen per centum (14%) by volume has been legalized, and those of higher alcoholic content are prohibited, one of the following issues shall be submitted in any prohibitory election:

(1) "For the legal sale of beer for off-premise consumption only" and "Against the legal sale of beer for off-premise consumption only."

(2) "For the legal sale of beer" and "Against the legal sale of beer."

(3) "For the legal sale of beer and wine for off-premise consumption only" and "Against the legal sale of beer and wine for off-premise consumption only."

(4) "For the legal sale of beer and wine" and "Against the legal sale of beer and wine."

(f) In areas where the sale of beer containing alcohol not exceeding four per centum (4%) by weight has been legalized, and all other alcoholic beverages are prohibited, one of the following issues shall be submitted in any prohibitory election:

(1) "For the legal sale of beer for off-premise consumption only" and "Against the legal sale of beer for off-premise consumption only."

(2) "For the legal sale of beer" and "Against the legal sale of beer."

(g) Wine, as referred to in Paragraphs (3) and (4) of Subsection (b) of this Section, Paragraphs (3) and (4) of Subsection (c) of this Section, Paragraphs (3) and (4) of Subsection (d) of this Section, and in Paragraphs (3) and (4) of Subsection (e) of this Section, means and includes malt and vinous beverages that do not contain alcohol in excess of fourteen per centum (14%) by volume.

(h) Vinous and malt liquor, containing not more than fourteen per centum (14%) alcohol by volume, and beer, which are sold or dispensed to the public in unbroken, sealed and individual containers are hereby declared to be a separate and distinct type and kind of alcoholic beverage and where the sale of alcoholic beverages has been legalized for off-premise consumption only, the sale or consumption of any other type or kind of alcoholic beverages on the licensed premises shall be unlawful.

(i) No local option election may affect the sale of mixed beverages unless the proposition specifically mentions mixed beverages. In any legalization or prohibitory local option election where any shade or aspect of the issue submitted involves the sale of mixed beverages, any other type or classification of alcoholic beverage which was legalized prior to such election shall remain legalized without regard to the outcome of said election on the question of mixed beverages.

Amended by Acts 1953, 53rd Leg., p. 643, ch. 249, § 8; Acts 1971, 62nd Leg., p. 696, ch. 65, § 20, eff. April 21, 1971.

[1] Article 666–32.

Section 27 of Acts 1971, 62nd Leg., p. 700, ch. 65, provided:

"In all counties where the sale of all alcoholic beverages has been legalized, either throughout the entire county or in any portion of such county, and where a majority of the voters in the county in which the wet area is located, at the general election on November 3, 1970, approved the Constitutional Amendment authorizing mixed beverage local option elections, the Secretary of State or the Commissioners Court shall cause to be printed on a ballot to be voted on at the May 18, 1971 Constitutional Amendment election, in each area now wet for alcoholic beverages, the following local option issue:

"For the legal sale of mixed beverages" and

"Against the legal sale of mixed beverages"

"If the result of said election is to legalize the sale of mixed beverages, such legalization shall be effective only in the area or areas now wet and shall not affect any area presently dry; and, if the result of any such election is to fail to legalize the sale of mixed beverages, then the local option status of such area therein shall remain as it was prior to said election, unless later changed by local option election. Votes in said election shall be canvassed in accordance with the provisions of Article I, Section 37, Texas Liquor Control Act; and to the extent applicable, such election shall be conducted in accordance with all other provisions of the Texas Liquor Control Act pertaining to the holding of local option elections, save and except as changed by the provisions of this Section."

Art. 666—40b. Qualifications of political subdivision for holding election; duration of existence; area encompassed

In order to qualify under the terms of this Act to hold a local option election to legalize or prohibit the sale of liquor as authorized under

Section 40 of Article I of the Texas Liquor Control Act,[1] any qualified political subdivision holding such election must have been in existence for at least eighteen (18) months. Such political subdivision, to qualify hereunder, shall include substantially all of the area encompassed by such subdivision at the time of its creation and may include any and all other areas legally annexed by or added to such subdivision since its creation. These restrictions shall not apply to any city or town that was incorporated prior to December 1, 1971.

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 40—B, added by Acts 1971, 62nd Leg., p. 698, ch. 65, § 21, eff. April 21, 1971.

[1] Article 666—40.

Art. 666—49a. Suspension or cancellation of permits for breach of peace

The Commission or Administrator shall have the power and authority to suspend for a length of time not exceeding thirty (30) days any retail Package Store Permit, Mixed Beverage Permit, Wine Only Package Store Permit, or Medicinal Permit upon ascertaining that any act constituting a breach of the peace has occurred upon the premises covered by the permit of such retail dealer or under his control, and at the expiration of the period for which such permit has been suspended the Commission or Administrator may further suspend or cancel the permit unless it shall have been shown to the satisfaction of the Commission or Administrator that the act was beyond the control of the person holding the permit and did not result from improper supervision by the permittee of the conduct of persons permitted by him to be on the licensed premise or premises under his control.

Amended by Acts 1971, 62nd Leg., p. 698, ch. 65, § 22, eff. April 21, 1971.

Art. 666—58. Renewal of mixed beverage permit held by corporation; subtantial change of control; rules and regulations; application for original permit

Text as added by Acts 1971, 62nd Leg., p. 688, ch. 65, § 9.

(a) A mixed beverage permit held by a corporation may not be renewed if the Commission or Administrator finds that control of the corporation has substantially changed since the time the original permit was issued. A substantial change of control has occurred if, by the transfer of the ownership of stock or by any other means, there has been a substantial change as to the person or persons having effective control of the corporation.

(b) The Commission or Administrator may adopt reasonable rules and regulations in accordance with the provisions of this Section.

(c) A corporation which is barred from renewing a permit because of this Section may file an application for an original permit and may be issued an original permit if otherwise qualified.

(d) This Section does not apply to a change in corporate control brought about by the death of a shareholder if his surviving spouse or descendants are his successors in interest.

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 58, added by Acts 1971, 62nd Leg., p. 688, ch. 65, § 9, eff. April 21, 1971.

For text as added by Acts 1971, 62nd Leg., p. 1797, ch. 531, § 1, see article 666–58, post.

Art. 666—58. Salvaging insured losses

Text as added by Acts 1971, 62nd Leg., p. 1797, ch. 531, § 1.

Regardless of any other provision of the Texas Liquor Control Act, any person not otherwise permitted or licensed to sell alcoholic beverages but coming into possession of any alcoholic beverages as an insurer or an insurance salvor in the salvage or liquidation of an insured damage or loss sustained in Texas by a qualified permittee or licensee may sell such beverages in one lot or parcel to a duly licensed holder of a qualified permit or license without himself qualifying as a permittee or licensee. Provided, however, no alcoholic beverages unfit to be sold for public consumption may be so sold, and provided further, immediately after taking possession of said alcoholic beverages the said insurer or insurance salvor shall register same with the Texas Alcoholic Beverage Commission, furnishing the Commission a detailed listing and exact location of the alcoholic beverages and posting with the Commission a surety bond in such amount as the Administrator may deem adequate to protect the State in relation to taxes due on such alcoholic beverages, if any; provided, the Texas Alcoholic Beverage Commission shall find same to be salable and provided further, the person making such registration shall remit therewith a registration fee of Ten Dollars, which fee shall permit the sale of only the alcoholic beverages detailed in the said registration.

It is further provided, however, that as to beer, its containers, or original packages which may come into the possession of any insurer, or any insurance salvor in connection with the salvage or liquidation of an insured damage or loss sustained in Texas, the following procedure shall be followed as to disposition or sale:

Upon being notified and furnished a list of any beer possessed and desired to be sold by any insurer or insurance salvor, the Commission shall immediately notify a holder of a General or Local Distributor's or Branch Distributor's License who handles the brand of beer and who operates in the county where said beer is located. If the beer is located in a dry area or if no Distributor operates in the county, either the Distributor or Branch Distributor operating nearest said area handling the brand or the Manufacturer brewing said beer shall be notified. The insurer or insurance salvor, the Commission, and the Distributor or Branch Distributor or Manufacturer so notified shall jointly determine and agree as to whether or not said beer is in a salable condition. If said beer is determined not to be in a salable condition it shall be immediately destroyed by the Commission. If said beer is determined to be in a salable condition it shall be offered for sale to the Distributor or Branch Distributor or Manufacturer so notified. If offered to a Distributor or Branch Distributor, it shall be at the Distributor's or Branch Distributor's cost price less any State taxes if theretofore paid on such beer, F.O.B. its place of business, or if offered to a Manufacturer the price shall be the cost price to its nearest Distributor or Branch Distributor, less any State taxes if theretofore paid on such beer, F.O.B. said nearest Distributor's or Branch Distributor's place of business.

Should said Distributor or Branch Distributor or Manufacturer not exercise the right to purchase any salable beer or any returnable bottles, containers or packages at their deposit price within ten (10) days, then the insurer or insurance salvor shall proceed to sell same as hereinabove otherwise provided.

Having purchased such beverages in accordance with this article, the purchasing duly licensed permittee or licensee may thereafter handle, possess, transport, sell, or otherwise dispose of beverages so acquired to the same extent and in the same way allowed as to other alcoholic beverages legally acquired by such permittee or licensee.

It is further provided, however, that as to any liquor, its containers or original packages which may come into the possession of any insurer or any insurance salvor in connection with the salvage or liquidation of an insured damage or loss sustained in Texas, the following procedure shall be followed as to disposition or sale.

Upon being notified and furnished a list of liquor that has been possessed and desired to be sold by an insurer or insurance salvor, the Commission shall immediately notify only the holder or holders of the Wholesaler's Permit or General Class B or Local Class B Wholesaler's Permit who handle and regularly sell the brand or brands of liquor possessed and who operate in the county where said liquor is located. If the liquor is located in a dry area, only the Wholesalers operating nearest said area handling and regularly selling the brand or brands shall be notified. The Commission and the Wholesaler or Wholesalers and the Nonresident Sellers or their Agents of the brand or brands possessed so notified, and the insurer or insurance salvor shall jointly determine and agree as to whether or not said liquor is in a salable condition; provided, however, that no Nonresident Seller or Manufacturer's Agent, acting either in this capacity or in any other, shall be authorized to represent any person, persons, or legal entity other than the primary source of supply for the alcoholic beverage involved within the United States. If said liquor is determined not to be in a salable condition, it shall be destroyed immediately by the Commission. If said liquor is determined to be in a salable condition, it shall first be offered for sale to the Wholesaler and the Nonresident Seller of the brand or brands at their cost price, less any State taxes on said liquor if theretofore paid.

Should any Wholesaler of the brand not exercise the right to purchase any salable liquor, containers or packages within ten (10) days, then the Commission shall proceed to sell same at public or private sales as hereinabove otherwise provided.

The term "salable," as used herein, shall mean a finding that the beverage has not been adulterated and is fit for consumption, all tax stamps required by law have been affixed, and the labels are legible as to contents, brand and manufacturer. The salvor may reject any bid made on a part only of the whole salvage.

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 58, added by Acts 1971, 62nd Leg., p. 1797, ch. 531, § 1, eff. Aug. 30, 1971.

For text as added by Acts 1971, 62nd Leg., p. 688, ch. 65, § 9, see article 666–58, ante.

II. MALT LIQUORS

Art. 667—14. Repealed by Acts 1971, 62nd Leg., p. 698, ch. 65, § 24, eff. April 21, 1971

Art. 667—23. Tax on beer

There is hereby levied and assessed a tax at the rate of Five Dollars ($5) per barrel on the first sale of all beer manufactured in Texas and on the importation of all beer imported into this state.

Amended by Acts 1954, 53rd Leg., 1st C.S., p. 3, ch. 2, Art. IV, § 1; Acts 1955, 54th Leg., p. 1080, ch. 404, Art. III, § 1; Acts 1971, 62nd Leg., p. 1206, ch. 292, art. 8, eff. July 1, 1971; Acts 1971, 62nd Leg., 1st C.S., p. 21, ch. 3, § 4, eff. July 1, 1971; Acts 1971, 62nd Leg., 1st C.S., p. 23, ch. 3, § 10, eff. June 8, 1971.

Article 8 of House Bill No. 730 [Acts 1971, 62nd Leg., p. 1206, ch. 292], which amended this article by increasing the tax rate from $4.50 to $6 per barrel, was repealed by Acts 1971, 62nd Leg., 1st C.S., p. 23, ch. 3, § 10.

Art. 667—23⅐. Exemption of certain manufacturers from tax

There is exempt from the tax imposed under Section 23 of Article II of the Texas Liquor Control Act [1] twenty-five percent (25%) of the tax imposed under such section on each barrel of beer manufactured in this state by a manufacturer whose annual production of beer in this state does not exceed seventy-five thousand (75,000) barrels of beer each year.
Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, Art. 2, § 23–A–1, added by Acts 1971, 62nd Leg., p. 1728, ch. 500, § 1, eff. Aug. 30, 1971.

[1] Article 667—23.

Section 2 of the 1971 act provided: "If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act shall be held invalid or unconstitutional, the remainder of the Act shall nevertheless be valid, and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision."

Art. 667—24b. Applicability of advertising provisions to mixed beverage permittees; rules and regulations

The provisions of this Act applicable to outdoor advertising and advertising in or on the premises do not apply to establishments for which a Mixed Beverage Permit has been issued. The Commission or Administrator shall promulgate reasonable rules and regulations relating to such advertising, and violation of those rules and regulations is a violation of this Act.
Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 2, § 24–B, added by Acts 1971, 62nd Leg., p. 698, ch. 65, § 23, eff. April 21, 1971.

TITLE 12—PUBLIC HEALTH

CHAPTER ONE—ACTS INJURIOUS TO HEALTH

Art.
696a—1. Dumping solid waste on highways, etc. [New].

Art. 696a. Dumping refuse near highway

* * * * * * * * * * *

Punishment; injunction; enforcement

Sec. 3. Any violation of this Act by any person, firm or private corporation, shall upon conviction, subject the offender to a fine of not less than $50 and not more than $400, and each day of any such violation shall be treated as a separate offense. In the event of any threatened or probable violation of this Act by any public corporation, municipality, city, town or village, it shall be the duty of the County or District Attorney in the county in which such violation is threatened, to bring suit for injunction to prevent such threatened or probable violation. Any person affected or to be affected by any such threatened or probable violation shall have the right to enjoin such violation or threatened violation. The enforcement of the remedy hereinabove provided by injunction shall not prevent the enforcement of the other penalties provided in this Act.
Sec. 3 amended by Acts 1971, 62nd Leg., p. 1446, ch. 402, § 1, eff. Aug. 30, 1971.

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Art. 696a—1. Dumping solid waste on highways, etc.

Any person who shall dump or otherwise dispose of trash, junk, garbage, refuse, unsightly matter, or other solid waste on public highways, rights-of-way, on other public or private property, or into any inland or coastal waters of Texas without written consent of the owner, his agent, or the public official in charge thereof shall be guilty of a misdemeanor and upon conviction shall be fined not less than $15 nor more than $200. Every law enforcement officer of this State and its subdivisions shall have authority to enforce the provisions of this Act.
Acts 1971, 62nd Leg., p. 1380, ch. 366, eff. May 26, 1971.

Title of Act:

An Act relating to the dumping or otherwise disposing of trash, junk, garbage, refuse, unsightly matter, and other solid waste on highways, rights-of-way, public and private property, or into any inland or coastal waters of Texas; providing a penalty; and declaring an emergency. Acts 1971, 62nd Leg., p. 1380, ch. 366.

Art. 698c. Water pollution

The sections of this article constitute the source of the provisions of Subchapter H of Chapter 21 of the Texas Water Code, enacted by Acts 1971, 62nd Leg., p. 110, ch. 58, § 1, effective August 30, 1971. See V.T.C.A.Water Code, §§ 21.551 to 21.564.

CHAPTER THREE—DRUGS, NARCOTICS AND POISONS

Art. 725b. Narcotic drug regulations

Definitions

Section 1. The following words and phrases, as used in this Act, shall have the following meanings, unless the context otherwise requires:

* * * * * * * * * * *

(14) "Narcotic drugs" means coca leaves, opium, cannabis, amidone, isonipecaine and every substance neither chemically nor physically distinguishable from them; also opiates, which shall mean any drug having an addiction-forming or addiction-sustaining liability similar to opium or cocaine; substances which are now listed in, or may be added subsequently to, Schedule II, Title II, Part B, Section 202, under the provisions of the Comprehensive Drug Abuse and Prevention and Control Act of 1970.

(15) "Federal Narcotic Laws" means the laws of the United States relating to drug abuse, cited as Public Law 91–513, 91st Congress, H.R. 18583, the Comprehensive Drug Abuse and Prevention and Control Act of 1970.

(16) "Official written order" means an order written on a form as provided in the Comprehensive Drug Abuse and Prevention and Control Act of 1970.

Sec. 1(14)–(16) amended by Acts 1971, 62nd Leg., p. 3069, ch. 1023, § 1, eff. June 15, 1971.

* * * * * * * * * * *

Acts prohibited

Sec. 2. (a) It shall be unlawful for any person to manufacture, possess, have, control, sell, prescribe, administer, dispense, compound, offer to sell, or offer to buy any narcotic drug. Proof of an offer to sell must be corroborated by a person other than the offeree or by evidence other than a statement of the offeree.

Sec. 2(a) amended by Acts 1971, 62nd Leg., p. 2912, ch. 963, § 1, eff. June 15, 1971.

* * * * * * * * * * *

Authorized acts

Sec. 2A. It shall not be unlawful to manufacture, possess, have, control, sell, offer to sell, offer to buy, prescribe, administer, dispense, or compound any narcotic drug or any hypodermic syringe, needle, or other instrument adapted to the use of narcotic drugs where same is authorized under the terms of this Act."

Sec. 2A amended by Acts 1971, 62nd Leg., p. 2913, ch. 963, § 2, eff. June 15, 1971.

* * * * * * * * * * *

Sale on written orders

Sec. 5. With the exception of heroin and cannabis whose sale or possession is illegal under all conditions and circumstances except where authorized for use in research:

(1) A manufacturer or wholesaler duly registered under the Federal Narcotic Laws may sell and dispense narcotic drugs to any of the following persons, but only on official written orders;

(a) To a manufacturer, wholesaler, or apothecary.

(b) To a physician, dentist, or veterinarian.

(c) To a person in charge of a hospital, but only for use by or in that hospital.

(d) To a person in charge of a laboratory, but only for use in that laboratory for scientific or medical purposes.

(2) A manufacturer or wholesaler duly registered under the Federal Narcotic Laws may sell narcotic drugs to any of the following persons:

(a) On a special written order accompanied by a certificate of exemption, as required by the Federal Narcotic Laws, to a person in the employ of the United States Government, or of any State, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties.

(b) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or to a physician or surgeon duly licensed in some State, Territory, or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States Army, Navy, or Public Health Service employed upon such ship or aircraft, for the actual medical needs of persons on board such ship or aircraft when not in port. Provided, such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft or to the physician, surgeon, or retired commissioned medical officer of the United States Army, Navy, or Public Health Service employed upon such ship or aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States Public Health Service.

(c) To a person in a foreign country if the provisions of the Federal Narcotic Laws are complied with.

(3) An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In the event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two (2) years in such way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this Act. It shall be deemed a compliance with this Subsection if the parties to the transaction have complied with the Federal Narcotic Laws, respecting the requirements governing the use of order forms.

(4) Possession of or control of narcotic drugs obtained as authorized by this Section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

(5) A person in charge of a hospital or of a laboratory, or in the employ of this State or of any other State, or of any political subdivision thereof, or a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or a physician or surgeon duly licensed in some State, Territory, or the District of Columbia, to practice his profession, or a retired commissioned medical officer of the United States Army, Navy, or Public Health Service employed upon such ship or aircraft, who obtains narcotic drugs under the provisions of this Section

or otherwise, shall not administer nor dispense, nor otherwise use such drugs, within this State, except within the scope of his employment or official duty, and then only for scientific or medical purposes and subject to the provisions of this Act.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 3069, ch. 1023, § 2, eff. June 15, 1971.

* * * * * * * * * * *

Professional use of narcotic drugs

Sec. 7. (1) With the exception of heroin and cannabis, whose sale or possession is illegal under all conditions and circumstances except where authorized for use in research:

(a) A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision.

(b) A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

(2) Any person who has obtained from a physician, dentist, or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist, or veterinarian, shall return to such physician, dentist, or veterinarian any unused portion of such drug, when it is no longer required by the patient.

Sec. 7 amended by Acts 1971, 62nd Leg., p. 3070, ch. 1023, § 3, eff. June 15, 1971.

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Sale to persons under 18 years of age; prescription and identification; limit

Sec. 8A. It shall be unlawful for any person to sell or dispense any preparation listed in Section 8 to any person under the age of eighteen (18) years except on a prescription issued by a physician or dentist, and no sale shall be made to such eighteen (18)-year-old unless such eighteen (18)-year-old properly identifies himself by means of a valid driver's license or other proper identification, provided that not more than four (4) ounces of any preparations listed in Section 8 can in any event be sold to such eighteen (18)-year-old within a forty-eight (48) hour period.

Sec. 8A added by Acts 1971, 62nd Leg., p. 3071, ch. 1023, § 4, eff. June 15, 1971.

* * * * * * * * * * *

Section 1. Section 5 of Acts 1971, 62nd Leg., p. 3069, ch. 1023, provided: "If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Art. 725d. Transportation or possession of contraband narcotics; seizure, forfeiture and sale of vessel, vehicle or aircraft

Acts prohibited; definition

Section 1. It shall be unlawful within this State:

(a) To transport, carry or convey any contraband narcotic in, upon or by means of any vessel, vehicle or aircraft or any occupants thereof;

(b) To conceal or possess any contraband narcotics in or upon any vessel, vehicle or aircraft or occupants thereof;

(c) To use any vessel, vehicle or aircraft or occupants thereof to facilitate the transportation, carriage, conveyance, concealment, receipt, possession, purchase, sale, barter, exchange or gift of any contraband narcotic.

For purposes of this Act, "any contraband narcotic" shall mean any narcotic or drug, the use, manufacture, possession, control, sale, prescription, administering, dispensing or compounding of which is made illegal by the provisions of Acts of 1937, Chapter 169 as last amended by Acts of 1953, Chapter 328, compiled as Article 725b of the Penal Code; or of Acts of 1953, Chapter 237, compiled as Article 725c of the Penal Code; or of Acts of 1949, Chapter 490, compiled as Article 726b of the Penal Code; or of Acts of 1959, Chapter 425, as amended, compiled as Article 726d of the Penal Code; or of any subsequently enacted law defining or prescribing illegal activities with narcotics or drugs.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 2805, ch. 908, § 1, eff. Aug. 30, 1971.

Seizure and forfeiture

Sec. 2. Any vessel, vehicle or aircraft which is being used in violation of Section 1 of this Act, shall be seized and forfeited to the Texas Department of Public Safety, Narcotics Section, under the provisions of this Act and any vessel, vehicle or aircraft so seized and forfeited may be used by the Texas Department of Public Safety for any of its necessary duties and responsibilities and may be operated with money appropriated to the Texas Department of Public Safety for current operations; provided, no vessel, vehicle or aircraft shall be forfeited where it is shown that the illegal act has been committed by some person other than the owner and without the owner's knowledge.
Sec. 2 amended by Acts 1971, 62nd Leg., p. 2805, ch. 908, § 2, eff. Aug. 30, 1971.

* * * * * * * * * * *

Sale; department use

Sec. 8. (a) Except as provided in Subsection (b) of this section, all forfeited vessels, vehicles or aircraft shall be sold at a public auction under the direction of the County Sheriff after notice of sale as provided by law for other sheriff's sales. The proceeds of such sale shall be delivered to the District Clerk and shall be disposed of as follows:

(1) To the bona fide lienholder, mortgagee or conditional vendor to the extent of his interest;

(2) The balance, if any, after deduction of all storage and court costs, shall be forwarded by the District Clerk to the State Treasury for deposit in the General Revenue Fund.

(b) The Texas Department of Public Safety is hereby authorized to use, maintain, repair, and operate any vehicle forfeited under the provisions of this Act if it is free from any interest of a bona fide lienholder, mortgagee, or conditional vendor; or the department may purchase any interest of a bona fide lienholder, mortgagee, or conditional vendor so that the vehicle can be released for department use. In either event the department is deemed to be the purchaser and the certificate of title shall be issued to it as required by Section 9 of this Act.
Sec. 8 amended by Acts 1971, 62nd Leg., p. 2806, ch. 908, § 3, eff. Aug. 30, 1971.

Replevin; bond; storage charges

Sec. 8A. (a) Any vessel, vehicle or aircraft seized under the provisions of this Act may be replevied by the owner thereof or lawful lien-

holder thereon upon execution by him of a good and valid bond with sufficient surety in a sum double the appraised value of the property replevied, which said bond shall be approved by the seizing officer and shall be conditioned to return said property to the custody of said officer on the day of trial of any suit for the forfeiture of such property to abide the judgment of the court.

(b) Storage charges on any vessel, vehicle or aircraft accrued while the vehicle is stored at the request of a seizing officer of the Texas Department of Public Safety pending the outcome of the forfeiture suit brought under the provisions of this Act shall be paid by the Texas Department of Public Safety out of its appropriations if such vessel, vehicle or aircraft after final hearing shall be returned to the owner by action of the court.

Sec. 8A added by Acts 1971, 62nd Leg., p. 2806, ch. 908, § 4, eff. Aug. 30, 1971.

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Art. 725e. Drug treatment programs; use of synthetic narcotics; advisory committee; rules and regulations

Permit for use of synthetic narcotic drugs

Section 1. One hundred twenty days after the effective date of this Act it shall be unlawful to prescribe or administer synthetic narcotic drugs to any person for the purpose of treating drug dependency without a permit issued by the Texas State Department of Health.

Rules and regulations; advisory committee; members, terms; meetings; compensation

Sec. 2. (a) The Texas State Department of Health, hereinafter designated as "the department," shall establish, administer, and enforce such rules, regulations, and standards as it deems necessary to insure the proper use of synthetic narcotic drugs in the treatment of drug-dependent persons. To advise the department in the establishment, administration, and enforcement of such rules, regulations, and standards, an advisory committee shall be appointed as follows:

(1) One physician licensed to practice medicine in the State of Texas particularly informed about the problems arising from drug addiction shall be appointed by the Texas State Board of Medical Examiners.

(2) One pharmacist licensed to practice pharmacy in the State of Texas shall be appointed by the Texas State Board of Pharmacy.

(3) One attorney licensed to practice law in the State of Texas shall be appointed by the President of the State Bar of Texas.

(4) One law-enforcement officer shall be appointed by the Director of the Department of Public Safety of the State of Texas.

(5) One stabilized addict shall be appointed by the Commissioner of Mental Health and Mental Retardation.

(6) One social worker with particular experience in the treatment of narcotics addiction shall be appointed by the Commissioner of Mental Health and Mental Retardation.

(7) The Commissioner of Health shall appoint one officer or employee of his department.

(8) The Director of the Texas Department of Corrections shall appoint one officer or employee of his department.

(9) The Commissioner of the Texas Rehabilitation Commission shall appoint one officer or employee of the commission.

(10) The Commissioner of Mental Health and Mental Retardation shall serve as a permanent member of this advisory committee in the capacity of chairman.

(b) The initial appointments to this advisory committee pursuant to subparagraphs (1), (2), and (3) of Subsection (a) of this section shall serve for a period of two years and until their successors are appointed. The initial appointments to this advisory committee pursuant to subparagraphs (4), (5), and (6) of Subsection (a) of this section shall serve for a period of four years and until their successors are appointed. The initial appointments to this advisory committee pursuant to subparagraphs (7), (8), and (9) of Subsection (a) of this section shall serve for a period of six years and until their successors are appointed. Each subsequent appointee to this advisory committee shall serve for a term of six years and until his successor is appointed.

(c) This advisory committee shall meet at least twice a year or at the call of its chairman. The advisory committee shall give written notice of the date, place, and subject of each of its meetings to the secretary of state, who shall then post the notice on a bulletin board to be located at a place convenient to the public in the State Capitol. Persons interested in the establishment of rules, regulations, and standards pursuant to this Act shall be given an opportunity to be heard by this committee.

(d) The rules, regulations, and standards adopted by the department under this Act shall be filed with the secretary of state and shall be published and available on request from the secretary of state.

(e) Members of the advisory committee who are not officers or employees of the State of Texas shall be entitled to $25 each day while engaged in authorized business of the committee and in addition thereto shall be entitled to travel and other necessary expenses incurred in performing their duties on the committee. Such compensation and reimbursement will be made from monies appropriated to the department. Other members of the committee shall have their expenses paid by their respective agencies to the same extent as authorized for travel performed for such agencies.

[Sec. 3. Blank].

Licensed physicians; permits

Sec. 4. Any physician licensed by the Texas State Board of Medical Examiners or any institution, public or private, organized and operated under the laws of this state for the purpose of providing health services may apply to the department on forms approved by the department for a permit to prescribe and administer synthetic narcotic drugs to drug-dependent persons. The department shall issue a permit to applicants qualified according to its rules, regulations, and standards. A permit issued pursuant to this Act shall remain in effect until suspended or revoked by the department or surrendered by the holder thereof.

Programs for drug-dependent persons

Sec. 5. The Texas Department of Mental Health and Mental Retardation shall have the responsibility to promote and develop comprehensive programs for drug-dependent persons which include maintenance treatment programs involving the supplying of synthetic narcotics to those persons. Such programs shall be implemented through the state hospitals and through grants-in-aid to local Mental Health and Mental Retardation boards of trustees.

Notice for noncompliance; permit denial, suspension or revocation; hearing; procedure

Sec. 6. (a) The State Department of Health shall give an applicant or permit holder notice of failure to comply with the rules, regulations, and standards established pursuant to this Act, shall afford the applicant or permit holder a reasonable opportunity to achieve or to demonstrate

compliance, and shall give the applicant or permit holder an opportunity for hearing before denying, suspending or revoking a permit. Such proceedings shall be recorded in a form that can be transcribed if notice of appeal is filed.

(b) The procedure for such hearings shall be prescribed by the rules, regulations, and standards established pursuant to this Act. The department shall notify an applicant whose application is denied and a permit holder whose permit is suspended or revoked.

Appeal; notice; transcript; disposition by Travis County district court

Sec. 7. (a) Any applicant or permit holder may appeal the denial, suspension, or revocation of a permit by filing notice of appeal in the district court of Travis County and with the department within 30 days after receiving notice of the decision of the department. Upon receiving notice of appeal, the department shall file with the court a transcript of the hearing at which the application or permit was denied, suspended, or revoked. The attorney general shall represent the department in the district court of Travis County in any case involving a decision of the department.

(b) The court shall hear the case upon the record and may consider such other evidence as in its discretion may be necessary to properly determine the issues involved.

(c) The court may affirm or set aside the decision of the department or may remand the case for further proceedings before the department.

(d) If the court affirms the decision of the department, the applicant or permit holder shall pay the cost of the appeal; otherwise the department shall pay the cost of the appeal.

Reports and records

Sec. 8. The Department may require every applicant or permit holder to make annual, periodical, and special reports, and to keep such records as it considers necessary to insure compliance with the provisions of this Act and the rules, regulations and standards of the department.

Investigations to obtain compliance

Sec. 9. The department may make such investigations as it deems necessary and proper to obtain compliance with the provisions of this Act and such rules, regulations, and standards as the department prescribes.

Restraint of violations; injunction

Sec. 10. (a) For cause shown, the district court of Travis County shall have jurisdiction to restrain violation of this Act and of the rules, regulations and standards established pursuant to this Act.

(b) The department may maintain an action in the name of the State of Texas for injunction or other process against any person, or against any public or private institution, to restrain the violation of this Act and the rules, regulations and standards established pursuant to this Act.

Penalties

Sec. 11. A person who violates any provision of this Act or any rule or regulation promulgated under this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than $3,000 or by confinement in the county jail for not more than six months, or both.

Severability

Sec. 12. If any portion of this Act is declared invalid or unconstitutional, it is the intention of the Legislature that the other portions shall

For Annotations and Historical Notes, see V.A.T.S.

remain in full force and effect, and to this end the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 2000, ch. 618, eff. June 4, 1971.

Title of Act:

An Act relating to regulation of the use of synthetic narcotic drugs in the treatment of drug-dependent persons and the development of treatment programs involving synthetic narcotics; providing penalties; and declaring an emergency. Acts 1971, 62nd Leg., p. 2000, ch. 618.

Art. 726—1. Repealed by Acts 1971, 62nd Leg., p. 3377, ch. 1033, § 13, eff. Jan. 1, 1972

See, now, art. 726—3.

Art. 726—3. Hazardous substances; labeling; sale

Definitions

Section 1. When used in this Act, unless the context requires a different definition:

(1) "Department" means the Department of Health.

(2) "Person" includes any individual, partnership, corporation or association, or legal representative or agent.

(3) "Commerce" means any and all commerce within the State of Texas and subject to the jurisdiction thereof; and includes the operation of any business or service establishment.

(4) "Hazardous substance" means any substance or mixture of substances which is toxic, corrosive, flammable, an irritant, a strong sensitizer, or generates pressure through decomposition, heat, or other means, if the substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children; and any radioactive substance if, with respect to the substance as used in a particular class of article or as packaged, the department finds by regulation that the substance is sufficiently hazardous to require labeling in accordance with the provisions of this Act in order to protect the public health. The term "hazardous substance" does not apply to economic pesticides subject to the State or Federal Insecticide, Fungicide, and Rodenticide Act [1] nor to foods, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act [2] or to beverages complying with or subject to the Federal Alcohol Administration Act [3], or to the Texas Food, Drug, and Cosmetic Act [4], nor to substances intended for use as fuels when stored in containers and used in the heating, cooking or refrigeration system of a private residence, nor does it apply to or include any source material, special nuclear material, or by-product material as defined in the federal Atomic Energy Act of 1954, as amended,[5] and regulations issued pursuant thereto by the Atomic Energy Commission.

(5) "Toxic" means any substance other than a radioactive substance which has the capacity to produce personal injury or illness to any person through ingestion, inhalation, or absorption through any body surface.

(6) "Highly toxic" means any substance which produces death within 14 days in half or more than half of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of 50 milligrams or less per kilogram of body weight, when orally administered, or when inhaled continuously for a period of one hour or less at an atmospheric concentration of 200 parts per million by volume or less of gas or vapor or two milligrams per liter by volume or less of mist or dust, if the inhaled concentration is likely to be encountered by any person when the substance is used in any reasonably foreseeable

manner; or which produces death within 14 days in half or more than half of a group of 10 or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours or less. However, if the department finds that available data based on human experience indicate results different from those obtained on animals, the human data shall take precedence.

(7) "Corrosive" means any substance which in contact with living tissue will cause destruction of that tissue by chemical action. It does not refer to chemical action on inanimate surfaces.

(8) "Irritant" means any noncorrosive substance which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

(9) "Strong sensitizer" means any substance which will cause on normal living tissue, through an allergic or photodynamic process, a hypersensitivity which becomes evident on reapplication of the same substances. Before designating any substance as a strong sensitizer, the department, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

(10) "Flammable" applies to any substance which has a flash point of above 20 degrees to and including 80 degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester. Any substance which has a flash point at or blow 20 degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester shall be designated "extremely flammable." However, the flammability of solids, children's clothing, and of the contents of self-pressurized containers shall be determined by methods found by the department to be generally applicable to these materials or containers, and shall be established by regulations issued by the department.

(11) "Radioactive substance" means a substance which emits ionizing radiation.

(12) "Label" means a display of written, printed, or graphic matter upon the immediate container of any substance, or in the case of an article which is unpackaged or is not packaged, in an immediate container intended or suitable for delivery to the ultimate consumer, a display of this matter directly on the article involved or on a tag or other suitable material affixed thereto.

(13) "Immediate container" does not include package liners.

(14) "Misbranded hazardous substance" means a hazardous substance (including a toy, or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in a manner which is susceptible of access by a child to whom the toy or other article is entrusted, intended or packaged in a form suitable for use in the household or by children), which fails to bear a proper label as required by this Act.

[1] Vernon's Ann.Civ.St. art. 135b—5; 7 U.S.C.A. § 135 et seq.
[2] 21 U.S.C.A. § 301 et seq.
[3] 27 U.S.C.A. § 201 et seq.
[4] Vernon's Ann.Civ.St. art. 4476—5.
[5] 42 U.S.C.A. § 2011 et seq.

Labeling

Sec. 2. (a) It shall be the responsibility of the department to see that hazardous substances are labeled sufficiently to inform users of dangers involved in the use, storage, or handling of such substances, together with instructions for actions to be followed or avoided and instructions where necessary for proper first aid treatment. The department shall develop labeling instructions consistent with and in conformity with federal requirements.

(b) Any statement required by the provisions of Subsection (a) of this section shall be located prominently and shall be written in the English language in conspicuous and legible type which contrasts in typography, layout, or color with other printed matter on the label. The department may also require any such statement to be written in the Spanish language in addition to the English language.

(c) Any statement required by the provisions of Subsection (a) of this section shall also appear on the outside container or wrapper of any substance, and on any container sold separately and intended for the storage of a hazardous substance, unless the statement is easily legible through the outside container or wrapper, and on all accompanying literature where there are directions for use, written or otherwise.

Banned hazardous substances

Sec. 3. (a) Any article of clothing (other than diapers) intended for the use of children which is not in compliance with flammability standards for such clothing established by the department shall be declared to be a banned hazardous substance by the department. The determination by the department that articles of clothing of a specified range of sizes are intended for the use of a child 14 years or younger shall be conclusive.

(b) Any toy or other article other than clothing intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in a manner susceptible of access by a child to whom the toy or other article is entrusted, shall be declared to be a banned hazardous substance by the department.

(c) Any hazardous substance intended, or packaged in a form suitable for, use in a household, which, notwithstanding cautionary labeling required by this Act, is potentially so dangerous or hazardous when present or used in a household, that the protection of the public health and safety can be adequately served only by keeping the substance out of the channels of commerce, shall be declared to be a banned hazardous substance by the department.

(d) Any article subject to the provisions of this Act which cannot be labeled adequately to protect the public health and safety, or which presents an imminent danger to the public health and safety, shall be declared a banned hazardous substance by the department.

(e) The provisions of this section do not apply to any toy or article such as chemical sets which by reason of functional purpose requires the inclusion of a hazardous substance, and which bears labeling which in the judgment of the department gives adequate directions and warnings for safe use, and is intended for use by children who have attained sufficient maturity and may reasonably be expected to read and heed these directions and warnings; nor do the provisions of this section apply to the manufacture, sale, distribution, or use of fireworks of any class.

Examinations and investigations

Sec. 4. (a) In order to enforce the provisions of this Act, any officer, employee, or agent of the department may, upon the presentation of appropriate credentials to the owner, operator, or agent, enter at reasonable times any factory, warehouse, or establishment in which any hazardous substance is manufactured, processed, packaged, or held for introduction into commerce or is held after introduction into commerce, or any vehicle used to transport or hold any hazardous substance in commerce, for the purpose of inspecting within reasonable limits and in a reasonable manner, such factory, warehouse, establishment or vehicle, and all pertinent equipment, finished and unfinished materials, and labeling therein.

(b) The officer, employee, or agent may obtain samples of any materials, packaging, and labeling; however, he shall pay or offer to pay the owner, operator, or agent in charge for any sample and shall give a receipt describing the samples obtained.

Rules and regulations; hearings; appeals

Sec. 5. (a) The department may, after public hearing following due notice, issue reasonable rules and regulations necessary for the efficient enforcement of this Act. The rules and regulations shall conform with regulations established pursuant to the federal Hazardous Substances Act [1], where applicable.

(b) If any person affected by any rule or regulation adopted and established by the department should take exception to the adoption and issuance of any rule or regulation, such person may request a hearing before the department, in which event the department shall not enforce such rule or regulation except as hereafter provided. Within thirty days after receipt of such request, the hearing must be held. The complaining person shall be given at least ten days notice of the place, date and time of such hearing. After fair hearing the department shall issue a written order or decision, upholding, amending, extending or reversing the previous action, and stating reasons therefor. If within thirty days of the date of such order or decision, there is no appeal as provided for in Subsection (c) hereof, such rule or regulation shall become effective.

(c) If any person be dissatisfied with an order or decision following a hearing pursuant to Subsection (b) of this section, such person may bring suit against the department to repeal, amend, vacate or set aside such order, decision, rule or regulation, in a District Court of Travis County, Texas. When such suit is filed, the plaintiff may apply for an injunction restraining the department from enforcing its order or decision pending the outcome of the trial on the merits, and the court in its discretion may grant such application for injunction or the court may continue the department's order or decision in effect where the court finds it necessary to protect the public health. Upon a trial on the merits, the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative action, order or decision. All such appeals shall be de novo as that term is used and understood in appeals from Justice of the Peace Courts to County Courts.

[1] 15 U.S.C.A. § 1261 et seq.

Prohibited acts

Sec. 6. The following acts are prohibited:

(1) the holding or offering for sale, the sale, the introduction or delivery for introduction into commerce of any misbranded hazardous substance or banned hazardous substance;

(2) the alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the label, or the doing of any other act with respect to, a hazardous substance if such act is done while the substance is in commerce, or while the substance is held for sale (whether or not the first sale) after shipment in commerce, and results in the hazardous substance being a misbranded hazardous substance or a banned hazardous substance;

(3) the receipt in commerce of any misbranded hazardous substance or banned hazardous substance, and the delivery or proffered delivery thereof for pay or otherwise;

(4) the failure to permit entry or inspection, or to provide records as authorized by the provisions of this Act;

(5) the use by any person to his own advantage, or revealing other than to the department or to a court when relevant in any judicial proceeding under this Act, of any information acquired in an inspection authorized by the provisions of this Act concerning any method or process which as a trade secret is entitled to protection;

(6) the removal or disposal of a detained article or substance in violation of Section 11.

Penalties

Sec. 7. Any person who violates any of the provisions of this Act is guilty of a misdemeanor and may upon conviction be fined not less than $100, nor more than $1,000, or be imprisoned for not more than 90 days, or both; but for any offense committed with intent to defraud, or for second and subsequent offenses, the penalty shall be a fine of not less than $1,000 nor more than $3,000, or imprisonment for not more than 180 days, or both.

Exclusion

Sec. 7a. The provisions of this Act shall not apply to the manufacture, distribution, sale or use of diapers.

Exemptions

Sec. 8. The penalties described in Section 7 of this Act do not apply to any person who delivers or receives a banned or misbranded hazardous substance if the delivery or receipt is made in good faith, and if the person subsequently furnishes on request the name and address of the person from whom he purchased or received the banned or misbranded hazardous substance, and copies of all documents, if any, pertaining to the original delivery of the hazardous substance to him.

Necessity of department action

Sec. 9. No article or substance is a banned hazardous substance, unless a regulation to that effect has been issued and adopted by the department.

Records

Sec. 10. For the purposes of enforcing the provisions of this Act, carriers engaged in commerce and persons receiving hazardous substances in commerce or holding any hazardous substances so received, shall, upon the request of the department, permit a representative thereof at reasonable times to have access to, and to copy, all records showing the movement in commerce, or the holding after such movement, of any hazardous substance, and the quantity, consignee, and shipper thereof. However, evidence obtained in this manner may not be used in a criminal prosecution of the person from whom it is obtained, and carriers shall not be subject to the other provisions of this Act by reason of their receipt, carriage, holding, or delivery of hazardous substances in their usual course of business.

Seizure

Sec. 11. (a) Whenever a duly authorized agent of the department has good reason to believe that a hazardous substance is a banned or misbranded hazardous substance, he shall affix to the article a tag or other appropriate marking, giving notice that such article is, or is suspected of being a banned or misbranded hazardous substance and has been de-

tained, and warning all persons not to remove from the premises or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court.

(b) The department shall petition to the judge of district court of the county in which the article or articles are located asking that the court authorize the destruction of the article or articles. If the court determines that the article or articles are banned or misbranded hazardous substances, the department shall destroy the article or articles, and all court costs and fees, and storage and other proper expenses shall be taxed against the claimant of the article or articles. However, if the court finds that misbranding occurred in good faith and could be corrected by proper labeling, the court may direct that the article or articles be delivered to the claimant for proper labeling with the approval of the department.

(c) If the court finds that the article or articles are not banned or misbranded hazardous substances, it shall order the department to remove the tags.

Effective date

Sec. 12. The effective date of this Act is January 1, 1972.

Acts 1971, 62nd Leg., p. 3372, ch. 1033, eff. Jan. 1, 1972.

Title of Act:

An Act providing for the regulation by the State Department of Health of certain commercial transactions involving hazardous substances; providing penalties for violations; repealing Chapter 428, Acts of the 55th Legislature, 1957; and declaring an emergency. Acts 1971, 62nd Leg., p. 3372, ch. 1033.

Art. 726d. Dangerous drugs

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Definitions

Sec. 2. For the purposes of this Act:

(a) The term "dangerous drug" means any drug or device unsafe for self-medication, except preparations of drugs defined in Subdivisions (a)(6), (a)(7), (a)(9), and (a)(10) hereof, designed for the purpose of feeding or treating animals (other than man) or poultry, and so labeled, and includes the following:

(1) Any barbiturate or its compounds, mixtures or preparations. Barbiturate includes barbituric acid derivatives or any salt of a derivative of barbituric acid.

(2) Amphetamine, its salts, isomers, and salts of its isomers, including but not limited to the following: methamphetamine, its salts, isomers and salts of isomers, or compounds or mixtures thereof.

(3) Hallucinogens, including but not limited to the following: lysergic acid; lysergic acid diethylamide; LSD–25; LSD; lysergic acid amide; 2, 5-Dimethoxy-4-methylamphetamine; 2, 5-Dimethoxyamphetamine; 3, 4-methylenedioxy amphetamine; 5-methyoxy-3, 4-methylenedioxy amphetamine; 3, 4, 5-trimethoxy amphetamine; dimethyltryptamine; diethyltryptamine; dipropyltryptamine; psilocybin; psilocyn; phencyclidine; ibogaine; N-ethyl-3-piperidyl benzilate; N-methyl-3-piperidyl benzilate; bufotenine; peyote, mescaline; and their salts and derivatives, or any compounds, mixtures or preparations which are chemically identical with such substances; provided, however, that the provisions of this subdivision shall not apply to unharvested peyote growing in its natural state. The listing of peyote in this subparagraph does not apply to its use in bona fide religious ceremonies of the Native American Church; however, persons who supply the produce to the church are required to register and maintain appropriate records of receipts and disbursements of the article in accordance with regulations promulgated by the State

Board of Pharmacy. The State Board of Pharmacy may likewise cancel, suspend or revoke such registration for violations of this Act. The exemption granted hereunder to members of the Native American Church shall have no application to any member thereof with less than twenty-five (25%) Indian blood.

(4) Hypnotic drugs to include but not limited to the following: chloral, paraldehyde, ethchlorvynol, sulfonmethane derivatives, or any other compounds or mixtures or preparations that may be used for producing hypnotic effects.

(5) Aminopyrine, or compounds or mixtures thereof.

(6) Cantharidin or a compound related structurally to cantharidin; or cinchophen, neocinchophen, or compounds or mixtures thereof.

(7) Diethyl-stilbestrol, or compounds or mixtures thereof.

(8) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof.

(9) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(10) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent (5%) strength.

(11) Thyroid and its contained or derived active compounds or mixtures thereof.

(12) Phenylhydantoin derivatives.

(13) Thallium or any compound thereof.

(14) Meprobamate, or compounds or mixtures thereof.

(15) Tranquilizers including, but not limited to, chlorpromazine, diazepan, chlordiazepoxide, promazine, reserpine or compounds or mixtures thereof when listed as controlled dangerous substances under the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513, 91st Congress, H.R. 18583.[1]

(16) Phenmetrazine, its salts, derivatives, or compounds or mixtures thereof.

(17) Methylphenidate, its salts, derivatives, or compounds or mixtures thereof.

(18) Glutethimide, its salts, derivatives, or compounds or mixtures thereof.

(19) Procaine, its salts, derivatives, or compounds or mixtures thereof except ointments and creams for topical application containing not more than two and one-half percent (2–½%) strength.

(20) Any drug or device which bears the legend: Caution: federal law prohibits dispensing without prescription, or the legend: Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian.

(21) Any drug or preparation that has been defined as a dangerous drug by the State Board of Pharmacy, as set out in Section 16 herein.

(b) The term "delivery" means sale, dispensing, giving away, or supplying in any other manner.

(c) The term "patient" means, as the case may be:

(1) The individual for whom a dangerous drug is prescribed or to whom a dangerous drug is administered; or

(2) The owner or the agent of the owner of the animal for which a dangerous drug is prescribed or to which a dangerous drug is administered.

(d) The term "person" includes individual, corporation, partnership, and association.

(e) The term "practitioner" means a person licensed by the State Board of Medical Examiners, State Board of Dental Examiners, State Board of Chiropody Examiners, and State Board of Veterinary Medical Examiners to prescribe and administer dangerous drugs.

(f) The term "pharmacist" shall mean a person licensed by the State Board of Pharmacy to practice the profession of pharmacy and to prepare, compound, and dispense physicians' prescriptions, drugs, medicines, and poisons.

(g) The term "prescription" means a written order, and in cases of emergency, a telephonic order, by a practitioner to a pharmacist for a dangerous drug for a particular patient, which specifies the date of its issue, the name and address of the patient (and, if such dangerous drug is prescribed for an animal, the species of such animal), the name and quantity of the dangerous drug prescribed, and the directions for use of such drug.

(h) The term "manufacturer" means persons other than pharmacists who manufacture dangerous drugs, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process.

(i) The term "wholesaler" means persons engaged in the business of distributing dangerous drugs to persons included in any of the classes named in Subdivisions (1) to (6) inclusive of Section 4.

(j) The term "warehouseman" means persons who store dangerous drugs for others and who have no control over the disposition of such dangerous drugs except for the purpose of such storage.

(k) The term "Board" means Texas State Board of Pharmacy.

Sec. 2(a) amended by Acts 1965, 59th Leg., p. 971, ch. 466, § 1, eff. Aug. 30, 1965; Acts 1967, 60th Leg., p. 1847, ch. 720, § 1, eff. Aug. 28, 1967. Sec. 2 amended by Acts 1969, 61st Leg., p. 1474, ch. 437, § 1, eff. June 4, 1969; Sec. 2(a) amended by Acts 1971, 62nd Leg., p. 1804, ch. 534, § 6, eff. June 1, 1971; Sec. 2 amended by Acts 1971, 62nd Leg., p. 2785, ch. 901, § 1, eff. June 14, 1971.

[1] See 21 U.S.C.A. § 321 et seq.

Unlawful acts and omissions

Sec. 3. The following acts, the failure to act as hereinafter set forth, and the causing of any such act or failure are hereby declared unlawful, except as provided in Section 4:

(a) The delivery or offer of delivery of any dangerous drug unless:

(1) Such dangerous drug is delivered or offered to be delivered by a pharmacist, upon an original prescription, and there is affixed to the immediate container in which such drug is delivered or offered to be delivered a label bearing the name and address of the owner of the establishment from which such drug was delivered or offered to be delivered; the date on which the prescription for such drug was filled; the number of such prescription as filed in the prescription files of the pharmacist who filled such prescription; the name of the practitioner who prescribed such drug; the name and address of the patient, and if such drug was prescribed for an animal, a statement showing the species of the animal; and the directions for use of the drug as contained in the prescription; or

(2) Such dangerous drug is delivered or offered to be delivered by a practitioner in the course of his practice and the immediate container in which such drug is delivered or offered to be delivered bears a label on which appears the directions for use of such drug, the name and address of such practitioner, the name and address of the patient, and, if such drug is prescribed for an animal, a statement showing the species of the animal.

(b) The refilling of any prescription for a dangerous drug, unless and as designated on the prescription by the practitioner, or through authorization by the practitioner at the time of refilling.

(c) The delivery of a dangerous drug upon prescription unless the pharmacist who filled such prescription files and retains it as required in Section 6.

(d) The possession of a barbiturate or hypnotic drug, as well as those drugs set forth in Section 2(a) hereof, by any person unless such person

obtained the drug under the specific provision of Section 3(a) (1) and (2) of this Act and possesses the drug in the container in which it was delivered to him by the pharmacist or practitioner selling or dispensing the same; and any other possession of a barbiturate or hypnotic drug; as well as those drugs set forth in Section 2(a) hereof, shall be prima facie evidence of illegal possession.

(e) The refusal to make available and to accord full opportunity to check any record or file as required by Section 6 and Section 7.

(f) The failure to keep records as required by Section 5 and Section 7.

(g) The using of any person to his own advantage, or revealing, other than to an officer or employee of the State Board of Pharmacy, or to a court when relevant in a judicial proceeding under this Act, any information required under the authority of Section 6, concerning any method or process which as a trade secret is entitled to protection.

(h) For any person at any time to have, or possess, a hypodermic syringe, needle, or any instrument adapted for the use of dangerous drugs by subcutaneous injections in a human being and which is possessed for that purpose, unless such possession is for the purpose of subcutaneous injections of a drug, or drugs, or medicine, the use of which is authorized by the direction of a licensed physician.

(i) Except as otherwise provided in this Act, the possession for sale of any dangerous drug defined in this Act.

Sec. 3(d) amended by Acts 1967, 60th Leg., p. 1848, ch. 720, § 2, eff. Aug. 28, 1967; Sec. 3 amended by Acts 1969, 61st Leg., p. 1474, ch. 437, § 2, eff. June 4, 1969; Acts 1971, 62nd Leg., p. 2391, ch. 746, § 1, eff. June 8, 1971; Acts 1971, 62nd Leg., p. 2788, ch. 901, § 3, eff. June 14, 1971.

Applicability of paragraphs (a), (d) and (h) of Section 3

Sec. 4. With the exception of drugs described in Section 2(a)(3), the provisions of paragraphs (a), (d), and (h) of Section 3 shall not be applicable:

(a) As to the delivery of dangerous drugs to persons included in any of the classes hereinafter named, or to the agents or employees of such persons, for use in the usual course of their business or practice or in the performance of their official duties, as the case may be; or

(b) To the possession of dangerous drugs by such persons or their agents or employees for such use:

(1) Pharmacy, drug store, dispensary, apothecary shop, or prescription laboratory, duly registered with the State Board of Pharmacy;

(2) Practitioners;

(3) Persons who procure dangerous drugs for disposition by or under the supervision of pharmacists or practitioners employed by them; or for the purpose of lawful research, teaching, or testing, and not for resale;

(4) Hospitals which procure dangerous drugs for lawful administration by practitioners;

(5) Officers or employees of Federal, State, or local government;

(6) Manufacturers and Wholesalers registered with the Commissioner of Health as required by Chapter 373, Acts of the 57th Legislature, 1961, as amended (Article 4476—5, Vernon's Texas Civil Statutes).

(7) Carriers and Warehousemen.

Sec. 4 amended by Acts 1971, 62nd Leg., p. 1804, ch. 534, § 7, eff. June 1, 1971; Acts 1971, 62nd Leg., p. 2787, ch. 901, § 2, eff. June 14, 1971.

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Penalties

Sec. 15. (a) Any person possessing in violation of Section 3 of this Act any dangerous drug defined in Section 2(a) of this Act, except those

defined in Section 2(a) (3), shall be fined an amount not to exceed Three Thousand Dollars ($3,000) or confined in jail for a period of not less than thirty (30) days nor more than two (2) years or by both such fine and imprisonment. For any second or subsequent violation, any person shall be guilty of a felony and shall be confined in the penitentiary not less than two (2) years nor more than ten (10) years.

(b) Any person who sells or delivers or offers to sell or deliver in violation of this Act any dangerous drug defined in this Act, shall be guilty of a felony and upon conviction is punishable by confinement in the penitentiary for not less than two (2) nor more than ten (10) years. Proof of an offer to sell must be corroborated by a person other than the offeree or by evidence other than a statement of the offeree.

(c) Any person who possesses for sale any dangerous drug in violation of Section 3 of this Act shall be guilty of a felony and shall be confined in the penitentiary for not less than two (2) years nor more than ten (10) years.

(d) Any person who sells or delivers in violation of this Act any dangerous drug defined in this Act, shall be guilty of a felony and upon conviction is punishable by confinement in the penitentiary for not less than two (2) nor more than ten (10) years.

(e) Any person violating any other provision of this Act not set out in Subsection (a) or (b) of this section shall be fined an amount not exceeding Three Thousand Dollars ($3,000) or confined in jail for a period of not less than thirty (30) days nor more than two (2) years, or by both such fine and imprisonment. For any second or subsequent violation any person shall be guilty of a felony and shall be confined in the penitentiary not less than two (2) years nor more than ten (10) years.

(f) Any person over twenty-one (21) years of age who hires, employs, or uses a person under twenty-one (21) years of age in unlawfully transporting, carrying, selling, giving away, preparing for sale, or peddling any dangerous drug, or who unlawfully sells, gives, furnishes, administers, or offers to sell, give, furnish or administer any dangerous drug to a person under twenty-one (21) years of age shall, upon conviction, be punished by confinement in the penitentiary for life or for any term of years not less than ten (10).

(g) Any person not authorized by this Act or Federal law who manufactures any dangerous drug shall be fined an amount not less than One Thousand Dollars ($1,000) nor more than Five Thousand Dollars ($5,000) or confined in jail for a period of not less than six (6) months nor more than two (2) years or by both such fine and imprisonment.

(h) Any person who possesses both methylamine and phenylacetone at the same time to manufacture methamphetamine shall be guilty of a felony and shall be confined in the penitentiary not less than (1) year nor more than five (5) years, provided, however, no manufacturer licensed or registered by the State or persons authorized by regulation of the State Board of Pharmacy to possess both methylamine and phenylacetone shall be covered by this section if such Board, by regulation, shall have authorized such person to possess such drugs.

Sec. 15 amended by Acts 1967, 60th Leg., p. 1848, ch. 720, § 3, eff. Aug. 28, 1967; Acts 1969, 61st Leg., p. 1474, ch. 437, § 5, eff. June 4, 1969; Sec. 15(b) amended by Acts 1971, 62nd Leg., p. 2392, ch. 746, § 2, eff. June 8, 1971; Sec. 15 amended by Acts 1971, 62nd Leg., p. 2789, ch. 901, § 4, eff. June 14, 1971.

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Section 5 of Acts 1971, 62nd Leg., p. 2790, ch. 901, provided: "If a portion or provision of this Act be held unconstitutional, the validity of the remaining provisions shall not be affected thereby and for this purpose the Legislature declares this Act to be severable."

CHAPTER FOUR—BARBER SHOPS AND BEAUTY PARLORS

Art. 734a. Texas Barber Law

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Definitions of barbering

Sec. 4. The practice of barbering is hereby defined to be the following practices when not done in the practice of medicine, surgery, osteopathy, or necessary treatments of healing the body by one authorized by law to do so; and when not done by a relative who cuts only the hair of those in his or her immediate family; and when done on living male persons.

(A) Shaving or trimming the beard.

(1) Cutting the hair;

(2) Styling or processing the hair of males only.

(B) By giving any of the following treatments by any person engaged in shaving or trimming the beard and/or cutting the hair.

(1) Giving facial and scalp massages, or applications of oils, creams, lotions, or other preparations, either by hand or electrical appliances;

(2) Singeing, shampooing, or dyeing the hair or applying hair tonics;

(3) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck or that part of the body above the shoulders.

Provided, however, that nothing contained in this Act shall be construed to include those persons lawfully engaged in beauty culture, hairdressing or cosmetology as provided by law, when so engaged in giving treatments or applications to female persons only, but such persons shall not be permitted to shave, trim the beard, style, process, color or cut the hair of male persons except in accordance with the provisions and requirements of this Act relating to barbering.

Sec. 4 amended by Acts 1967, 60th Leg., p. 2020, ch. 746, § 3, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 3402, ch. 1036, § 51, eff. Aug. 30, 1971.

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Art. 734c. Cosmetology and hairdressing; commission; rules and regulations, etc.

Definitions

Section 1. As used in this Act:

(1) "Person" means any individual, association, firm, corporation, partnership, or organization.

(2) "Commission" means the Texas Cosmetology Commission.

(3) "Cosmetology" means the beautifying treatment of a female's hair or skin, or nails of a male or female and includes the following practices:

(A) arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring, cutting, trimming, shaping, or straightening the hair by any method or means;

(B) massaging, cleansing, beautifying, or stimulating the scalp, face, neck, arms, bust, or upper portion of the body by the use of a cosmetic preparation, antiseptic, tonic, lotion, or cream;

(C) removing superfluous hair from the body by use of depilatories or tweezers;

(D) manicuring; and

(E) servicing a wig or artificial hairpiece either on a human head or on a block subsequent to the initial retail sale and servicing by any of the practices enumerated in Paragraph (A) of this subsection.

(4) "Public school" includes public high school, public junior college, and any other state-supported institution conducting a cosmetology program.

Texas Cosmetology Commission

Sec. 2. (a) The Texas Cosmetology Commission is created. The commission shall be composed of one member holding a valid beauty shop license who has no direct or indirect affiliation with or interest, financial or otherwise, in a private beauty culture school; one member holding a valid private beauty culture school license who has no direct or indirect affiliation with or interest, financial or otherwise, in a beauty shop; one member holding a valid operator license; one member holding a valid wig specialist, wig instructor, wig salon, or wig school license who has no direct or indirect affiliation with or interest, financial or otherwise, in a private beauty culture school or beauty shop; and two members of the general public who are not licensees under this Act and who have no direct or indirect affiliation with or interest, financial or otherwise, in any facet of the beauty industry. The Associate Commissioner for Occupational Education and Technology of the Texas Education Agency or his authorized representative shall as part of his duties serve as an ex officio member of the commission with voting privileges. Members shall be appointed without consideration of race, color, religion, sex, or national origin.

(b) To qualify as a member, a person must be a citizen of the United States and a resident of Texas, at least 25 years of age, and actively engaged in the area which he represents for a period of five years immediately preceding appointment.

(c) The members of the commission shall be appointed by the governor, with the advice and consent of the senate. Except for the initial appointees, members hold office for terms of six years. The terms expire on December 31 of odd-numbered years. In making the initial appointments, the governor shall designate two members for terms expiring in 1973, two members for terms expiring in 1975, and two members for terms expiring in 1977. No person may serve more than two consecutive terms.

(d) Each appointee to the commission shall qualify by taking the constitutional oath of office within 15 days from the date of his appointment. On presentation of the oath, the secretary of state shall issue commissions to appointees as evidence of their authority to act as members of the commission.

(e) In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the governor in the same manner as other appointments.

Commission organization and meetings

Sec. 3. (a) The commission shall elect from its members for a term of two years a chairman, vice chairman, and secretary-treasurer, and may appoint such committees as it considers necessary to carry out its duties.

(b) The commission shall meet at least four times a year. Additional meetings may be held on the call of the chairman or at the written request of the majority of the commission.

(c) The quorum for any meeting of the commission is four members No action by the commission or its members has any effect unless a quorum is present.

Powers and duties of the commission

Sec. 4. (a) The commission may issue rules and regulations consistent with this Act after a public hearing. Notice of the public hearing shall be issued at least 20 days prior to the date set for the hearing. The rules and regulations shall be published and furnished to licensees under this Act. Notwithstanding any other provision of this Act, the Commission shall not have any power or authority to amend or enlarge upon any provision of this Act by rule or regulation or by rule or regulation to change the meaning in any manner whatsoever of any provision of this Act, or to promulgate any rule or regulation which is in any way contrary to the underlying and fundamental purposes of this Act or to make any rule or regulation which is unreasonable, arbitrary, capricious, illegal or unnecessary.

(b) The commission shall prescribe application forms for the issuance of original and renewal licenses and the design of the license.

(c) The commission shall prescribe the minimum curricula of the subjects and hours of each to be taught by beauty culture schools.

(d) The commission shall prescribe the method and content of the examinations administered under this Act. The examination shall include practical demonstrations as well as written tests relating to the subject matter established as curricula by the commission.

(e) The commission shall establish sanitation rules and regulations designed to prevent the spread of infectious and contagious diseases.

(f) The commission shall keep a record of its proceedings in a book kept for that purpose.

(g) The commission shall adopt an official seal. The commission shall have suitable office space to administer the provisions of this Act.

(h) The commission may authorize all necessary disbursements to carry out the provisions of this Act, including the premium for the bond of the executive director, office expenses, and costs of equipment and other necessary facilities.

Compensation

Sec. 5. (a) Members of the commission are entitled to receive $25 a day and reimbursement for actual travel expenses incurred in performing the duties of their office. Per diem compensation may not exceed 30 days in any calendar year for each member.

(b) The compensation of other employees of the commission shall be set by the general appropriations act.

Executive director

Sec. 6. (a) The commission shall employ an executive director who is at least 25 years of age, has knowledge of the beauty industry, and has at least five years of business experience immediately prior to employment. The executive director shall administer and enforce the provisions of this Act and shall have such duties and responsibilities as the commission may determine.

(b) The executive director, before entering upon the duties of the office, shall give a good and sufficient bond executed by a surety company authorized to do business in the State of Texas, in the sum of $10,000 payable to the State of Texas, conditioned for the faithful performance of his duties. The bond premium shall be paid by the commission.

Licensing division

Sec. 7. (a) The commission shall employ a director of licensing who must be at least 25 years of age and who has been a licensee under this Act for at least 5 years.

(b) The director of licensing shall collect all license fees, issue all licenses, and maintain a record of all licensees under this Act. A copy of the list of licensees shall be made available to any person requesting it on payment of a fee established by the commission as sufficient to cover the costs of the copy.

Examination division

Sec. 8. (a) The commission shall employ a director of examinations who must be at least 25 years of age and who has been a licensee under this Act for at least 5 years.

(b) The director of examinations shall be responsible for the administration and grading of all examinations and keep a record of all examinees and the grade scored by each.

Inspection division

Sec. 9. (a) The commission shall employ a director of inspections who shall be at least 25 years of age and who has been a licensee under this Act for at least 5 years.

(b) The director of inspection shall supervise the inspection of establishments and the performance of all licensees under this Act and report any violations of this Act to the executive director.

(c) No person may be employed as an inspector unless he is at least 25 years of age and has been a licensee under this Act for five years immediately preceding employment.

Affiliation with beauty industry

Sec. 10. No employee of the commission may be a member of, affiliated with, or have any financial interest in the beauty industry during the period of his employment.

Disposition of funds

Sec. 11. (a) The executive director shall remit, on or before the 10th day of each month, to the state treasurer all the fees collected under this Act during the preceding month for deposit in the general revenue fund.

(b) On August 31 of each year, the commission shall file with the state comptroller its annual report in such form as may be required by the comptroller.

(c) Funds for the administration of this Act shall be provided by the General Appropriations Act.

(d) The balance of all money remaining in the "State Board of Cosmetology Fund" and the "Examination Facilities" account on August 31, 1971, is transferred to the general revenue fund.

Prohibited acts

Sec. 12. (a) No person for compensation may perform or attempt to perform any practice of cosmetology, as defined in Section 1, without first obtaining a license to perform that practice.

(b) No person for compensation may conduct or operate a beauty shop, beauty culture school, wig salon, wig school, or any other place of business in which a practice of cosmetology, as defined in Section 1, is taught or practiced without first obtaining a license.

Manicurist license

Sec. 13. (a) A person holding a manicurist license may perform for compensation only the practice of cosmetology defined in Subdivision (3) (D) of Section 1 of this Act.

(b) An applicant for a manicurist license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed 150 hours instruction in manicuring.

(c) The application shall be made on a form prescribed by the commission and a $5 manicurist examination fee must accompany the application. The application and fee shall be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to a manicurist license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfactorily completes the examination, pays a $5 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Wig specialist license

Sec. 14. (a) A person holding a wig specialist license may perform for compensation only the practice of cosmetology defined in Subdivision (3) (E) of Section 1 of this Act.

(b) An applicant for a wig specialist license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed 300 hours of instruction in the care and treatment of wigs.

(c) The application shall be made on a form prescribed by the commission and a $5 examination fee must accompany the application. The application and fee must be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to a wig specialist license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfactorily completes the examination, pays a $15 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Operator license

Sec. 15. (a) A person holding an operator license may perform for compensation any practice of cosmetology defined in Subdivision (3) of Section 1 of this Act except those practices defined in Subdivision (3)(E) of Section 1 of this Act unless proof of at least 150 hours instruction in the care and treatment of wigs and artificial hair pieces is submitted upon application for an operator license. Each operator license shall contain indication of the practices of cosmetology which may be performed by the licensee. The 150 hours instruction in the care and treatment of wigs and artificial hair pieces may be included within the hours of instruction required for an operator license in Subsection (b) of this section.

(b) An applicant for an operator license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed 1,500 hours of instruction in a licensed beauty culture school or 1,000 hours of instruction in beauty culture courses and 500 hours of related high school courses prescribed by the commission in a public vocational school.

(c) The application shall be made on a form prescribed by the commission and a $5 examination fee must accompany the application. The application and fee must be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to an operator license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfactorily completes the examination, pays a $15 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Instructor license

Sec. 16. (a) A person holding an instructor license may perform for compensation any practice of cosmetology defined in Subdivision (3) of Section 1 of this Act and may instruct a person in any practice of cosmetology as defined by this Act.

(b) An applicant for an instructor license must be at least 18 years of age, have completed the 12th grade or its equivalent, have a valid operator license, have completed 1,000 hours of instruction in cosmetology courses and methods of teaching in a licensed private beauty culture school.

(c) The application shall be made on a form prescribed by the commission and a $5 examination fee must accompany the application. The application and fee must be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to an instructor license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfactorily completes the examination, pays a $20 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Wig instructor license

Sec. 17. (a) A person holding a wig instructor license may perform for compensation the practice of cosmetology as defined in Subdivision (3) (E) of Section 1 of this Act and may instruct a person in that practice of cosmetology as defined by Subdivision (3) (E) of Section 1.

(b) An applicant for a wig instructor license must have a valid wig specialist license and have completed 200 hours of instruction in advanced wig courses and methods of teaching.

(c) The application shall be made on a form prescribed by the commission and a $5 examination fee must accompany the application. The application and fee must be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to a wig instructor license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfactorily completes the examination, pays a $20 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Temporary license

Sec. 18. (a) A person holding a temporary license may perform for compensation any practice of cosmetology defined by this Act.

(b) An applicant for a temporary license must possess a valid operator license from another state or nation.

(c) A temporary license shall be issued on submission of an application form prescribed by the commission and payment of a $25 temporary license fee if the applicant meets the requirements of Subsection (b) of this section.

(d) A temporary license expires on the 60th day after the date of issue and no person may be issued more than two temporary licenses in any one calendar year.

Duplicate license

Sec. 19. A duplicate license shall be issued upon application on a form prescribed by the commission and payment of a $5 duplicate license fee.

Reciprocal licenses

Sec. 20. (a) Any person who holds a valid license issued by a state or nation whose requirements for the license are equivalent to or exceed

the requirements of this state and which state or nation has similar reciprocal provisions for holders of licenses issued by this state may apply for a license to perform the same practice or practices of cosmetology in this state.

(b) The applicant shall submit an application on a form prescribed by the commission.

(c) A current Texas license shall be issued on compliance with the provisions of Subsections (a) and (b) of this section and the payment of a $25 license fee.

(d) A license granted under this section allows the holder to engage in the practice of cosmetology stated on the front of the license. The holder of this license is subject to the renewal procedures and fees provided in this Act for the practice of cosmetology for which he is licensed.

Refund of examination fee

Sec. 21. An applicant who has paid an examination fee and fails to take the examination is entitled to a refund in the amount of the examination fee paid.

Private beauty culture school license

Sec. 22. (a) A person holding a private beauty culture school license may maintain an establishment in which any practice of cosmetology as defined by this Act is taught for compensation.

(b) An applicant for a private beauty culture school license shall submit an application on a form prescribed by the commission. Each application shall be verified by the applicant and shall contain:

(1) a detailed floor plan of the school building divided into three separate areas: one for instruction in theory, one for practice work of seniors, and one for practice work of juniors; and

(2) a statement that the building is fireproof and of permanent-type construction, contains a minimum of 3,500 square feet of floor space, with separate restrooms for male and female students with a minimum of 2 sanitary toilets, and contains or will contain before classes commence the equipment established by rule of the commission as sufficient to properly instruct a minimum of 50 students.

(c) Each applicant shall furnish a good and sufficient surety bond payable to the State of Texas in an amount of $5,000. The bond shall be conditioned to refund any unused portion of tuition paid if the school closes or ceases operation before the courses of instruction have been completed.

(d) Each application shall be accompanied by payment of a $250 license fee.

(e) The facilities of each applicant shall be inspected. The applicant is entitled to a private beauty culture school license if the inspection shows that the provisions of this Act and the rules and regulations of the commission have been met and the applicant has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Beauty shop license

Sec. 23. (a) A person holding a beauty shop license may maintain an establishment in which any practice of cosmetology as defined in this Act is performed for compensation.

(b) An applicant for a beauty shop license shall submit an application on a form prescribed by the commission. The application shall contain proof of the particular requisites for a beauty shop as established by the commission and shall be verified by the applicant.

(c) The applicant is entitled to a beauty shop license if the application shows compliance with the rules and regulations of the commission, a $25 license fee is paid, and he has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Wig salon license

Sec. 24. (a) A person holding a wig salon license may maintain an establishment in which only the practice of cosmetology as defined in Subdivision (3) (E) of Section 1 of this Act is performed for compensation.

(b) An applicant for a wig salon license shall submit an application on a form prescribed by the commission. The application shall contain proof of the particular requisites for a wig salon as established by the commission and shall be verified by the applicant.

(c) The applicant is entitled to a wig salon license if the application shows compliance with the rules and regulations of the commission, a $25 license fee is paid, and he has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Wig school license

Sec. 25. (a) A person holding a wig school license may maintain an establishment in which only the practice of cosmetology as defined in Subdivision (3) (E) of Section 1 of this Act is taught for compensation.

(b) An applicant for a wig school license shall submit an application on a form prescribed by the commission. The application shall contain proof of the particular requisites for a wig school as established by the commission and shall be verified by the applicant.

(c) The applicant is entitled to a wig school license if the application shows compliance with the rules and regulations of the commission, a $100 license fee is paid, and he has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Public vocational schools

Sec. 26. The facilities and equipment of the vocational cosmetology program in a public school must be inspected and approved by the director of inspections prior to commencing operation.

Private beauty culture schools

Sec. 27. A private beauty culture school shall:

(1) maintain a sanitary establishment;

(2) maintain on its staff not less than two full-time instructors licensed under this Act;

(3) maintain an instructor-student ratio of one instructor per 25 students or fraction thereof;

(4) maintain a daily record of attendance of students;

(5) establish regular class and instruction hours, grades, and hold examinations before issuing diplomas;

(6) require a school term of not less than nine months and not less than 1,500 hours instruction for a complete course in cosmetology;

(7) require a school term of not less than six weeks and not less than 150 hours instruction for a complete course in manicuring;

(8) if offering a course of instruction qualifying a student for a wig specialist license require a school term of not less than 12 weeks and not less than 300 hours instruction for a complete course in the practice of cosmetology on wigs and artificial hairpieces;

(9) require no student to work or be instructed or receive credit for more than eight hours of instruction in any one day, or for more than six days in any one calendar week;

(10) maintain a copy of its curriculum in a conspicuous place and verify that this curriculum is being followed as to subject matter being taught; and

(11) submit to the executive director the name of each student within 10 days after enrollment in the school and notify the executive director of the withdrawal or graduation of a student within 10 days of such withdrawal or graduation.

Transfer of hours of instruction

Sec. 28. (a) Any student of a private beauty culture school or a vocational cosmetology program in a public school may transfer completed hours of instruction to a private beauty culture school or vocational cosmetology program in a public school in this state. A transcript showing the number and courses of completed hours certified by the school in which the instruction was given must be submitted to the executive director. Upon evaluation and approval, the executive director shall certify in writing to the student and to the school to which the student desires a transfer that the stated hours and courses have been successfully completed and that the student is not required to repeat such instruction. Any student transferring completed hours of instruction into a vocational cosmetology program in a public school must also obtain the approval of the authorities in the school to which he is transferring.

(b) A private beauty culture school must furnish a student a transcript for the purpose of transfer under this section unless the student has not tendered the agreed tuition for the number of hours completed.

Student work on patrons

Sec. 29. (a) No school may receive compensation for work done by any student who has not completed 10 percent of the required number of hours for a license as provided by this Act.

(b) Each school shall maintain in a conspicuous place a list of the names and identifying pictures of the students who are qualified to work on a patron under Subsection (a) of this section.

(c) Any school violating this section shall pay to the commission a civil penalty of $50 for each violation and shall be subject to revocation or suspension of its license.

Private beauty culture schools and beauty shops

Sec. 30. Private beauty culture schools and beauty shops may not be conducted in the same quarters or on the same premises unless they are separated by walls of permanent construction with no openings in them.

Employment by licensees

Sec. 31. (a) No private beauty culture school, wig school, or public school may employ a person holding an operator, manicurist, or wig specialist license solely to perform the practice or practices of cosmetology for which such person is licensed or employ a person holding an instructor or wig instructor license to perform any acts or practices of cosmetology other than to instruct a person in the practices of cosmetology or the care and treatment of wigs and artificial hairpieces, respectively.

(b) No licensee may operate a beauty salon or wig salon unless it is at all times under the direct supervision of a person holding an operator license or instructor license, or wig specialist or wig instructor license, respectively.

(c) No licensee may operate a private beauty culture school or wig school unless it is at all times under the direct supervision of an instructor licensed under this Act.

(d) No person holding a beauty salon or wig salon license may employ a person as an operator, manicurist, or wig specialist who has not first obtained a license under this Act.

Display of license

Sec. 32. Every holder of a license issued under this Act shall display the license in a conspicuous place in his principal office, place of business, or place of employment.

Right of access

Sec. 33. The commission, an inspector, or any duly authorized representative of the commission may enter the premises of any licensee at any time during normal business hours and in such manner as not to interfere with the conduct or operation of the business or school to determine whether or not the licensee is in compliance with the provisions of this Act and the rules and regulations of the commission.

Examinations

Sec. 34. (a) Examinations shall be conducted in Austin on the first Tuesday of each month unless it is a legal holiday, in which case the examination shall begin on the following working day.

(b) No examination may be administered to an applicant who received his instruction in a private beauty culture school or wig school without certification from that school that the applicant has tendered, or has made arrangements to tender, the agreed tuition.

Health certificates

Sec. 35. (a) Every applicant for an original or renewal manicurist, wig specialist, operator, instructor, wig instructor, or reciprocal license shall submit a certificate of health signed by a licensed physician, showing that the applicant is free from any contagious disease as determined by an examination which included a Wassermann test.

(b) Any physician who signs a health certificate required by Subsection (a) of this section showing the applicant to be free from any contagious disease without having made the physical examination shall be guilty of a misdemeanor and on conviction be fined not less than $50 nor more than $200.

Itinerant shops

Sec. 36. The establishment of itinerant shops is prohibited. Any license granted under this Act shall permit the licensee to practice only in an establishment licensed under this Act or an establishment licensed under Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 734a, Vernon's Texas Penal Code).

Infectious and contagious diseases

Sec. 37. (a) No person holding a manicurist, operator, instructor, wig instructor, or wig specialist license may perform any practice of cosmetology knowing that he is suffering from an infectious or contagious disease.

(b) No person holding a beauty salon, wig salon, wig school, or private beauty culture school license may employ a licensee under this Act to perform any practice or practices of cosmetology knowing that the licensee is suffering from an infectious or contagious disease.

Renewal of unexpired licenses

Sec. 38. (a) All licenses issued under this Act except temporary licenses expire one year from the date of issue.

(b) Applications for renewal of an unexpired license must be filed at least 20 days prior to the expiration date of the license. Application shall be on a form prescribed by the commission.

(c) A renewal license shall be issued upon compliance with Subsection (a) and (b) of this section and payment of the renewal fee established by this Act.

Renewal of an expired license

Sec. 39. (a) A license which has expired may be renewed within 30 days from the date of expiration by filing an application form prescribed by the commission, payment of the renewal fee provided by this Act, and payment of a $5 delinquency fee.

(b) A license which has expired more than 30 days but less than five years from the date of application for renewal may be renewed. A renewal license shall be issued upon submission of an application form prescribed by the commission and payment of the renewal fee established by this Act for each year the license was expired without renewal.

(c) An applicant for renewal of a license which expired more than five years from the date of application for renewal shall be issued a renewal license on submission of an application on a form prescribed by the commission, payment of the examination fee, satisfactory completion of the examination administered for granting an original license, and payment of a $25 reinstatement fee.

Renewal fees

Sec. 40. The renewal fees for licenses issued under this Act are:
(1) manicurist license—$5;
(2) operator license—$5;
(3) wig specialist license—$10;
(4) instructor license—$15;
(5) private beauty culture school license—$150;
(6) beauty shop license—$10;
(7) wig salon license—$15;
(8) wig school license—$25; and
(9) wig instructor license—$15.

Violation

Sec. 41. (a) If an inspector discovers a violation of any provision of this Act or of the rules and regulations established by the commission, he shall give written notice of the violation on a form prescribed by the commission to the violator, and if the violation is not corrected within 30 days from the date of notice, the inspector shall file a complaint with the executive director.

(b) If a licensee commits three or more violations of a similar nature within any 12-month period, a suit for injunction under Section 45 of this Act and proceedings for suspension or revocation of the license shall be instituted.

Grounds for denial, suspension, or revocation of permit

Sec. 42. A license may be denied, or after hearing, suspended or revoked if the applicant or licensee has:

(1) been convicted of a felony involving moral turpitude or misdemeanor involving immoral conduct; the record of conviction is conclusive evidence of the named felony or misdemeanor;

(2) secured a license by fraud or deceit;

(3) violated or conspired to violate the provisions of this Act or rules and regulations issued pursuant to this Act;

(4) knowingly made false or misleading statements in any advertising of the licensee's services;

(5) advertised, practiced, or attempted to practice under the name or trade name of another licensee under this Act; or

(6) been found by the executive director to be an habitual drinker or addicted to the use of any narcotic drug.

Procedures for denial, suspension, or revocation of a license

Sec. 43. (a) Any person whose application for a license is denied is entitled to a hearing before the commission if he submits a written request to the executive director.

(b) Proceedings for revocation or suspension of a license shall be commenced by filing charges with the executive director in writing and under oath. The charges may be made by any person or persons.

(c) The executive director shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and placed fixed for the hearing, to be served on the applicant requesting the hearing or licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant.

(d) At the hearing the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, and to have subpoenas issued by the commission and to cross-examine opposing or adverse witnesses.

(e) The commission is not bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings but the determination shall be founded upon sufficient legal evidence to sustain it.

(f) The commission shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law and the action taken. A copy of the order of the commission shall be mailed to the applicant or licensee at his last known address by certified mail.

(g) On application, the commission may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final, and the application shall be made in the manner and form as the commission may require.

Procedures for appeal

Sec. 44. (a) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the commission may take an appeal, within 20 days after the order is entered, to any district court of Travis County or to any district court of the county of his residence.

(b) A case reviewed under the provisions of this section proceeds in the district court by trial de novo as that term is used and understood in appeals from justice of the peace courts to the county courts of this state. Appeal from the judgment of the district court lies as in other civil cases.

Injunction proceeding

Sec. 45. (a) The attorney general or any district or county attorney may institute an injunction proceeding to enjoin any person from en-

gaging in any practice of cosmetology without having complied with the provisions of this Act.

(b) A violator shall forfeit to the state $25 per day as a penalty for each day's violation, to be recovered in a suit by the district or county attorney or attorney general.

(c) The venue for an injunction proceeding under this section is in the county of the residence of the person against whom the injunction proceeding is instituted.

Exemptions

Sec. 46. (a) The following are exempt from the provisions of this Act:

(1) service in the case of an emergency;

(2) persons licensed by this state to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractic;

(3) registered nurses; and

(4) persons engaged in the business of or receiving compensation for makeup applications only.

(b) A person exempt from the provisions of this Act may nevertheless apply for a license under this Act, and upon issuance of a license becomes bound by all the provisions of this Act.

(c) Nothing in this Act shall be construed to include those persons lawfully engaged in barbering under Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 734a, Vernon's Texas Penal Code), when so engaged in operating on male persons only, but such persons shall not be permitted to perform for compensation any of the practices of cosmetology as defined in Subdivision (3)of Section 1 of this Act on a female except in accordance with the provisions and requirements of this Act.

Penalties

Sec. 47. (a) Any person who violates a provision of this Act except Section 35 is guilty of a misdemeanor and on conviction is punishable by a fine of not less than $25 nor more than $100.

(b) Any licensee who violates a provision of this Act is guilty of a misdemeanor and upon conviction is punishable under Subsection (a) of this section and is subject to revocation or suspension of his license.

Issuance of licenses on effective date of Act

Sec. 48. (a) On the effective date of this Act, any license issued by the State Board of Hairdressers and Cosmetologists remains valid but is subject to the renewal procedures established by this Act. Any person holding an operator license issued by the State Board of Hairdressers and Cosmetologists on the effective date of this Act may perform for compensation any practice of cosmetology defined in subdivision (3) of Section 1 of this Act.

(b) At the effective date of this Act, any person engaged in a practice of cosmetology not previously required to be licensed shall be issued a license upon submission of an application on a form prescribed by the commission and payment of the original license fee. No examination shall be required. Application for a license under this subsection must be made within 120 days from the effective date of this Act. Persons eligible for a license under this subsection are not subject to prosecution for violation of Section 12 of this Act until 120 days after the effective date of this Act.

Repealer

Sec. 49. Chapter 116, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 734b, Vernon's Texas Penal Code), is repealed.

Members of initial commission; eligibility; appointment

Sec. 50. In appointment to the initial commission, a person is eligible for appointment if he is entitled to receive a wig specialist, wig salon, wig school, or wig instructor license under Subsection (b) of Section 48 of this Act in lieu of the requirement of holding a valid wig specialist, wig salon, wig instructor, or wig school license. The governor shall appoint the members of the commission on the effective date of this Act.

Sec. 51. [Amends article 734a, § 4].

Directors

Sec. 52. The Texas Cosmetology Commission shall appoint one member of the State Board of Hairdressers and Cosmetologists as of January 1, 1971, to serve as director of licensing, one member of the State Board of Hairdressers and Cosmetologists as of January 1, 1971, to serve as director of inspection, and one member of the State Board of Hairdressers and Cosmetologists as of January 1, 1971, to serve as director of examination. These persons shall serve as directors until the expiration date of the terms for which they were appointed to the State Board of Hairdressers and Cosmetologists. Thereafter they may serve as directors at the pleasure of the commission.

Severability

Sec. 53. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Acts 1971, 62nd Leg., p. 3389, ch. 1036, eff. Aug. 30, 1971.

TITLE 13—OFFENSES AGAINST PUBLIC PROPERTY

CHAPTER ONE—HIGHWAYS AND VEHICLES

Art. 783. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing this Article, enacts the Texas Water Code.

See, now, V.T.C.A., Water Code, § 5.096.

Art. 795. Repealed by Acts 1971, 62nd Leg., p. 773, ch. 83, § 103, eff. Aug. 30, 1971

See, now, Vernon's Ann.Civ.St. art. 6701d, § 185.

Art. 798. Repealed by Acts 1971, 62nd Leg., p. 773, ch. 83, § 103, eff. Aug. 30, 1971

See, now, Vernon's Ann.Civ.St. art. 6701d, § 108 et seq.

Art. 802f. Chemical tests for intoxication; implied consent; evidence

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Sec. 2. If a person under arrest refuses, upon the request of a law enforcement officer, to submit to a chemical breath test designated by the law enforcement officer as provided in Section 1, none shall be given, but the Texas Department of Public Safety, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this State while under the influence of intoxicating liquor and that the person had refused to submit to the breath test upon the request of the law enforcement officer, shall set the matter for a hearing as provided in Section 22(a), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), if, upon such hearing the court finds (1) that probable cause existed that such person was driving or in actual physical control of a motor vehicle on the highway while under the influence of intoxicating liquor at the time of the arrest by the officer, (2) that the person was placed under arrest by the officer at such time and before offering the person an opportunity to be tested under the provisions of this Act, and (3) that such person refused to submit to the test upon request of the officer, the Director of the Texas Department of Public Safety shall suspend the person's license or permit to drive, or any nonresident operating privilege for the period ordered by the court, but not to exceed one (1) year. If the person is a resident without a license or permit to operate a motor vehicle in this State, the Texas Department of Public Safety shall deny to the person the issuance of a license or permit for a period ordered by the court, but not to exceed one (1) year. Provided, however, that should such person be found "not guilty" of the offense of driving while under the influence of intoxicating liquor or if said cause be dismissed, then the Director of the Texas Department of Public Safety

shall in no case suspend such person's driver's license; or, in the event that proceedings had been instituted resulting in the suspension of such person's driver's license, then the Director of the Texas Department of Public Safety shall immediately reinstate such license upon notification of such acquittal or dismissal by the county clerk of the county in which the case was pending. Notification to the Director of the Texas Department of Public Safety shall be made by certified mail.

Sec. 3. (a) Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle and while under the influence of intoxicating liquor, evidence of the amount of alcohol in the person's blood at the time of the act alleged as shown by chemical analysis of his blood, breath, urine, or any other bodily substance, shall be admissible and if there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor.

(b) Chemical analysis of the person's breath, to be considered valid under the provisions of this section, must be performed according to methods approved by the Texas Department of Public Safety and by an individual possessing a valid certificate issued by the Texas Department of Public Safety for this purpose. The Texas Department of Public Safety is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analysis, and to issue certificates certifying such fact. These certificates shall be subject to termination or revocation, for cause, at the discretion of the Texas Department of Public Safety.

(c) When a person shall submit to a blood test at the request of a law enforcement officer under the provisions of this Act, only a physician, qualified technician, chemist, registered professional nurse, or licensed vocational nurse under the supervision or direction of a licensed physician may withdraw blood for the purpose of determining the alcoholic content therein. The sample must be taken by a physician or in a physician's office or hospital licensed by the Texas Department of Health. This limitation shall not apply to the taking of breath specimens. The person drawing blood at the request of a law enforcement officer under the provisions of this Act, or hospital where that person is taken for the purpose of securing the specimen, shall not be held liable for damages arising from the request of the law enforcement officer to take the specimen as provided herein, provided the blood was withdrawn according to recognized medical procedures, and provided further that the foregoing shall not relieve any such person from liability for negligence in the withdrawing of any blood sample. Breath specimens must be taken and analysis made under such conditions as may be prescribed by the Texas Department of Public Safety, and by such persons as the Texas Department of Public Safety has certified to be qualified.

(d) The person tested may, upon request and within a reasonable time not to exceed two hours after the arrest, have a physician, qualified technician, chemist, or registered professional nurse of his own choosing administer a chemical test, or tests, in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test, or tests, taken at the direction of the law enforcement officer.

(e) Upon the request of a person who has submitted to a chemical test, or tests, at the request of a law enforcement officer, full information concerning the test, or tests, shall be made available to him or his attorney.

(f) If for any reason the person's request to have a chemical test for intoxication is refused by the officer or any other person acting for or

on behalf of the state, such fact may be introduced into evidence on the trial of such person.

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Acts 1969, 61st Leg., p. 1468, ch. 434, eff. Sept. 1, 1969. Sec. 2 amended by Acts 1971, 62nd Leg., p. 2341, ch. 709, § 2, eff. June 7, 1971; Sec. 3 amended by Acts 1971, 62nd Leg., p. 2340, ch. 709, § 1, eff. June 7, 1971.

Section 3 of the 1971 amendatory act provided: "Nothing in this Act shall ever be used in the trial of any civil actions under the laws of Texas, but shall be limited in its effect to criminal actions."

Art. 806a. Sale of motorcycles without serial numbers properly affixed

Section 1. In this Act:

(1) "Motorcycle" has the meaning assigned to it in Section 1, Chapter 329, Acts of the 60th Legislature, Regular Session, 1967 (Article 6701c—3, Vernon's Texas Civil Statutes).

(2) "Person" means an individual, partnership, firm, corporation, association, or other private entity.

Sec. 2. No person may sell a motorcycle manufactured after January 1, 1976, unless:

(1) the frame serial number and the engine serial number are affixed in a manner which prevents their removal without defacing the frame or engine; and

(2) the manufacturer has filed with the Department of Public Safety a statement identifying and giving the exact dimensions of the part to which each number is affixed and the location on that part to which the number is affixed.

Sec. 3. The director of the Department of Public Safety shall promulgate reasonable rules and regulations, including the promulgation of forms, to implement the provisions of this Act.

Sec. 4. (a) An individual who violates any provision of this Act is guilty of a misdemeanor and upon conviction shall be fined not more than $200 or confined in the county jail not more than 30 days or both.

(b) A partnership, firm, corporation, or association which violates any provision of this Act shall be assessed a civil penalty of not more than $500 for each offense.

(c) Each sale of a motorcycle in violation of this Act constitutes a separate offense.

Acts 1971, 62nd Leg., p. 3052, ch. 1013, eff. June 15, 1971.

Title of Act:

An Act relating to the placing of serial numbers on motorcycles and their engines; providing penalties; and declaring an emergency. Acts 1971, 62nd Leg., p. 3052, ch. 1013.

Art. 821. Inscription on State vehicle

There shall be printed upon each side of every automobile, truck or other motor vehicle owned by the State of Texas the word "Texas," followed in letters of not less than two (2) inches high by the title of the department, bureau, board, commission or official having the custody of such car, and such inscription shall be in a color sufficiently different from the body of the car so that the lettering shall be plainly legible at a distance of not less than one hundred (100) feet, and the official having control thereof shall have such wording placed thereon as prescribed herein, and whoever drives any automobile, truck or other motor vehicle belonging to the State upon the streets of any town or city or upon a highway without such inscription printed thereon shall be fined not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00). Provided, however, State-owned vehicles under control and custody of the Texas Department of Mental Health and Mental Retarda-

tion, the Department of Public Safety, the Department of Corrections, the Texas Parks and Wildlife Department, Agencies and Branches of Government for whom appropriations are made under Article VI of the General Appropriations Act, and the Texas Youth Council may be exempt from the requirements of this Act by rule and regulation of the governing bodies of these State agencies. Such rules and regulations shall specify the primary use to which vehicles exempt from the requirements of this Act are devoted, the purpose to be served by not printing on them the inscriptions required by this Act and such rules and regulations shall not be effective until filed with the Secretary of State. Whoever drives a vehicle exempted from the requirements of this Act as authorized by this provision shall not be subject to the penalties prescribed in this Act.

Amended by Acts 1969, 61st Leg., p. 569, ch. 188, § 1, eff. Sept. 1, 1969; Acts 1971, 62nd Leg., p. 1653, ch. 466, § 1, eff. Aug. 30, 1971.

Art. 822. Repealed by Acts 1971, 62nd Leg., p. 772, ch. 83, § 99, eff. Aug. 30, 1971

See, now, Vernon's Ann.Civ.St. art. 6701d, § 134A.

Art. 827a. Regulating operation of vehicles on highways

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Weights and loads of vehicles; special permits; municipal regulation

Sec. 2. (a) Except as otherwise provided by law, no person may drive, operate, or move, nor may the owner cause or permit to be driven, operated or moved, on any highway, any vehicle or vehicles of a size or weight exceeding the limitations stated in this Act, or any vehicle or vehicles which are not constructed or equipped as required by this Act, or transport thereon any load or loads exceeding the dimensions or weight prescribed in this Act.

(b) The Commissioners Courts through the County Judges of the several counties of this State may issue permits limited to periods of ninety (90) days or less for the transportation over highways of their respective counties other than State highways and public roads within the boundaries of an incorporated municipality, overweight or oversize or overlength commodities which cannot be reasonably dismantled, or for the operation over these highways of superheavy or oversize equipment for the transportation of oversize or overweight or overlength commodities which cannot be reasonably dismantled. A County Judge may exercise authority independently of the Commissioners Court until the Commissioners Court takes action on each request.

(c) The Commissioners Court, in its discretion, may require a bond to be executed by an applicant in an amount sufficient to guarantee the payment of any damages to any road or bridge sustained as a consequence of the transportation authorized by the permit.

(d) The governing body of any incorporated municipality may regulate the movement and operation of overweight or oversize or overlength commodities which cannot reasonably be dismantled, and the movement and operation of superheavy or oversize equipment for the transportation of oversize or overweight or overlength commodities which cannot be reasonably dismantled, on public roads other than state highways within the corporate boundaries of the municipality.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 87, ch. 49, § 1, eff. April 5, 1971.

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Transportation of certain loose materials; restrictions; exceptions; penalties

Sec. 3a. (a) No person, co-partnership, limited partnership, association, corporation, State, county, municipality, town, village, or any department or political subdivision thereof, their agents or employees, shall load or transport, cause to be loaded or transported, or aid or abet the loading or transporting, in a motor vehicle, commercial motor vehicle, truck-tractor, trailer or semi-trailer, any loose material on or over the public roads, streets or highways of this State in violation of any requirement of this section.

(b) As used in this section, "loose material" means dirt, sand, gravel, wood chips, or other material that is capable of blowing or spilling from a vehicle as a result of movement or exposure to air, wind currents, or weather, but shall not include agricultural products in their natural state.

(c) The bed carrying the load must be completely enclosed on both sides by sideboards or sidepanels, on the front by a board or panel or by the cab of the vehicle, and on the rear by tailgate or board or panel, all of which must be so constructed as to prevent the escape of any part of the load because of blowing or spilling.

(d) The top of the load making contact with any sideboard or sidepanel or front or rear part of the enclosure must not be within six inches of the top of the part of the enclosure contacted, and the highest point of the load must not be above any point on a horizontal plane equal in height to the top of the side, front, or rear part of the enclosure that is the least in height, or in the alternative by covering the load with a canvas or similar type covering firmly secured thereby creating a physical horizontal plane; and at no time shall the load exceed the six inches as stated in this section during transportation of load without being covered.

(e) The excess spillage of loose material on the non-load carrying parts of the vehicle occasioned by or from the act of loading shall be removed before the vehicle is operated over a public road, street, or highway of this State.

(f) The tailgate must be securely closed to prevent spillage during transportation, whether loaded or empty.

(g) The bed shall not have any holes, cracks, or openings through which loose material may escape.

(h) The residue of the transported loose material shall be removed from the non-load carrying parts of the vehicle upon completion of unloading before the vehicle is operated over a public road, street, or highway of this State.

(i) Subsection (d) of this section does not apply to any load-carrying compartment that completely encloses the load or to the transporting of any load that is otherwise suitably covered or secured by other means which prevents the escape of loose material.

(j) Nothing in this Section 3A applies to any vehicle or construction or mining equipment which is:

(1) moving between construction barricades on a public works project; or

(2) merely crossing a public road, street, or highway.

(k) Any person, co-partnership, limited partnership, association, corporation, or any departmental head, agent or employee of the State or of any county, municipality, town, village, or any department or political subdivision thereof who fails to comply with the provisions of this section shall be guilty of a misdemeanor, and upon first conviction shall be

fined a sum of not less than Twenty-five Dollars ($25) nor more than Two Hundred Dollars ($200), and on second conviction a sum of not less than Two Hundred Dollars ($200).

Acts 1929, 41st Leg., 2nd C.S., p. 72, ch. 42, § 3A, added by Acts 1971, 62nd Leg., p. 1376, ch. 363, § 1, eff. May 25, 1971.

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Acts 1971, 62nd Leg., p. 1376, ch. 363, which by section 1 added section 3a of this article, in sections 2 and 3 provided:

"Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

"Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict."

Art. 827a—7. Length of vehicles transporting poles or pipe

Section 1. Notwithstanding other provisions of the statutes governing the length of motor vehicles and combinations thereof and the provisions of the statutes controlling the distance which a load may extend beyond the front or rear of a vehicle or combination of vehicles which may be operated over the highways and roads, it shall be lawful to operate such vehicles and combinations thereof where the combined length of the vehicle or vehicles and its load does not exceed sixty-five (65) feet in length and where such vehicles or combinations thereof are used exclusively for the transportation of poles or pipe.

Sec. 2. Such vehicles may be operated only between the hours of sunrise and sunset as defined by law and there shall at all times be displayed at the extreme rear end of the load carried on such vehicles a red flag or cloth not less than twelve (12) inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

Sec. 3. The width, height, length and weight of each vehicle or combination thereof shall conform to the requirements of Article 827a, Revised Penal Code of Texas, and nothing in this Act shall be construed to repeal any other provisions of the statutes other than the necessity to secure a permit from the Texas Highway Department to operate a combination of vehicles hauling pipe or poles.

Acts 1971, 62nd Leg., p. 20, ch. 8, eff. Feb. 26, 1971.

Section 4 of the act of 1971 was a severability clause, and section 5 thereof was an emergency clause which stated the necessity for organizations engaged in oil field operations to regularly transport poles and pipe.

Title of Act:

An Act to exempt from existing statutes regulating the length of motor vehicles which may be operated in this State and from statutes regulating the distance which a load may extend beyond the front or rear of motor vehicles, such vehicles or combinations of vehicles used exclusively to transport poles or pipe used in oil field operations; imposing conditions governing such vehicles and the operation thereof; containing a severability clause; and declaring an emergency. Acts 1971, 62nd Leg., p. 20, ch. 8.

Art. 827b. Temporary registration for out of state visitors

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Trucks, trailers, etc., used in movement of farm products; temporary registration permit to non-resident owners

Text of first paragraph as amended by Acts 1971, 62nd Leg., p. 996, ch. 184, § 1

Sec. 2A. To expedite and facilitate, during the harvesting season, the harvesting and marketing of farm products produced in this State, the Department is authorized to issue to a nonresident owner a 30-day temporary registration permit for any truck, truck-tractor, trailer or semitrailer

to be used in the movement of such farm commodities from the place of production to market, storage or railhead, not more than seventy-five (75) miles distant from such place of production.

For text of first paragraph as amended by Acts 1971, 62nd Leg., p. 1389, ch. 374, § 1, see first paragraph, post.

Text of first paragraph as amended by Acts 1971, 62nd Leg., p. 1389, ch. 374, § 1

Sec. 2A. To expedite and facilitate, during the harvesting season, the harvesting and marketing of wheat, oats, rye, barley, grain sorghums, flax, rice, cotton; vegetables in bulk, field crates, or bags, and all other agriculture products, produced in this State, the Department is authorized to issue to a nonresident owner a 30-day temporary registration permit for any truck, truck tractor, trailer or semitrailer to be used in the movement of such farm commodities from the place of production to market, storage or railhead, not more than seventy-five (75) miles distant from such place of production, or to be used in the movement of machinery used to harvest any of the commodities named in this section.

For text of first paragraph as amended by Acts 1971, 62nd Leg., p. 996, ch. 184, § 1, see first paragraph, ante.

To expedite and facilitate, during the harvesting season, the harvesting and movement of farm products produced outside of Texas but marketed or processed in Texas or moved to points in Texas for shipment, the Department is authorized to issue to a nonresident owner a 30-day temporary registration permit for any truck, truck tractor, trailer or semitrailer to be used in the movement of such farm commodities from the point of entry into Texas to market, storage, processing plant, railhead or seaport not more than eighty (80) miles distant from such point of entry into Texas. All mileages and distances referred to herein are State Highway mileages. Before such temporary registration provided for in this paragraph may be issued, the applicant must present satisfactory evidence that such motor vehicle is protected by such insurance and in such amounts as may be described in Section 5 of the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes) as it is now written or as it may hereafter be amended, and such policies must be issued by an insurance company or surety company authorized to write Motor Vehicle Liability Insurance in this State; and that such vehicle has been inspected as required under the Uniform Act Regulating Traffic on Highways in Texas (Article XV of Article 6701d, Vernon's Texas Civil Statutes) as it is now written or as it may hereafter be amended.

The Department is authorized to prescribe the form of the application and the information to be furnished therein for such temporary registration permits. If the application is granted, the Department shall issue a special distinguishing insignia which must be attached to such vehicle in lieu of the regular Texas Highway registration plates. Such special insignia shall show its expiration date. The temporary registration permit fee shall be one-twelfth (1/12) of the annual Texas registration fee for the vehicle for which the special permit is secured.

The temporary permits herein authorized shall be issued only when the vehicle for which said permit is issued is legally registered in the nonresident owner's home state or country for the current registration year; and said permit will remain valid only so long as the home state or country registration is valid; but in any event the Texas temporary registration permit will expire 30 days from the date of issuance. Not more than three (3) such temporary registration permits may be issued to a nonresident owner during any one (1) vehicle registration year in the State of Texas. A vehicle registered under the terms of this Act may not be operated in Texas after the expiration of

the temporary permit unless the nonresident owner secures a second temporary permit as provided above, or unless the nonresident owner registers the vehicle under the appropriate Texas vehicular registration statutes, applicable to residents, for the remainder of the registration year. No such vehicle may be registered with a Texas farm truck license.

Any person who shall transport any of the commodities described in this Act, under a temporary permit provided for herein, to a market, place of storage, processing plant, railhead or seaport, which is a greater distance from the place of production of such commodity in this State, or the point of entry into the State of Texas than is provided for in said temporary permit, or shall follow a route other than that prescribed by the Highway Commission, shall be punished by a fine of not less than Twenty-five Dollars ($25), nor more than Two Hundred Dollars ($200).

Nothing in this Act shall be construed to authorize such nonresident owner or operator to operate or cause to be operated any of such vehicles in this State in violation of Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 911b, Vernon's Texas Civil Statutes) or any of the other laws of this State.

Sec. 2A amended by Acts 1965, 59th Leg., p. 479, ch. 243, § 1, eff. May 21, 1965; Acts 1971, 62nd Leg., p. 996, ch. 184, § 1, eff. May 13, 1971; Acts 1971, 62nd Leg., p. 1389, ch. 374, § 1, eff. Aug. 30, 1971.

Art. 827e—1. Repealed by Acts 1971, 62nd Leg., p. 773, ch. 83, § 103, eff. Aug. 30, 1971

Sections 2 and 3 of this article were repealed by Acts 1969, 61st Leg., p. 2342, ch. 793, § 2.

See, now, Vernon's Ann.Civ.St. art. 6701d, §§ 71, 91.

CHAPTER TWO—PUBLIC ROADS AND IRRIGATION

Acts 1971, 62nd Leg., p. 110, ch. 58, enacts a new Texas Water Code, and repeals enumerated existing Articles of the Texas Civil Statutes, effective August 30, 1971.

Arts. 838 to 852. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

CHAPTER SIX—GAME, FISH AND OYSTERS

For Annotations and Historical Notes, see V.A.T.S.

Art. 871b. Capture or transporting of wild birds and animals; permits

Section 1. No person may capture or transport any game mammals, or game birds captured from the wild and not privately owned, which are indigenous to this state or any part of this state without having first received a written permit from the Parks and Wildlife Commission.

Sec. 2. The Parks and Wildlife Commission is hereby expressly given the power and authority to issue permits for trapping and transporting game mammals or game birds from the wild state and which are not privately owned which are indigenous to this state or any part of this state as a means of better wildlife management by making adjustments in game population.

Sec. 3. No provisions of this bill shall apply to any game animals or game birds which are privately owned or privately raised.

Acts 1971, 62nd Leg., p. 2463, ch. 802, eff. June 8, 1971.

Title of Act:

An Act prohibiting the capturing and transporting of live game animals and certain game birds without having first received written permission from the Parks and Wildlife Commission with certain exceptions; and declaring an emergency. Acts 1971, 62nd Leg., p. 2463, ch. 802.

Art. 873. Bag limit; open season; possession of illegally killed game bird or animal

Any person killing or taking more than the daily, weekly or seasonal bag-limits as set forth in this chapter; or any person killing, taking, hunting, wounding, or shooting at any game bird or game animal at any other time of the year, except during the open season as provided for in this chapter; or any person killing, taking, capturing, wounding or shooting at any game bird or game animal for which no open season is provided by this chapter, or any person in possession of an illegally killed game bird or game animal, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than ten ($10.00) dollars nor more than two hundred ($200.00) dollars; and each game bird or game animal unlawfully taken or in possession shall constitute a separate offense.

Amended by Acts 1971, 62nd Leg., p. 2646, ch. 869, § 1, eff. June 9, 1971.

Art. 879a—6. White-winged dove; stamp

Stamp

Section 1. No person may hunt or kill white-winged dove in this state unless he has in his possession a white-winged dove stamp issued to him as provided in this Act.

Stamp fee and form

Sec. 2. (a) The Parks and Wildlife Commission or its agent may issue a white-winged dove stamp to any person on the payment to the commission or its agent of a fee of $3.

(b) The stamp shall be issued in the form prescribed by the Parks and Wildlife Department and must be signed on its face by the person using the stamp.

Hunting or killing authorization

Sec. 3. The acquisition of a white-winged dove stamp as required by this Act does not authorize a person to hunt or kill white-winged dove without having a hunting license as required by Chapter 370, Acts of the 55th Legislature, Regular Session, 1957, as amended,[1] or authorize the hunting or killing of white-winged dove at any time or by any means not otherwise authorized by law.

Disposition of fees

Sec. 4. (a) Ten cents of the fee required by this Act may be retained by the issuing officer as his fee for collection, except that employees of the Parks and Wildlife Department may not retain the collection fee.

(b) After deduction of the amount allowed by Subsection (a) of this section, the money collected from sales of the stamp shall be sent to the Parks and Wildlife Commission.

(c) The commission shall deposit the proceeds from the sales of stamps in the state treasury in Special Game and Fish Fund No. 9. One-half of these proceeds may be expended only for research and management for the protection of white-winged dove and the other one-half of these proceeds may only be expended for the acquisition of white-winged dove habitat in the state.

Violations

Sec. 5. Any person who violates the provisions of Section 1 of this Act is guilty of a misdemeanor and on conviction is punishable by a fine of not less than $25 nor more than $200. A person hunting or killing white-winged dove who refuses on demand of any game management officer or peace officer to exhibit a white-winged dove stamp is presumed to be in violation of Section 1 of this Act.

Acts 1971, 62nd Leg., p. 928, ch. 142, eff. May 10, 1971.

[1] Article 895c.

Title of Act:

An Act relating to prohibiting a person from hunting or killing white-winged dove unless he has in his possession a white-winged dove stamp issued to him; providing for the issuance of the stamp and the payment, allocation, and use of stamp fees; providing a penalty; and declaring an emergency. Acts 1971, 62nd Leg., p. 928, ch. 142.

Art. 879h—6. Hunting with .22 caliber jetgun, rocketgun, or firearm using rimfire ammunition

Section 1. No person shall use any .22 caliber jetgun, rocketgun, or firearm which utilizes rimfire ammunition in the taking or shooting of, or in attempting to take or shoot, wild deer, wild elk, wild antelope, wild Aoudad sheep, or wild desert bighorn sheep.

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Acts 1965, 59th Leg., p. 1269, ch. 583, eff. Aug. 30, 1965. Sec. 1 amended by Acts 1971, 62nd Leg., p. 716, ch. 78, § 1, eff. Aug. 30, 1971.

Art. 880. Hunting with dogs

Section 1. It is hereby declared unlawful for any person or persons to make use of a dog or dogs in the hunting of or pursuing or taking of any deer. Any person or persons owning or controlling any dog or dogs and who permits or allows such dog or dogs to run, trail, or pursue any deer at any time shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than Twenty-five Dollars ($25), and not more than Two Hundred Dollars ($200); provided, however, that this article shall not apply to the Counties of Brazoria, San Augustine, and Fort Bend. And, provided further, that it shall be lawful to use dogs for the purpose of trailing a wounded deer in the Counties of Concho, Jones, Zapata, and Angelina.

Sec. 2. Nothing in this article affects the provisions of the Uniform Wildlife Regulatory Act.

Amended by Acts 1961, 57th Leg., 1st C.S., p. 134, ch. 30, § 1, eff. Aug. 18, 1961; Acts 1971, 62nd Leg., p. 1855, ch. 543, § 1, eff. June 1, 1971.

Art. 880d. Taking or possessing of native raptors; falconry permits; fees; rules and regulations; advisory board

Section 1. It shall be unlawful for any person to take, capture, or possess or attempt to take or capture any native raptors without a valid Falconer's Permit issued by the Texas Parks and Wildlife Department, provided that nothing contained in this Act shall prohibit the collecting and holding of protected species of wildlife for scientific, zoological and propagation purposes under permit issued by the Parks and Wildlife Department, under the provisions of Article 913, Penal Code of Texas, 1925, as amended.

(a) Falconry Permit shall be classified as either a Beginner's Permit or a General Permit. No Beginner's Permit shall be issued to any person under the age of 17 years. No General Falconer's Permit shall be issued except to a person over the age of 20 years with a minimum of three years hunting experience with raptors.

(b) Any person holding a Texas Beginner's Falconer's Permit shall be limited to possession of not more than one (1) raptor specimen. Species of raptor are to be designated by the Parks and Wildlife Department.

(c) Any person holding a General Falconer's Permit may take or possess up to three (3) native raptors. Species will be determined by the Parks and Wildlife Department.

Sec. 2. Fees for permits

(a) The fee for a Beginner's Falconer's Permit shall be Twenty-five Dollars ($25.00) and shall expire August 31 following date of issuance; annual renewal fee shall be Five Dollars ($5.00).

(b) The fee for a General Falconer's Permit shall be Thirty-five Dollars ($35.00) and shall expire August 31 following date of issuance; annual renewal fee shall be Five Dollars ($5.00).

(c) All applications for renewal shall be accompanied by a report, accounting for all activities during license year as specified by the Parks and Wildlife Department.

Sec. 3. Any person holding a Beginner's Falconer's Permit or General Falconer's Permit, and a valid Texas Hunting License may hunt native species of wild birds, wild animals and migratory game birds during any prescribed open season in general law counties and provided by any regulatory proclamations; provided, however, any nonresident or alien entitled to a nonresident hunting license may hunt with the aid of a validly held raptor for a period of five (5) consecutive days upon payment of a fee of Five Dollars ($5.00). Unprotected species of wildlife, including English sparrows, European starlings, crows and ravens may also be taken by means of falconry.

Sec. 4. It shall be unlawful for any person to buy, sell, barter or exchange or offer to buy, sell, barter or exchange any raptors in the State of Texas.

Sec. 5. All raptors captured, taken or possessed in this State shall remain the property of the people of this State except for special privileges granted herein. Any person holding raptors under a valid Falconer's Permit permanently leaving the State may file application with the Texas Parks and Wildlife Department for a special permit to transport said raptors out of the State of Texas.

Sec. 6. (a) The Texas Parks and Wildlife Department may prescribe reasonable rules and regulations for the taking and possessing of raptors, time and area from which raptors may be taken, and species that may be taken, provide standards for possessing and housing of raptors held under Falconer's Permit, annual reporting requirements and procedures, and prescribe eligibility requirements for any Falconer's Permit.

(b) The Department shall give particular attention to those raptors classified as "rare" or "endangered" by the United States Bureau of Sports, Fisheries and Wildlife, and shall insure that the taking and pos-

sessing for falconry purposes of such raptors be restricted to competent and experienced individuals, and to such numbers as are consistent with good management practices and the then current population status of the individual species or subspecies involved.

(c) The Department, further, shall establish an "advisory board" consisting of three mature and experienced falconers selected from among nominees submitted by the Texas Hawking Association, the North American Falconers Association, and from among any unaffiliated resident falconers. The purpose of this board shall be to advise the Department as required on the development and implementation of the rules and regulations prescribed under this section.

Sec. 7. It shall be unlawful for any nonresident of this State as defined by Article 920, Penal Code of Texas, 1925, to take, capture or possess, or attempt to take or capture any raptors in this State except by special permit from the Parks and Wildlife Department, except that any nonresident establishing permanent residence in this State holding raptors under valid permit from another state shall apply to the Parks and Wildlife Department within ten (10) days for a State of Texas Falconer's Permit.

Sec. 8. The terms citizen and nonresident as used herein shall have the same meaning as assigned to them by Article 920 of the Penal Code of Texas, 1925.

Sec. 9. Any person violating any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00) for each violation thereof.

Acts 1971, 62nd Leg., p. 987, ch. 176, eff. May 13, 1971.

Title of Act:

An Act relating to the capture, possession, and use of certain native raptors in the sport of falconry; providing for permit; providing for license; providing for an advisory board; providing for penalty; and declaring an emergency. Acts 1971, 62nd Leg., p. 987, ch. 176.

Art. 892. Certain animals declared to be game animals

Wild deer, wild elk, wild antelope, wild Desert Bighorn sheep, wild black bear, wild gray or cat squirrels, wild fox squirrels or red squirrels, and collared peccary or javelina, are hereby declared to be game animals within the meaning of this Act. However, no species of any of these animals or any other animals is classified as a game animal if it is not indigenous to the state or any part of the state. Aoudad sheep are game animals in Armstrong, Briscoe, Donley, Floyd, Hall, Motley, Randall, and Swisher Counties.

Amended by Acts 1963, 58th Leg., p. 8, ch. 6, § 1; Acts 1965, 59th Leg., p. 782, ch. 372, § 1, eff. June 9, 1965; Acts 1967, 60th Leg., p. 868, ch. 374, § 1, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 44, ch. 21, § 1, eff. Aug. 30, 1971.

Art. 895c. Hunting licenses; necessity; form; exemptions, etc.

Resident Hunting License

Section 1. No citizen of this State shall hunt any wild bird or animal outside the county of his residence without first having procured from the Game and Fish Commission, or one of its authorized agents, a license to hunt, for which he shall pay the sum of Three Dollars and twenty-five cents ($3.25); twenty-five cents (25¢) of which amount shall be retained by the issuing officer as his fee for collecting except employees of the Texas Parks and Wildlife Department; except that members of the Armed Services on active duty for a period greater than thirty (30) days at any Federal installation or facility within this State may purchase a resident hunting license. Adequate proof of length of duty

assignment may be required from each license applicant. The validity of each license shall be made contingent upon such proof supplied by the applicant either by certification upon the license or by separate form promulgated by the State Agency charged with issuance of the license.
Sec. 1 amended by Acts 1971, 62nd Leg., p. 908, ch. 134, § 1, eff. May 10, 1971.

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Art. 901. Hunting from automobile, aircraft or boat

It is hereby declared unlawful for any person at any time and in any manner, except as herein provided, to hunt, take, capture, or kill, or attempt to hunt, take, capture, or kill any of the wild game birds, wild game fowl, or wild game animals protected by the laws of this State from any type of aircraft or airborne device, an automobile, a powerboat, a sailboat, any boat under sail; or any floating device towed by powerboat or sailboat, except that game animals and game birds not classified as migratory, may be hunted or taken from an automobile within the boundaries of private property by any person who is legally on the property for the purpose of hunting, provided no attempt will be made to hunt, shoot, take, capture, or kill any of the wild game birds, wild game fowl, or wild game animals upon any part of the road system of this State. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Twenty-five Dollars ($25) nor more than Two Hundred Dollars ($200).
Amended by Acts 1961, 57th Leg., p. 1107, ch. 499, § 1, eff. Aug. 28, 1961; Acts 1971, 62nd Leg., p. 43, ch. 20, § 1, eff. Aug. 30, 1971.

Art. 913. Propagation and scientific purposes

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Alligators and marine mammals; capture; permits

Sec. 1A. The Parks and Wildlife Department may permit the capture of alligators and marine mammals for use and display in public or commercial aquariums. A permit under this section may be issued on the application of any person found by the department to be qualified to carry out the capture in a scientific manner without cruelty. The permit shall specify the species and quantity of animals to be captured.

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Rules and regulations

Sec. 3. The Parks and Wildlife Department may prescribe reasonable rules and regulations concerning the taking and possession of protected wildlife species indigenous to the State of Texas or fish indigenous to the State of Texas for scientific purposes, zoological gardens, and for propagation purposes. Said department may cancel any permit granted pursuant to this Act for violation of such rules and regulations.

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Amended by Acts 1969, 61st Leg., p. 1595, ch. 490, eff. June 10, 1969; Sec. 1A added by Acts 1971, 62nd Leg., p. 994, ch. 181, § 1, eff. May 13, 1971; Sec. 3 amended by Acts 1971, 62nd Leg., p. 2913, ch. 964, § 1, eff. June 15, 1971.

Art. 931a. Minimum size limit on redfish

Section 1. It shall be unlawful for any person to take from the waters of the State of Texas and retain, or place in a container, boat, creel, live box, or on any stringer, any redfish less than 14 inches in length.

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Acts 1967, 60th Leg., p. 893, ch. 389, eff. Aug. 28, 1967. Sec. 1 amended by Acts 1971, 62nd Leg., p. 1893, ch. 560, § 1, eff. Aug. 30, 1971.

Art. 952a. Fish in Big Wichita River waters; sale prohibited

It shall be unlawful for any person, firm or corporation, or their agent, or agents, to barter, or sell, or offer for barter or sale, or to buy any bass, perch, crappie or catfish, or any other fish, except minnows taken from any of the waters which are located in the valley of the Big Wichita River from where the lower or diversion dam on the Big Wichita River is located, which was built by the Wichita County Water Improvement District No. 1, in the northeast corner of Archer County, Texas, and from said dam and above the same up the valley of said Big Wichita River to the storage dam on said river built by said Wichita County Water Improvement District No. 1, in Baylor County, Texas, and up the valley of said river from said storage dam as far as the water by said storage dam is impounded in said river in Baylor County, Texas, or in any water which is impounded in Archer County, Texas, and in Baylor County, Texas, by said diversion dam, or in any water which is in Baylor County, Texas, by said storage dam, or in any water in Lake Wichita in Wichita County, Texas, and in Archer County, Texas, or in any water impounded by the dam across Holliday Creek forming said Lake Wichita in Wichita County, Texas, or in any water in the Big Wichita River in Baylor County, Texas, connecting with the big reservoir, or Lake Kemp, created by the storage dam, with the diversion reservoir, or Diversion Lake, formed in Baylor County or Archer County, Texas, by said diversion dam, or in any water of the irrigation canals connected with said Lake Kemp or said diversion dam, or in any water in laterals leading off from said canals in Baylor County, Texas, Archer County, Texas, Wichita County, Texas, or Wilbarger County, Texas, or in any water in Wichita County, Texas, or Archer County, Texas, in the lateral, canal, or drainage ditch leading from what is known as the South Side Canal out of said Diversion Lake from a point in the said South Side Canal in Section No. 16, of Denton County school lands, League No. 4, Wichita County, Texas, to Holliday Creek and thence down Holliday Creek to Lake Wichita in Wichita and Archer Counties, Texas, or in any water of Lake Arrowhead located in Clay or Archer Counties, or in any water of Buffalo Creek Reservoir, Lake Iowa Park, or Old City Lake, located in Wichita County.

Amended by Acts 1971, 62nd Leg., p. 2388, ch. 743, § 1, eff. June 8, 1971.

Art. 962a. Dredging of oysters

Oyster dredge license; necessity; exception; expiration

Section 1. Before any person, firm, or corporation shall take or attempt to take oysters from the public waters of this State by means of a dredge, an oyster dredge license shall first be procured from the Texas Parks and Wildlife Department privileging him to do so. If the boat is otherwise licensed as a Commercial Bay or Bait Shrimp Boat, no dredge license is required. Oyster dredge licenses shall expire August 31st following the date of issuance.

Fee; Commercial Oyster Dredge License; dredge size

Sec. 2. The fee for a Commercial Oyster Dredge License shall be $15 and shall permit the holder to use one dredge up to 36 inches in width.

Fee; Sports Oyster Dredge License; dredge size; restriction

Sec. 3. The fee for a Sports Oyster Dredge License shall be $5 and shall permit the holder to use or possess on board a boat one dredge not to exceed 14 inches in width. Oysters taken with a Sports Dredge License may not be sold, bartered, or exchanged.

Open and closed seasons

Sec. 4. It shall be unlawful for any person to take or attempt to take oysters from any public beds or reefs from the first day of May through the last day of October except in that part of the Laguna Madre and abutting waters south of the Port Mansfield Channel or except by permit from the Parks and Wildlife Department.

Hours for harvest

Sec. 5. During the open season provided herein, it shall be lawful to take or attempt to take oysters from the public waters of the State only from sunrise to sunset.

Closing and opening of oystering areas; notice

Sec. 6. When the Parks and Wildlife Commission has reason to believe that any oystering area is being overworked or damaged in any way or when the area is to be reseeded or restocked with oysters, the Commission may close or open the area to the taking of oysters, but before such closure the Commission shall give two weeks notice of such closing by posting notices in such fish and oyster houses as are in two towns nearest such area.

Possession limits; number and size of dredges

Sec. 7. It shall be unlawful for any person, firm, or corporation to have on board any boat, barge, float, or other vessel while in the public waters of this State, more than fifty (50) barrels of oysters in total cargo which shall be culled oysters of legal size. If a boat is pulling or towing another boat or boats, then such towing or towed boats combined shall not have aboard more than fifty (50) barrels of oysters, culled and of legal size. As used herein, a barrel is equivalent to three (3) bushels.

It shall be unlawful in the public waters of this State for any person to have on board any commercial fishing boat, barge, float, or other vessel more than one oyster dredge; said dredge shall not exceed 36 inches in width across the mouth and shall not have a capacity in excess of two bushels. If a boat is pulling or towing another boat or boats, then such towing and towed boats combined shall not have aboard more than one oyster dredge. The Parks and Wildlife Commission may authorize by permit the use of one or more dredges of any size and cargoes in excess of fifty (50) barrels in transplanting to or harvesting from private leases.

Oyster size limits; culling of undersize oysters

Sec. 8. It shall be unlawful for any person to take or to possess any cargo of oysters which shall contain more than five per cent oysters measuring between ¾ inch and 3 inches from beak to bill or along an imaginary straight line through the long axis of the shell. It shall be

unlawful for any person to fail, or refuse to cull any oysters between ¾ inch and 3 inches as he may take from oyster beds or to fail to return said culls immediately to the bed from which taken. A person may possess not more than one barrel (3 bushels) of unculled oysters per boat separate and awaiting culling during the period he is fishing on the reef. The Parks and Wildlife Commission is authorized to permit the taking of oysters of less or greater size than 3 inches from any areas it may designate but it shall be unlawful to take any such oysters from areas other than those designated by such Commission.

Repeals

Sec. 9. The following laws are hereby specifically repealed: Articles 963, 964, 966, 967, 968, 969, 971, and 973, Penal Code of Texas, 1925, and Article 4048, Revised Civil Statutes of Texas, 1925; Acts of the 48th Legislature, Regular Session, 1943, Chapter 102, as last amended by Acts of the 60th Legislature, Regular Session, 1967, Chapter 742; Acts of the 55th Legislature, Regular Session, 1957, Chapter 217, as last amended by Acts of the 60th Legislature, Regular Session, 1967, Chapter 31; Acts of the 46th Legislature, Regular Session, 1939, page 833, Special Laws; and any and all other laws in conflict with the provisions of this Act but to the extent of such conflict only.

Severability

Sec. 10. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Penalty; violations as separate offenses

Sec. 11. Any person operating in violation of the provisions of this Act or failing to comply with the requirements of this Act is guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) for each offense. Each violation of this Act, or failure to comply with any provision of this Act, is a separate offense and each day upon which such violation or failure to comply occurs is a separate offense.

Acts 1971, 62nd Leg., p. 1666, ch. 471, eff. May 27, 1971.

Title of Act:

An Act requiring a license for taking oysters with an oyster dredge; establishing Commercial and Sports Oyster Dredge Licenses; providing dredge size and number limits; providing a state-wide oyster season; establishing hours for harvest; authorizing the Parks and Wildlife Commission to close and open areas to oystering; providing possession limits; establishing oyster size limits and providing for the culling of undersize oysters; repealing existing and conflicting laws; providing severability; providing a penalty for violation or failure to comply; and declaring an emergency. Acts 1971, 62nd Leg., p. 1666, ch. 471.

Arts. 963, 964. Repealed by Acts 1971, 62nd Leg., p. 1667, ch. 471, § 9, eff. May 27, 1971

See, now, art. 962a.

Arts. 966 to 969. Repealed by Acts 1971, 62nd Leg., p. 1667, ch. 471, § 9, eff. May 27, 1971

See, now, art. 962a.

For Annotations and Historical Notes, see V.A.T.S.

Art. 971. Repealed by Acts 1971, 62nd Leg., p. 1667, ch. 471, § 9, eff. May 27, 1971

See, now, art. 962a.

Art. 973. Repealed by Acts 1971, 62nd Leg., p. 1667, ch. 471, § 9, eff. May 27, 1971

See, now, art. 962a.

Art. 978f—3a. Parks and Wildlife Department

Department established; Parks and Wildlife Commission; appointment and terms; vacancies; chairman and vice chairman; meetings and expenses

Section 1. (a) The Parks and Wildlife Department is established as an agency of the state. It is under the policy direction of the Parks and Wildlife Commission.

(b) The Commission consists of six members appointed by the Governor with the advice and consent of two-thirds of the Members of the Senate present and voting. If the Senate is not in session, the Governor shall appoint the members and issue a commission to them as provided by law, and their appointment shall be submitted to the next session of the Senate for their advice and consent in the manner that appointments to fill vacancies under the Constitution are submitted to the Senate. In case of a vacancy on the Commission, the Governor shall appoint a new member to fill the unexpired term of the vacating member.

(c) The members of the Commission hold office for staggered terms of six (6) years, with the terms of two (2) members expiring every two (2) years. Each member holds office until his successor is appointed and has qualified. The terms expire on January 31 of odd-numbered years.

(d) The Governor shall biennially designate one (1) of the six (6) members to serve as Chairman of the Commission for a term of two (2) years expiring on January 31 of the succeeding odd-numbered year. The Commission shall biennially elect a Vice Chairman from among its members for a term of two (2) years expiring on January 31 of the succeeding odd-numbered year. A vacancy in the office of Chairman or Vice Chairman shall be filled for the unexpired portion of the term by appointment or election as in the case of the original appointment or election.

(e) The Commission shall meet as often as it deems necessary, but shall meet at least once every quarter of the year. Four members constitute a quorum for transacting business.

(f) Members of the Commission shall be reimbursed for their actual expenses incurred in attending meetings and shall be paid a per diem as set in the General Appropriations Act.

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Acts 1963, 58th Leg., p. 104, ch. 58, eff. Aug. 23, 1963. Sec. 1 amended by Acts 1971, 62nd Leg., p. 2421, ch. 770, § 1, eff. Aug. 30, 1971.

Section 2 of the 1971 amendatory act provided: "This Act does not affect the members of the Commission serving on the effective date of this Act. For the initial appointments of the three additional members authorized by Section 1 of this Act, the Governor shall appoint one member for two years, one member for four years, and one member for six years. The Governor shall designate one of the six members chairman of the Commission."

Art. 978f—4a. Exchange of lands

Section 1. The Executive Director of the Parks and Wildlife Department, with approval of the Parks and Wildlife Commission, may execute a deed or deeds exchanging real property or an interest therein, either as the whole or as partial consideration for other real property or interest therein, to be used by the Department for a State park, historic site, scientific area or game management area.

Sec. 2. All State lands thus exchanged shall be for other lands adjoining the same park, historic site, scientific area or game management area, and shall contain no State improvements other than fences.

Sec. 3. The State shall receive a good and marketable title to all lands thus exchanged and the title to such lands received in exchange shall first be approved by the Attorney General's office.

Sec. 4. All tracts of land to be received in exchange shall be appraised and determined to be of equal value to the State lands exchanged, except that if the land or tracts of land to be received are determined by independent, competent appraisal to have a greater value than those State lands exchanged, the Department may use such funds as may be available to it for land acquisition as a partial consideration for the exchange.

Sec. 5. All transactions for exchange of lands by authority of this Act shall have the prior written approval of the Governor.

Acts 1971, 62nd Leg., p. 1248, ch. 309, eff. May 24, 1971.

Title of Act:

An Act authorizing the Parks and Wildlife Department to execute deeds to exchange property for use as a State park, historic site, scientific area or game management area providing tracts exchanged are for other adjoining lands at the same park, historic site, scientific or management area and without improvements except fencing; providing for the State to receive good and marketable title approved by the Attorney General's office; requiring that tracts received in exchange be appraised and determined to be of equal value; providing for all exchanges to be with prior written approval of the Governor; and declaring an emergency. Acts 1971, 62nd Leg., p. 1248, ch. 309.

Art. 978f—5b. Fish farms; licenses

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Sec. 2. Definitions:

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(b) "Private Ponds" are defined as ponds, reservoirs, vats, or any structure capable of holding fish in confinement wholly within or upon the enclosed lands of an owner or lessor.

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Licenses; fees; term; vehicles

Sec. 3. Before any owner in this state shall engage in the business of fish farming for the purpose of sale, barter, or exchange, a "Fish Farmer's" license shall first be procured from the Parks and Wildlife Department. The annual fee for a Fish Farmer's license or Fish Farm Vehicle license shall be $5 and the license shall be on a form provided by the Parks and Wildlife Department. Such license shall be valid from September 1 or issuance date whichever is later and shall expire August 31 following the date of issuance. A "Fish Farm vehicle license" shall be required for each vehicle transporting fish from Fish Farms for the purpose of sale from the vehicle except those vehicles owned and operated by a person holding a Fish Farmer's license. Vehicles transporting fish from Fish Farms when no sales are made from the vehicle shall carry a bill of lading reflecting the species of fish, number, Fish Farm owner's name, location, and license number of Fish Farm and the destination of the cargo, but said vehicle shall not be required to obtain a Fish Farm vehicle license. A person holding a Fish Farmer's license, upon payment of $1 each, may procure additional licenses for display purposes in or on additional premises or vehicles owned or operated by him.

Records

Sec. 4. Each person holding a Fish Farmer's license shall maintain records reflecting sales and shipments of fish and such records shall be

open for inspection by designated personnel of the Parks and Wildlife Department.

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Federal funds; use

Sec. 6A. Grants of federal funds available for research and development of commercial fisheries may be used for individual fishery projects after approval by the Parks and Wildlife Department.

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Deposit of proceeds

Sec. 9. Proceeds for issuing licenses and any penalties assessed for violation of this Act shall be deposited in the State Treasury to the account of Special Game and Fish Fund No. 9.

Acts 1969, 61st Leg., p. 884, ch. 298, eff. Sept. 1, 1969. Secs. 2(b), 3, 4 amended by Acts 1971, 62nd Leg., p. 1290, ch. 332, §§ 2, 3, eff. Sept. 1, 1971; Secs. 6A, 9 added by Acts 1971, 62nd Leg., p. 1291, ch. 332, §§ 4, 5, eff. Sept. 1, 1971.

Section 6 of the 1971 amendatory act provided: "This Act is effective September 1, 1971".

Art. 978f—5d. Hunting in state parks prohibited; exception; permit; fee

Section 1. Except as otherwise provided by Section 2 of this Act, it shall be unlawful for any person to kill, wound, shoot at or hunt any wild animals, wild birds, or wild fowl found within the boundaries of any State park, fort or historic site under jurisdiction of the Parks and Wildlife Department. Any person violating the provisions of this Act shall be fined not less than Twenty-five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00). Any peace officer, game warden or duly commissioned State park employee is authorized to arrest without warrant any person found committing a violation of this Act.

Sec. 2. The Parks and Wildlife Commission is authorized to direct the service or division of the Parks and Wildlife Department charged with the management of wildlife resources to manage the aquatic and wildlife resources found within the boundaries of all State parks, forts or historic sites, as well as in all such parks, forts or historic sites as may hereafterwards be acquired by the Department. The Commission may, from time to time as sound biological management practices warrant, prescribe an open season for hunting within State parks, forts or sites, where size, location and physical conditions permit. The Commission may prescribe the number, kind, sex and size of any wildlife that may be taken therefrom, as well as the means and methods for taking and the conditions under which any wildlife species may be taken. All such hunting shall be by special permit only. Permits shall be made available to applicants in such manner as to give all applicants an impartial opportunity to obtain such permit to the extent of the total number issued. Each applicant shall deposit a permit fee not to exceed Five Dollars ($5.00) per day with the application. The Commission shall have authority to determine the permit fee, taking into consideration the relative value of the game or wildlife species authorized to be taken, except that the fee shall not exceed Five Dollars ($5.00) per day. Fees remitted by unsuccessful applicants shall be returned except that the Department may retain an amount not to exceed twenty-five percent (25%) to offset the cost of processing the application. All proceeds retained by the Department shall be transmitted

and deposited to the credit of the State Parks Fund established by Chapter 168, Acts of the 42nd Legislature, 1931, as amended by Chapter 431, Acts of the 47th Legislature, Regular Session, 1941. The provisions of this section shall not be construed to waive the hunting license requirements as provided by law, but shall be cumulative thereof. No public hunting will be authorized in any event between the first day of March and the last day of October inclusively of any calendar year and no open season shall be longer than three (3) days.
Acts 1971, 62nd Leg., p. 1651, ch. 465, eff. May 27, 1971.

Art. 978h. Repealed. Acts 1971, 62nd Leg., p. 44, ch. 22, § 1

Art. 978j—1. Uniform Wildlife Regulatory Act

Title; application of act

Section 1. This Act shall be referred to for all purposes as "The Uniform Wildlife Regulatory Act." This Act shall apply only to Anderson, Andrews, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Denton, DeWitt, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Fort Bend, Franklin, Freestone, Frio, Gaines, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kent, Kerr, Kimble, Kinney, Knox, Lamar, Lamb, Lampasas, Lavaca, Lee, Liberty, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Madison, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Motley, McCulloch, McLennan, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Randall, Reagan, Real, Red River, Reeves, Roberts, Robertson, Runnels, Rusk, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upton, Uvalde, Val Verde, Victoria, Walker, Waller, Ward, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Yoakum, Young and Zavala Counties; and to all of the water area of Lake Tawakoni located within Rains, Van Zandt, and Kaufman Counties; and to all of the water area of the Joe B. Hogsett Reservoir known as the Cedar Creek Reservoir, located within Henderson and Kaufman Counties; and to the land and water area of the Somerville Reservoir located in Burleson, Lee and Washington Counties; and to that portion of Lake Texoma in Cooke and Grayson Counties; and to all of the water area of the Sam Rayburn Reservoir in Angelina, Nacogdoches, Sabine and San Augustine Counties; and to all the water area of Toledo Bend Reservoir in Sabine and Shelby Counties; and to all of the water area of Lake Palestine located in Anderson, Smith, Cherokee, and Henderson Counties; and to all the water area of Falcon Reservoir located in Zapata County; and to all of the water area of Lake Ray Hubbard located in Rockwall County and Collin County; and to all of the land described in Section 1, Chapter 646, Acts of the 59th Legislature,

Regular Session, 1965; and to all of the water area of Lake Livingston located in Polk, San Jacinto, Trinity, and Walker Counties.

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Definitions

Sec. 3.

a. "Depletion" as used in this Act shall be construed to mean reduction of a species below immediate recuperative potentials by any deleterious cause or causes.

b. "Waste" as used in this Act shall be construed to mean supply of a species or sex thereof sufficient that a seasonal harvest thereof will aid in the reestablishment of normal numbers of such species.

c. For the purpose of this Act, the wildlife resources of the State of Texas are defined to be all the game birds and game animals, fur-bearing animals of all kinds, alligators, fish and other aquatic life and marine animals of all kinds; provided, however that the following limitations apply in the counties herein mentioned:

(1) In Aransas, Jefferson, Matagorda, and Orange Counties shrimp are not included in the term "wildlife resources."

(2) In Austin and Waller Counties, only deer, quail, and turkeys are included in the term "wildlife resources."

(3) In Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves and Terrell Counties fish are not included in the term "wildlife resources."

(4) In Burleson County fish are not included in the term "wildlife resources," except in the Somerville Reservoir.

(5) In Duval County antlerless deer are not included in the term "wildlife resources."

(6) In Calhoun, Harris and Victoria Counties salt water species of marine life are not included in the term "wildlife resources."

(7) In Goliad County, only wild deer, wild turkey, wild quail and alligators, are included in the term "wildlife resources."

(8) In Jasper, Newton and Tyler Counties, fox are not included in the term "wildlife resources."

(9) In Bowie, San Patricio and Victoria Counties, quail are not included in the term "wildlife resources."

(10) Deleted. Acts 1969, 61st Leg., p. 1110, ch. 360, § 1.

(11) In the Sam Rayburn Reservoir in Angelina, Nacogdoches, Sabine, and San Augustine Counties, only fresh water fish are included in the term "wildlife resources."

(12) In that part of Toledo Bend Reservoir in Sabine and Shelby Counties only fish are included in the term "wildlife resources."

Another paragraph (12) was added by Acts 1969, 61st Leg., p. 1618, ch. 499, § 2. See paragraph (12), post.

(12) In the Falcon Reservoir in Zapata County, only fresh-water fish are included in the term "wildlife resources."

Another paragraph (12) was added by Acts 1969, 61st Leg., p. 1109, ch. 359, § 2. See paragraph (12), ante.

(13) In Smith County only quail and deer are included in the term "wildlife resources."

d. For the purposes of this Act the following limitations apply within the Counties named in this subsection.

(1) In Aransas County this Act does not apply to the part of San Antonio Bay lying within the northeast part of Aransas County, nor to the Aransas River where it forms the boundary with Refugio County, nor to Copano Creek where it forms the boundary with Calhoun County.

(2) In Cameron County this Act applies to the waters of the Laguna Madre and its abutting waters but does not apply to the waters of the Gulf of Mexico.

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Special Provisions

Sec. 13.

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b. In Bandera, Coke, Crockett, Dimmit, Edwards, Frio, Hays, Kerr, Kimble, Kinney, Lampasas, Medina, Menard, Reagan, Real, Robertson, San Saba, Schleicher, Sutton, Uvalde, Val Verde, and Zavala Counties, and in Lamb County with regard to quail season only, orders, rules and regulations adopted in accordance with Section 8 of this Act shall not be effective as provided in Section 9 unless and until they have been approvd by the Commissioners Court of each of such counties. The Commissioners Court in each county named in this subsection shall approve or disapprove the Commission's rule, regulation or order or part of order, at its next regular meeting occurring more than five (5) days after adoption by the Commission and notification of the counties cited herein. If approved, the rule, regulation or order becomes effective at the time specified in the proclamation by the Commission. If disapproved, for any of the above named counties, no public hearing on a similar proposal for the county may be held for a period of six (6) months unless a majority of said Commissioners Court certifies to the Commission that there has been some material change in the surrounding circumstances which necessitates the holding of a public hearing within the six month period. If the Commissioners Court disapproves the rules, regulations or orders, or parts of orders, promulgated by the Commission, then the taking of the wildlife resources of the county is regulated by rules of prior year until such time as the Commissioners Court approves rules, regulations, or orders subsequently promulgated by the Commission.

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n. In Trinity County the open season for deer shall be November 16 through December 31, both dates inclusive, and it shall be illegal to take spike deer at any time.

o. For the tract of land described by Section 1, Chapter 646, Acts of the 59th Legislature, Regular Session, 1965, the commission shall:

(1) provide a special archery season for the taking of deer of either sex from October 1 to and including October 31 of each year;

(2) it shall be lawful to take, hunt or kill javelina at any time using bow and arrow of legal specifications; provided, however, that it shall be unlawful to use crossbow at any time, and, further be it provided that it shall be lawful to use firearms for the taking of javelina during and concurrent with the deer season as set by the Commission;

(3) require a special hunting license for nonresidents for the taking of deer and javelina by bow and arrow during the special archery season and provide that the license fee is Five Dollars ($5) and that the license is valid for five days only; and

(4) it shall be lawful to take, hunt or kill deer of either sex during the lawful open season as set by the Commission.

Another subsection o was added by Acts 1971, 62nd Leg., p. 1411, ch. 389, § 1. See subsection o, post.

o. In Collingsworth County the quail open season shall be from December 1 through January 31, both dates inclusive.

Another subsection o was added by Acts 1971, 62nd Leg., p. 950, ch. 160, § 2. See subsection o, ante.

p. In Kimble County doe deer may be taken by longbow and arrow during the open season for buck deer.

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For Annotations and Historical Notes, see V.A.T.S.

Promulgation of orders, rules and regulations; existing laws and proclamations

Sec. 18. The Parks and Wildlife Commission may thereafter within a reasonable period promulgate its proclamations, rules, regulations and orders for the purpose and under the provisions of this Act. Until such rules, regulations, orders and proclamations of the Parks and Wildlife Commission are adopted in accordance with the provisions of this Act, all General and Special Laws and existing proclamations relating to the taking of any of the wildlife resources within this state or county shall remain in full force and effect. All game laws, General and Special, presently in force or enacted during the 62nd Legislature, pertaining to the State of Texas or any county or counties therein, shall be in full force and effect until the Parks and Wildlife Commission shall, in accordance with this Act issue a proclamation, rule or regulation dealing with the subject matter of the county affected by such presently existing game law. Sec. 1 amended by Acts 1971, 62nd Leg., p. 717, ch. 79, § 1, eff. April 26, 1971; Acts 1971, 62nd Leg., p. 949, ch. 160, § 1, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., p. 1299, ch. 340, § 1, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., p. 1658, ch. 468, § 1, eff. May 27, 1971; Acts 1971, 62nd Leg., p. 2607, ch. 854, § 1, eff. June 9, 1971. Sec. 3 amended by Acts 1971, 62nd Leg., p. 999, ch. 187, § 1, eff. May 13, 1971; Sec. 3, subsec. c(7) amended by Acts 1971, 62nd Leg., p. 1042, ch. 209, § 1, eff. May 13, 1971; Sec. 13, subsec. b amended by Acts 1971, 62nd Leg., p. 721, ch. 82, § 1, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., p. 1287, ch. 329, § 1, eff. May 24, 1971; Sec. 13, subsec. n added by Acts 1971, 62nd Leg., p. 924, ch. 138, § 1, eff. Aug. 30, 1971; Sec. 13, subsec. *o* added by Acts 1971, 62nd Leg., p. 950, ch. 160, § 2, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., p. 1411, ch. 389, § 1, eff. May 26, 1971; Sec. 13, subsec. p added by Acts 1971, 62nd Leg., p. 1559, ch. 420, § 1, eff. Aug. 30, 1971; Sec. 18 amended by Acts 1971, 62nd Leg., p. 718, ch. 79, § 2, eff. April 26, 1971; Acts 1971, 62nd Leg., p. 1300, ch. 340, § 2, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., p. 1659, ch. 468, § 2, eff. May 27, 1971; Acts 1971, 62nd Leg., p. 2608, ch. 854, § 2, eff. June 9, 1971.

TITLE 14—TRADE AND COMMERCE

CHAPTER ONE—OFFENSES AFFECTING WRITTEN INSTRUMENTS

Art. 1002a. Willful and malicious alteration of public documents for use in political campaign

Any person who, without authority of law, shall willfully and maliciously change, alter, or delete any portion of a book, paper, record, legislative journal, or any other public document, or reproduction of a public document, required or permitted by law to be kept by any official, clerk, officer, or employee of the state, for use in a political campaign for public office, shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed $200 for each offense.
Acts 1971, 62nd Leg., p. 1858, ch. 546, eff. Aug. 30, 1971.

Title of Act:
An Act making it illegal to willfully and maliciously change, alter, or delete any portion of certain public documents for use in a political campaign for public office; providing penalties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1858, ch. 546.

Art. 1111c—1. Flammable liquids; storage, etc., at service stations

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Rules and regulations

Sec. 2.

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(d) In addition to other authority granted by this Act, the State Board of Insurance shall formulate, adopt, and promulgate rules and regulations for the safe movement and operation of mobile service units and for the safe dispensing of flammable liquids by mobile service units. As used in this Act, and in the rules promulgated hereunder, 'mobile service units' are vehicles, tank trucks, or other mobile devices from which flammable liquids used as motor fuels may, as an act of retail sale, be dispensed into the fuel tanks of motor vehicles parked on off-street parking facilities; provided that any city may, by ordinance, within one hundred eighty (180) days after promulgation by the State Board of Insurance of Statewide regulations hereunder, adopt rules and regulations covering such units which are more restrictive but not less restrictive than those adopted by the State Board of Insurance hereunder and in addition thereto any city may license and charge a reasonable license fee for the operation of each such mobile service unit operating in such city. The rules and regulations promulgated under this Act shall have uniform force and effect throughout the State and no municipality or county shall hereinafter enact or enforce any ordinance, rules or regulations inconsistent with the rules and regulations promulgated hereunder except as provided herein. Provided, however, that any municipal or county ordinances, rules or regulations in force and effect on the effective date of this Act, including the prohibition of mobile service units, shall not be invalidated because of any provision of this Act.

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Acts 1969, 61st Leg., p. 1692, ch. 550, eff. Sept. 1, 1969. Sec. 2(d) added by Acts 1971, 62nd Leg., p. 1074, ch. 226, § 1, eff. Aug. 30, 1971.

CHAPTER TWELVE—MISCELLANEOUS OFFENSES

Art. 1125a. Livestock commission merchants

Repeal

Acts 1971, 62nd Leg., p. 2721, ch. 886, effective June 14, 1971, relating to the microfilming of records by counties, and classified as Vernon's Ann.Civ.St. art. 1941(a), provided in section 2 that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, to the extent of conflict only, including but not limited to this article.

Art. 1137r. Reproduction for sale, or sale or offer for sale, of a sound recording without the owner's consent

Section 1. As used in this Act, "owner" means the owner of the master recording, master disc, master tape, master film, or other device used for reproducing recorded sound on a phonograph record, disc, tape, film, or other material on which sound is recorded and from which the transferred recorded sound is directly or indirectly derived.

Sec. 2. A person commits a misdemeanor punishable by a fine not to exceed $2,000 if he:

(1) knowingly reproduces for sale any sound recording without the written consent of the owner of the original recording; or

(2) sells or offers for sale any sound recording that he knows has been reproduced without the written consent of the owner of the original recording.

Sec. 3. A second offense under this Act shall be a felony punishable by a fine of not more than $25,000, or imprisonment for not more than five years, or both.

Sec. 4. The provisions of this Act shall not apply to any fees due ASCAP.

Acts 1971, 62nd Leg., p. 2730, ch. 890, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the sale and reproduction for sale of a sound recording that is reproduced without the consent of the owner of the original recording; providing penalties for violation; providing an exception from the provisions of this Act; and declaring an emergency. Acts 1971, 62nd Leg., p. 2730, ch. 890.

Section 5 of the 1971 act provided: "The provisions of this Act are hereby declared to be severable. Should any portion hereof be declared unconstitutional or ineffective for any reason, such declaration shall not affect the remaining provisions hereof, and the Legislature specifically declares that it would have passed the balance of this Act notwithstanding the omission of any part thereof declared to be unconstitutional or ineffective."

TITLE 15—OFFENSES AGAINST THE PERSON

CHAPTER TWO—AGGRAVATED ASSAULTS AND OTHER OFFENSES

Art. 1147. [1022] [601] Definition

An assault or battery becomes aggravated when committed under any of the following circumstances:

(1) When committed upon an officer in the lawful discharge of the duties of his office, if it was known or declared to the offender that the person assaulted was an officer discharging an official duty;

(2) When committed in a Court of Justice, or in any place of religious worship, or in any place where persons are assembled for the purpose of innocent amusement;

(3) When the person committing the offense goes into the house of a private family and is there guilty of an assault and battery;

(4) When committed by a person of robust health or strength upon one who is aged or decrepit;

(5) When the instrument or means used is such as inflicts disgrace upon the person assaulted, as an assault or battery with a whip or cowhide;

(6) When a serious bodily injury is inflicted upon the person assaulted;

(7) When committed with deadly weapons under circumstances not amounting to an intent to murder or maim;

(8) When committed with premeditated design, and by the use of means calculated to inflict great bodily injury;

(9) When committed by an adult male upon the person of a female.

This subsection (9) of Section 1 shall not apply to the act of a person who fondles the sexual parts or places, or attempts to place his or her hand or hands upon or against the sexual parts of a male or female under the age of fourteen (14) years, or who fondles or attempts to fondle, or places or attempts to place his or her hand or hands, or any part of his or her hands upon the breast of a female under the age of fourteen (14) years, which acts are elsewhere made unlawful; or

(10) When committed with a knife under circumstances not amounting to an intent to murder or maim.

Amended by Acts 1971, 62nd Leg., p. 2809, ch. 911, § 2, eff. Aug. 30, 1971.

Art. 1148a. Intentional infliction of physical injury on child 14 years of age or younger

(a) No person or parent of a child may intentionally maim, disfigure, or batter a child who is 14 years of age or younger or engage in conduct which by omission or commission is intended to cause physical injury to, or deformity or deficiency in, a child who is 14 years of age or younger.

(b) Any person who violates Subsection (a) of this section is guilty of a felony and upon conviction is punishable by imprisonment in the State penitentiary for a period of not less than two years nor more than five years.

(c) It shall be a defense to prosecution under this section if the act complained of was done in the exercise of the right of moderate re-

straint or correction given by law to the parent over the child, the guardian over the ward, the master over the apprentice, the teacher over the scholar.
Acts 1971, 62nd Leg., p. 2808, ch. 911, § 1, eff. Aug. 30, 1971

CHAPTER THREE—HAZING AND OTHER VIOLENCE

Art. 1156. Repealed by Acts 1971, 62nd Leg., p. 3024, ch. 994, § 17(2), eff. Aug. 30, 1971

See, now, V.T.C.A. Education Code, § 4.19(f).

TITLE 17—OFFENSES AGAINST PROPERTY

CHAPTER ONE—ARSON

Art. 1306. [1202] [758] [653] Offense complete, when

Savings Clause

Acts 1971, 62nd Leg., p. 2680, ch. 876, which by section 1 amends Vernon's Ann.Civ.St. art. 6954 providing a list of counties that may petition the commissioners court for an election to determine whether cattle should be permitted to run at large in the county or subdivision thereof, in section 2 provides: "This Act does not affect the operation of Chapter 186, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 1370a, Vernon's Texas Penal Code)."

CHAPTER THREE—MALICIOUS MISCHIEF

Art.
1377c. Criminal trespass [New].

Arts. 1356, 1357. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

See, now, V.T.C.A. Water Code, §§ 56.128, 57.103.

Arts. 1360, 1361. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

See, now, V.T.C.A. Water Code, §§ 5.089, 5.088, respectively.

Art. 1363. Repealed by Acts 1971, 62nd Leg., p. 658, ch. 58, § 2, eff. Aug. 30, 1971

Acts 1971, 62nd Leg., p. 110, ch. 58, repealing these Articles, enacts the Texas Water Code.

See, now, V.T.C.A. Water Code, § 57.102.

Art. 1377b. Entering enclosed lands without consent of owner to hunt, fish or camp

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Violations; penalties; prior convictions

Sec. 3. Any person who violates any provision of Section 1(a) or 1(b) or Section 2 of this Act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than Twenty-Five Dollars ($25) nor more than Two Hundred Dollars ($200).

If it be shown on the trial of the case involving the violation of Section 1 or Section 2 of this Act that the defendant has been once before convicted of the same offense, he shall, on his second conviction, be punished by a fine not less than Two Hundred Dollars ($200) nor more than Five Hundred Dollars ($500) and by forfeiture of his hunting

For Annotations and Historical Notes, see V.A.T.S.

and/or fishing licenses and the right to hunt and/or fish in the State of Texas for a period of two (2) years from the date of his conviction.

If it be shown upon the trial of a case involving a violation of Section 1 or Section 2 of this Act that the defendant has two (2) times before been convicted of the same offense, he shall, on his third conviction, be punished by confinement in the county jail for not more than thirty (30) days or by fine not less than Five Hundred Dollars ($500) nor more than One Thousand Dollars ($1,000) and by forfeiture of his hunting and/or fishing licenses and right to hunt and/or fish in the State of Texas for a period of three (3) years from the date of his conviction.

Arrest; necessity of warrant; game or fish taken, state property

Sec. 4. Any person found upon the enclosed lands of another in violation of Section 1 hereof, or found upon the surrounding land of another in violation of Section 2 shall be subject to arrest by any peace officer, and shall be subject to arrest by any Game Warden for violations under Sections 1 and 2(a). Such arrests may be made without warrant of arrest. All game or fish taken by a person in violation of Sections 1 or 2 of this Act are the property of the state and shall be disposed of as provided by law.

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Acts 1959, 56th Leg., 2nd C.S., p. 164, ch. 42. Sec. 3 amended by Acts 1971, 62nd Leg., p. 2413, ch. 762, § 1, eff. Aug. 30, 1971; Sec. 4 amended by Acts 1963, 58th Leg., p. 1101, ch. 427, § 1, eff. Aug. 11, 1963; Acts 1971, 62nd Leg., p. 2414, ch. 762, § 2, eff. Aug. 30, 1971.

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Art. 1377c. Criminal trespass

(1) Whoever enters upon the land of another, after receiving, immediately before such entry, notice from the owner, or some person exercising possession for the owner, that such entry is forbidden, or remains upon the land of another, after receiving notice to depart from the owner, or some person exercising possession for the owner, shall be fined not exceeding $200.00.

(2) A person has received notice from the owner, or some person exercising possession for the owner, within the meaning of Section 1 of this Act, if he has been notified personally of a lawful request to depart, or not to enter, either orally or in writing, or if a printed or written lawful notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land.

Added by Acts 1971, 62nd Leg., p. 966, ch. 172, § 1, eff. Aug. 30, 1971.

Sections 2 and 3 of the 1971 Act provided:

"Sec. 2. It is the specific intent of the Legislature that all existing laws pertaining to hunting, fishing, and camping be in no way changed or altered, and such hunting, fishing, and camping laws are to remain in force and effect to the same extent as they now exist.

"Sec. 3. Severability. If any provision, section or clause of this Act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications thereof which can be given effect without the invalid provision, section or clause, and to this end the provisions of this Act are declared to be severable."

CHAPTER FOUR—TIMBERS AND LOGS

Art. 1384a. Pecans; thrashing prohibited

Section 1. Wherever the term thrash is used herein, it shall mean to beat or strike with a stick or other object.

Sec. 2. It is unlawful for any person to thrash pecans from any pecan tree or cause pecans to fall from the tree by any means other than the fall caused by nature, unless:

(1) the tree is located on land owned by the person doing the thrashing; or

(2) in case the tree is located on privately-owned land, he has the written consent of the owner or lessee or his authorized agent; or

(3) in case the tree is located on land owned by the state, a county, a city, a school district, or another district or political subdivision of the state, he has the written consent of an officer or agent of the agency or political subdivision controlling the property or, if the land is within the boundaries of an incorporated city, the written consent of the mayor, or, if the land is not within the boundaries of any incorporated city, the county judge of the county.

Sec. 3. A person who violates any provision of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $5 nor more than $300 or by confinement in the county jail for not more than three months, or both.

Acts 1971, 62nd Leg., p. 1289, ch. 331, eff. Aug. 30, 1971.

Title of Act:

An Act relating to prohibiting the thrashing of pecans; providing penalties; and declaring an emergency. Acts 1971, 62nd Leg., p. 1289, ch. 331.

CHAPTER EIGHT—THEFT IN GENERAL

Art. 1430a. Tampering with manufacturer's identification number

Any person who removes, alters, or obliterates the manufacturer's identification number on any personal property, other than a motor vehicle, with intent to prevent identification of the property or any person who possesses any personal property, other than a motor vehicle, with knowledge that the manufacturer's identification number has been removed, altered, or obliterated for the purpose of preventing its identification commits a misdemeanor punishable by a fine not to exceed $200 or by confinement in jail for not more than 90 days or by both.

Added by Acts 1971, 62nd Leg., p. 3367, ch. 1029, § 1, eff. June 15, 1971.

Art. 1431. Repealed by Acts 1971, 62nd Leg., p. 2774, ch. 897, § 4, eff. Aug. 30, 1971

See, now, art. 1436—1, §. 49.

For Annotations and Historical Notes, see V.A.T.S.

Art. 1436—1. Motor vehicles; Certificate of Title Act

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"Motor Vehicle" defined

Sec. 2. The term "motor vehicle" means every kind of motor driven or propelled vehicle now or hereafter required to be registered or licensed under the laws of this state and shall also include trailers, house trailers, and semitrailers.

Sec. 2 amended by Acts 1971, 62nd Leg., p. 2773, ch. 897, § 3, eff. Aug. 30, 1971.

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"Lien" defined

Sec. 3. The term "Lien" means a security interest, as defined in Section 1.201(37), Business and Commerce Code, created by every kind of lease, conditional sales contract, deed of trust, chattel mortgage, trust receipt, reservation of title, or other written security agreement, as defined in Section 9.105(a) (8), Business and Commerce Code, of whatsoever kind or character whereby an interest, other than an absolute title, is sought to be held or given in a motor vehicle, and means any lien created or given by constitution or statute in a motor vehicle.

Sec. 3 amended by Acts 1971, 62nd Leg., p. 895, ch. 123, § 1, eff. May 10, 1971.

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"Mortgage" defined

Sec. 5. The term "Mortgagee" means a secured party, as defined in Section 9.105(a) (9), Business and Commerce Code, and any other person, firm, association or corporation holding a lien on a motor vehicle.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 895, ch. 123, § 2, eff. May 10, 1971.

"Mortgagor" defined

Sec. 6. The term "Mortgagor" means a debtor, as defined in Section 9.105(a) (4), Business and Commerce Code, and any other person, firm, association or corporation giving a lien on a motor vehicle or agreeing that a lien may be retained thereon or any part thereof or as against whom a lien arises under the constitution or a statute.

Sec. 6 amended by Acts 1971, 62nd Leg., p. 895, ch. 123, § 2, eff. May 10, 1971.

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"Motor number" or "serial number" defined

Sec. 20. The terms "motor number" or "serial number" means the manufacturer's permanent vehicle identification number or derivative number thereof affixed to or imprinted upon the engine or motor, transmission, body, frame, chassis or other part of a motor vehicle or the number assigned by the Texas Highway Department, affixed to or imprinted upon the engine or motor, transmission, body, frame, chassis or other part of a motor vehicle.

Sec. 20 amended by Acts 1971, 62nd Leg., p. 2773, ch. 897, § 3, eff. Aug. 30, 1971.

"Manufacturer's permanent vehicle identification number" defined

Sec. 21. The term "manufacturer's permanent vehicle identification number" means the number affixed by the manufacturer to a motor vehicle in a manner and place easily accessible for physical examination and die-stamped or otherwise permanently affixed on various removable parts of the vehicle.

Sec. 21 amended by Acts 1971, 62nd Leg., p. 2773, ch. 897, § 3, eff. Aug. 30, 1971.

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Sale; transfer of certificate; affidavit

Sec. 33. No motor vehicle may be disposed of at a subsequent sale unless the owner designated in the certificate of title transfers the certificate of title on a form prescribed by the Department before a Notary Public. This form shall include, among such other matters as the Department may determine, an affidavit to the effect that the signer is the owner of the motor vehicle, and that there are no liens on the motor vehicle, except such as are shown on the certificate of title or are fully described in the affidavit. No title to any motor vehicle shall pass or vest until the transfer is so executed.

Sec. 33 amended by Acts 1971, 62nd Leg., p. 895, ch. 123, § 3, eff. May 10, 1971.

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Transfer by operation of law; new certificate

Sec. 35. When the ownership of a motor vehicle registered or licensed within this State is transferred by operation of law, as upon inheritance, devise or bequest, bankruptcy, receivership, judicial sale, or any other involuntary devestiture of ownership, the Department shall issue a new certificate of title upon being provided with a certified copy of the order appointing a temporary administrator or of the probate proceedings, or letters testamentary or of administration, if any (if no administration is necessary, then upon affidavit showing such fact and all of the heirs at law and specification by the heirs as to in whose name the certificate shall issue), or order, or bill of sale from the officer making the judicial sale. If the security interest or other lien is foreclosed in accordance with law by nonjudicial means, the affidavit of the secured party or other mortgagee of the fact of the nonjudicial foreclosure in accordance with law is sufficient to authorize the Department to issue a new certificate of title in the name of the purchaser at the foreclosure sale. If the foreclosure is of a constitutional or statutory lien, the affidavit of the mortgagee of the fact of the creation of the lien and of the devestiture of title by reason thereof in accordance with law is sufficient to authorize the Department to issue a new certificate of title in the name of the purchaser. If an agreement providing for right of survivorship is signed by the husband and wife, upon the death of either spouse the Department shall issue a new certificate of title to the surviving spouse upon being provided with a copy of the death certificate of the deceased spouse.

Sec. 35 amended by Acts 1965, 59th Leg., p. 1514, ch. 658, § 2, eff. Aug. 30, 1965; Acts 1971, 62nd Leg., p. 895, ch. 123, § 4, eff. May 10, 1971.

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Security interest; perfection

Sec. 41. Except for a security interest in motor vehicles held by the debtor or other mortgagor as inventory, a security interest or other lien in a motor vehicle that is the subject of a first or subsequent sale may be perfected only by notation of the lien on the certificate of title in accordance with this Act. A security interest or other lien in a motor vehicle held by a debtor or other mortgagor as inventory may be perfected only by complying with Chapter 9 of the Business and Commerce Code.[1]

Sec. 41 amended by Acts 1971, 62nd Leg., p. 896, ch. 123, § 5, eff. May 10, 1971.

[1] V.T.C.A. Bus. & C. § 9.101 et seq.

Notation of security interest; filing

Sec. 42. Presentation of an application for a certificate of title with the lien disclosed therein and tender of the filing fee to the designated agent of the Department or acceptance of the application by the designated agent of the Department constitutes notation of the lien under this Act. The time of the notation of a lien under this Act is deemed to be

the time of filing of the security interest for purposes of Chapter 9 of the Business and Commerce Code.[1]

Sec. 42 amended by Acts 1971, 62nd Leg., p. 896, ch. 123, § 5, eff. May 10, 1971.

[1] V.T.C.A. Bus. & C. § 9.101 et seq.

Secs. 43 to 46. Repealed by Acts 1971, 62nd Leg., p. 896, ch. 123, § 7, eff. May 10, 1971.

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Altering, forging or counterfeiting certificates; altering or removing motor, vehicle or trailer numbers; possession or sale of vehicles with numbers so altered; prosecutions; penalties; seizure and disposition of vehicles; assigned vehicle identification numbers

Sec. 49.

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(b) It shall be unlawful for any person to alter, change, erase, or mutilate, for the purpose of changing the identity, any motor number, serial number, manufacturer's permanent vehicle identification number or derivative number thereof placed on the vehicle, or any part thereof by the manufacturer, or any motor number or serial number assigned by the State Highway Department and placed or caused to be placed on a vehicle as provided by law for the purpose of identification. It shall also be unlawful for any person other than a vehicle manufacturer to stamp or place any motor number or manufacturer's vehicle identification number other than a number assigned by the State Highway Department as provided by law, on any vehicle or any part thereof. Any person violating the provisions of this section commits a misdemeanor punishable by a fine not to exceed $1,000, by confinement in jail for not more than 2 years or by both.

(c) (1) A person who possesses, sells or offers for sale a motor vehicle or any part of a motor vehicle that has had the serial number, the motor number, or the manufacturer's permanent identification number removed, changed, or obliterated when he knows the number has been removed, changed or obliterated commits a misdemeanor punishable by a fine not to exceed $1,000, by confinement in jail for not more than 2 years, or by both.

(2) It is a defense to prosecution under this subsection, which shall not be submitted to the jury unless evidence is admitted supporting it but which, if raised, must be negated beyond a reasonable doubt, that the person is the rightful or true owner of the motor vehicle or part of a motor vehicle that is the subject of the prosecution.

(3) For purposes of this subsection, a person knows the serial number, the motor number, or the manufacturer's permanent vehicle identification number or derivative number thereof has been removed, changed or obliterated on a motor vehicle or a part of a motor vehicle in his possession if he is aware of but consciously disregards a substantial and unjustifiable risk that the number has been removed, changed, or obliterated. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the defendant's standpoint.

(d) (1) If a person is arrested for possession of a motor vehicle or part of a motor vehicle in violation of this section, the arresting officer will take the motor vehicle or part of a motor vehicle into his possession.

(2) If the seizure under Subsection (d) (1) is not made pursuant to a search warrant, the arresting officer shall prepare and deliver to a magistrate a written inventory of each motor vehicle or part of a motor vehicle seized.

(3) If the person arrested is charged with an offense under this section, the magistrate may order that any motor vehicle or part of a motor

vehicle seized by the arresting officer be delivered to the law enforcement agency that seized it pending disposition of the charges.

(4) If there is no prosecution or conviction for an offense involving the motor vehicle or part of a motor vehicle seized, the magistrate to whom the seizure was reported shall notify in writing the rightful owner, if known, that he is entitled to the motor vehicle or part of a motor vehicle upon request to the law enforcement agency holding it.

(5) Upon conviction of any person for a violation of this section, the court shall order that any motor vehicle or part of a motor vehicle seized and impounded in connection with the offense be delivered to the rightful owner or true owner, if known.

(6) If the rightful owner of a vehicle or part of a motor vehicle seized under this section is unknown and cannot be determined the court shall, after final disposition of the charges, order it forfeited to the state.

(7) Any person interested in any motor vehicle or part of a motor vehicle seized under this section may, at any time, petition the magistrate to whom the seizure was reported to deliver possession of it to him. The magistrate, after notice to the law enforcement agency in possession of it, shall conduct a hearing to determine the petitioner's right to possession of the motor vehicle or part of a motor vehicle. If the petitioner proves by a preponderance of the evidence that he has a right to possession, the magistrate shall order it delivered to him.

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(f) Any person who has been determined to be the rightful owner of any motor vehicle or part of a motor vehicle that has had the serial number, the motor number or the manufacturer's permanent vehicle identification number or derivative thereof removed, changed or obliterated shall within 30 days of such determination make application to the Texas Highway Department for an assigned vehicle identification number, and the number assigned by the Texas Highway Department shall be die-stamped or otherwise affixed to the motor vehicle or part thereof at the location and in the manner designated by the Texas Highway Department. Each application for an assigned vehicle identification number shall be submitmitted on a form prescribed and furnished by the Texas Highway Department and shall be accompanied by the outstanding negotiable certificate of title covering the vehicle. In the event no certificate of title is outstanding on the vehicle, the application shall be accompanied by such other valid evidence of ownership as may be required by the Texas Highway Department. A fee of One Dollar ($1) shall accompany each such application for assigned vehicle identification number and shall be deposited in the State Highway Fund. Anyone failing to comply with the the provisions of this subsection shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $25 nor more than $200. Sec. 49(b)–(d) amended by Acts 1971, 62nd Leg., p. 2771, ch. 897, § 1, eff. Aug. 30, 1971; Sec. 49(e) amended by Acts 1959, 56th Leg., p. 142, ch. 84, § 3, eff. Aug. 11, 1959; Sec. 49(f) added by Acts 1971, 62nd Leg., p. 2773, ch. 897, § 2, eff. Aug. 30, 1971.

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Transporters of motor vehicles by ship or plane; inquiry as to recorded ownership and right of possession

Sec. 61A. No master or captain of any ship or plane, and no person or firm who owns any ship or plane or controls the operation of such ship or plane, in whole or in part, shall take on board or allow to be taken on board said ship or plane in this state, any motor vehicle for transportation without having first made an inquiry from the Highway Department of the State of Texas, Certificate of Title section, as to recorded ownership of such motor vehicle. Such master or captain or other person covered herein also shall make a reasonable inquiry as to right of possession of such motor vehicle by the person tendering the vehicle for trans-

portation where the recorded owner of the vehicle is a person other than the person tendering such vehicle for transportation.

Any person who shall violate any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Fifty Dollars ($50.00) nor more than Five Hundred ($500.00) Dollars for the first offense, and may, upon any subsequent conviction for a violation of the same provision, within the discretion of the jury, be given double the amount of punishment provided for a first violation.

Sec. 61A added by Acts 1971, 62nd Leg., p. 3365, ch. 1027, § 1, eff. June 15, 1971.

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Conflicts with Business and Commerce Code

Sec. 65. In case of any conflict between this Act and the Business and Commerce Code, Chapters 1 through 9,[1] the provisions of the Business and Commerce Code control.

Sec. 65 added by Acts 1971, 62nd Leg., p. 896, ch. 123, § 6, eff. May 10, 1971.

[1] V.T.C.A. Bus. & C. §§ 1.101 et seq.; 9.101 et seq.

Section 65. Acts 1971, 62nd Leg., p. 895, ch. 123, which by sections 1 to 7 amended secs. 3, 5, 6, 33, 35, 41 and 42 of this article, repealed secs. 43 to 46, and added this section, in section 8, an emergency clause, provided in part: "The fact that the provisions of the Certificate of Title Act that were repealed by implication by the adoption of the Texas Uniform Commercial Code have not been expressly repealed to remove doubt and the need to make consistent the provisions and terminology of the Certificate of Title Act with the Texas Uniform Commercial Code (Business and Commerce Code, Chapters 1 through 9) create an emergency * * *."

Art. 1436—3. Abandoned Motor Vehicle Act

Short Title

Section 1. This Article shall be cited as the "Texas Abandoned Motor Vehicle Act."

Definitions

Sec. 2. As used in this Article:

(1) "Police department" means the Texas Department of Public Safety, the police department of any city, town, or municipality, or the sheriff's department in any county.

(2) "Abandoned motor vehicle" means a motor vehicle that is inoperable and over eight years old and is left unattended on public property for more than 48 hours, or a motor vehicle that has remained illegally on public property for a period of more than 48 hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

(3) "Demolisher" means any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.

(4) "Garagekeeper" shall mean any owner or operator of a parking place or establishment, motor vehicle storage facility, or any establishment for the servicing, repair, or maintenance of motor vehicles.

(5) "Junked vehicle" means any motor vehicle as defined in Section 1 of Article 827a, Vernon's Texas Penal Code, as amended, which is inoperative and which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and which is wrecked; dismantled; partially dismantled; or discarded.

(6) "Storage Facility" means a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles.

(7) "Motor Vehicle" means any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.

Authority to Take Possession of Abandoned Motor Vehicles

Sec. 3. A police department may take into custody any abandoned motor vehicle found on public or private property. In such connection, a police department may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities for the purpose of removing, preserving, and storing abandoned motor vehicles.

Notification of Owner and Lien Holders

Sec. 4. (a) A police department which takes into custody an abandoned motor vehicle shall notify within 10 days thereof, by registered or certified mail, return receipt requested, the last known registered owner of the motor vehicle and all lien holders of record pursuant to the Certificate of Title Act, as amended (Article 1436—1, Vernon's Texas Penal Code) that the vehicle has been taken into custody. The notice shall describe the year, make, model, and serial number of the abandoned motor vehicle; set forth the location of the facility where the motor vehicle is being held, inform the owner and any lien holders of their right to reclaim the motor vehicle within 20 days after the date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody, and state that the failure of the owner or lien holders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lien holders of all right, title, and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction.

(b) If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner; or if it is impossible to determine with reasonable certainty the identity and addresses of all lien holders, notice by one publication in one newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this Article. Such notice by publication can contain multiple listings of abandoned vehicles. Any such notice shall be within the time requirements prescribed for notice by registered or certified mail and shall have the same contents required for a notice by registered or certified mail.

(c) The consequences and effect of failure to reclaim an abandoned motor vehicle shall be as set forth in a valid notice given pursuant to this section.

Auction of Abandoned Motor Vehicles

Sec. 5. If an abandoned motor vehicle has not been reclaimed as provided for in Section 4 of this Article, the police department shall sell the abandoned motor vehicle at a public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department and shall be entitled to register the purchased vehicle and receive a certificate of title. From the proceeds of the sale of an abandoned motor vehicle the police department shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to Section 4 of this Article. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days, and then shall be deposited in a special fund which shall remain available for the payment of auction, towing, preserving, storage, and all notice and publication costs which result from placing other abandoned vehicles in custody, whenever the proceeds from a sale of such other abandoned motor vehicles are insufficient to meet these expenses and costs.

Garagekeepers and Abandoned Motor Vehicles

Sec. 6. Any motor vehicle left for more than 10 days in a storage facility operated for commercial purposes after notice by registered or certified mail, return receipt requested, to the owner to pick up the vehicle, or for more than 10 days after the period when, pursuant to contract, the vehicle was to remain on the premises of such storage facility, and any motor vehicle left for more than 10 days in such storage facility by someone other than the registered owner or left by a person authorized to have possession of the motor vehicle under a contract of use, service, storage, or repair, shall be deemed an abandoned vehicle, and shall be reported by the garagekeeper to the police department. Any garagekeeper who fails to report the possession of such a vehicle within 10 days after it becomes abandoned within the meaning of this section shall no longer have any claim for servicing, storage, or repair of the vehicle. All abandoned vehicles left in storage facilities shall be taken into custody by the police department and sold in accordance with the procedures set forth in Sections 4 and 5 of this Article unless the motor vehicle is reclaimed and the garagekeeper is paid. The proceeds of the sale shall be first applied to the garagekeeper's charges for servicing, storage, or repair, and any surplus proceeds shall be distributed in accordance with Section 5 of this Article. Except for the termination of claim for service, storage, or repair for failure to report an abandoned motor vehicle, nothing in this section shall be construed to impair any lien of a garagekeeper under the laws of this State, or the right of a lien holder to foreclose.

Disposal to Demolishers

Sec. 7. (a) Any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may apply to the police department of the jurisdiction in which the vehicle is situated for authority to sell, give away, or dispose of the vehicle to a demolisher.

(b) The application shall set out the name and address of the applicant, the year, make, model, and serial number of the motor vehicle, if ascertainable, together with any other identifying features, and shall contain a concise statement of the facts surrounding the abandonment, or that the title of the motor vehicle is lost or destroyed, or the reasons for the defect of title in the owner. The applicant shall execute an affidavit stating that the facts alleged therein are true and that no material fact has been withheld.

(c) If the police department finds that the application is executed in proper form, and shows that the motor vehicle has been abandoned upon the property of the applicant or if it shows that the motor vehicle is not abandoned but that the applicant appears to be the rightful owner, the police department shall follow the notification procedures set forth in Section 4 of this Article.

(d) If any such abandoned motor vehicle is not reclaimed in accordance with Section 4, the police department shall notify the Texas Highway Department which shall issue the applicant a certificate of authority to sell the motor vehicle to any demolisher for demolition, wrecking or dismantling. The demolisher shall accept such certificate in lieu of the certificate of title to the motor vehicle.

(e) Any persons, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher without that title and without notification procedures of Section 4 of this Act if the motor vehicle is over 8 years old and has no engine or is otherwise totally inoperable.

Duties of Demolishers

Sec. 8. (a) Any demolisher who purchases or otherwise acquires a motor vehicle for purposes of wrecking, dismantling, or demolition shall not be required to obtain a certificate of title for such motor vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender for cancellation the certificate of title or authority. The Texas Highway Department shall issue such forms, rules, and regulations governing the surrender of auction sales receipts and certificates of title as are appropriate. The Certificate of Title Act, as amended (Articles 1436—1 and 1436—2, Vernon's Texas Penal Code) shall govern the cancellation of title of the motor vehicle.

(b) The demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by him in the course of his business. These records shall contain the name and address of the person from whom each such motor vehicle was purchased or received and the date when such purchases or receipts occurred. Such records shall be open for inspection by the Texas Highway Department or any police department at any time during normal business hours. Any record required by this section shall be kept by the demolisher for at least one year after the transaction to which it applies.

Junked Vehicles Declared a Public Nuisance

Sec. 9. Junked vehicles which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety and welfare of the general public, tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the State, by producing urban blight which is adverse to the maintenance and continuing development of the municipalities in the State of Texas, and such vehicles are therefore, declared to be a public nuisance.

City Ordinance for Abating Nuisance

Sec. 10. Any city or town within this State may adopt an ordinance establishing procedures for the abatement and removal of junked vehicles or parts thereof, as public nuisances, from private property or public property; provided, however, that any such ordinance shall contain:

(a) A provision requiring not less than a ten (10) day notice, stating the nature of the public nuisance and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made before expiration of said ten (10) day period, such notice to be mailed, by certified or registered mail with a 5-day return requested, to the owner or the occupant of the premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

(b) A provision requiring a public hearing prior to the removal of the vehicle or part thereof as a public nuisance, to be held before the governing body of the City or any other board, commission, or official of the City, as designated by the governing body, when such a hearing is requested by the owner or occupant of the premises on which said vehicle is located, within ten (10) days after service of notice to abate the nuisance. Any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle, if available at the site.

(c) A provision that after a vehicle has been removed it shall not be reconstructed or made operable.

(d) A provision requiring notice to be given to the Texas Highway Department within five days after the date of removal identifying the

vehicle or part thereof. Said Department shall forthwith cancel the certificate of title to such vehicle pursuant to Article 1436—1, Vernon's Texas Penal Code, as amended.

(e) A provision that the ordinance shall not apply to (1) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard.

(f) A provision for administration of the ordinance by regularly salaried, full-time employees of the city, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

Disposal of Junked Vehicles

Sec. 11. Junked vehicles or parts thereof may be disposed of by removal to a scrapyard, demolishers, or any suitable site operated by the City for processing as scrap or salvage, which process shall be consistent with Section 10, subdivision (c) of this Article. A City may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or the City may transfer such vehicle or parts to another, provided such disposal shall be only as scrap or salvage, consistent with Section 10, subdivision (c) of this Article.

Authority to Enforce

Sec. 12. Any person authorized by the City to administer the provisions of an ordinance of the type authorized by this Article may enter upon private property for the purposes specified in the ordinance to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to the ordinance. The Municipal Court of any City enacting an ordinance as provided herein, shall have authority to issue all orders necessary to enforce such ordinance.

Effect of Act on Other Statutes

Sec. 13. Nothing in this Article shall affect statutes that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

Acts 1971, 62nd Leg., p. 2436, ch. 784, art. I, eff. Aug. 30, 1971.

Title of Act:

An Act relating to motor vehicles; and providing for the definition of certain terms; granting authority to take certain abandoned vehicles into custody; providing for certain notices to registered or recorded owners and lien holders of vehicles deemed abandoned and for the contents of such notices; establishing rights of owners or lien holders to reclaim vehicles deemed abandoned; requiring the public auction of abandoned vehicles and providing for title to the vehicle by a purchaser at a public auction and providing for the distribution of the proceeds from the sale of abandoned motor vehicles; declaring certain motor vehicles to be abandoned upon the premises of a garagekeeper. providing for the custody and public sale thereof, and the distribution of proceeds; providing for the demolition and disposal of certain motor vehicles; declaring junked vehicles as public nuisances; providing for provisions to be required in city ordinances; providing for disposal of junked vehicles; authorizing officials to go on private property for inspection or removal of junked vehicles; relating to the relinquishment of possessory liens under certain circumstances; and declaring an emergency. Acts 1971, 62nd Leg., p. 2436, ch. 784.

Art. 1436g. Theft and illegal transportation of copper wire or copper cable

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Sec. 2. Any person who transports in this State more than 10 pounds of copper pipe, copper wire, or copper cable shall be guilty of a felony and upon conviction thereof, shall be confined in the penitentiary for a term

of not less than one year nor more than five years, or shall be confined in the county jail for not less than 90 days nor more than 200 days, or shall be fined not less than $100 nor more than $500, or both such fine and imprisonment.

Sec. 3. It shall be a defense to any charge under Section 2 of this Act that (A) the person so charged is (1) a regulated common carrier of persons or property or, (2) a public utility engaged in the business of transmitting or distributing electrical energy or, (3) a public utility in the business of transmitting communications or, (4) a plumbing, heating, piping, air conditioning, or mechanical contractor, or (5) an employee, agent or contractor while engaged in any activity connected with the furtherance of the business of any concern or person specified in (1), (2), (3), and (4) above or, (6) is in the business of selling or installing copper pipe, copper wire, or copper cable in an unused condition, or (B) the copper pipe, copper wire, or copper cable being transported by the person so charged is appurtenant to or an integral part of a mechanical apparatus.

Acts 1967, 60th Leg., p. 1045, ch. 457, eff. June 12, 1967. Secs. 2, 3 amended by Acts 1971, 62nd Leg., p. 1811, ch. 537, § 1, eff. June 1, 1971.

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Art. 1525b. Eradicating diseases among live stock and domestic fowls

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Regulation of movement of commodities or disease carriers

Sec. 5. The Commission may establish necessary quarantines for prohibiting or regulating the movement of any commodity or article, livestock, animals or fowls that the said Commission may designate to be carriers of any of the diseases mentioned in this Act, as amended, or that the Commission may designate as potential carriers if movement is not otherwise regulated or prohibited, whenever any of said diseases or exposure thereto exist in the nation, State, territory or area to be quarantined. In the quarantine notice the Commission may prescribe any exceptions, terms, conditions, or provisions it believes necessary or desirable to promote the objectives of this Act or to minimize the economic impact of the quarantine without endangering the objectives of this Act and the public health and safety. Any person, firm or corporation who shall violate said quarantine by in any manner moving any of said designated commodity or article, livestock, animals or fowls into the State of Texas from any state, foreign nation, territory or area, or who shall in any manner move any of said designated commodity or article, livestock, animals or fowls from any territory, county, district, or place in the State of Texas quarantined by said Commission shall be fined not less than $25.00 nor more than $100.00 for each of said movements or shipments unless said movement or shipment is accompanied by a written permit or certificate provided for in said quarantine notice.

Sec. 5 amended by Acts 1971, 62nd Leg., p. 58, ch. 31, § 1, eff. March 19, 1971.

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Control and eradication of bovine brucellosis

Sec. 23A.

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(4a). Regardless of any other provision of this section, the Commission, on a finding that at least 75 percent of the cattle owners of the State, as reflected on the current tax rolls, owning at least 51 percent of the cattle within the State, have petitioned the Commission for establish-

ment of Type II brucellosis control areas under this Section 23A, may designate any county or area as a Type II control area if it has not already been so designated.

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(10a). The Texas Animal Health Commission shall provide a brucellosis milk ring test (BRT) as an alternate test for any owner, part owners or caretakers of cattle to certify or recertify such cattle to be free of bovine brucellosis. Any owner, part owners or caretakers adopting this alternate method to certify or recertify such cattle to be free of bovine brucellosis shall be required to submit such cattle for a brucellosis milk ring test (BRT) and such cattle shall pass three (3) successive negative tests at intervals of not less than three (3) nor more than four (4) months apart during the period of a year.

If any one of the three (3) brucellosis milk ring tests (BRT) results, conducted annually, is positive and indicates a reactor or reactors may be present in a herd, within ten (10) days after receipt of notice by any owner, part owners or caretakers, a second brucellosis milk ring test (BRT) shall be taken, if requested by any owner, part owners or caretakers, and if determined positive, then such cattle must be submitted for a bovine brucellosis blood test at the expense of the Texas Animal Health Commission. Such cattle shall only be determined free of bovine brucellosis after having passed a negative bovine brucellosis blood test. Provided, however, that if any animal or animals in a herd shows a positive reaction, within ten (10) days after receipt of notice by any owner, part owners or caretakers, a second bovine brucellosis blood test shall be taken, if requested by any owner, part owners or caretakers, at the expense of the Texas Animal Health Commission, and if the second blood test results in a positive reaction, such animal or animals shall be branded and disposed of according to the provisions of this Act. It is further provided, that in the event of problem herds the culture material of any positive reactor or reactors shall be sent to an approved laboratory to determine if the positive test is the result of inoculation by a brucellosis vaccine or the actual disease of brucellosis.

Sec. 23A added by Acts 1959, 56th Leg., p. 418, ch. 188, § 1, eff. May 20, 1959; Sec. 23A(4a) added by Acts 1971, 62nd Leg., p. 1060, ch. 219, § 2, eff. May 17, 1971; Sec. 23A(10a) added by Acts 1971, 62nd Leg., p. 1060, ch. 219, § 1, eff. May 17, 1971, amended by Acts 1971, 62nd Leg., p. 2894, ch. 956, § 1, eff. June 15, 1971.

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Art. 1546b. Furnishing false credit information to or by a credit reporting bureau

Section 1. As used in this Act "credit reporting bureau" means a person or organization engaging in the practice of assembling or reporting credit information on individuals for the purpose of furnishing such information to third parties.

Sec. 2. Any person who knowingly furnishes false information regarding another person's credit worthiness, credit standing, or credit capacity to a credit reporting bureau is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than $200.

Sec. 3. Any credit reporting bureau who knowingly furnishes false information regarding a person's credit worthiness, credit standing, or credit capacity to a third party is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than $200.

Acts 1971, 62nd Leg., p. 3051, ch. 1012, eff. Aug. 30, 1971.

Title of Act:

An Act relating to the submission of false credit information to or by a credit reporting bureau; providing penalties; and declaring an emergency. Acts 1971, 62nd Leg., p. 3051, ch. 1012.

CHAPTER FIFTEEN A—WATER SAFETY ACT [NEW]

Art. 1722a. Water Safety Act

Declaration of policy

Section 1. This Act shall be referred to as the "Water Safety Act." It is the duty of this state to promote recreational water safety for persons and property in and connected with the use of all recreational water facilities within the state, to promote safety in the operation and equipment of facilities, and to promote uniformity of laws related thereto.

Severability

Sec. 2. If any Section, Subsection, or part of this Act shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remaining portions thereof, it being the express intention of the legislature to enact such Act without respect to such Section, Subsection, or a part so held to be invalid or unconstitutional.

Definitions

Sec. 2a. As used in this Act, unless the context clearly requires a different meaning:

(1) "Boat" means a vessel not more than sixty-five feet in length, measured from end to end over the deck, excluding sheer, and manufactured or used primarily for noncommercial use.

(2) "Vessel" means every description of watercraft, other than a seaplane on water, used or capable of being used as transportation on water.

(3) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.

(4) "Owner" means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(5) "Waters of this state" means any public waters within the territorial limits of this state; provided, however, privately-owned waters shall be excluded from the provisions of this Act.

(6) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(7) "Operate" means to navigate or otherwise use a motorboat or a vessel.

(8) "Department" means the Texas Parks and Wildlife Department.

(9) "Dealer" means a person, firm, or corporation engaged in the business of selling motorboats.

(10) "Boat Livery" means a business establishment engaged in renting or hiring out motorboats for profit.

(11) "Undocumented motorboat" means any vessel which is not required to have, and does not have, a valid marine document issued by the Bureau of Customs of the United States government, or federal agency successor thereto.

(12) The certificate of number, or facsimile thereof, required by this Act shall be carried on board the vessel at all times.

(13) "Reasonable time" means fifteen (15) days.

Administration and enforcement of act; transfer

Sec. 2b. All powers, duties, and authority originally vested in the Texas Highway Department in connection with administration and enforcement of this Act are transferred to the Texas Parks and Wildlife Department.

Operation of unnumbered motorboats

Sec. 3. Every undocumented motorboat on the waters of this state shall be numbered, except as provided by exemptions in this Act. No person shall operate or give permission for the operation of any motor-

boat on such waters unless the motorboat is numbered as required by this Act which numbering system shall be in accord with the Federal Boating Act of 1958 and subsequent Federal legislation thereto [1], and unless (1) the certificate of number awarded to such motorboat is in full force and effect, and (2) the identifying number set forth in the certificate is properly displayed on each side of the bow of such motorboat.

[1] 46 U.S.C.A. § 527 et seq.

Identification number

Sec. 4. (a) The owner of each motorboat requiring numbering by this state shall file an application for number with the department on forms approved by it. The application shall be signed by the owner of the motorboat and shall be accompanied by a fee for which is hereinafter provided. Upon receipt of the application in approved form, the department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat and the name and address of the owner. The owner shall paint on or attach to each side of the motorboat or vessel near the bow thereof the identification number, and a validation decal, in such manner as may be prescribed by the department. The number shall read from left to right and shall be of block characters of good proportion of not less than three (3) inches in height. The numbers shall be of a color which will contrast the hull material of the vessel and so maintained as to be clearly visible and legible. The certificate of number shall be pocket size. The form of certificate of number, application form, and manner of renewal shall be prescribed by the department; provided, however, that the certificate of number does not have to physically be on the person of the operator, if prior to trial operator can produce for examination a valid certificate of number. Fees for newly purchased watercraft or other boats not previously operated within this state shall pay the full registration fee.

(b) The numbering pattern to be used shall be divided into parts. The first part shall consist of the Prefix "TX" followed by a combination of exactly four (4) numerals and further followed by a suffix of two (2) letters. The group of numerals appearing between the letters shall be separated from those letters by hyphens or equivalent spaces. All basic numbers of each series shall begin with 1000. TX–1000–AA through TX–9999–AA will be allotted to dealers and manufacturers. TX–1000–AB through TX–9999–ZZ will be allotted to all other boat owners and livery operators.

The letters "G", "I", "O", and "Q" shall be omitted from all letter sequences.

(c) The owner of any vessel or motorboat for which a current certificate of number has been awarded pursuant to any Federal law or a federally approved numbering system of another state shall, if such motorboat, or vessel is operated on the waters of this state in excess of ninety (90) days, make application for a certificate of number in the manner prescribed in this Act for a resident of this state.

(d) The department may award any certificate of number directly or may authorize any person to act as agent for awarding of certificates. In the event that a person accepts authorization he shall execute a faithful performance bond of not less than One Thousand Dollars ($1,000) in favor of the State of Texas, and may be assigned a block or blocks of numbers and certificates which upon award, in conformity with this Act and with any rules and regulations of the department, shall be valid as if awarded directly by the department. Such agent shall be entitled to a fee for his services not to exceed ten percent (10%) of the fee for each certificate.

(e) The owner shall furnish the department notice of the transfer of all or any part of his interest other than the creation of a security interest in a motorboat numbered in this state or of the destruction or abandon-

ment of such motorboat, within a reasonable time thereof. In all such cases, the notice shall be accompanied by a surrender of the certificate of number. When the surrender of the certificate is by reason of the motorboat being destroyed or abandoned, the department shall cancel the certificate and enter such fact in the records. The purchaser of a motorboat shall within a reasonable time after acquiring same present evidence of ownership thereof and make application to the department for transfer to him of the certificate of number issued to such motorboat, giving his name, address, and number of the motorboat and shall at the same time pay to the department a fee of One Dollar ($1). Upon receipt of the application and fee the department shall transfer the certificate of number issued for such motorboat to the new owner. Unless such application is made and fee paid within a reasonable time, such motorboat shall be deemed to be without certificate of number, and it shall be unlawful for any person to operate such motorboat until the certificate is issued.

(f) All ownership records of the department made or kept pursuant to this Act shall be public records. Copies of all rules and regulations pursuant to this Act shall be furnished without cost with each certificate of number issued.

(g) Every certificate of number awarded pursuant to this Act shall continue in full force and effect for a period of two (2) years unless sooner terminated or discontinued in accordance with the provisions of this Act.

(h) Any holder of a certificate of number shall notify the department within a reasonable time if his address no longer conforms to the address appearing on the certificate, and shall, as a part of the notification, include his new address. The department may provide in its regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of the outstanding certificate to show the new address of the holder. Changes of address shall be noted on the records of the department.

(i) In the event that any certificate of number becomes lost, mutilated or illegible, the owner of the motorboat for which the certificate was issued may obtain a duplicate upon application to the department and the payment of a fee of One Dollar ($1).

(j) It shall be unlawful for any person to paint, attach, or otherwise display on either side of the bow of any motorboat any number other than the number awarded to said motorboat or granted reciprocity pursuant to this Act.

(k) It shall be unlawful for any person to deface or alter the certificate of number or number assigned and appearing on the bow of any boat.

(*l*) An application for the renewal of certificate of number shall be prepared by the department and mailed to each vessel owner within a period consisting of the last ninety (90) days before the expiration date on the certificate of number and the same number will be issued upon renewal. Any application not so received shall be treated in the same manner as an original application.

Ownership

Sec. 5. (a) A certified statement on the application for number shall be the minimum requirement for proof of ownership.

(b) Liens: Liens of all kinds, including reservations or transfers of title to secure debts, or claims, will be disregarded in determining ownership of a vessel.

A lien holder who acquires possession and title by virtue of default in the terms of the lien instrument, or any person who acquires ownership

through such action as a lien holder, may apply for a number and shall attach to such application a notarized affidavit of repossession.

(c) Transfers by Operation of Law: Any person who acquires ownership of a vessel by inheritance, devise, or bequest may apply for a certificate of number by attaching a notarized heirship affidavit to his application along with the prescribed fee.

Any person who acquires ownership of a vessel by bankruptcy proceedings, through receivership or by any other involuntary divestiture of ownership, may apply for a certificate of number by attaching a copy of the court order, authorizing such action, to his application together with the prescribed fee.

(d) Cancellation of Certificate and Voiding of Number: A certificate of number may be cancelled and the identification number voided by the Department even though such action occurs before the expiration date on the certificate and such certificate is not surrendered to this Department. Certain causes for cancellation of certificates and voiding of numbers are:

(1) Surrender of certificate for cancellation.

(2) Issuance of new number for the same boat.

(3) Issuance of a marine document by the Bureau of Customs for the same vessel.

(4) False or fraudulent certification in an application for number.

(5) Failure to pay the prescribed fee.

Manufacturer's or builder's serial number

Sec. 6. (a) All new boats manufactured for sale in Texas after the effective date of this Act must carry a manufacturer's serial number clearly imprinted on the structure of the boat or displayed on a plate attached to the boat in a permanent manner.

(b) The owner of any vessel not required to carry a manufacturer's serial number may file an application for a serial number with the Department on forms approved by it. The application shall be signed by the owner of the vessel and shall be accompanied by a fee of One Dollar ($1). Upon receipt of the application in approved form, the Department shall enter the same upon the records of its office and issue to the applicant a serial number.

(c) No person shall wilfully destroy, remove, alter, cover, or deface the manufacturer's serial number, or plate bearing such serial number, or the serial number issued by the Department, on any boat. The possession of a boat with a serial number which has been altered, defaced, mutilated, or removed, is forbidden, and any person who obtains or comes into possession of such a boat is required to file with the Department a sworn statement describing the boat, proving legal ownership and, if known, the reason for the destruction, removal or defacement of the serial number.

Dealer's and manufacturer's number

Sec. 7. (a) Any dealer or manufacturer of motorboats of this state may, instead of securing a certificate of number for each motorboat he may wish to show or demonstrate or test on waters of this State, procure a dealer's and manufacturer's number which shall be attached to any motorboat which he sends temporarily on the waters. The two-year fee for a dealer's and manufacturer's number shall be Twenty-five Dollars ($25). Every dealer or manufacturer applying for such a number shall apply on forms provided by the Department. The application shall state that the applicant is a dealer or manufacturer within the meaning of this Act, and the facts stated on the application shall be sworn before an officer authorized to administer oaths. No such number shall be issued until the provisions of this Article have been satisfied.

(b) Each dealer or manufacturer holding a dealer's or manufacturer's number may issue a reasonable temporary facsimile of such number which

may be used by any authorized person. A person purchasing a motorboat may use the dealer's number for a period not to exceed fifteen (15) days, prior to filing application for number. The form of the facsimile of the dealer's and manufacturer's number and the manner of display shall be prescribed by the Department.

Classification and required equipment

Sec. 8. (a) Motorboats subject to the provisions of this Act shall be divided into four (4) classes as follows:

Class A. Less than sixteen (16) feet in length.

Class 1. Sixteen (16) feet or over and less than twenty-six (26) feet in length.

Class 2. Twenty-six (26) feet or over and less than forty (40) feet in length.

Class 3. Forty (40) feet or over.

(b) Every vessel or motorboat when not at dock in all weathers from sunset to sunrise shall carry and exhibit at least one (1) bright light, lantern, or flashlight and the following lights when underway, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(1) Every motorboat of classes A and 1 shall carry the following lights:

First: A bright white light aft to show all around the horizon.

Second: A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two (2) points abaft the beam on their respective sides.

(2) Every motorboat of classes 2 and 3 shall carry the following lights:

First: A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty (20) points of the compass, so fixed as to throw the light ten (10) points on each side of the vessel; namely from right ahead to two (2) points abaft the beam on either side.

Second: A bright white light aft to show all around the horizon and higher than the white light forward.

Third: On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten (10) points of the compass, so fixed as to throw the light from right ahead to two (2) points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten (10) points of the compass, so fixed as to throw the light from right ahead to two (2) points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient length so set as to prevent these lights from being seen across the bow.

(3) Motorboats of classes A and 1 when propelled by sail alone shall carry the combined lantern, but not the white light aft, prescribed by this Section. Motorboats of classes 2 and 3 when so propelled, shall carry the colored side lights, suitably screened, but not the white lights. Motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

(4) Every white light prescribed by this Section shall be of such character as to be visible at a distance of at least two (2) miles. Every colored light prescribed by this Section shall be of such character as to be visible at a distance of at least one (1) mile. The word "visible" in this Section, when applied to lights, shall mean visible on dark nights with clear atmosphere.

For Annotations and Historical Notes, see V.A.T.S.

(5) When propelled by sail and machinery any motorboat shall carry the lights required by this Section for a motorboat propelled by machinery only.

(c) Any motorboat may carry and exhibit the lights required by the Regulations for Preventing Collisions at Sea, 1948, Act of October 11, 1951 (65 Statute 406–420) as amended, in lieu of the lights required by Subsection (b) of this Section.

(d) Every motorboat of classes 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

(e) Every motorboat of classes 2 or 3 shall be provided with an efficient bell.

(f) Every vessel shall carry at least one (1) life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the Commandant of the Coast Guard for each person on board, so placed as to be readily accessible. Provided, that every motorboat carrying passengers for hire shall carry so placed as to be readily accessible at least one (1) life preserver of the sort prescribed by the regulations of the Commandant of the Coast Guard for each person on board. Provided further, that the operator of every Class A and Class 1 motorboat, while underway, shall require every passenger 12 years of age or under at all times to wear a life preserver of the sort prescribed by the regulations of the Commandant of the Coast Guard; and that only a life preserver, not a life belt or ring buoy, will satisfy this requirement."

(g) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the Commandant of the Coast Guard, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(h) The provisions of Subsections (d), (e), and (g) of this Section shall not apply to motorboats while competing in any race conducted pursuant to this Act or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(i) Every motorboat shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the Commandant of the Coast Guard.

(j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the Commandant of the Coast Guard for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases.

(k) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this Section or modification thereof.

(*l*) It is hereby declared to be a policy of the State of Texas that all equipment rules and regulations enacted pursuant to the authority granted in this Act shall be uniform and not inconsistent with the equipment provisions of this Act.

(m) All motorboats will have exhaust water manifold and/or factory type muffler installed on engine when operating on the public waters of the State except racing craft engaged in a sanctioned race, sanctioned by the governing board of any public waters of this State, and shall have a written permit thereto issued by the governing board of the water body.

Exemption from numbering provisions of this act

Sec. 9. A motorboat shall not be required to be numbered under this Act if it is:

(1) Already covered by a number in full force and effect which has been awarded to it pursuant to Federal law or federally approved numbering system of another state; provided, that such motorboat shall not have been within this State for a period in excess of ninety (90) consecutive days.

(2) A motorboat from a country other than the United States temporarily using the waters of this State.

(3) A motorboat whose owner is the United States, a state or subdivision thereof.

(4) A ship's lifeboat.

(5) A motorboat belonging to a class of motorboats which has been exempted from numbering by the department after said agency has found that the numbering of motorboats of such class will not materially aid in their identification; or if an agency of the Federal Government has a number system applicable to the class of motorboats to which the motorboat in question belongs, after the department has further found that the motorboat would also be exempt from the numbering if it were subject to the Federal law.

All canoes, punts, rowboats, sailboats, and rubber rafts when paddled, poled, oared, or windblown are exempt from the numbering provisions and from the safety equipment except insofar as they shall be required to have one (1) Coast Guard approved life-saving device for each person aboard and the prescribed lights for Class A vessels as described in Section 8 of this Act.

Boat liveries

Sec. 10. (a) The owner or operator of a boat livery shall obtain a certificate of number for all vessels used to rent or let for hire that are capable of being used as a motorboat.

(b) The owner of a boat livery shall keep a record of: the name and address of the persons hiring any vessel which is designed or permitted by him to be operated as a motorboat; the certificate of number thereof; the time and date of departure and the expected time of return. The record shall be kept six (6) months.

(c) Boat liveries shall make application directly to the department on forms provided by the department. The application shall state the applicant livery is within the meaning of this Act, and the facts stated in the application shall be sworn before an officer authorized to administer oaths.

(d) It shall be unlawful for any livery owner or agent to rent or let for hire any vessel without having such vessel equipped with one (1) Coast Guard approved life-saving device aboard for each person aboard the vessel.

Prohibited operation

Sec. 11. It shall be unlawful for any person to operate any motorboat or vessel or manipulate any water-skis, aquaplane, or similar device in a wilfully or wantonly reckless or negligent manner so as to endanger the life, limb, or property of any person.

Application of act

Sec. 12. The provisions of this Act shall apply to all the public waters of this state and to all watercraft navigated or moving thereon.

Operating boat at excessive speed prohibited

Sec. 13. No person shall operate any boat at a rate of speed greater than is reasonable and prudent, having due regard for the conditions and hazards, actual and potential, then existing, including weather and density

of traffic, or greater than will permit him, in the exercise of reasonable care, to bring such boat to a stop within the assured clear distance ahead.

Rules of the road

Sec. 14. The United States Coast Guard Inland Rules are hereby adopted and shall apply to all public waters of this state insofar as they are applicable.

Operation so as to create hazardous wake or wash prohibited

Sec. 15. No person shall operate any motorboat so as to create a hazardous wake or wash.

Operation in circular course around fisherman or swimmer prohibited

Sec. 16. No person shall operate any motorboat in a circular course around any other boat any occupant of which is engaged in fishing or any person swimming. No swimmer or diver shall come within two hundred (200) yards of any sight-seeing or excursion boat except for maintenance purposes or unless within an enclosed area.

Buoy, beacon or light marker—mooring to or removing prohibited

Sec. 17. No person shall moor or attach any boat to any buoy, beacon, light marker, stake, flag or other aid to safe operation placed upon the public waters of this state by, or by others under the authority of, the United States or the State of Texas, or shall move, remove, displace, tamper with, damage or destroy the same. No person shall moor or attach any vessel to a state-owned boat launching ramp except in connection with the launching or retrieving of a boat from the water.

Anchoring in traveled portion of river or channel prohibited

Sec. 18. No person shall anchor any boat in the traveled portion of any river or channel so as to prevent, impede or interfere with the safe passage of any other boat through the same. No person shall anchor any vessel near any state-owned boat ramp so as to prevent, impede or interfere with the use of such boat ramp.

Restricted area

Sec. 19. No person shall operate a boat within a water area which has been clearly marked by buoys or some other distinguishing device as a bathing, fishing, swimming or otherwise restricted area by the department or by a political subdivision of the state; provided, that this Section shall not apply in case of an emergency, or to patrol or rescue craft.

Local regulations

Sec. 20. (a) The governing body of any incorporated city or town, with respect to public waters within its corporate limits and all lakes owned by it, is hereby authorized by city ordinance to designate certain areas to be bathing, fishing, swimming or otherwise restricted areas, and to make such rules and regulations relating to the operation and equipment of boats as it may deem necessary for the public safety, the provisions of which are consistent with the provisions of this Act.

(b) The Commissioners Court of any county, with respect to public waters within the territorial limits of the county but outside the corporate limits of any incorporated city or town or political subdivision as contained in (c) below, except lakes owned by an incorporated city or town, is hereby authorized by order of the Commissioners Court entered upon its records to designate certain areas to be bathing, fishing, swimming or otherwise restricted areas, and to make such rules and regulations relating to the operation and equipment of boats as it may deem necessary for the public safety, the provisions of which are consistent with the provisions of this Act.

(c) The Governing Board of any political subdivision of the State created pursuant to the provisions of Section 59, Article XVI, of the Constitution of the State of Texas for the purpose of conserving and developing the public waters of this State, is, with respect to public waters impounded within lakes and reservoirs owned or operated by such political subdivision, authorized by resolution or other appropriate order to designate certain areas to be bathing, fishing, swimming or otherwise restricted areas; and to make such rules and regulations relating to the operation and equipment of boats as it may deem necessary for the public safety, the provisions of which are consistent with the provisions of this Act.

(d) A copy of any rule or regulation enacted pursuant to this Section shall be summarily filed with the department.

Collisions, accidents and casualties

Sec. 21. (a) It shall be the duty of the operator of a vessel involved in a collision, accident or casualty, so far as he can do without serious danger to his own vessel, crew and passengers, (if any), to render to other persons affected by the collision, accident or casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or casualty and also to give his name, address and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

(b) In the case of collision, accident or other casualty involving a vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of Fifty Dollars ($50), shall file with the department a full description as said agency may, by regulation, require on or before thirty (30) days.

(c) These accident reports shall be confidential and shall not be admissable in court as evidence.

Water skis and aquaplanes

Sec. 22. (a) No person shall operate a vessel on any waters of this State for towing a person or persons on water skis, aquaplane or similar device unless the vessel is equipped with a rearview mirror of a size no less than four inches (4″) in measurement from bottom to top or across from one side to the other. Such mirror shall be mounted firmly so as to give the boat operator a full and complete view beyond the rear of his boat at all times.

(b) No person shall operate a vessel on any waters of this State towing a person or persons on water skis, surfboard, or similar devices, nor shall any person engage in water skiing, surfboarding or similar activity at any time between the hours from one (1) hour after sunset to one (1) hour before sunrise.

(c) The provisions of subsections (a) and (b) of this Section shall not apply to motorboats or vessels used in water ski tournaments, competitions, exhibitions or trials therefore, provided that adequate lighting is provided.

(d) All motorboats having in tow or otherwise assisting in towing a person on water skis, aquaplane or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(e) Any person being towed on water skis, aquaplane or similar device by a vessel shall be considered an occupant of the vessel.

Transmittal of information

Sec. 23. In accordance with any request duly made by an authorized official or agency of the United States any information compiled or other-

wise available to the Department pursuant to Section 20(b) shall be transmitted to said official or agency of the United States.

Penalties

Sec. 24. (a) Every person who violates or fails to comply with any provision of this Act, shall be guilty of a misdemeanor.

(b) Every person convicted of a misdemeanor for which another penalty is not provided shall be punished by a fine of not more than Two Hundred Dollars ($200).

(c) Every person who violates or fails to comply with any city ordinance or any order of the Commissioners Court or order of any political subdivision of this State entered pursuant to this Act, shall be guilty of a misdemeanor. Every person convicted of a misdemeanor for which another penalty is not provided shall be punished by a fine of not more than Two Hundred Dollars ($200).

(d) Any person who operates any vessel or manipulates any water skis, aquaplane or similar device, upon the waters of this State in a careless or imprudent manner while such person is intoxicated, or under the influence of intoxicating liquor, or while under the influence of any narcotic drugs or barbiturates or marijuana shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars ($50) nor more than Five Hundred Dollars ($500) or by imprisonment of not to exceed six (6) months, or both.

(e) Any person who operates any vessel or manipulates any water skis, aquaplane or similar device, upon the waters of this State in willful or wanton disregard of the rights or safety of others or without due caution or circumspection, and at a speed or in a manner so as to endanger or be likely to endanger a person or property shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars ($25) nor more than Five Hundred Dollars ($500).

Enforcement

Sec. 25. (a) All peace officers and game wardens of this State and its political subdivisions shall have and are hereby given authority as enforcement officers for the purposes of this Act, and they and each of them shall have the power and authority to enforce the provisions of this Act by arrest and the taking into custody any person who may commit any act or offense prohibited by this Act or any person who may violate any provision of this Act. All boat operators underway and sighting a rotating blue beacon light will immediately reduce power and bring their boat to a no wake speed, and subsequent stop, until intentions of water safety boat are understood. Game Wardens are authorized to assist in the search and rescue for victims of water-oriented accidents. The use of rotating blue beacon lights is authorized for Texas Parks and Wildlife and police water safety vessels and none other.

(b) Any such officer in order to enforce the provisions of this Act is hereby given the power and the authority to stop and to board any vessel subject to this Act and to inspect same for compliance with this Act. Any operator of a vessel required to hold a certificate of number aboard the vessel under the provisions of this Act, who fails or refuses, on demand of any officer, to show such officer the certificate of number, shall be deemed guilty of a violation of this Act. Officers so boarding any vessel shall first identify themselves by presenting proper credentials and it shall be unlawful for any person operating a boat on the waters of this State to refuse to obey the directions of such officer when such officer is acting pursuant to this Act. Provided, however, that the safety of the vessel shall always be the paramount consideration of any arresting officer.

(c) If any vessel or associated equipment is used in violation of this Act or regulation or standards issued thereunder so as to create in the

judgment of a peace officer or game warden, an especially hazardous condition, he may direct the operator to return to mooring and that the vessel may not be subsequently used until the condition creating the violation is corrected.

(d) Any such officer arresting a person for a violation of this Act may deliver to such alleged violator a written notice to appear (within fifteen (15) days) from and after the date of such alleged violation, before the justice court having jurisdiction of the offense. Such person so arrested shall sign said written notice to appear and thereby promise to make his appearance in accordance with the requirements therein set forth, whereupon he may be released. It shall be unlawful for any person who has made such written promise to appear before the court in the county having jurisdiction to fail to appear, and such failure to appear at the time specified shall constitute a misdemeanor and warrant for his arrest may be issued.

(e) Venue for any alleged violation or offense under the terms and provisions of this Act shall be in the justice court or county court having jurisdiction where such alleged violation or offense shall have been committed. For any offense under this Act there shall be a presumption that such offense was committed in the justice precinct and county wherein the dam containing such body of water is located.

Fines and penalties

Sec. 26. It shall be the duty of any justice of the peace, clerk of any court, or any other officer of this State receiving any fine or penalty imposed by any court for violation of this Act within ten (10) days after receipt of such fine or penalty, to remit same to deposit of Special Boat Fund, giving the docket number of the case, name of the person fined, and the section of article of the law under which conviction was secured. In Justice Court cases the amount to be remitted to said Fund shall be eighty-five percent (85%) of such fines and penalties; in County Court cases the amount to be remitted to said Fund shall be eighty percent (80%) of such fines and penalties. All costs of the Court shall be retained by the Court having jurisdiction of the offense to be deposited as other fees in the proper county fund.

Fees

Sec. 27. (a) There is hereby levied a two-year fee in Section 4 of this Act as follows:

Class of Motorboats	Two-year Fee
Class A	$ 6.00 less than 16′ in length
Class 1	9.00 16′ or over and less than 26′
Class 2	12.00 26′ or over and less than 40′
Class 3	15.00 40′ and over

Such fee shall accompany the original and/or renewal application for certificate of number as required by this Act; provided that any boat less than sixteen (16) feet in length owned by a boat livery and used for rental purposes shall be required to pay a fee of Three Dollars ($3) for the original and/or renewal application for certificate of number as required by this Act.

(b) Fees for newly purchased motorboats or other motorboats not previously operated within this State, which according to Section 4, must now be registered for the full term of registration.

(c) All fees shall be collected by the Department or through its duly authorized agents and deposited in the State Treasury to the credit of the Special Boat Fund. The Department shall use the fees deposited in the Special Boat Fund for administering the provisions of this Act and purchasing all necessary forms and supplies including the reimbursement of the Department for any such material produced by its existing facilities or work performed by other divisions of said Department, and any re-

maining funds shall be used to purchase, construct, or maintain boat ramps on or near public waters, as provided in Section 29 of this Act.

(d) Fees for currently registered motorboats may be less than the full fee specified in Section 27(a) if the expiration date established by the Department is prior to March 21, 1974, for the purpose of initiating a two (2) year staggered registration period.

Applicability of fees to commercial fishing or shrimping

Sec. 28. None of the registration fees of this Act shall apply to commercial fishing or shrimping boats having a boat license issued by the State of Texas as to shrimp or fish commercially in the salt waters of this State.

Sec. 29. (a) Boat Ramps. The Department is authorized to construct and maintain boat ramps and access roads by the use of existing or additional services or facilities of said Department. Upon the completion of such work, said Department is authorized to prepare and transmit vouchers to the Comptroller of Public Accounts payable to the Department or to any person, firm, or corporation for reimbursement for such work and the Comptroller of Public Accounts is hereby authorized and directed to issue warrants on the Special Boat Fund to reimburse the Department or any person, firm, or corporation for the work performed.

(b) Buoys and Markers. In addition to the construction of boat ramps, the Department is authorized to provide for a standardized buoy marking program for the inland waters for the State of Texas. The Department is authorized to purchase and provide the controlling agency of such water bodies with buoys and markers from remaining funds in excess of the cost of administering this Act.

Uniformity

Sec. 30. In the interest of uniformity it is hereby declared to be a basic policy of the State of Texas that the basic authority for the enactment of boating regulations is reserved to the State.

Acceptance of federal grants

Sec. 31. The Parks and Wildlife Department is authorized to apply to any appropriate agency or officers of the United States for participation in or the receipt of aid from any Federal programs as now provided by Federal law or as may hereafterwards be enacted which relates to water safety, including acquisition, maintenance and operating cost of facilities, purchase of equipment and supplies, personnel salaries and other Federally-approved reimbursable expenses, including but not limited to the cost of training personnel, public boat safety information and education, and general administrative and enforcement costs. The Parks and Wildlife Department is specifically authorized to enter into contracts or agreements with the United States for the purpose of complying with all necessary requirements for the receipt of funds made available under any Federal Act later passed and as said Act shall hereafterwards be amended by Congress.

Transfer of records and funds

Sec. 32. All records compiled by the Highway Department in connection with administration of the Texas Water Safety Act and all funds appropriated to the Highway Department from the Special Boat Fund or other source to pay expenses incurred in connection with Administration and enforcement of the Texas Water Safety Act are transferred to the Parks and Wildlife Department to be used as provided in that Act.

Effective date

Sec. 33. The certificate of number awarded by the Department to motorboats now registered shall be valid through March 31, 1972. Applications for renewals and original certificates of number may be awarded

beginning January 1, 1972. The fees provided for biennium registration in Section 27 of this Act shall be valid beginning January 1, 1972. Acts 1959, 56th Leg., p. 369, ch. 179. Amended by Acts 1965, 59th Leg., p. 1540, ch. 676, § 1, eff. Aug. 30, 1965. Secs. 1–3, 28 amended by Acts 1967, 60th Leg., p. 1564, ch. 628, § 1, eff. Aug. 28, 1967; Secs. 2(7), 2a, 19c, 26c, 28 amended by Acts 1969, 61st Leg., p. 517, ch. 180, §§ 1–5, eff. Sept. 1, 1969; Sec. 7(f) amended by Acts 1971, 62nd Leg., p. 2355, ch. 719, § 1, eff. June 8, 1971; Secs. 1–33 amended by Acts 1971, 62nd Leg., p. 2929, ch. 971, eff. Aug. 30, 1971.

CHAPTER SIXTEEN—BOMBS

Art. 1723. Offenses in connection with bombs

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Sale to exempt persons; identification; records

Sec. 9A. (a) Any person selling any explosive, inflammable or combustible substance which is classified as a bomb in Section 1 of this Act to a person claiming to be exempt under the provisions of Section 9 of this Act shall require the purchaser to identify himself by presenting a driver's license or some similar form of identification. The seller shall keep a record of all sales, including the name and address of the purchaser, for a period of two (2) years.

(b) Any person who violates the requirements of Subsection (a) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than Ten Dollars ($10) nor more than One Thousand Dollars ($1,000), or by confinement in the county jail for not less than thirty (30) days nor more than one year, or by both fine and imprisonment.

Sec. 9A added by Acts 1971, 62nd Leg., p. 1378, ch. 364, § 1, eff. Aug. 30, 1971.

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CODE OF CRIMINAL PROCEDURE

PART I

CODE OF CRIMINAL PROCEDURE OF 1965

INTRODUCTORY

CHAPTER ONE—GENERAL PROVISIONS

Art. 1.141 Waiver of indictment for noncapital felony

A person represented by legal counsel may in open court or by written instrument voluntarily waive the right to be accused by indictment of any offense other than a capital felony. On waiver as provided in this article, the accused shall be charged by information.

Added by Acts 1971, 62nd Leg., p. 1148, ch. 260, § 1, eff. May 19, 1971.

Art. 1.15 [12] [21] [22] Jury in felony

No person can be convicted of a felony except upon the verdict of a jury duly rendered and recorded, unless in felony cases less than capital, or in capital cases where the state has waived the death penalty the defendant, upon entering a plea, has in open court in person waived his right of trial by jury in writing; provided, however, that it shall be necessary for the state to introduce evidence into the record showing the guilt of the defendant and said evidence shall be accepted by the court as the basis for its judgment and in no event shall a person charged be convicted upon his plea without sufficient evidence to support the same. The evidence may be stipulated if the defendant in such case consents in writing, in open court, to waive the appearance, confrontation, and cross-examination of witnesses, and further consents either to an oral stipulation of the evidence and testimony or to the introduction of testimony by affidavits, written statements of witnesses, and any other documentary evidence in support of the judgment of the court. Such waiver and consent must be approved by the court in writing, and be filed in the file of the papers of the cause.

Amended by Acts 1967, 60th Leg., p. 1733, ch. 659, § 2, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 3028, ch. 996, § 1, eff. June 15, 1971.

CHAPTER TWO—GENERAL DUTIES OF OFFICERS

Art. 2.12 [36] [43] [44] Who are peace officers

The following are peace officers:

(1) sheriffs and their deputies;

(2) constables and deputy constables;

(3) marshals or police officers of an incorporated city, town, or village;

(4) rangers and officers commissioner by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Alcoholic Beverage Commission;

(7) each member of an arson investigating unit of a city, county or the state;

(8) any private person specially appointed to execute criminal process;

(9) officers commissioned by the governing board of any state institution of higher education, public junior college or the Texas State Technical Institute;

(10) officers commissioned by the Board of Control; and

(11) game management officers commissioned by the Parks and Wildlife Commission.

Amended by Acts 1967, 60th Leg., p. 1734, ch. 659, § 5, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 1116, ch. 246, § 3, eff. May 17, 1971.

Art. 4.04 [53a] Mandamus, certiorari, and contempt

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Sec. 2. Repealed by Acts 1971, 62nd Leg., p. 2536, ch. 831, § 6, eff. Aug. 30, 1971.

ARREST, COMMITMENT AND BAIL

CHAPTER SEVENTEEN—BAIL

Art. 17.031 Release on personal bond

(a) A magistrate may, upon the setting of a bond, release the defendant on his personal bond, in which case the bond may be transferred to any court wherein the case may later be heard, and subsequent courts may not revoke the personal bond except for good cause shown.

(b) Any magistrate in this state may release a defendant on his personal bond where the complaint and warrant for arrest does not originate in the county wherein the accused is arrested if the magistrate would have had jurisdiction over the matter had the complaint arisen within the county wherein the magistrate presides. The personal bond may not be revoked by the judge of the court issuing the warrant for arrest except for good cause shown.

(c) If there is a personal bond office in the county from which the warrant for arrest was issued, the court releasing a defendant on his personal bond will forward a copy of the personal bond to the personal bond office in that county.

Added by Acts 1971, 62nd Leg., p. 2445, ch. 787, § 1, eff. June 8, 1971.

Art. 17.05 [270] [318] [306] When a bail bond is given

A bail bond is entered into either before a magistrate, upon an examination of a criminal accusation, or before a judge upon an application under habeas corpus; or it is taken from the defendant by a peace officer if authorized by Article 17.20, 17.21, or 17.22.

Amended by Acts 1971, 62nd Leg., p. 3045, ch. 1006, § 1, eff. Aug. 30, 1971.

AFTER COMMITMENT OR BAIL AND BEFORE THE TRIAL

CHAPTER NINETEEN—ORGANIZATION OF THE GRAND JURY

Article 19.01 [333] [384] [372] Appointment of jury commissioners

The district judge, at or during any term of court, shall appoint not less than three, nor more than five persons to perform the duties of jury commissioners, and shall cause the sheriff to notify them of their appointment, and when and where they are to appear. The district judge shall, in the order appointing such commissioners, designate whether such commissioners shall serve during the term at which selected or for the next succeeding term. Such commissioners shall receive as compensation for each day or part thereof they may serve the sum of Ten Dollars, and they shall possess the following qualifications:

1. Be intelligent citizens of the county and able to read and write the English language;
2. Be qualified jurors in the county;
3. Have no suit in said court which requires intervention of a jury;
4. Be residents of different portions of the county; and
5. The same person shall not act as jury commissioner more than once in the same year.

Amended by Acts 1971, 62nd Leg., p. 905, ch. 131, § 1, eff. May 10, 1971.

AFTER COMMITMENT OR BAIL AND BEFORE THE TRIAL

CHAPTER TWENTY-THREE—THE CAPIAS

Art. 23.05 [445] [509] [497] Capias after forfeiture

Where a forfeiture of bail is declared, a capias shall be immediately issued for the arrest of the defendant, and when arrested, in its discretion, the court may require the defendant, in order to be released from custody, to deposit with the custodian of funds of the court in which the prosecution is pending current money of the United States in the amount of the new bond as set by the court, in lieu of a surety bond, unless the forfeiture taken has been set aside under the third subdivision of Article 22.13 of this code, in which case the defendant and his sureties shall remain bound under the same bail.

Amended by Acts 1971, 62nd Leg., p. 2383, ch. 740, § 1, eff. Aug. 30, 1971.

Art. 26.05 [494a] Compensation of counsel appointed to defend

Section 1. A counsel appointed to defend a person accused of a felony or a misdemeanor punishable by imprisonment, or to represent an indigent in a habeas corpus hearing, shall be paid from the general fund of the county in which the prosecution was instituted or habeas corpus hearing held, according to the following schedule:

(a) For each day or a fractional part thereof in court representing the accused, a reasonable fee to be set by the court but in no event to be less than $50;

(b) For each day in court representing the accused when the State has made known that it will seek the death penalty, a reasonable fee to be set by the court but in no event to be less than $250;

(c) For each day or a fractional part thereof in court representing the indigent in a habeas corpus hearing, a reasonable fee to be set by the court but in no event to be less than $50;

(d) For expenses incurred for purposes of investigation and expert testimony, a reasonable fee to be set by the court but in no event to exceed $500;

(e) For the prosecution to a final conclusion of a bona fide appeal to the Court of Criminal Appeals, a reasonable fee to be set by the court but in no event to be less than $350;

(f) For the prosecution to a final conclusion of a bona fide appeal to the Court of Criminal Appeals in a case where the death penalty has been assessed, a reasonable fee to be set by the court but in no event to be less than $500.

Sec. 1 amended by Acts 1969, 61st Leg., p. 1054, ch. 347, § 1, eff. May 27, 1969; Acts 1971, 62nd Leg., p. 1777, ch. 520, § 1, eff. Aug. 30, 1971.

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TRIAL AND ITS INCIDENTS

CHAPTER THIRTY-FIVE—FORMATION OF THE JURY

Art. 35.04. Claiming exemption

Any person summoned as a juror who is exempt by law from jury service may establish his exemption without appearing in person by filing a signed statement of the ground of his exemption with the clerk of the court at any time before the date upon which he is summoned to appear.

Amended by Acts 1971, 62nd Leg., p. 1560, ch. 421, § 3, eff. May 26, 1971.

TRIAL AND ITS INCIDENTS

Art. 38.10 [713] [793] [773] All others competent witnesses

All other persons, except those enumerated in Articles 38.06, 38.101, and 38.11, whatever may be the relationship between the defendant and witness, are competent to testify, except that an attorney at law shall not disclose a communication made to him by his client during the existence of that relationship, nor disclose any other fact which came to the knowledge of such attorney by reason of such relationship.

Amended by Acts 1971, 62nd Leg., p. 2984, ch. 983, § 1, eff. June 15, 1971.

Art. 38.101 Communications by drug abusers

A communication to any person involved in the treatment or examination of drug abusers by a person being treated voluntarily or being examined for admission to voluntary treatment for drug abuse is not admissible. However, information derived from the treatment or examination of drug abusers may be used for statistical and research purposes if the names of the patients are not revealed.

Added by Acts 1971, 62nd Leg., p. 2984, ch. 983, § 2, eff. June 15, 1971.

PROCEEDINGS AFTER VERDICT

CHAPTER FORTY-TWO—JUDGMENT AND SENTENCE

Art. 42.15 [783] [867] [854] Fines

(a) When the defendant is fined, the judgment shall be that the defendant pay the amount of the fine and all costs to the state.

(b) When imposing a fine and costs a court may direct a defendant:

(1) to pay the entire fine and costs when sentence is pronounced; or

(2) to pay the entire fine and costs at some later date; or

(3) to pay a specified portion of the fine and costs at designated intervals.

Amended by Acts 1971, 62nd Leg., p. 2990, ch. 987, § 1, eff. June 15, 1971.

CHAPTER FORTY-THREE—EXECUTION OF JUDGMENT

Art. 43.03 [787] [871] [849] Pay or jail

When a judgment and sentence have been rendered against a defendant for a fine and costs and he defaults in payment, the court may order him imprisoned in jail until discharged by law. A certified copy of the judgment, sentence, and order is sufficient to authorize such imprisonment.

Amended by Acts 1971, 62nd Leg., p. 2990, ch. 987, § 2, eff. June 15, 1971.

Art. 43.04 [788] [872] [850] If defendant is absent

When a judgment and sentence have been rendered against a defendant for a fine in his absence, the court may order a capias issued for his arrest. The sheriff shall execute the capias by bringing the defendant before the court or by placing the defendant in jail until he can be brought before the court.

Amended by Acts 1971, 62nd Leg., p. 2990, ch. 987, § 3, eff. June 15, 1971.

Art. 43.05 [789] [873] [851] Capias shall recite what

Where such capias issues, it shall state the rendition and amount of the judgment and sentence, and command the sheriff to bring the defendant before the court or place him in jail until he can be brought before the court.

Amended by Acts 1971, 62nd Leg., p. 2990, ch. 987, § 4, eff. June 15, 1971.

JUSTICE AND CORPORATION COURTS

CHAPTER FORTY-FIVE—JUSTICE AND CORPORATION COURTS

Art. 45.12 [878] Contempt and bail

The recorder shall have power to admit to bail, and to forfeit bonds under such rules as govern such taking and forfeiture in the county court.

Amended by Acts 1971, 62nd Leg., p. 2536, ch. 831, § 5, eff. Aug. 30, 1971.

Art. 45.50 [917] [1012] [977] The judgment

(a) The judgment and sentence, in case of conviction in a criminal action before a justice of the peace, shall be that the defendant pay the amount of the fine and costs to the state.

(b) The justice may direct the defendant:
(1) to pay the entire fine and costs when sentence is pronounced; or
(2) to pay the entire fine and costs at some later date; or
(3) to pay a specified portion of the fine and costs at designated intervals.

Amended by Acts 1971, 62nd Leg., p. 2990, ch. 987, § 5, eff. June 15, 1971.

Art. 45.51 [918] [1013] [978] Capias

(a) If the defendant is not in custody when the judgment is rendered, the court may order a capias issued for his arrest. The capias shall state the amount of the judgment and sentence, and command the sheriff to bring the defendant before the court or place him in jail until he can be brought before the court.

(b) If the defendant escapes from custody after judgment is rendered, a capias shall issue for his arrest and confinement until he is legally discharged.

Amended by Acts 1971, 62nd Leg., p. 2991, ch. 987, § 6, eff. June 15, 1971.

Art. 45.52 [919] [1014] [979] Collection of fines

(a) When a judgment and sentence have been rendered against a defendant for a fine and costs and he defaults in payment, the justice may order him imprisoned in jail until discharged by law. A certified copy of the judgment, sentence, and order is sufficient to authorize such imprisonment.

(b) The justice may order the fine and costs collected by execution against the defendant's property in the same manner as a judgment in a civil suit.

Amended by Acts 1971, 62nd Leg., p. 2991, ch. 987, § 7, eff. June 15, 1971.

MISCELLANEOUS PROCEEDINGS

CHAPTER FORTY-SIX—INSANITY AS DEFENSE

Art. 46.02 [932b] Insanity in defense or in bar

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Procedure at trial

Sec. 2.

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(d) The following rules shall apply upon defendant's being acquitted by reason of the jury's returning a finding that he was insane as of the time of the alleged offense:

(1) If the jury finds the defendant to be insane at the time of trial, and if the jury or the court further finds that the defendant should be committed to a mental institution, the court shall enter an order committing the defendant to a state mental hospital or to an agency of the United States operating a mental hospital or to a Veterans' Administration hospital, and placing him in the custody of the sheriff for transportation to the mental hospital to be confined therein until he becomes sane; provided that if the court enters an order committing the defendant to a state mental hospital and if the crime of which the defendant was accused involved an act of physical violence against the person, then the defendant shall be committed to the Rusk State Hospital or to such other

state mental hospital designated by the Texas Department of Mental Health and Mental Retardation as having the capability to provide maximum security; and provided further that if the court enters an order committing the defendant to a state mental hospital and if the crime of which the defendant was accused did not involve an act of physical violence against the person, then the defendant shall be committed to that state mental hospital designated by the Texas Department of Mental Health and Mental Retardation to serve the county in which the committing court is located. The court shall further order that a transcript of all medical testimony adduced before the jury shall be forthwith prepared by the court reporter and such transcript shall accompany the patient to the mental hospital.

(2) If the jury returns a finding that defendant is sane as of the time of the trial, then the defendant shall be finally discharged.

(3) If there be no jury finding on the issue of present insanity, then the court, if the discharge or going at large of defendant be considered by the court manifestly dangerous to the peace and safety of the people, shall order defendant committed to jail or other suitable place pending the prompt initiation and prosecution by the attorney for the state or other person designated by the court of appropriate civil proceedings to determine whether defendant shall be committed to a mental institution, or the court may give defendant into the care of his friends on their giving satisfactory security for his proper care and protection; otherwise, defendant shall be discharged.

(e) Where the jury finds that the defendant is presently insane, but does not find that he was insane at the time of the offense (either because such issue was not submitted or because the jury failed to find on that issue or because it found that he was not insane at such time), the court shall enter a mistrial as to all issues except the issue of present insanity. If the jury finds that the defendant should be committed to a mental institution, the proper order so committing him shall be entered by the court; provided that if the court enters an order committing the defendant to a state mental hospital the rules set out in Section 2(d) (1) hereof shall be followed in designating the state mental hospital to which the defendant is to be committed.

(f) Evidence. (1) The court may, at its discretion appoint disinterested qualified experts to examine the defendant with regard to his present competency to stand trial and as to his sanity, and to testify thereto at any trial or hearing in connection to the accusation against the accused; provided that the court may not order the defendant to a state mental hospital for such examination without the consent of the head of that state mental hospital.

(2) Such appointed experts shall be paid out of the General Fund of the county where the indictment was found or information was filed. A state mental hospital which accepts a defendant for examination under Section 2(f) hereof shall be reimbursed out of the General Fund of the county where the indictment was found or information was filed for such expenses incurred as are reasonably necessary and incidental to the proper examination of the defendant.

(3) If the defendant is free on bail, the court in its discretion may commit him to custody pending such examination.

(4) No statement made by the defendant during examination into his competency shall be admitted in evidence against the accused on the issue of guilt in any criminal proceeding no matter under what circumstances such examination takes place.

(5) Any party may introduce other competent testimony regarding the defendant's competency.

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(i) The head of the state mental hospital to which a person has been committed under the provisions of Sections 2(d) or 2(e) hereof may, with the permission of the committing court, transfer such person to any other state mental hospital or an agency of the United States operating a mental hospital or a Veterans' Administration hospital.

Sec. 2 amended by Acts 1967, 60th Leg., p. 1748, ch. 659, § 33, eff. Aug. 28, 1967; Sec. 2(d) amended by Acts 1967, 60th Leg., p. 716, ch. 299, § 1, eff. Aug. 28, 1967; Secs. 2(d)–(f) amended by Acts 1971, 62nd Leg., p. 3026, ch. 995, § 1, eff. Aug. 30, 1971; Sec. 2(i) added by Acts 1971, 62nd Leg., p. 3027, ch. 995, § 2, eff. Aug. 30, 1971.

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CHAPTER FORTY-NINE—INQUESTS UPON DEAD BODIES

Art. 49.25 Medical examiners

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Multi-county district; joint office

Sec. 1a. (a) The commissioners courts of two or more counties may enter into an agreement to create a medical examiners district and to jointly operate and maintain the office of medical examiner of the district. The district must include the entire area of all counties involved. The counties within the district must, when taken together, form a continuous area.

(b) There may be only one medical examiner in a medical examiners district, although he may employ, within the district, necessary staff personnel. When a county becomes a part of a medical examiners district, the effect is the same within the county as if the office of medical examiner had been established in that county alone. The district medical examiner has all the powers and duties within the district that a medical examiner who serves in a single county has within that county.

(c) The commissioners court of any county which has become a part of a medical examiners district may withdraw the county from the district, but twelve months' notice of withdrawal must be given to the commissioners courts of all other counties in the district.

Sec. 1–a added by Acts 1971, 62nd Leg., p. 1165, ch. 270, § 1, eff. Aug. 30, 1971.

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PART II

MISCELLANEOUS PROVISIONS

CHAPTER ONE HUNDRED FIVE—COSTS TO BE PAID BY DEFENDANT

1. IN DISTRICT AND COUNTY COURTS

Art. 1065. County clerks in counties of 53,500 to 53,800; temporary support orders; fee

In any county having a population of not less than 53,500, nor more than 53,800, according to the last preceding federal census, the clerk of the county court is entitled to a fee of $5 for the administrative costs of handling temporary support orders issued pursuant to Article 604, Penal Code of Texas, 1925, as amended. The fee shall be taxed against the defendant at the time the order is entered against him.

Added by Acts 1971, 62nd Leg., p. 2371, ch. 732, § 1., eff. June 8, 1971.

Section 2 of the 1971 act provided: "As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes."

4. CRIMINAL JUSTICE PLANNING FUND

Art. 1083. Criminal justice planning fund

Purpose

Section 1. The purpose of this Act is to create and establish a special fund to be known as the Criminal Justice Planning Fund to provide the State and local funds required by Public Law 90-351, Title I, Omnibus Crime Control and Safe Streets Act of 1968, as amended,[1] to provide for costs of court as the source of these funds, and to provide that the costs to be borne in part by those who necessitate the establishment and maintenance of the criminal justice system.

[1] 42 U.S.C.A. § 3701 et seq.

Creation

Sec. 2. There is hereby created and established a special fund to be known as the Criminal Justice Planning Fund.

Costs upon conviction in certain misdemeanor cases; traffic violations

Sec. 3. (a) The sum of $2.50 shall be taxed as costs of court, in addition to other taxable court costs, upon conviction in each misde-

meanor case in which original jurisdiction lies in courts whose jurisdiction is limited to a maximum fine of $200.00 only.

(b) Convictions arising under the traffic laws of this State are specifically included and are those defined in:

(1) Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), known as the "Driver's License Law"; and

(2) Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes) known as the "Uniform Act Regulating Traffic on Highways," except laws regulating pedestrians and the parking of motor vehicles.

Costs upon conviction in misdemeanor and felony cases

Sec. 4. The sum of $5.00 shall be taxed as costs of court in addition to other taxable court costs, upon conviction in each misdemeanor case and the sum of $10.00 shall be taxed as costs of court, in addition to other taxable court costs, upon conviction in each felony case in all cases in which original jurisdiction lies in courts whose jurisdiction is limited to fines and/or confinement in a jail or the department of corrections.

Collection of costs

Sec. 5. The costs due the State under this Act shall be collected along with and in the same manner as other fines or costs are collected in the case.

Officers collecting costs; separate records; deposits

Sec. 6. (a) The officer collecting the costs due under this Act in cases in municipal court shall keep separate records of the funds collected as costs under this Act, and shall deposit the funds in the municipal treasury.

(b) The officer collecting the costs due under this Act in justice, county and district courts shall keep separate records of the funds collected as costs under this Act, and shall deposit the funds in the county treasury.

(c) The officer collecting the costs due under this Act in county courts on appeal from justice or municipal courts shall keep separate records of the funds collected under this Act, and shall deposit the funds in the county treasury.

Custodians of funds; quarterly remittance; service fee

Sec. 7. The custodians of the municipal and county treasuries with whom funds collected under this Act are deposited shall keep records of the amount of funds collected under this Act which are on deposit with them, and shall on the first day of January, April, July and October of each year remit to the Comptroller of Public Account funds collected under this Act during the preceding quarter. The municipal and county treasuries are hereby authorized to retain five percent (5%) of funds collected under this Act as a service fee for said collection.

Special fund deposits

Sec. 8. The Comptroller of Public Accounts shall deposit the funds received by him in a Special Fund to be known as the Criminal Justice Planning Fund.

Appropriation of funds; simultaneous expenditure with federal funds

Sec. 9. The funds so deposited in the Criminal Justice Planning Fund are hereby appropriated to the expenditure of State and local

matching funds required by Public Law 90–351, Title I, Omnibus Crime Control and Safe Streets Act of 1968 as amended by the Omnibus Crime Control Act of 1970 and determined by the appropriations of Congress to carry out the provisions of said Act. The expenditure of Criminal Justice Planning Funds shall be simultaneous with the expenditure of federal funds.

Appropriation of unexpended balance of funds authorized

Sec. 10. The Legislature may appropriate the unexpended balance of the Criminal Justice Planning Funds for the preceding biennium for the improvement and upgrading of the criminal justice system as defined in the aforementioned federal Act.

Officers collecting funds; reports

Sec. 11. All officers collecting funds due as costs under this Act shall file the reports required under Articles 1001 and 1002, Code of Criminal Procedure, 1965.

Acts 1971, 62nd Leg., p. 2855, ch. 935, §§ 1–11, eff. Aug. 30, 1971.

Title of Act:

An Act creating a Criminal Justice Planning Fund, providing for costs of court in certain types of convictions for said fund; providing for the appropriation and expenditure of said funds and reappropriation of said funds; and declaring an emergency. Acts 1971, p. 2855, ch. 935.

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