PORT OF HOUSTON

AUTHORITY OF HARRIS COUNTY, TEXAS
GENERAL AND SPECIAL LAWS. 437

Providing for the Board of Trustees of said Webster Independent School District; providing for the time and manner of their election; defining their power and duties, and declaring an emergency, be, and the same is hereby repealed.

Sec. 2. The crowded condition of the calendar of the Senate and House and the fact that there is now no adequate law in force providing for the dissolution of independent school districts, created by Special Act, creates an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days, should be, and the same is hereby suspended, and this Act shall take effect and be in force from and after the 1st. day of July, 1927, and it is so enacted.

Approved April 4, 1927.
Effective July 1, 1927.

GRANTING CERTAIN ISLANDS AND LANDS TO HARRIS COUNTY SHIP CHANNEL NAVIGATION DISTRICT.

S. B. No. 222.] Chapter 292.

An Act granting to the Harris County Ship Channel Navigation District of Harris County, Texas, or its successors, and defining such successors, all right, title and interest of the State of Texas, to certain islands and lands subject to overflow, and lands lying under the waters of Peggy's Lake, San Jacinto Bay, Burnett Bay, Crystal Lake, Scott's Bay, Black Duck Bay, The San Jacinto River and Buffalo Bayou and tributary waterways, within Harris County Navigation District as far as the State may own same, for public purposes and for the development of commerce only, and granting to the navigation district and its successors the right, power and authority to authorize, establish, construct, purchase, own, maintain, equip, regulate, operate and lease wharves, piers, docks, dry docks, marine ways and other aids to navigation on said lands, and to dredge out or fill in space between the main land and islands, and such wharves, piers, docks, dry docks, marine ways and other aids to navigation, and to construct or grant franchise for the construction of such wharves, piers, docks or lands so filled in, of elevators, warehouses, bunkers, railway terminals, sidetracks or other aids to navigation or commerce; reserving to the State of Texas the right at any time to place the operation of said facilities under the supervision of the Railroad Commission of Texas, and to provide reasonable wharfage and storage charges thereon; authorizing the navigation district to remove and abate any encroachment or structure on said property, and to bring such suit, or suits, as may be necessary to carry out the provisions of this Act; reserving all mineral, sand, shell, and marl rights in said lands to the State; reserving to the State of Texas the right to erect wharves, piers and buildings on said lands, authorizing navigation district to grant rights-of-way or easements for channels, etc., to the United States Government, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That all right, title and interest of the State of Texas, to all lands hereinafter in this section described, to wit:

All islands and lands owned by the State of Texas, many of which are subject to overflow, known as Barnes Island, Alex-
ander Island, Goat Island, Diamond Island and Hog Island in San Jacinto River above Lunchburg, and certain accre-
tion formed by dredged material excavated from the channel and
forming land attached to or near said Alexander Island, Hog
Island between Goose Creek and Morgan Point, Atkinson Is-
land, and all the submerged lands lying and being situated un-
der the waters of Buffalo Bayou, San Jacinto River, White Oak
Bayou, Grey’s Bayou, Simms Bayou, Vince’s Bayou, Hunting
Bayou, Greens Bayou, Carpenters Bayou, Old River, Lost River,
Goose Creek and Cedar Bayou, and all other streams within
Harris County Navigation District tributary to the Houston
Ship Channel, so far up said streams as the State may own
same, together with all lands lying and being situated under
the waters of Old River, Burnett’s Bay, Crystal Lake, Scott’s
Bay, Peggy’s Lake, Black Duck Bay, Tabbs Bay, and San Jac-
tinto Bay, and all other tidal flats or overflow land adjacent
to or appurtenant to the above mentioned streams within the
limits above mentioned except Mitchell’s Bay and any area be-
tween said bay and the Houston Ship Channel, as now or here-
after located, is hereby granted to the Harris County Houston
Ship Channel Navigation District, or its successors, for public
purposes and for the development of commerce only, in accord-
ance with the following provisions and stipulations herein con-
tained; provided that inasmuch as it is the purpose of this Act
to grant said lands to the public agency which is developing the
Port of Houston, upon the creation by legislation of other pub-
lc agency which shall supersede the said navigation district as
the public agency developing the Port of Houston, the title to
said lands shall be transferred from the navigation district to
such public agency, either municipal or State, so provided, such
public agency being referred to herein as the successors of the
navigation district.

SEC. 2. The navigation district, or its successors, is hereby
granted the right, power and authority to authorize, establish,
construct, purchase, own, maintain, equip, regulate, operate and
lease wharves, piers, docks, dry docks, marine ways and all
other structures and appliances for facilitating or accommodating
commerce or navigation, and to dredge out channels, slips and
turning basins, and to fill in space between the main land and
islands and to fill areas for wharves, piers, docks, dry docks,
marine ways and for all other structures and appliances for
facilitating and accommodating commerce and navigation, having
first secured a permit from the Government of the United States
of America therefor, and to construct, or cause or authorize to
be constructed on said wharves, piers, docks, dry docks, marine
ways and other structures and appliances for facilitating and
accommodating commerce and navigation, or on lands so filled in,
any and all elevators, warehouses, bunkers, railway terminals
and sidetracks, or any other facilities or aids whatsoever to
navigation or commerce. Said lands shall be used by the naviga-
district, or its successors, solely for the establishment, improve-
ment and conduct of an harbor and for the construction,
maintenance and operation thereon of any facilities or aids whatever to the same, and said navigation district, or its successors, shall not at any time, grant, convey, give or alien said lands or any part thereof, to any individual, firm or corporation for any purpose whatsoever; provided, that said navigation district, or its successors, may grant franchises thereon for limited periods of time for wharves, and other public uses and purposes, and may lease said lands or any part thereof for limited periods for purposes consistent with this Act, but no wharves, piers or structures of any kind shall be constructed on said lands by anyone save the navigation district, except under a franchise granted by said navigation district and in a manner first prescribed by and approved of by said navigation district or its successors.

Sec. 3. For the purpose of carrying out the provisions of this Act, the navigation district, or its successors, is hereby granted the right, power and authority to abate and remove any and all encroachments or structures of any kind now or hereafter existing on said property, save such as may have been constructed under permit from the United States War Department, or other proper Federal authority, and shall have the right to bring such suit or suits as may be necessary to carry out the provisions of this Act to the same extent and as fully and completely as the right to bring such a suit or suits existed in the State prior to the passage hereof.

Sec. 4. The purposes and provisions of this Act, and the grants, rights and privileges, thereunder to the Harris County Houston Ship Channel Navigation District, shall not affect, curtail or abridge the rights or privileges of riparian owners of lands abutting upon the islands and lands subject to overflow, and lands lying under the streams, bays and lakes herein described or referred to, as the same existed under the Common Law or the Constitution or Statutes of Texas at the time this Act shall become in force and effect, or to deprive riparian land owners of access to such streams, channels or waters.

Sec. 5. The State of Texas, may at any time, place the operation of said facilities under the supervision of the Railroad Commission of Texas, to insure reasonable wharfage and storage charges.

Sec. 6. The right is hereby expressly reserved by the State of Texas to erect on the lands herein conveyed such wharves, piers and buildings for State purposes as may hereafter be authorized by law.

Sec. 7. All mines and mineral rights, including oil and gas in and under said lands, together with the right to enter thereon for the purpose of development, and the granting of permits to excavate sand, shell or marl and to collect the tax on same, are hereby expressly reserved to the State of Texas; provided necessary or proper access to the lands hereby ceded, together with all improvements heretofore made, or to be made, under any mineral leases issued by the State in connection with mineral rights herein reserved are made a condition of this grant, and
are covenants running with the ceded lands; provided further, that leases hereafter made by the State, or operations thereunder in connection with reserved mineral rights shall not interfere with the improvements made, or to be made in the development of the ship channel by the said navigation district, or franchise holders thereunder.

SEC. 8. Nothing in this Act shall prohibit the Navigation District or its successors from granting to the United States of America such rights-of-way or easements as may be required by it for the construction of channels, basins, dumping grounds, or other allied purposes in connection with any work voluntarily undertaken by the Federal Government, or at the request of the navigation district or its successors.

SEC. 9. The large amount of business to be done at the present Session of the Legislature, and the urgent need of clearing the calendar of pending legislation as rapidly as possible, and the fact that the Congress of the United States has authorized an examination and survey of the Houston Ship Channel, with a view of securing an increased width and depth, which will materially affect the development of the above lands, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this Act shall be in force and effect from its passage, and it is so enacted.

[Note.—S. B. No. 222 passed the Senate, 29 ayes, 0 nays; passed the House, 99 ayes, 21 nays. Received in Executive Office March 11, 1927. Received in Department of State April 5, 1927, without signature of the Governor.]

Effective (90) ninety days after adjournment.

Executive Office,
April 5, 1927.

I file Senate Bill Number 222, which is an Act granting to the Harris County Ship Channel Navigation District of Harris County certain rights in certain land described in the bill. I file this bill with the Secretary of State without my signature or approval. The number of bills left on my desk at the adjournment of the Legislature has made it impossible for me to investigate this bill and its effect as much as I should like to. I have no knowledge whatever with reference to the land described in the bill. It does not carry the emergency clause, and cannot become a law in less than ninety days from the adjournment of the regular session of the Legislature. In the meantime if there are any mistakes or errors in this bill same can be properly remedied by the special session of the Legislature.

DAN MOODY,
Governor of the State of Texas.
read on three several days in each House be suspended, and the
same is hereby suspended, and that this Act take effect and be in
force from and after its passage, and it is so enacted.

Approved June 7, 1927. 
Effective June 7, 1927.

[H. B. No. 129 passed the House 106 yeas, 2 nays; passed the
Senate 28 yeas, 0 nays.]

HARRIS COUNTY HOUSTON SHIP CHANNEL NAVIGA-
TION DISTRICT CREATED AND RATIFIED.

H. B. No. 131] CHAPTER 97

AN ACT creating and establishing the Harris County Houston Ship
Channel Navigation District of Harris County, Texas, under Article
3, Section 52, of the Constitution of the State of Texas, for the pur-
pose of the development of deep water navigation, the improve-
ment of rivers, bays, creeks, streams, or canals within or adjacent to such
District, with the power and authority to acquire, purchase, take
over, construct, maintain, operate, develop, and regulate wharves,
docks, warehouses, grain elevators, bunkering facilities, belt rail-
roads, floating plants, lightering, lands, towing facilities, and all
other facilities or aids incident to or necessary to the operation or
development of ports or waterways within the District and extending
to the Gulf of Mexico, provided in Chapter 9, R. S. 1925; describing
said District by metes and bounds; ratifying and validating all orders,
notices, elections and proceedings of the Commissioners' Court, Navi-
gation Board and Navigation Commissioners and other officers of
Harris County and of the Harris County Houston Ship Channel Navi-
gation District of Harris County, Texas; ratifying and validating the
original petition for the establishment of said district and all sub-
sequent orders, notices, hearings, etc., had thereon; and ratifying and
validating all notices of elections, the elections, returns thereof and
all orders with respect to the issuance of bonds, the levying of taxes
to create sinking funds to retire all of the bonds of said District and
to pay the interest thereon; ratifying and confirming the petition,
election, and results thereof upon the adoption of the special powers
for port facilities, conferred by Subdivision 2, Chapter 9, R. S. 1925,
and all orders made pursuant thereto by the Navigation Board and the
Commissioners' Court; ratifying, confirming, and validating the petition,
order of election, notices, election, returns, canvass by the Court
of the votes cast at said election, order authorizing the issuance of
bonds, and the bonds in the sum of One Million Five Hundred Thou-
sand ($1,500,000.00) Dollars, voted at an election held in said Dist-
trict on December 4, 1926; authorizing the Commissioners' Court
and County officers to levy, assess, and collect taxes sufficient to pay
interest on such bonds and the principal thereof as they mature; au-
thorizing the Navigation Commissioners to sell said bonds, the Attor-
ney General to register the same; constituting all orders of the Com-
missioners' Court and orders of the Navigation and Canal Comis-
sion, or certified copies thereof as evidenced in the Courts, and declaring
an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That the Harris County Houston Ship Channel
Navigation District of Harris County, Texas, in Harris County,
as hereinafter described by metes and bounds, is hereby created and established under authority of Article 3, Section 52, of the Constitution of the State of Texas, for the purpose of the development of deep water navigation and the improvement of rivers, bays, creeks, streams, and canals within or adjacent to such District, and to construct and maintain canals or waterways to permit of navigation or in aid thereof and for the purpose of and authority to acquire, purchase, undertake, construct, maintain, operate, develop, and regulate wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants, lighterage, lands, towing facilities, and all other facilities or aids incident to or necessary to the operation or development of ports or waterways within said District and extending to the Gulf of Mexico, as provided in Chapter 9 of the Revised Statutes of 1925; and all orders of the Commissioners’ Court of Harris County, Texas, and of the Navigation Commissioners, heretofore made in respect to the creation of such District and the authorization and issuance of the bonds of said District and particularly an issue of One Million Five Hundred Thousand ($1,500,000.00) Dollars of bonds voted at an election under date of December 4, 1926, be and the same are hereby in all things ratified, confirmed, and validated. The said Harris County Houston Ship Channel Navigation District of Harris County, Texas, herenow created and established after consideration of the benefits to the property therein located, is described by metes and bounds as follows, to-wit:—

"Beginning at the entrance to Clear Creek into Galveston Bay; thence running up said creek with the line of Galveston and Brazoria Counties to a point on S. G. Haynie’s survey 372 varas S. 62 degrees 32 minutes E. from its west line; thence N. 62 degrees 32 minutes W. 12 miles 318 varas to the head of Brays Bayou; thence N. 56 degrees 30 minutes W. 15 miles 1455½ varas to the old crossing of Buffalo Bayou; thence with the line of Waller County in a straight line to the head of creek; thence down the same with its meanders to the San Jacinto River; thence N. 50 degrees east to the western line of Liberty County; thence with said line to the head of Cedar Bayou; thence down said bayou to its mouth; thence following the boundary line of Harris County to the mouth of Clear Creek, the place of beginning."

SEC. 2. Notice of the intention to apply for the passage of this law has heretofore been given in direct conformity with the Constitution and laws of this State and evidence of such notices having been published has been exhibited in the Legislature before the passage of this bill.

SEC. 3. The petition, orders of the Commissioners’ Court, notices of election, the election and orders declaring the result thereof and authorizing the issuance of the following bonds: (a) An issue of $1,250,000.00, dated June 1, 1911, bearing 4½% interest, maturing equally each 10 years for forty years; (b) an issue of $250,000.00, dated March 4, 1914, bearing 5%
interest, maturing forty years with an option to redeem same at any time after ten years; (c) an issue of $1,500,000.00, dated August 1, 1919, bearing 5\% interest and maturing serially in 30 years; (d) an issue of $500,000.00, dated September 15, 1924 bearing 4\%\ 1/2\% interest and maturing serially in thirty years; are heretofore in all respects confirmed, approved, ratified, and validated, and held to be the legal and binding obligations of said Harris County Houston Ship Channel Navigation District.

Sec. 4. The petition of the Navigation and Canal Commissioners of October 7, 1926, to the Commissioners' Court asking for an election for One Million Five Hundred Thousand ($1,500,000.00) Dollars of bonds; the order of the Commissioners' Court of October 11, 1926, ordering an election for said bonds for December 4, 1926; the notices of election, the publication and posting of such notices, the form of ballot, the election itself, the canvass by the Court of the votes cast at said election, and the order of the Commissioners' Court dated December 13, 1926, authorizing the issuance of One Million Five Hundred Thousand ($1,500,000.00) Dollars of the bonds of said District, which bonds are dated February 1, 1927, due $50,000.00 each year for thirty years, bearing interest at the rate of 5\%, payable semi-annually, said bonds being in the denomination of $1,000.00 each and setting out the form of said bonds, places of payment, rights of redemption and other details of said issue; the order providing for a tax on all of the taxable property in said District sufficient to pay the interest on said bonds and provide a sinking fund for payment of said bonds at maturity; and all orders of the Commissioners' Court supplementary to and amendatory thereof, are in all respects ratified, confirmed, approved and validated.

Sec. 5. The amount of bonds fixed in the order of said Court calling said election for the purposes set forth in said order is hereby found to be proper and necessary for the purposes set out therein and of benefit to all of the property and tax payers in said District, and is hereby approved and authorized, and the said Harris County Houston Ship Channel Navigation District of Harris County, Texas, is hereby fully authorized and empowered to issue and sell said bonds and use the proceeds of said bonds for the purposes set forth in the order of said Court calling said election, and said bonds as and when issued and sold at any time or from time to time shall be and are hereby declared to be the legal, valid, and binding obligations of said Harris County Houston Ship Channel Navigation District of Harris County, Texas. The Commissioners' Court of Harris County, on behalf of said District, is hereby fully authorized and empowered to levy upon and against all of the taxable property in said Harris County Houston Ship Channel Navigation District of Harris County, Texas, liable therefore, in the manner and at the time provided for by the General Laws, suffi-
GENERAL AND SPECIAL LAWS.

Sufficient taxes to pay the interest on said bonds and provide sinking funds for the payment of said bonds at maturity.

SEC. 6. The Attorney General of the State of Texas, an presentation to him for approval of any or all of said bonds duly executed as provided by law, in the form set forth in the order referred to, is authorized to approve and certify the same as valid and binding obligations of the said Harris County Houston Ship Channel Navigation District of Harris County, Texas.

SEC. 7. Harris County Houston Ship Channel Navigation District of Harris County, Texas, is authorized and empowered to issue in direct conformity with the Constitution and the laws of this State as and when necessary such bonds as may be voted from time to time by the requisite two-thirds majority of the resident property tax paying voters voting at any election when called and conducted in direct conformity with the Constitution and laws of Texas and to issue and sell the same subject to such provisions of the Constitution and laws of this State as may be in effect at the time, and subject to the approval of the Attorney General.

SEC. 8. The public importance of the purposes herein contemplated creates an emergency and an imperative public necessity requiring a suspension of the Constitutional Rule requiring bills to be read upon three several days in each House and the said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted.

Approved June 6, 1927.
Effective June 6, 1927.

[H. B. No. 131 passed the House 106 yeas, 2 nays; passed the Senate 30 yeas, 0 nays.]

AMENDING BRAZOS COUNTY ROAD LAW, AUTHORIZING ROAD REFUNDING BONDS.

H. B. No. 143] CHAPTER 98

AN ACT amending Chapter 42, Local and Special Laws, Regular Session of the 37th Legislature of the State of Texas, entitled "An Act to create a more efficient and better Road System for Brazos County, Texas, etc." to permit the issuance of refunding bonds for the purpose of funding or refunding indebtedness incurred for road and bridge purposes; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That Section 12 of Chapter 42, Local and Special Laws of the Regular Session of the 87th Legislature, entitled "An Act to create a more efficient and better Road System for Brazos County, Texas, etc." be and the same is hereby amended by adding Section 12a thereto as a part thereof so as to read hereafter as follows:
HARRIS COUNTY SHIP CHANNEL Ch. 117

Sec. 2. The fact that some equitable provision should be made to allow teachers and auxiliary employees who waived membership in or have withdrawn deposits from the Teacher Retirement System to receive credit for former service creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
Passed the House, April 4, 1957: Yeas 135, Nays 0; passed the Senate, April 11, 1957: Yeas 29, Nays 0.
Approved April 29, 1957.
Effective April 29, 1957.

HARRIS COUNTY SHIP CHANNEL NAVIGATION DISTRICT

CHAPTER 117 54

H. B. No. 641

An Act relating to Harris County Houston Ship Channel Navigation District of Harris County, Texas; authorizing said District to acquire, purchase, enlarge, extend, repair, maintain, operate, or develop certain improvements and facilities; authorizing the Board of Navigation and Canal Commissioners of said Districts to prescribe fees and charges for the use of the improvements and facilities of the District and providing for the use and disposition of the revenues produced thereby; authorizing the issuance by said Board of obligations of the District, payable solely out of said revenues and containing provisions relating to said revenues and to said obligations and the issuance thereof and to said improvements and facilities; providing that said District be converted to a navigation district operating under Section 59, Article XVI, Constitution of Texas; providing the powers and authority of said District and Board; authorizing the issuance of tax bonds of the District and containing provisions relating to the powers and duties of the Commissioners Court of Harris County and of said Board relating to said bonds and the issuance thereof and containing other provisions relating thereto; authorizing the levy, assessment, and collection of an annual tax for the maintenance, operation, and upkeep of the District and its facilities, properties, and improvements, and containing provisions relating thereto; containing a finding of benefits; authorizing the issuance of bonds of the District to refund bonds of the District which have heretofore been voted and containing provisions relating thereto; providing that this Act shall be cumulative of other laws and shall be liberally construed, and that nothing herein shall be construed to amend, repeal, or affect the laws relating to pilots, pilotage, their appointment, or remuneration; validating said District, all acts and governmental proceedings of said Board and other officials of the District, all acts and governmental proceedings of the Commissioners Court of Harris County relating to said District, the boundaries of said District, all bonds heretofore voted and issued and all elections heretofore held for the issuance of bonds, and the election held in said District January 31, 1957, at which Seven Million Dollars ($7,000,000) bonds of the District were authorized, and all proceedings relating to said election, and providing that such validation provisions shall have no application to litigation pending upon the effective date of this Act; providing a severability clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Revenue Obligations
(a) The Harris County Houston Ship Channel Navigation District of Harris County, Texas, in addition to all other powers conferred by law,

Tex.Sess.Laws '57-58 241
is hereby given authority and shall hereafter have power in the manner
hereinafter provided to acquire, purchase, construct, enlarge, extend, re-
pair, maintain, operate, or develop channels and turning basins, wharves,
docks, warehouses, grain elevators, bunkering facilities, railroads, floating
plants, and facilities, lightering facilities and towing facilities, bulk
handling facilities, and everything appurtenant thereto, together with all
other facilities or aids incident to or useful in the operation or develop-
ment of the District's ports and waterways or in aid of navigation and
commerce thereon.

(b) The Board of Navigation and Canal Commissioners of said District
may covenant to and shall prescribe fees and charges to be collected for
the use of those improvements and facilities of the District (the net
revenues of which improvements and facilities are pledged, as herein-
after provided), which fees and charges shall be reasonable and equita-
ble and fully sufficient to produce revenues adequate to pay, and said
Board of Navigation and Canal Commissioners shall cause to be paid:

(1) All expenses necessary to the operation, replacement and main-
tenance of said improvements and facilities. Such operating and mainte-
nance expenses payable from current revenues shall include the cost
of the acquisitions of properties and materials necessary to repair, replace
and maintain said improvements and facilities in good condition and
operate them efficiently, wages and salaries paid to the employees of
the District in that connection, and such other expenses as may be neces-
sary to the efficient operation of said improvements and facilities.

(2) The annual or semiannual interest upon any obligations issued
hereunder and payable out of the revenues of said improvements and
facilities.

(3) The amount required to be paid annually into the sinking fund
for the payment of any obligations issued hereunder and payable out
of the revenues of said improvements and facilities.

(4) The amount or amounts required to be paid in reserve funds or
other funds as may be provided for in the proceedings authorizing
such obligations, to secure the payment of the obligations issued pursu-
ant to the provisions hereof.

Revenues which may be received in excess of those required for the
purposes listed in the above subparagraphs (1), (2), (3), and (4), may
be used by the Board of Navigation and Canal Commissioners to pay the
cost of any other District improvements or for any other lawful purpose.

(c) The Board of Navigation and Canal Commissioners of said Dis-
trict may borrow money from any department or agency of the United
States, or from any other source, and in evidence thereof issue the notes,
warrants, certificates of indebtedness, negotiable bonds, or other forms
of obligation of such District (hereafter referred to as "obligations") payable solely out of the revenues to be derived from said
improvements and facilities for any or all of the purposes set forth in Sec-

(d) Such obligations shall not constitute an indebtedness or pledge of
the credit of such District, and the holders thereof shall never have the
right to demand payment thereof out of any funds raised or to be raised
by taxation, and such obligations shall contain a recital to that effect.
All obligations issued hereunder shall be in registered or coupon form,
and if in coupon form may be registerable as to principal only, or as to
both principal and interest, shall bear interest at a rate not to exceed
six per cent (6%) per annum, payable annually or semiannually, and
shall be in such denominations and shall mature serially or at one time not
more than forty (40) years from their date in such manner as may be
provided by the Board of Navigation and Canal Commissioners. Princi-
pal of and interest on such obligations shall be made payable at any place or places within or without the State of Texas, and in the discretion of the Board of Navigation and Canal Commissioners such obligations may be made callable and/or refundable at the option of said Board prior to maturity at such premium or premiums as the Board shall determine. Such obligations shall be signed by the manual or facsimile signatures of the Chairman and Secretary of the Board of Navigation and Canal Commissioners as may be provided in the proceedings authorizing said obligations, and the interest coupons attached thereto may also be executed by the facsimile signatures of such officers. Such obligations shall be sold in such manner and at such times as the Board of Navigation and Canal Commissioners shall determine to be expedient and necessary to the interests of the District, provided, that in no event shall such obligations be sold for a price which will result in an interest yield therefrom of more than six percent (6%) computed to maturity according to standard bond tables in general use by banks and insurance companies. Any premium or premiums provided for the call or refunding of any bonds issued pursuant to this Section 1 shall not be included in the computation of the maximum interest yield on such bonds. In the event of the officers whose signatures are on such obligations or coupons shall cease to be such officers before the delivery of such obligations to the purchaser, such signature or signatures, nevertheless, shall be valid and sufficient for all purposes. All obligations issued hereunder shall constitute negotiable instruments within the meaning of the Negotiable Instruments Law of the State of Texas.

(e) Any obligations issued hereunder may be issued payable from and secured by the pledge of all the revenues derived from the operation of the improvements and facilities of the District, exclusive of any revenues derived from taxation or assessments, or may be payable from and secured by the pledge of only such revenues as may be derived from the operation of the improvements and facilities acquired with the proceeds of the sale of such obligations, or may be payable from and secured by the pledge of a specified part of the revenues derived from the operation of the improvements and facilities of the District, all as may be provided in the proceedings authorizing the issuance of such obligations.

(f) In the resolution or order adopted by the Board of Navigation and Canal Commissioners authorizing the issuance of any obligations hereunder, said Board may provide for the flow of funds, the establishment and maintenance of the interest and sinking fund, reserve, and other funds, and may provide for such additional covenants with respect to the obligations and the pledged revenues and the operation, maintenance, and upkeep of those improvements and facilities (the income of which is pledged), including provision for the leasing of all or part of said improvements and facilities and the use or pledge of moneys derived from leases thereon, as it may deem appropriate. Said resolution or order may also prohibit the further issuance of obligations payable from the pledged net revenues, or may reserve the right to issue additional bonds to be secured by a pledge of and payable from said net revenues on a parity with, or subordinate to, the lien and pledge in support of the obligations being issued, subject to such conditions as are set forth in said resolution or order. Such resolution may contain a provision appropriating out of the bond proceeds an amount sufficient to pay the interest which will accrue on such obligations during the period of construction of the improvements and facilities covered by such obligations. Such resolution or order may contain other provi-
sions and covenants, as in the opinion of said Board may be necessary or desirable to insure marketability of the obligations, provided that such provisions and covenants are not prohibited by the Constitution of Texas or by this Act; and the Board may adopt and cause to be executed any other proceedings or instruments necessary and/or convenient in the issuance of said obligations.

(g) Said District may adopt plans for the construction or refinancing of a grain elevator or elevators, to be paid for by the issuance and sale of obligations payable from and secured by a pledge of revenues to be derived from the operation of said grain elevator and further secured by a trust indenture, or by a deed of trust on the physical properties of such improvement; and during the time any such improvement is encumbered by the pledge of such revenues and the lien upon its physical properties, in the proceedings authorizing the bonds or the indenture, may vest its management and control in a Board of Trustees, to be named in such resolution or indenture, consisting of not less than five (5) nor more than nine (9) members. The compensation of the members of such Board of Trustees shall be fixed by such resolution or indenture, but shall never exceed one percent (1%) of the gross receipts of such improvement in any one (1) year. The terms of office of the members of such Board of Trustees, their powers and duties, including the power to fix fees and charges for the use of such improvements, and the manner of exercising same, the manner of the selection of their successors, and all matters pertaining to their duties and the organization of such Board of Trustees shall be specified in such resolution or indenture. Any such Board of Trustees may adopt bylaws regulating the procedure of the Board and fixing the duties of its officers, but the bylaws shall not contain any provision in conflict with the covenants and provisions contained in the resolution authorizing the bonds or the indenture. In all matters wherein the resolution or indenture are silent as to the powers, duties, obligations and procedure of the Board, the laws and rules governing the governing body of such District shall control the Board of Trustees in so far as applicable. The Board may be created by the resolution or indenture, and in that event shall have all or any of the powers and authority which could be exercised by the governing body of the District in so far as the management and operation of any such improvement is concerned. By the terms of any such resolution or indenture the governing board of any such District may make provision for later supplementing such resolution or indenture so as to vest the management and control of such grain elevator in a Board of Trustees having the powers, rights and duties herein conferred or imposed.

(h) Any resolution or order authorizing the issuance of obligations hereunder may provide that the revenues from which such obligations are to be paid and which are pledged to the payment of such obligations shall from month to month as the same shall accrue and be received, be set apart and placed in the interest and sinking fund, reserve fund, and other funds established in said resolution or order, and disbursed in the manner hereinabove provided.

(i) Any holder of obligations issued hereunder or of coupons originally attached thereto, may either at law or in equity, by suit, action, mandamus or other proceeding, enforce and compel performance of all duties required by this Act to be performed by the Board of Navigation and Canal Commissioners, including the making and collection of reasonable and sufficient fees or charges for the use of the improvements and facilities of the District, the segregation of the income and revenues of such improvements and facilities, and the application of such income and revenues pursuant to the provisions of this Act.
(J) As additional security for the payment of any obligations issued hereunder, the Board of Navigation and Canal Commissioners may in its discretion have executed in favor of the holders of such obligations an indenture, mortgaging and encumbering the improvements, facilities and properties acquired with the proceeds of the sale of such obligations, and may provide in such encumbrance for a grant to any purchaser or purchasers at foreclosure sale hereunder of a franchise or lease to operate such improvements, facilities and properties for a term of not over fifty (50) years from the date of such purchase, subject to all laws regulating same then in force. Any such indenture may contain such terms and provisions as the Board of Navigation and Canal Commissioners shall deem proper and shall be enforceable in the manner provided by the laws of Texas for the enforcement of other mortgages and encumbrances. Under any sale ordered pursuant to the provisions of such mortgage or encumbrance, the purchaser or purchasers at such sale, and his or their successors or assigns, shall be vested with a permit, franchise or lease conforming to the provisions stipulated in the indenture to maintain and operate the improvements, facilities and properties purchased at such sale with like powers and privileges as may theretofore have been enjoyed by the District in the operation of said improvements, facilities and properties. The purchaser or purchasers of such improvements, facilities and properties at any such sale, and his or their successors and assigns, may operate said improvements, facilities and properties as provided in the last above sentence or may at their option remove all or part of said improvements, facilities and property for diversion to other purposes. The provisions of Articles 8240, 8241, 8243, Revised Civil Statutes, 1925, and Chapter 134, Acts, 1935, Forty-fourth Legislature, Regular Session, as amended, and any other statutes relating to the authorization or execution of mortgages and encumbrances or the granting of franchises or leases shall not be applicable to the authorization or execution of any mortgage or encumbrance entered into pursuant to the provisions of this Act, nor to the granting of any franchise or lease hereunder.

(k) The proceeds of the sale of any obligations issued hereunder may be deposited in such bank or banks as may be agreed upon between the purchaser at such sale and the Board of Navigation and Canal Commissioners, and may be deposited and paid out pursuant to such terms and conditions as may be so agreed upon, it being expressly provided that the Statutes of Texas pertaining to the deposit of Navigation District funds in the depository of such District shall not be applicable to the deposit of the proceeds of such sale.

(l) The Board of Navigation and Canal Commissioners is authorized to enter into an agreement or agreements with the purchaser or purchasers of any obligations issued hereunder under the terms of which such Board shall agree to keep all of the improvements and facilities, the revenues of which are pledged to the payment of such obligations, insured with insurers of good standing against loss or damage by fire, water or flood, and also from any other hazards customarily insured against by private companies operating similar properties, and to carry with insurers of good standing such insurance covering the use and occupancy of such property as is customarily carried by such private companies. The cost of such insurance shall be budgeted as maintenance and operation expense and such insurance shall be carried for the benefit of the holders of such obligations.

(m) Said District, in addition to the other powers hereinabove set out, shall have general power and authority to make and enter into all contracts, leases and agreements necessary or convenient to the carry-
Any obligations issued pursuant to the provisions of this Act shall be exempt from taxation by the State of Texas or by any municipal corporation, county, or other political subdivision or taxing district of the State.

The Board of Navigation and Canal Commissioners shall have the power to issue obligations of the District for the purpose of refunding any outstanding obligations payable out of the revenues of the District and accrued interest thereon. Such refunding obligations may be issued to refund more than one series of outstanding obligations and combine the pledges for the outstanding obligations for the security of the refunding obligations, and such refunding obligations may be secured by other and additional revenues, provided that such refunding will not impair the contract rights of the holders of any of the outstanding obligations which are not to be refunded.

Such refunding obligations shall be authorized, shall be executed, and shall mature as is provided herein for original obligations, and shall bear interest at the same or lower rate than that of the obligations refunded unless it is shown mathematically that a saving will result in the total amount of interest to be paid. Refunding bonds issued hereunder shall be approved by the Attorney General of Texas as in the case of other bonds issued hereunder, and shall be registered by the Comptroller of Public Accounts upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution or order authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the place or places where the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the interest on the original bonds to their option or maturity date, and the Comptroller shall register them without the surrender and cancellation of the original bonds. The Board of Navigation and Canal Commissioners may combine refunding bonds and new bonds in one issue, in which event the provisions of this Section (e) shall apply to those bonds of the combined issue which are designated in the resolution or order as the refunding bonds.

After any bonds have been authorized by the District hereunder, such bonds and the record relating to their issuance shall be submitted to the Attorney General of Texas for his examination as to the validity thereof, and after the Attorney General has approved the same, such bonds shall be registered by the Comptroller of Public Accounts of Texas. After such bonds have been approved by the Attorney General and registered by the Comptroller, they shall thereafter be incontestable for any cause except for forgery or fraud.

All bonds issued hereunder 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, 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, for State funds and retirement system funds (without limiting the gener-
alization of the foregoing, including the Permanent School Fund of Texas, and funds of retirement systems created under the Constitution and laws of the State of Texas), and for the sinking funds of cities, towns, villages, counties, school districts, or other governmental agencies, 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 governmental agencies, 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.

(r) This Section 1, without reference to other Statutes of the State of Texas, shall constitute full authority for the authorization and issuance of obligations hereunder and for the accomplishment of all things herein authorized to be done, and no proceedings relating to the authorization or issuance of such obligations or the doing of such things shall be necessary except such as are herein required, and neither the Bond and Warrant Law of 1931 or any other provisions of the Laws of the State of Texas, pertinent to the authorization or issuance of obligations, the operation and maintenance of ports, canals and waterways, the granting of franchise, permits, or leases, the right to elections or referendum petitions, shall in anywise impede or restrict the carrying out of the acts authorized to be done hereunder or acts done pursuant hereto.

Sec. 2. Conversion of District and Tax Supported Obligations
(a) Effective and operative January 1, 1958, the Harris County Houston Ship Channel Navigation District of Harris County, Texas, is hereby converted to a navigation district operating under the provisions of Section 59 of Article XVI, Constitution of Texas, and after said date said District will operate under Section 59 of Article XVI and this Section 2 of this Act; provided, that neither said Constitutional Provision nor this Section 2 shall apply to said District until said effective date.

Said District will thereafter be empowered and authorized to exercise, in addition to all powers conferred by this Act, all powers conferred upon said District by the law or laws under which it was organized, and, in addition, shall have all of the powers and jurisdiction conferred upon Districts originally organized under Article XVI, Section 59, of the Constitution of the State of Texas, and particularly Articles 8210, 8211, 8225, 8226, 8227, 8228, 8229, 8230, 8231, 8232, 8233, 8234, 8235, 8236, 8237, 8238, 8239, 8240, 8241, 8242, 8243, 8244, 8245, 8246, 8247, 8248, 8249, 8250, 8251, 8252, 8253, 8254, 8255, 8256, 8257, and 8258, Revised Civil Statutes of Texas, 1925, as amended, as well as Chapter 90, Acts, 1943) Forty-ninth Legislature, Regular Session, Page 130, as amended; Chapter 6, Acts, 1941, Forty-seventh Legislature, Page 8, as amended; Chapter 290, Acts, 1949, Fifty-first Legislature, Page 507, as amended; Chapter 176, Acts, 1955, Fifty-fourth Legislature, Page 564; Chapter 217, Acts, 1949, Fifty-first Legislature, Page 407; Chapter 252, Acts, 1955, Fifty-fourth Legislature, Page 701; and Subsections (b) and (c) of Section 1, Chapter 134, Acts, 1955, Forty-fourth Legislature, Page 368, as amended; provided, that if there is any conflict or inconsistency between said laws or any of them, and this Act, then to the extent of conflict or inconsistency, the provisions of this Act shall govern. The Board of Navigation and Canal Commissioners of said District shall continue to be a five (5) commissioner board, and the Commissioners shall continue to be elected and hold office as provided in Article 8235, Revised Civil Statutes of Texas, 1925. Any act or thing authorized to be done by
said Board of Navigation and Canal Commissioners by provisions of this Act or by provision of any of the aforementioned laws and legislative acts may be done and performed by the General Manager of said District (or other person authorized to act in his place and stead) when so authorized by general or special rule, regulation, order, resolution or other direction of the Board of Navigation and Canal Commissioners. The Navigation Board of said District is hereby defined and shall continue to be composed of the County Judge and County Commissioners of Harris County, Texas, and the Mayor and Councilmen of the City of Houston, Texas.

(b) If the Navigation and Canal Commissioners of said District shall from time to time determine to make further construction or improvements by the issuance of tax bonds or that additional tax bond funds are required with which to maintain the existing improvements, they shall certify to the Commissioners Court of Harris County the necessity for an additional bond issue or issues stating the amount required, the purposes of the same, the maximum rate of interest of said bonds, and the time for which they are to run. A certified copy of an order or resolution adopted by the Board of Navigation and Canal Commissioners, setting forth such information, shall constitute sufficient certification in this regard. The Commissioners Court at a regular or special meeting, shall order an election to vote on the proposition of the issuance of bonds and the levy of taxes as hereinafter provided. Said order shall specify the maximum amount of bonds to be issued, their maximum maturity date, and the maximum rate of interest. The ballots for such election shall contain words substantially as follows: "For the issuance of bonds and levy of tax in payment thereof"; "Against the issuance of bonds and levy of tax in payment thereof"; and said ballot shall conform to the requirements of the provisions of the Constitution of Texas, Chapter 9 of Title 128, Revised Civil Statutes, 1925, and all other Statutes of Texas applicable thereto. Any and all limitations, statutory or otherwise, restricting the amount of bonds that may be issued by the District are hereby removed.

(c) When any election is held under this Act, notice thereof shall be given for not less than thirty (30) days prior thereto, stating the time, places of holding the same, the proposition or propositions to be voted upon, and the purposes thereof, and shall contain a substantial copy of the election order. Such notices shall be posted by the County Clerk in five (5) public places in said County, one (1) of which shall be at the Courthouse door, and four (4) of which shall be posted within the limits of said Navigation District. No other notice of election shall be necessary. This District, being presently a county-wide district, and so long as it remains such, the regular voting or election precincts established by the Commissioners Court for county-wide elections shall be the voting or election precincts for all such bond elections.

(d) Only duly qualified resident voters of said District who own taxable property within said District and who have duly rendered the same for taxation shall be entitled to vote at said elections. Every person who offers to vote in any such election who is not known by the election officials to possess said qualifications shall take the following oath before the Presiding Judge of the polling place where he offers to vote, and the Presiding Judge is authorized to administer the same: "I do solemnly swear (or affirm) that I am a duly qualified resident elector of Harris County Houston Ship Channel Navigation District of Harris County, Texas, and that I own taxable property in said District which has been duly rendered for taxation, and that I have not voted before at this election."
(e) The Commissioners Court shall canvass the returns of said election, and if a majority of those voting at the election vote in favor of the issuance of the bonds and the levy of the tax in payment thereof, then the Commissioners Court shall authorize the issuance of such bonds and levy taxes to pay the interest on and principal of such bonds, as hereinafter provided. In canvassing such returns and declaring the result of any such election, a simple resolution or order of said Commissioners Court shall be satisfactory.

(f) Bonds so authorized at an election may be issued in one or more installments, and when the Board of Navigation and Canal Commissioners shall have determined the amount of bonds to be issued in a particular series or issue, said Board shall adopt a resolution or order setting forth the amount of bonds then to be issued, and a certified copy of such resolution or order shall be furnished the Commissioners Court. Thereupon, said Commissioners Court, at a regular or special meeting, shall adopt an order authorizing and directing the issuance of bonds for such District in the amount so certified.

(g) All tax bonds of the District shall be issued in the name of the District, shall be signed by the County Judge and attested by the County Clerk, and shall have the seal of the Commissioners Court impressed thereon; provided, that the order authorizing the issuance of such bonds may provide for the bonds to be signed by the facsimile signatures of said County Judge and County Clerk, either or both, and for the seal on the bonds to be a printed facsimile seal of the Commissioners Court; and provided further that the interest coupons attached to said bonds may also be executed by the facsimile signatures of said officers. The County Treasurer shall register such bonds and shall keep a record thereof, and evidence of such registration may be shown on the bonds by the manual or facsimile signature of said County Treasurer. Such bonds shall be issued in such denominations, shall be payable at such time or times not exceeding forty (40) years from their date or dates, and shall bear interest at a rate or rates not to exceed six percent (6%) per annum, all as may be determined by said Commissioners Court.

(h) The Board of Navigation and Canal Commissioners shall sell such bonds for the best price possible and in no event for less than their face value and accrued interest thereon. Such bonds may be sold either prior to, simultaneous with, or after the adoption of the order by the Commissioners Court authorizing the issuance of such bonds; and if such bonds are sold either prior to or simultaneous with the adoption of said order by the Commissioners Court, then such order shall contain a provision confirming the sale of such bonds. All moneys received from the sale of such bonds shall be deposited with the County Treasurer to the credit of the District, and shall be expended only for the bond purpose and incidental expenses in connection therewith. No additional bond shall be required of the County Treasurer or of any officer or official of the District for the handling of the bond proceeds.

(i) All such bonds, and the record of proceedings pertaining thereto, shall be submitted to the Attorney General of Texas for his examination as to the validity thereof, and after the Attorney General has approved the same, such bonds shall be registered by the Comptroller of Public Accounts of Texas. When such bonds have been approved by the Attorney General, registered by the Comptroller, and delivered to the purchasers, they shall thereafter be incontestable for any cause except for forgery or fraud.

(j) When bonds have been issued, the Commissioners Court shall levy and cause to be assessed and collected taxes annually sufficient
to pay the interest on such bonds, to provide a sinking fund to redeem said bonds as they mature, and to pay the cost of collection of such taxes.

(k) The Commissioners Court shall have the power to issue bonds to refund outstanding bonds of the District and accrued interest thereon, and the provisions of this Section 2 relating to the issuance of voted bonds shall apply to the issuance of refunding bonds, except that no election therefor shall be necessary. Refunding bonds shall bear interest at the same or lower rate than the bonds to be refunded unless it is shown mathematically that a saving will result in the total amount of interest to be paid. Such bonds shall be approved by the Attorney General as in the case of original bonds, and shall be registered by the Comptroller upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the order authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the place or places where the bonds to be refunded are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the principal of the bonds to be refunded and the interest on such bonds to their option or maturity date, and the Comptroller shall register them without the surrender and cancellation of the bonds to be refunded. All refunding bonds, after they have been approved by the Attorney General and registered by the Comptroller, shall be incontestable for any cause except for forgery or fraud.

(l) The Commissioners Court may, upon the request of the Board of Navigation and Canal Commissioners, invest the sinking fund created for the benefit of any bonds issued hereunder, in such county, municipal, district, or other bonds required by law to be approved by the Attorney General of Texas.

(m) The Commissioners Court shall be authorized to levy and cause to be assessed and collected for the maintenance, operation and upkeep of said District and the facilities, properties, and improvements of said District, whether heretofore or hereafter constructed or acquired and whether constructed or acquired under the provisions of this Act or otherwise, an annual tax not to exceed ten cents (10¢) on each One Hundred Dollars ($100) valuation of taxable property within such District; provided that the levying of such tax shall be first submitted to the qualified taxing voters of said District called and held as herein provided for bond elections and the proposition shall be adopted by a majority vote of those voting at the election.

The Commissioners Court shall at the time of levy of taxes for County purposes each year levy and cause to be assessed and collected said maintenance tax within such voted limit of ten cents (10¢) as has been determined by the Board of Navigation and Canal Commissioners.

(n) The Board of Navigation and Canal Commissioners of said District shall provide all necessary additional books for the use of the Assessor and Collector of taxes and the Clerk of the Commissioners Court of Harris County, Texas. The Tax Assessor of said Harris County shall be charged with the assessment of all property for taxation within said District and when ordered to do so by the Commissioners Court of Harris County shall assess all property within said Navigation District and list the same for taxation in the books or rolls furnished him for said purposes, and return said books or rolls at the same time when he returns the other books or rolls of the State and County Taxes for correction and approval to the Commissioners Court of said County, and if said Court shall find said books or rolls correct they shall approve the same, and in all matters pertaining to the assessment of property for taxation in said District, the Tax Assessor and Board of Equalization of said County shall be authorized to act and shall be governed by the
laws of Texas for assessing and equalizing property for State and County Taxes, except as herein provided. All taxes authorized to be levied by this Act shall be a lien upon the property upon which said taxes are assessed, and said taxes may be paid and shall mature and be paid at the time provided by the laws of this State for the payment of State and County Taxes; and all the penalties provided by the laws of this State for the nonpayment of State and County Taxes shall apply to all taxes authorized to be levied by this Act. The Tax Collector of Harris County shall be charged with the assessment rolls of said Navigation District, and is required to make collection of all taxes levied and assessed against the property in said County and promptly pay over the same to the Treasurer of the District. The Tax Assessor-Collector shall receive for such services such compensation as the Navigation and Canal Commissioners of said District and said Commissioners Court shall agree upon; and such compensation shall be paid to the Officers' Salary Fund of the County. The bond of such Assessor-Collector shall stand as security for the proper performance of his duties as Tax Assessor-Collector of such District; or, if in the judgment of the Navigation and Canal Commissioners of such District it be necessary, an additional bond payable to such District may be required, and in all matters pertaining to the collection of taxes levied under the provisions of this Act, the Tax Collector shall be authorized to act and shall be governed by the laws of the State of Texas for the collection of State and County Taxes, except as herein provided; and suits may be brought for the collection of said taxes and the enforcement of the tax liens created by this Act. It shall be the duty of the Tax Collector to make a certified list of all delinquent property upon which the navigation tax has not been paid, and return the same to the County Commissioners Court, which shall proceed to have the same collected by the sale of such delinquent property in the same manner, both by suit and otherwise, as now or may be provided for the sale of property for the collection of State and County Taxes; and, at the sale of any property for any delinquent tax, the Navigation and Canal Commissioners may become the purchasers of the same for the benefit of the Navigation District. Should said Tax Assessor and Collector fail or refuse to comply with the order of said Commissioners Court requiring him to assess and list for taxation all the property in such Navigation District, or fail or refuse to give such additional bond or security as herein provided, he shall be suspended from further discharge of his duties by the Commissioners Court of said County, and he shall be removed from office in the mode prescribed by law for the removal of county officers.

(o) The County Treasurer of Harris County shall be treasurer of said Navigation District, and it shall be his duty to open an account of all moneys received by him belonging to such District and all amounts paid out by him. He shall deposit the funds of said District in such depository or depositories as may be designated by the Navigation and Canal Commissioners in the manner provided by law for the selection of a county depository, and such depository so selected shall be the depository of said district for a period of two (2) years and until its successor is selected and qualified. Should the Navigation and Canal Commissioners fail or refuse to select a depository such depository shall be selected in like manner by the Commissioners Court. The depository of said district at the effective date of this Act shall continue to be the depository of the district until its successor is selected and qualified as herein provided. He shall pay out no money except upon the conditions provided for in this Act, and he shall carefully preserve on file all orders for the payment of money; and, as often as required by the
said Commissioners Court, he shall render a correct account to them of all matters pertaining to the financial condition of the district. The County Treasurer shall execute a good and sufficient bond, payable to the Navigation and Canal Commissioners of such district and to their successors in office for the benefit of said district in an amount to be fixed by the Navigation and Canal Commissioners, such bond to be conditioned for the faithful performance of his duties as treasurer of such district and to be approved by said Navigation and Canal Commissioners; provided whenever any bonds are issued by such navigation district the County Treasurer before receiving the proceeds of sale thereof shall execute additional good and sufficient bond payable to the Navigation and Canal Commissioners of said district in an amount to be fixed by the Navigation and Canal Commissioners, which bond shall likewise be conditioned and approved as aforesaid, but such additional bond shall not be required after such Treasurer shall have properly disbursed the proceeds of such bond issue; and the County Treasurer shall be allowed such compensation for his services as treasurer of such navigation district as may be determined by said Navigation and Canal Commissioners, and such compensation shall be paid to the Officers' Salary Fund of the County.

Sec. 3. Refunding of Bonds Heretofore Voted
The Commissioners Court shall have the power to issue bonds of the District to refund bonds of the District which have heretofore been voted and which are outstanding at the time of the adoption of the refunding bond order, and no election therefor shall be necessary. Such refunding bonds shall mature serially or otherwise in not to exceed forty (40) years from their date, and shall bear interest at the same or lower rate than the bonds to be refunded unless it is shown mathematically that a saving will result in the total amount of interest to be paid. Such refunding bonds shall be approved by the Attorney General of Texas, and shall be registered by the Comptroller of Public Accounts of Texas upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the order authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the place or places where the bonds to be refunded are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the principal of the bonds to be refunded and the interest on such bonds to their option or maturity date, and the Comptroller shall register them without the surrender and cancellation of the bonds to be refunded. All such refunding bonds, after they have been approved by the Attorney General and registered by the Comptroller, shall be incontestable for any cause except for forgery or fraud.

Sec. 4. Construction of Act
This Act shall be cumulative of other laws, and shall be liberally construed to effectuate the purposes set forth herein. It is hereby found and declared that all property in the District, both real and personal, is benefited by the District and by the improvements and facilities constructed or acquired under this Act. It is expressly provided that nothing in this Act shall be construed to amend, repeal, or affect the laws relating to pilots, pilotage, their appointment, or their remuneration.

Sec. 5. Validation Provisions
Harris County Houston Ship Channel Navigation District of Harris County, Texas, is hereby in all things validated, and all acts and governmental proceedings of the Board of Navigation and Canal Commissioners and other officials of the District and all acts and governmental proceedings of the Commissioners Court of Harris County relating to said
District are hereby in all things validated, and the boundaries of such District are hereby in all things validated, and all bonds heretofore voted and issued and all elections heretofore held for the issuance of bonds are hereby in all things validated. Without in any way limiting the generalization of the foregoing, it is expressly provided that the election held in said District on the 31st day of January, 1957, at which election Seven Million Dollars ($7,000,000) bonds of said District were authorized, and all proceedings relating thereto, are hereby in all things validated. It is provided, however, that this Section shall have no application to litigation pending upon the effective date of this Act.

Sec. 6. Notice

Notice of intention to apply for the passage of this law has heretofore been given in direct conformity with the Constitution and Laws of the State, and evidence of such notice has been exhibited in the Legislature before the passage of this Act.

Sec. 7. Severability Clause

The provisions of this Act are separable, and if any provision or part thereof 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 or part to other persons or circumstances shall not be affected thereby.

Sec. 8. Emergency Clause

The fact that the Harris County Houston Ship Channel Navigation District of Harris County, Texas, is in urgent need for new and additional sources of revenue and means of financing so that the navigation improvement program of such District can be carried forward and continued and that the State at large has a direct interest in such program and that the laws governing the District have heretofore hampered the proper development of said District and its navigation facilities, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

Passed the House, March 20, 1957: Yeas 145, Nays 0; House refused to concur in Senate amendments, April 9, 1957, and requested appointment of Conference Committee to consider differences between the two Houses; House adopted Conference Committee Report, April 10, 1957: Yeas 135, Nays 0; passed the Senate, with amendments, April 9, 1957: Yeas 29, Nays 0; at request of House, Senate appointed a Conference Committee to consider differences between the two Houses; Senate adopted Conference Committee Report, April 11, 1957: Yeas 29, Nays 0.

Approved April 22, 1957.

Effective April 22, 1957.
HARRIS COUNTY HOUSTON SHIP CHANNEL
NAVIGATION DISTRICT

CHAPTER 186

S. B. No. 297

An Act amending Chapter 117, House Bill No. 641, Acts 55th Legislature of Texas, Regular Session, 1957, relating to Harris County Houston Ship Channel Navigation District of Harris County, Texas; validating all acts and governmental proceedings of the Board of Navigation and Canal Commissioners and other officials of said District and all bonds and other obligations of said District heretofore issued and all proceedings heretofore adopted relating to bonds and other obligations of said District; providing a severability clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1(j) of Chapter 117, House Bill No. 641, Acts of the 55th Legislature of Texas, Regular Session, 1957, is hereby amended to hereafter read and provide as follows:

"(j) As additional security for the payment of any obligations issued hereunder, the Board of Navigation and Canal Commissioners may, in its discretion, have executed in favor of the holders of such obligations an indenture or deed of trust mortgageing and encumbering all or any part of the physical properties comprising the improvements and facilities the net revenues of which are pledged to the payment of such obligations, including the lands upon which said improvements and facilities are located, and may provide in such mortgage or encumbrance for a grant to any purchaser or purchasers at foreclosure sale thereunder of a franchise to operate such improvements, facilities and properties for a term of not over fifty (50) years from the date of such purchase, subject to all laws regulating same then in force. Any such indenture or deed of trust may contain such terms and provisions as the Board of Navigation and Canal Commissioners shall deem proper and shall be enforceable in the manner provided by the laws of Texas for the enforcement of other mortgages and encumbrances. Under any such sale ordered pursuant to the provisions of this Act, the purchaser or purchasers at such sale, and his or their successors or assigns, shall be vested with a permit or franchise conforming to the provisions stipulated in the indenture or deed of trust to maintain and operate the improvements, facilities and properties purchased at such sale with like powers and privileges as may theretofore have been enjoyed by the District in the operation of said improvements, facilities and properties. The purchaser or purchasers of such improvements, facilities and properties at any such sale, and his or their successors and assigns, may operate said improvements, facilities and properties as provided in the last above sentence or may at their option remove all or any part or parts of said improvements, facilities and properties for diversion to other purposes. The provisions of Articles 8240, 8241, 8243, Revised Civil Statutes, 1925, and Chapter 134, Acts 1935, 44th Legislature, Regular Session, as amended, and any other Statutes relating to the authorization or execution of mortgages and encumbrances or the granting of franchises or leases shall not be applicable to the authorization or execution of any mortgage or encumbrance entered into pursuant to the provisions of this Act, nor to the granting of any franchise hereunder. Any obligations issued pursuant to the provisions of

Ch. 186
57TH REGULAR SESSION

this Act and additionally secured by an indenture or deed of trust as provided by this Section 1(j), whether such obligations are notes or certificates of indebtedness or otherwise, and the record relating to their issuance, may, at the option of the Board of Navigation and Canal Commissioners, be submitted to the Attorney General of Texas for his examination and approval, as in the case of bonds, and after the Attorney General has approved the same, such obligations shall be registered by the Comptroller of Public Accounts of Texas; and after such obligations have been approved by the Attorney General and registered by the Comptroller, they shall thereafter be incontestable for any cause except for forgery or fraud."

Sec. 2. All acts and governmental proceedings of the Board of Navigation and Canal Commissioners and other officials of Harris County Houston Ship Channel Navigation District of Harris County, Texas, are hereby in all things validated, and all bonds and other obligations of said District heretofore issued (whether payable from taxes, revenues, or otherwise) and all proceedings heretofore adopted relating to bonds and other obligations of said District (whether payable from taxes, revenues, or otherwise, and whether said bonds or other obligations have yet been issued or not) are hereby in all things validated. It is provided, however, that the validation provisions of this Section shall have no application to litigation pending upon the effective date of this Act.

Sec. 3. The provisions of this Act are severable, and if any provision or part 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 and the application of such provision or part to other persons or circumstances shall not be affected thereby.

Sec. 4. The fact that said District is in urgent need of the additional powers granted by this Act so that the navigation improvement program of said District can be promptly carried forward and continued, and that the State of Texas at large has a direct interest in such program, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate, March 28, 1961: Yeas 24, Nays 1; passed the House, May 3, 1961: Yeas 142, Nays 0.

Approved May 17, 1961.

Effective May 17, 1961.
Be it enacted by the Legislature of the State of Texas:

Section 1. Chapter 117, Acts of the 55th Legislature, Regular Session, 1957, as last amended by Chapter 186, Acts of the 57th Legislature, Regular Session, 1961, is amended by adding a Section 5A to read as follows:

"Section 5A.

"(a) The name of the Harris County Houston Ship Channel Navigation District of Harris County, Texas, is changed to the Port of Houston Authority of Harris County, Texas.

"(b) The name of the Board of Navigation and the Canal Commissioners of the Authority is changed to the port commission, and the title of each member is port commissioner.

"(c) The title of general manager of the authority is changed to executive director."

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

Passed by the House on March 15, 1971: Yeas 149, Nays 0; passed by the Senate on March 24, 1971: Yeas 31, Nays 0.

Approved March 31, 1971.

Effective Aug. 30, 1971, 90 days after date of adjournment.

Ch. 43  62nd LEGISLATURE—REGULAR SESSION

HARRIS COUNTY HOUSTON SHIP CHANNEL NAVIGATION DISTRICT—POWERS AND DUTIES

CHAPTER 43

H. B. No. 348

An Act authorizing the Harris County Houston Ship Channel Navigation District of Harris County, Texas, to provide for the prevention, detection, control, and fighting of fires and explosions on and adjacent to waterways, channels and turning basins within its jurisdiction; to promulgate and enforce ordinances, rules, and regulations therefor; providing that such functions may be exercised both within and without corporate boundaries; authorizing the District to acquire, purchase, construct, enlarge, extend, repair, maintain, operate, or develop traffic control facilities for the District; amending Chapter 117, Acts of the 55th Legislature, Regular Session, 1957, as amended; making legislative findings; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 2, Chapter 117, Acts of the 55th Legislature, Regular Session, 1957, is amended to add Subsections (p) and (q) to read as follows:

“(p) The Harris County Houston Ship Channel Navigation District of Harris County, Texas, shall acquire, purchase, lease, maintain, repair and operate facilities and equipment for preventing, detecting, controlling and fighting fires on or adjacent to the waterways, channels and turning basins within its jurisdiction and for the protection of life and property from damage by fire and explosion. The District shall promulgate and enforce ordinances, rules and regulations for the promotion of the safety of life and property on or adjacent to the waterways, channels and turning basins within its jurisdiction from damages by fire and explosion thereon in the manner provided by Chapter 486, Acts of the 57th Legislature, Regular Session, 1961, as amended. The powers and functions herein authorized may be exercised both within and without the corporate limits of any city, town or village situated within the boundaries of the District. This Act shall be cumulative of all other laws on the subject but in the event of conflict between this Act and any law of this state or any charter provision or ordinance of any such city, town or village relating to the subject matter of this Act, the provisions of this Act shall control.

“(q) The Harris County Houston Ship Channel Navigation District of Harris County, Texas, is authorized to acquire, purchase, construct, enlarge, extend, repair, maintain, operate, or develop traffic control facilities and everything appurtenant thereto, together with all other facilities or aids incident to or useful in the operation or development of the District's ports and waterways or in aid of navigation and commerce thereon. The traffic control facilities shall be financed out of available revenue and shall not utilize bond revenue funds.”

Sec. 2. The Legislature finds (1) that the navigation of the inland and coastal waters within the jurisdiction of the District and the preservation and conservation of such waters for navigation are public rights and duties which require that the District be authorized to exer-
62nd LEGISLATURE—REGULAR SESSION  Ch. 44

cise the powers of government and the authority to exercise such rights, privileges and functions as provided in this Act in aid of navigation, (2) that the ports and waterways and harbor and terminal facilities of the District are in keen competition with similar facilities within and without the state and that the success of the District in attracting commerce and stimulating navigation of its inland and coastal waters has created a potentially hazardous situation which interferes with and obstructs the conservation, preservation and beneficial use of the waters within the jurisdiction of the District for navigation.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 15, 1971: Yea 147, Nays 0; passed by the Senate on March 24, 1971: Yea 31, Nays 0.

Approved March 31, 1971.

Effective March 31, 1971.

EDUCATION CODE—PUBLIC SCHOOL PRINCIPALS—DUTIES

CHAPTER 44

H. B. No. 235

An Act establishing the duties of public school principals; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Chapter 16, Texas Education Code, is hereby amended by adding 12 thereto a new Section to be numbered and described as Section 15.08, such new Section to read as follows:

"Section 15.08. Duties of Public School Principals.
"Public school principals, who shall hold valid administrative certificates, shall be responsible for:

"(a) assuming administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline, and the planning, operation, supervision, and evaluation of the educational program of the attendance area in which he is assigned;

"(b) submitting recommendations to the superintendent concerning assignment, evaluation, promotion, and dismissal of all personnel assigned to the attendance center; and

"(c) performing any other duties assigned by the superintendent pursuant to school board policy.

"(d) Nothing herein shall be construed as a limitation on the powers, responsibilities and obligations of the school board as now prescribed by law."
Art. 8233. NAVIGATION DISTRICTS

Art. 8233a. Ballots

The ballots for said election shall have printed thereon the words and name of one hundred thousand or more situated in said district. At the expiration of the term of office of said commissioners, the city council shall select their successors annually to serve for two years. The other three shall each serve for two years. Two commissioners and their successors shall be selected by the commissioners court in like manner, and the other, who shall be chairman, shall be selected by a majority vote of said council and by the commissioners court in joint session called by the county judge of said county. Each commissioner shall be a freehold property taxpayer and legal voter in said navigation district and shall give the bond and take the oath required by this chapter and shall serve until their successors are qualified. Their duties shall be as prescribed in this chapter, and they shall receive such compensation as the Navigation Board may fix. A majority of said commissioners shall have power to act. Said commissioners shall serve their full term of appointment unless sooner removed by the authority by which they were appointed for malfeasance, nonfeasance in office, inefficiency or other cause deemed sufficient. If any vacancy occurs through the death, resignation or otherwise of any commissioner, the same shall be filled as in the first instance by appointment for the unexpired term. All acts of the commissioners shall be subject to the supervision and control of the Navigation Board. Id.

Art. 8234. Declaration of result

If said election results in favor of the development of the port by said navigation district, then such court shall so declare the result and enter the same in the minutes of the court as follows:

"Commissioners Court  ......... County, Texas, ......... term A. D. ...... in the matter of the petition of the Navigation Board of the ......... County ...... Navigation District, praying that the right, power and authority be granted said Navigation District to develop the port of ............ (here enter the name of said municipality.) Be it known, That at an election called for that purpose in said district, held on the .... day of ........., A. D. ........, a two-thirds majority of the resident property taxpayers voting thereon voted in favor of the development of said port by said Navigation District.

"Now therefore, it is considered and ordered by the Court that said Navigation District be and is hereby authorized to proceed with the development of said port as authorized by law." Id.

Art. 8235. Governing board

The district shall thereafter be managed, governed and controlled by five commissioners, who shall be appointed as follows: Two shall be selected for a term of one and two years respectively by a majority of the city council of the municipality having a population...
Art. 8235a  NAVIGATION DISTRICTS  TH. 128

000.00) Dollars conditioned that he shall well and faithfully perform
the duties required of him in such contract and bond, and containing
such other conditions as the governing board may require. Such
General Manager shall perform all duties which may be required
of him in his contract of employment. He shall supervise all
of the work and activities of the District, and have general direction
of the affairs of the District, within such limitations as may be
prescribed by the governing board. As amended Acts 1947, 60th Leg.,
p. 438, ch. 242, § 1.

Board; quorum; secretary

Sec. 2. The Commissioners shall constitute a Board and any
three (3) members shall constitute a quorum for the transaction of
any business. The Chairman or, in his absence, a Chairman pro
tem., shall preside and the General Manager or any member of the
Board may be appointed as Secretary.

The Board shall require the Secretary to keep suitable records
of all proceedings of each meeting of the Board. Such record shall
be read and signed after each meeting by the Chairman or the mem-
er presiding and attested by the Secretary. Copies of all minutes
shall be furnished immediately to the County Auditor. Said Com-
missioners shall have a seal on which shall be engraved the name
of the District, and said seal shall be kept by the Secretary and used
in authentication of all acts of the Board.

Contracts; purchases

Sec. 3. No contract may be made by the Board which encum-
bers future revenues of the District, unless the Commissioners Court
shall have levied a special tax therefor. or unless the revenues of a
particular facility or facilities are encumbered to discharge the ob-
ligation.

The Board shall be authorized to make, or to authorize the
General Manager to make, routine purchases or contracts not to ex-
ced the sum of One Hundred Dollars ($100.00) upon requisitions
signed by at least two (2) Commissioners, or the General Manager,
which requisitions shall be executed at least in triplicate, one (1)
copy to be delivered to the person, firm or corporation from whom
the purchase is made, one (1) copy to be delivered to the County
Auditor, and one (1) copy to remain on file with the Board, before
any purchase shall be made. Such purchases and requisitions shall
be subject to ratification and approval at the next succeeding meet-
ing of the Board.

In cases in which the materials, supplies, machinery, equipment,
or other items sought to be purchased or the contract sought to be
made shall exceed One Hundred Dollars ($100.00) but not exceed
One Thousand Dollars ($1,000.00), it shall not be necessary to ad-
vertise for bids but sealed proposals shall be asked from at least
three (3) persons, firms, or corporations, or from as many more as
in the opinion of the Board may appear advisable, or as offer to bid
based upon written specifications. The substance of the bids shall
be tabulated by the Secretary in the minutes. Copies of all specifi-
cations shall be filed with the County Auditor at least forty-eight
(48) hours in advance of the awarding of any contract.

In cases in which the materials, supplies, machinery, equipment,
or other items sought to be purchased or the contract sought to be
made shall exceed One Thousand Dollars ($1,000.00), written
specifications shall be filed with the County Auditor and advertise-
ment shall be published once a week for two (2) successive weeks
or for such added time as the Board may require in a daily news-
paper published within said District, the first publication to be
fourteen (14) days prior to the date of the opening of the bids, in which
advertisement shall be stated the items or things to be purchased
or the contract sought to be made; the time and the place of the
opening of the bids; and the place where specifications may be ob-
tained. The specifications shall state in detail what is desired; shall
require that bids be sealed; and shall require the attachment to said
bid of a certified or cashier's check payable to the Navigation Dis-
"
Art. 8235a  NAVIGATION DISTRICTS  Th. 128

Any purchase or contract made without compliance with the provisions of this Act shall be void and unenforceable in any court in this state.

\[\text{Sec. 2. All claims against the District and all obligations of the Navigation District shall be paid only after approval of claims by the Board upon warrants issued or authorized by the governing board thereof after such claims have been submitted to and approved by the County Auditor. Such warrants shall be signed by the Chairman or by three or more of the Navigation Commissioners, or by the General Manager when authorized by order of the governing board. When authorized to do so, the General Manager may execute contracts previously awarded by the governing board and may issue and sign any warrant upon the funds of the District, when the account or accounts in payment of which such warrant is issued shall have been approved and ordered paid as herein provided. The General Manager may issue requisitions to put executed contracts into effect and may issue emergency requisitions for labor and supplies not to exceed One Hundred Dollars ($100.00) provided by law. He may issue and sign all pay roll vouchers and checks, after the pay roll shall have been approved by the governing board, and payment of the sums thereon listed authorized by the Board.}\]

Assistant to general manager

Sec. 5. In the event of the incapacity, absence, or inability of the General Manager to discharge any of the duties required of him, the Board may designate an assistant to the General Manager, to discharge any of the duties or functions required of the General Manager. Such assistant or other person shall give such bond and be subject to such limitations upon his authority as may be fixed by the order of the Board. Such appointment shall become effective when written notice of the designation and the authority vested shall have been given to the County Auditor.

Hospitalization and medical attention for employees

Sec. 6. The Board may, by an order or regulation entered in its minutes, provide for a system of hospitalization and medical attention for its employees, as a part of the compensation provided for such employees. All contracts of employment shall be in writing, and shall make reference to the regulations governing the medical attention and hospitalization benefits, and such regulations shall be a part of the contract of employment. Such regulations may be changed from time to time, as the necessities may require, in the judgment of the Board. The contracts of employment shall provide accordingly, and a copy of each contract shall be filed immediately with the County Auditor for his certificate of availability of funds before such contract shall become effective.

Ch. 9  NAVIGATION DISTRICTS  Art. 8236

Authorized agents

Sec. 7. The General Manager, and such other employees as may be designated by the Board, shall act as authorized agents of the District in its warehousing activities but only upon order duly entered in the minutes of the Board and upon the filing and approval of a bond in such sum as shall be fixed by the Board guaranteeing the faithful performance of such duties.

Statistics and information; property, responsibility for

Sec. 8. Such Navigation Districts are empowered to require periodic statistics and information on rates and tonnage of all waterborne commerce from pilots, boatmen, tugboat operators, steamship and large operators, and all employees of the District, and shall provide for an adequate inventory of all properties, real, personal, and mixed belonging to such District, and for reports on property purchased, lost, stolen, sold, or destroyed. All officers and employees shall be held responsible for all property committed to their charge or custody, and shall not receive final payment of salary upon termination of employment until all such property in their charge or custody has been properly accounted for. The County Auditor shall prescribe the inventory system, the form, manner, and time of such inventory and the making of reports to him, and he shall have access to all books, records and property of the District for such purposes.

Provisions cumulative

Sec. 9. The provisions of this Act are cumulative of the provisions of Title 128, sub-division 5, and Title 34, sub-division 2, and other applicable laws which shall remain in full force and effect except where in conflict with this Act, in which event the provisions of this Act shall control. Acts 1945, 49th Leg., p. 130, ch. 90.

Historical Note

Prior to the 1947 amendment, section 1 indicated a city "containing 100,000 population of this article referred to districts hav- or more."

Art. 8236. Bonds

Such districts may issue bonds in payment for the improvements facilities, and acquisition of property authorized herein, upon compliance with the provisions of this chapter, and may also issue bonds to purchase wharves, docks, warehouses, bunking facilities, belt railroads, lands to be used for port purposes and development, or other facilities constructed or owned by any municipality containing One Hundred Thousand population or more, as determined by the last preceding census within such district. An election shall be held therefor, and such bonds shall be issued as other bonds
be granted a Non-Resident license as referred to herein; provided further that nothing contained herein shall be construed to permit a holder of a Non-Resident Agent's license to act as an Excess Agent under the provisions of present Article 21.38 of the Insurance Code or to perform any of the acts permitted thereunder or to permit any person or firm who holds a Non-Resident Agent's license as authorized herein to engage in any form of direct solicitation of insurance within this State. A Non-Resident Agent's license shall be cancelled and not be subject to reissuance when it is found by the Board of Insurance Commissioners that such license was obtained or is being used for the purpose of transacting insurance through a Local Recording Agent in such a manner as to permit a Non-Resident Agent, by subterfuge, to transact insurance as a Local Recording Agent, and in which event the license of the Local Recording Agent likewise shall be cancelled and not be subject to reissuance and all insurance transacted under such arrangement shall be cancelled, provided further that the provisions of Sections 16 and 17, Article 21.14 of the Insurance Code shall apply to such cancellation.

Sec. 2. The fact that many other States issue licenses to Non-Resident Agents and permit the division of commission on a retaliatory basis, makes it impossible for a Recording Agent of Texas to obtain a Non-Resident Agent's license in these States and thereby citizens of Texas having property located in these other States are prevented from having the services of their own Recording Agents of Texas for such risks, creates an emergency and an imperative public necessity requiring that the Constitutional Rule requiring that bills be read on three separate days be and the same is hereby suspended and this Bill be in effect from and after its passage and it is so enacted.

Passed the House, April 5, 1955: Yea's 142, Nays 3; passed the Senate, April 28, 1955: Yea's 29, Nays 0.

Approved May 19, 1955.

Effective May 19, 1955.

NAVIGATION DISTRICTS—GOVERNING BOARDS—CONTRACTS

CHAPTER 211

H. B. No. 696

An Act amending Sections 2, 4 and 6 of Chapter 90, Acts of the Forty-ninth Legislature, Regular Session, 1945, regulating and governing boards of certain Navigation Districts in this State; providing for and regulating the method and manner of making contracts; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 5 of Chapter 90, Acts of the Forty-ninth Legislature, Regular Session, 1945, is hereby amended

(a) No contract may be made by the Board which encumbers future revenues of the District, unless the Commissioners Court shall have levied a special tax therefor, or unless the revenues of a particular facility or facilities are encumbered to discharge the obligation.

(b) The Board shall be authorized to make, or to authorize any of the General Manager to make, routine purchases or contracts not to exceed the sum of Two Hundred Fifty Dollars ($250) upon requisitions signed by at least two (2) Commissioners, or the General Manager, which requisitions shall be executed at least in triplicate, one (1) copy to be delivered to the person, firm or corporation from whom the purchase is made, one (1) copy to be delivered to the County Auditor, and one (1) copy to remain on file with the Board, before any purchase shall be made. Such purchases and requisitions shall be subject to ratification and approval at the next succeeding meeting of the Board.

(c) Cumulative of the provisions of Section 3(b) of this Act and the authority hereby extended, the Board may, by an order or resolution entered in its minutes, provide for the making of routine purchases or contracts in amount not to exceed Two Hundred Fifty Dollars ($250) in any one instance or for the payment of wages or salaries of its hourly-rated employees, in the interim between meetings of the Board, and such purchases, contracts or payroll payments shall be subject to ratification and approval at the next succeeding meeting of the Board; provided, however, that the making of such interim purchases or contracts or the interim payment of such payrolls shall be approved by the General Manager and by at least three (3) of the Navigation Commissioners; and when so approved, any requisition issued, and signed as and in the manner provided for in this Section 3(c), and any warrant issued or authorized by the provisions of Section 4 of this Act, may be approved and certified by the County Auditor in full and complete reliance thereon in the same manner and to the same extent as if the same had been made and issued pursuant to the provisions of this Section 3(c) of this Act or any applicable laws; provided further, however, that nothing in this Section 3(c) shall apply or operate as a limitation upon the authority of the Board in cases of public calamity where it becomes necessary to act at once to appropriate money to relieve the distress of the citizens or to protect the property of the District; in cases of unforeseen damage to Navigation District property, machinery, or equipment, or in the handling of ships where time will not permit of advertisement; nor shall the Board apply to contracts for professional services in all such cases the Board shall set out in the minutes of the District that an emergency exists and the facts which gave rise to the emergency. In instances provided in this Section 3(c), requisitions shall be executed at least in triplicate, signed by the General Manager, and to which shall be attached or with which shall be filed with the County Auditor a letter of approval of the item, account or subject covered by such requisitions, signed by the General Manager and at least three (3) of the Navigation Commissioners, one (1) copy of such requisition to be delivered to the person, firm or corporation from whom the purchase is made or with whom the contract is made, one (1) copy to be delivered to the County Auditor, and one (1) copy to remain on file with the Board, before any such purchase or contract shall be made; provided, however, that it shall be sufficient to issue only one (1) requisition (in at least triplicate) covering or in respect of any payroll for wages or salaries of all hourly-rated employees.

(d) In cases in which the materials, supplies, machinery, equipment, or other items sought to be purchased or the contract sought to be made shall exceed Two Hundred Fifty Dollars ($250) but not exceed One Thousand Dollars ($1,000), it shall not be necessary to advertise for bids but the Board shall be asked from at least three (3) persons, firms, or corporations, from as many more as in the opinion of the Board may appear advisable, or as of the form based upon written specifications. The substance of the bids shall be tabulated by the Secretary in the minutes.
Copies of all specifications shall be filed with the County Auditor at least forty-eight (48) hours in advance of the awarding of any contract.

(c) In cases in which the materials, supplies, machinery, equipment, or other items sought to be purchased or the contract sought to be made shall exceed One Thousand Dollars ($1,000) written specifications shall be filed with the County Auditor and advertisement shall be published once a week for two (2) successive weeks or for such added time as the Board may require in a daily newspaper published within said District, the first publication to be fourteen (14) days prior to the day of the opening of the bids, in which advertisement shall state the items or things to be purchased or the contract sought to be made; the time and the place of the opening of the bids; and the place where specifications may be obtained. The specifications shall state in detail what is desired; shall require that bids be sealed; and shall require the attachment to said bid of a certified, or cashier's check payable to the Navigation District, drawn on a bank, which is a member of the Federal Reserve System, for five per cent (5%) of the total amount of the bid, conditioned that the successful bidder will enter into a contract and give bond as required by the specifications. All such contracts shall be awarded by the Board at a regularly scheduled or specially called meeting; shall be reduced to writing; executed for the District by the Chairman or General Manager; and filed with the proper officers of said District with a copy thereof with the County Auditor. Before any contract or requisition be placed into effect or become binding upon the Navigation District, it shall be submitted to the County Auditor for his approval and certification that funds are or will be available to meet the contract when due and a requisition, purchase order or work order issued in triplicate, one (1) copy to be delivered to the contractor, one to be delivered to the County Auditor, and one copy to remain on file with the Navigation District. Provided, however, that the provisions of this Section shall not apply in cases of urgent public calamity where it becomes necessary to act at once to appropriate money to relieve the distress of the citizens or to the property of the District; in cases of unforeseen damage to Navigation District property, machinery, or equipment, or in the handling of ships where time will not permit of advertisement; nor shall they apply to contracts for the purchase of services. In all such cases the Board shall act in the minutes of the District that an emergency exists and the facts which gave rise to the emergency. In such cases, bids and the advertisement therefor may be waived.

(f) Any purchase or contract made without compliance with the provisions of this Act shall be void and unenforceable in any court in this State.

Sec. 2. Section 4 of Chapter 90, Acts of the Forty-ninth Legislature, Regular Session, 1945, is hereby amended so as hereafter to read as follows:

"Sec. 4. All claims against the Navigation District and all obligations of the Navigation District shall be paid only after approval of claims by the Board or after approval by the General Manager and at least three (3) of the Navigation Commissioners in instances covered and provided for in Section 3(c) of this Act and upon warrants issued or authorized by the governing board thereof or authorized by at least three (3) members of the governing board thereof in cases and under circumstances provided for in Section 3(c) of this Act after such claims have been submitted to and approved by the County Auditor. When authorized to do so, the General Manager may execute contracts previously awarded by the governing Board or by at least three (3) of the Navigation Commissioners in instances provided for in Section 3(c) of this Act and may issue and sign any warrant upon the funds of the District when the account or accounts in payment of which such warrant is issued shall have been approved and payment is authorized. The General Manager may issue requisitions to put into effect contracts executed and entered into pursuant to the provisions of this Act or other applicable law and may issue requisitions to give effect to and carry out, under the provisions of and conditions contemplate and provided for in this Act, contracts, purchases, payroll payments authorized and provided for by the terms and provisions of this Act. He may issue and sign all payroll vouchers and checks, after the payroll shall have been approved by the governing board or at least three (3) of the Navigation Commissioners in instances covered and provided for in Section 3(c) of this Act, and payment of the same thereto has been authorized by the Board or by at least three (3) of the Navigation Commissioners in instances covered and provided for in Section 3(c) of this Act."

Sec. 3. Section 9 of Chapter 90, Acts of the Forty-ninth Legislature, Regular Session, 1945, is hereby amended so as hereafter to read as follows:

"Sec. 9. The provisions of this Act, as the same was originally enacted by the Act of the Forty-ninth Legislature, Regular Session, Chapter 90, page 130, as the same was amended by the Act of the Fiftieth Legislature, Regular Session, Chapter 242, page 436, as the same is amended by this Act are cumulative of the provisions of Title 128, Subdivision V, Chapter 9, and Title 34, Subdivision 2, Revised Civil Statutes of Texas, 1925, as amended by any Act of the Legislature hereafter passed and approved, and other applicable laws, which laws shall remain in full force and effect except third (3) members of the governing board appointed by the provisions of this Act, as herefore or hereby amended, in which event the provisions of this Act, as herefore or hereby amended, shall govern and control."

Sec. 4. The fact that the details of conducting the operation of Navigation Districts and ports in Navigation Districts of the class covered by this Act have become burdensome and that the present provisions of the Statutes are inadequate, and the further fact that public interest not adequately provided for in Section 3(c) of this Act, 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 hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.


WILD ANIMALS—FALLS OR LIMESTONE COUNTIES

CHAPTER 70

H. B. No. 218

An Act relating to the hunting of wild animals in Falls or Limestone Counties; prohibiting the use of devices or instruments to call or attract animals; providing a penalty for violation; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person to use any type of squeaker, call, or other device or instrument used to call or attract animals to aid in the hunting of any wild animal in Falls or Limestone Counties.

Sec. 2. Any person who violates any provision of this Act shall be punished, upon conviction, by a fine not less than Twenty-five Dollars ($25) nor more than Two Hundred Dollars ($200).

Sec. 3. The fact that the use of calling devices is interfering with the proper enjoyment of the sport of hunting and is causing a depletion of the wildlife resources of Falls and Limestone Counties 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 House, March 27, 1967: Yeas 142, Nays 0; passed the Senate, April 9, 1967: Yeas 29, Nays 0.

Approved April 19, 1967.

Effective April 19, 1967.

NAVIGATION DISTRICTS—CERTAIN ROUTINE PURCHASES

CHAPTER 71

H. B. No. 254

An Act amending Section 3, Senate Bill No. 310, Acts 1941, Forty-ninth Legislature, Regular Session, Page 120, Chapter 90, as amended by House Bill No. 416, Acts 1955, Fifty-fifth Legislature, Regular Session, Page 805, Chapter 211, to permit the making of routine purchases and contracts not to exceed One Thousand Dollars ($1,000) without the taking of formal bids; preventing reduction or division of purchases or contracts; to provide for the attestation of either a certified or cashier’s check in the amount of five percent (5%) of the amount of the bid, or a bidder’s bond with a responsible surety in a like amount, conditioned that the successful bidder will enter into a contract and give bond as required by the specifications; providing for advertisement for bids; providing this Act be cumulative of all other applicable laws not in conflict with the provisions hereof; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Amend Section 3 of Senate Bill No. 310, Acts, 1945, Forty-ninth Legislature, Regular Session, Page 180, Chapter 90, as amended

by House Bill No. 696, Acts, 1955, Fifty-fifth Legislature, Regular Session, Page 606, Chapter 211, so as to read as follows:

"Section 3. (a) No contract may be made by the Board which encumbers future revenues of the District, unless the Commissioners Court shall have levied a special tax therefor, or unless the revenues of a particular facility or facilities are encumbered to discharge the obligation.

"(b) The Board shall be authorized to make, or to authorize the General Manager to make, routine purchases or contracts not to exceed the sum of One Thousand Dollars ($1,000) upon requisitions signed by at least two (2) Commissioners, or the General Manager, which requisitions shall be executed at least in triplicate, one (1) copy to be delivered to the person, firm or corporation from whom the purchase is made, one (1) copy to be delivered to the County Auditor, and one (1) copy to remain on file with the Board, before any purchase shall be made. Such purchases and requisitions shall be subject to ratification and approval at the next succeeding meeting of the Board. This Act shall not be construed to permit the division purchase of purchases or contracts for the purpose of avoiding the requirement of taking formal bids on purchases or contracts which would otherwise exceed One Thousand Dollars ($1,000).

"(c) Cumulative of the provisions of Section 3(b) of this Act and the authority thereby extended, the Board may, by an order or regulation entered in its minutes, provide for the making of routine purchases or contracts not to exceed One Thousand Dollars ($1,000) in any one (1) instance or for the payment of wages or salaries of its hourly-rated employees, in the interim between meetings of the Board, and such purchases, contracts or payroll payments shall be subject to ratification and approval at the next succeeding meeting of the Board; provided, however, that the making of such interim purchases or contracts or the interim payment of such payroll shall be approved by the General Manager and by at least three (3) of the Navigation Commissioners; and when so approved, any requisition issued, and signed as and in the manner provided for in this Section 3(c), and any warrant issued or authorized by the provisions of Section 4 of this Act, may be approved and certified by the County Auditor in full and complete reliance thereon in the same manner and to the same extent as if the same had been made and issued pursuant to the provisions of this Section 3(c) of this Act or other applicable laws; provided further, however, that nothing in this Section 3(c) shall apply or operate as a limitation upon the authority of the Board in cases of public calamity where it becomes necessary to act at once to appropriate money to relieve the distress of the citizens or to protect the property of the District; in cases of unforeseen damage to Navigation District property, machinery, or equipment, or in the handling of ships where time will not permit of advertisement; nor shall they apply to contracts for professional services. In all such cases the Board shall set out in the minutes of the District that an emergency exists and the facts which gave rise to the emergency. In instances provided in this Section 3(c), requisitions shall be executed at least in triplicate, signed by the General Manager, which shall be attached or with which shall be filed with the County Auditor a letter of approval of the item, account or subject covered by such requisitions, signed by said General Manager and at least three (3) of the Navigation Commissioners, one (1) copy of such requisition to be delivered to the person, firm or corporation from whom the purchase is made or with whom the contract is made, one (1) copy to be delivered to the County Auditor, and one (1) copy to remain on file with the Board, before any such purchase

or contract shall be made; provided, however, that it shall be sufficient to issue only one (1) requisition (in at least triplicate) covering or in respect of any payroll for wages or salaries of all hourly-rated employees.

"(d) In cases in which the materials, supplies, machinery, equipment, or other items sought to be purchased or the contract sought to be made shall exceed One Thousand Dollars ($1,000) written specifications shall be filed with the County Auditor and advertisement shall be published once a week for two (2) successive weeks or for such added time as the Board may require (in a newspaper of general circulation within said District) prior to the last date for the receipt of the bids, in which advertisement shall be stated the items or things to be purchased or the contract sought to be made; the time and place of receipt of such bids; and shall require the attachment to said bid of a certified or cashier's check payable to the Navigation District, drawn on a bank which is a member of the Federal Reserve System, for five per cent (5%) of the total amount of the bid, or a bidder's bond executed by a responsible corporate surety authorized to do business in Texas, conditioned that the successful bidder will enter into a contract and give bond as required by the specifications. All such contracts shall be awarded by the Board at a regularly scheduled or specially called meeting; shall be reduced to writing; executed for the District by the Chairman or General Manager; and filed with the proper officers of said District with a copy thereof filed with the County Auditor. Before any contract or requisition shall be placed into effect or become binding upon the Navigation District it shall be submitted to the County Auditor for his approval and certification that the funds are or will be available to meet the contract when due and a requisition, purchase order or work order issued in triplicate, one (1) copy to be delivered to the contractor, one (1) copy to be delivered to the County Auditor, and one (1) copy to remain on file with the Navigation District. Provided, however, that the provisions of this Section shall not apply in cases of public calamity where it becomes necessary to act at once to appropriate money to relieve the distress of the citizens or to protect the property of the Navigation District; in cases of unforeseen damage to Navigation District property, machinery, or equipment, or in the handling of ships where time will not permit of advertisement; nor shall they apply to contracts for professional services. In all such cases the Board shall set out in the minutes of the District that an emergency existed and the facts which gave rise to the emergency. In such cases bids and the advertisement therefor may be waived.

"(e) Any purchase or contract made without compliance with the provisions of this Act shall be void and unenforceable in any court in this State."

Sec. 2. The fact that under the present statute bidders are now required to advance and place in escrow large sums of money which are disproportionate as an insurance of good faith, and which moneys cannot be deposited to earn interest during the period it must remain in escrow, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days be suspended, and it is hereby suspended, and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

Passed the House, March 27, 1957: Yea 142, Nays 0; passed the Senate, April 9, 1957: Yea 29, Nays 0. Approved April 19, 1957. Effective April 19, 1957.
ter into any lease or other contractual arrangement for the operation of
such rentals either guaranteed or contingent, based on revenues or
gross profits or net profits, or any other basis of compensation, which
may be determined to be reasonable by such governing body or such board
as the case may be; providing however, that any such lease or contractual
arrangement between such city and private corporation, shall be pre-
ceded by a public notice and request for the submission of bids in the
manner required by law for the taking of bids for public construction
contracts, and said city shall accept the best bid submitted, taking into
consideration the rental to be paid, the experience and financial respon-
sibility of the corporations submitting such bids."

Sec. 2. The importance of this legislation and the crowded condition
of the calenders in both houses create an emergency and an imperative
public necessity that the constitutional rule requiring bids to be read on
three several days in each house 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 April 6, 1977: Yeas 31, Nays 0; passed the
house on May 13, 1977: Yeas 126, Nays 3, five present not voting.

Approved May 28, 1977.


NAVIGATION DISTRICTS—CONTRACTS

CHAPTER 299

S. B. No. 350

An Act relating to the award of contracts by navigation districts; providing that
emergency contracts may be let for not more than $5,000 without advertise-
ment for bids; providing that notice of bids must be published for at least
two weeks and posted for at least 14 days; permitting a self-liquidating
navigation district to enter into a contract for less than $5,000 without com-
petitive bids; allowing navigation districts having a city over 35,000 to
enter into contracts less than $5,000 without advertising for competitive bids;
amending Sections 61.160 and 62.110 and Subsection (a), Section 63-168, Water Code, as amended, and Section 3, Chapter 90, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 8235a, Vernon’s Texas Civil Statutes); and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 61.160 of the Water Code is amended to read as follows:

"Sec. 61.160. Contracts

The provisions governing the award of contracts by districts shall
apply in all cases consistent with the provisions of this subchapter except
that in case of emergency contracts may be let by the commission
for not more than $5,000 without advertisement for bids. In case of
urgent necessity or present calamity, advertisement for bids may be waived."

34. V.T.C.A. Water Code, § 61.160.

Sec. 2. Section 62.110 of the Water Code is amended to read as follows:

"Sec. 62.110. Notice of Bids

Notice that a contract is to be awarded shall be given by publishing notice once a week for two consecutive weeks in one or more newspapers with general circulation in the state and by posting notice for at least 14 days in five public places in the county of jurisdiction, one of which shall be the courthouse door and at least two of which shall be inside the district."

Sec. 3. Subsection (a), Section 63.168, Water Code, is amended to read as follows:

"(a) Before the commission enters into a contract requiring the expenditure of $5,000 or more, it shall submit the proposed contract for competitive bids."

Sec. 4. Section 3, Chapter 90, Acts of the 49th Legislature, Regular Session, 1945 (Article 8235a, Vernon’s Texas Civil Statutes), as amended, is amended as follows:

"Sec. 3. (a) No contract may be made by the Board which encumbers future revenues of the District, unless the Commissioners Court shall have levied a special tax therefor, or unless the revenues of a particular facility or facilities are encumbered to discharge the obligation.

(b) The Board shall be authorized to make, or to authorize the General Manager to make, routine purchases or contracts not to exceed the sum of Five Thousand Dollars ($5,000) upon requisitions signed by at least two (2) Commissioners, or the General Manager, which requis-
sitions shall be executed at least in triplicate, one (1) copy to be delivered to the person, firm or corporation from whom the purchase is made, one
(1) copy to be delivered to the County Auditor, and one (1) copy to remain on file with the Board, before any purchase shall be made. Such purchases and requisitions shall be subject to ratification and approval at the next succeeding meeting of the Board. This Act shall not be construed to permit the division or reduction of purchases or contracts for the purpose of avoiding the requirement of taking formal bids on pur-
chases or contracts which would otherwise exceed Five Thousand Dollars ($5,000).

(c) Cumulative of the provisions of Section 3(b) of this Act and the authority thereby extended, the Board may, by an order or regulation entered in its minutes, provide for the making of routine purchases or contracts in amounts not to exceed Five Thousand Dollars ($5,000) in any one (1) instance or for the payment of wages or salaries of its hourly-
rated employees, in the interim between meetings of the Board, and such purchases, contracts or payroll payments shall be subject to ratification and approval at the next succeeding meeting of the Board; provided, however, that the making of such interim purchases or contracts or the interim payment of such payrolls shall be approved by the General Man-
ger and by at least three (3) of the Navigation Commissioners; and when so approved, any requisition issued, and signed as and in the man-
er provided for in this Section 3(c), and any warrant issued or author-
ized by the provisions of Section 4 of this Act, may be approved and
certified by the County Auditor in full and complete reliance thereon in
the same manner and to the same extent as if the same had been made and
issued pursuant to the provisions of this Section 3(c) of this Act.

35. V.T.C.A. Water Code, § 62.110.
37. V.A.T.S. Water Auxiliary Laws, Table
36. V.T.C.A. Water Code, § 63.168, sub-
sec. (a).
or other applicable laws; provided further, however, that nothing in this Section 3(c) shall apply or operate as a limitation upon the authority of the Board in cases of public calamity where it becomes necessary to act at once to appropriate money to relieve the distress of the citizens or to protect the property of the District; in cases of unforeseen damage to Navigation District property, machinery, or equipment, or in the handling of ships where time will not permit of advertisement; nor shall they apply to contracts for professional services. In all such cases the Board shall set out in the minutes of the District that an emergency exists and the facts which gave rise to the emergency. In instances provided in this Section 3(c), requisitions shall be executed in at least triPLICATE, signed by the General Manager, and to which shall be attached or which shall be filed with the County Auditor a letter of approval of the item, account or subject covered by such requisitions, signed by said General Manager and at least three (3) of the Navigation Commissioners, one (1) copy of such requisition to be delivered to the peron, firm or corporation from whom the purchase is made or with whom the contract is made, one (1) copy to be delivered to the County Auditor, and one (1) copy to remain on file with the Board, before any such purchase or contract shall be made; provided, however, that it shall be sufficient to issue only one (1) requisition (in at least triPLICATE) covering in respect of any payroll for wages or salaries of all hourly-earned employees.

"(d) In cases in which the materials, supplies, machinery, equipment, or other items sought to be purchased or the contract sought to be made shall exceed Five Thousand Dollars ($5,000) written specifications shall be filed with the County Auditor and advertisement shall be published once a week for two (2) successive weeks or for such added time as the Board may require (in a newspaper of general circulation within said District prior to the last date for the receipt of the bids, in which advertisements shall be stated the items or things to be purchased or the contract sought to be made); the time and place of receipt of such bids; and the place where specifications may be obtained. The specifications shall state in detail what is desired; shall require that bids be sealed; and shall require the attachment to said bid of a certified or cashier's check payable to the Navigation District, drawn on a bank which is a member of the Federal Reserve System, for five per cent (5%) of the total amount of the bid, or a bidder's bond executed by a responsible corporate surety authorized to do business in Texas, conditioned that the successful bidder will enter into a contract and give bond as required by the specifications. All such contracts shall be awarded by the Board at a regularly scheduled or specially called meeting; shall be reduced to writing; executed for the District by the Chairman or General Manager; and filed with the proper officers of said District with a copy thereof filed with the County Auditor. Before any contract or requisition shall be placed into effect or become binding upon the Navigation District it shall be submitted to the County Auditor for his approval and certification that funds are or will be available to meet the contract when due and a requisition, purchase order or work order issued in triplicate, one (1) copy to be delivered to the contractor, one (1) copy to be delivered to the County Auditor, and one (1) copy to remain on file with the Navigation District. Provided, however, that the provisions of this Section shall not apply in cases of public calamity where it becomes necessary to act at once to appropriate money to relieve the distress of the citizens or to protect the property of the Navigation District; in cases of unforeseen damage to Navigation District property, machinery, or equipment, or in the handling of ships where time will not permit of advertisement; nor shall they apply to contracts for professional services. In all such cases the Board shall set out in the minutes of the District that an emergency exists and the facts which gave rise to the emergency. In such cases, bids and the advertisement therefor may be waived.

"(e) Any purchase or contract made without compliance with the provisions of this Act shall be void and unenforceable in any court in this State.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the senate on April 28, 1977: Yeas 31, Nays 0; passed the house on May 13, 1977, by a non-record vote.

Approved May 29, 1977.

Effective Aug. 29, 1977, 90 days after date of adjournment.

UNLOADING OVERWEIGHT MOTOR VEHICLES—TIMBER, PULP WOOD OR AGRICULTURAL PRODUCTS

CHAPTER 308

S. B. No. 76

An Act amending Section 6, Chapter 42, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d—11, Vernon's Texas Civil Statutes), to exempt motor vehicles loaded with timber and pulp wood or agricultural products in their natural state being transported from the place of production to the place of market or for first processing from the unloading requirement of Subdivision 1 of said article, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Subdivision 1, Section 6, Chapter 42, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d—11, Vernon's Texas Civil Statutes), is amended to read as follows:

"See 6. Subdivision 1. Any License and Weight inspector of the Department of Public Safety, any highway patrolman or any sheriff or his duly authorized deputy, having reason to believe that the gross weight or axle load of a loaded motor vehicle is unlawful, is authorized to weigh the same by means of portable or stationary scales furnished or approved by the Department of Public Safety, or cause the same to be weighed by any public weigher, and to require that such vehicle be driven to the nearest available scales for the purpose of weighing. In the event the gross weight of such vehicle be found to exceed the maximum gross weight authorized by law, plus a tolerance allowance of five per cent (5%) of the maximum gross weight authorized by law, the motor vehicle shall be required to be removed from the public roadways and placed on another vehicle of a lower gross weight capacity, and if such motor vehicle is in the process of delivery of timber, pulp wood or agricultural products, such delivery shall be curtailed to a quantity which will bring the gross weight of the motor vehicle within the maximum gross weight which is allowed by law.

Vernon's Ann.Civ.St., art. 6701d—11, § 6, subd. 1. 32
TABLE IV

NUMERICAL TABLE OF SPECIAL LAWS PERTAINING TO WATER

The tabulation below lists the special laws pertaining to water arranged numerically in Vernon's Texas Civil Statutes classification order or, where not so classified, in order of legislative enactment by subject matter.

The texts of these special laws are not published in Vernon's Texas Civil Statutes. For text of these special laws, see the General and Special Laws of Texas.

<table>
<thead>
<tr>
<th>Vernon's</th>
<th>Laws Citations</th>
<th>Subject Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch.</td>
<td></td>
<td>Abandoned beds and channels, relinquishment of state title</td>
</tr>
<tr>
<td>St. Art.</td>
<td></td>
<td>Counties of 40,000 or more</td>
</tr>
<tr>
<td></td>
<td>1925, ch. 155</td>
<td>Counties over 350,000</td>
</tr>
<tr>
<td>7467a</td>
<td>1949, ch. 372</td>
<td>Gulf Coast Waste Disposal Authority</td>
</tr>
<tr>
<td>7467b</td>
<td>1987, ch. 208</td>
<td>Improvement districts</td>
</tr>
<tr>
<td></td>
<td>1969, ch. 409</td>
<td>Districts organized for cooperation under Federal Reclamation Laws including lands within existing district</td>
</tr>
<tr>
<td>7621d-2</td>
<td>1971, ch. 202</td>
<td>Districts under contract with Dept. of Interior, division of district, election of directors, boundaries</td>
</tr>
<tr>
<td></td>
<td>1973, ch. 258</td>
<td>Employment of manager, tax assessor and collector, etc.</td>
</tr>
<tr>
<td></td>
<td>1975, ch. 466</td>
<td>Improvement districts obtaining water supply from United States</td>
</tr>
<tr>
<td></td>
<td>1979, ch. 433</td>
<td>Validation of refunding bonds</td>
</tr>
<tr>
<td></td>
<td>1979, ch. 630</td>
<td>Refunding bonds for retirement of amortization bonds</td>
</tr>
<tr>
<td></td>
<td>1985, ch. 841</td>
<td>Improvement districts, exclusion of land, counties of 1034 to 1036 square miles</td>
</tr>
<tr>
<td></td>
<td>1987, ch. 202</td>
<td>Improvement districts under contract with United States</td>
</tr>
<tr>
<td></td>
<td>1979, ch. 209</td>
<td>Acquisition, sale, lease, etc., of electric plants</td>
</tr>
<tr>
<td>7622a</td>
<td>1993, Spec.L., p. 1103, § 1</td>
<td>Cooperation with districts of other states</td>
</tr>
<tr>
<td>7684-b</td>
<td>1993, Spec.L., p. 1103, § 3</td>
<td></td>
</tr>
</tbody>
</table>

161
<table>
<thead>
<tr>
<th>Vernon's Ch. Start</th>
<th>Law Cites</th>
<th>Subject Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>8198 note</td>
<td>1963, ch. 317</td>
<td>Name change to Jefferson County Navigation District</td>
</tr>
<tr>
<td></td>
<td>1969, ch. 785, §3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1987, ch. 123</td>
<td>Name change to Jefferson County Navigation District</td>
</tr>
<tr>
<td></td>
<td>1951, ch. 262</td>
<td>Title to Neches River Bed</td>
</tr>
<tr>
<td></td>
<td>1950, 1st C.S., ch. 5</td>
<td>Validation</td>
</tr>
<tr>
<td>8198 note</td>
<td>1963, ch. 197</td>
<td>Port of Port Arthur Navigation District of Jefferson County</td>
</tr>
<tr>
<td></td>
<td>1967, ch. 25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1975, ch. 279</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1979, ch. 25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1989, ch. 675</td>
<td></td>
</tr>
<tr>
<td>8198 note</td>
<td>1931, Spec.L., ch. 161</td>
<td>Trinity River Canal and Conservancy District Navigation districts</td>
</tr>
<tr>
<td></td>
<td>1945, ch. 90</td>
<td>District containing city of 375,000 or more</td>
</tr>
<tr>
<td></td>
<td>1947, ch. 242</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1955, ch. 211</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1957, ch. 71</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1977, ch. 299, §4</td>
<td>Lease of land to U.S. by district containing city of 100,000 or more</td>
</tr>
<tr>
<td>8247e</td>
<td>1941, ch. 6</td>
<td></td>
</tr>
<tr>
<td>8247f</td>
<td>1955, ch. 176</td>
<td>Exchange or sale of land by district containing city of 375,000 or more</td>
</tr>
<tr>
<td>8263b</td>
<td>1931, ch. 365</td>
<td>Validation acts converted districts</td>
</tr>
<tr>
<td>8263c</td>
<td>1931, Spec.L., ch. 238</td>
<td>Validation acts</td>
</tr>
<tr>
<td>8263e</td>
<td>1933, Spec.L., ch. 89</td>
<td>Validation acts converted districts</td>
</tr>
<tr>
<td>8263f</td>
<td>1933, 1st C.S., ch. 81</td>
<td>Validation acts</td>
</tr>
<tr>
<td>8263f-1</td>
<td>1951, ch. 11</td>
<td>Districts created by commission- ers court</td>
</tr>
<tr>
<td>8263i</td>
<td>1947, ch. 163</td>
<td>Districts engaged in operation of ports and port facilities</td>
</tr>
<tr>
<td>8263j</td>
<td>1953, ch. 139</td>
<td>Districts bordering Mexico, use of public lands and waters, conveyances to U.S.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>District containing city of 300,000 or more</td>
</tr>
<tr>
<td>8263k</td>
<td>1949, ch. 216</td>
<td>Retirement, death and disability fund</td>
</tr>
<tr>
<td></td>
<td>1949, ch. 217</td>
<td>Eminent domain powers</td>
</tr>
<tr>
<td>8280-2</td>
<td>1949, ch. 37</td>
<td>Control and improvement districts, exclusion of land</td>
</tr>
<tr>
<td>8280-3</td>
<td>1949, ch. 336</td>
<td>City of 13,305 to 14,310</td>
</tr>
<tr>
<td>8280-3.2</td>
<td>1971, ch. 86</td>
<td>Urban property</td>
</tr>
<tr>
<td>8280-3.5</td>
<td>1959, ch. 62</td>
<td>Urban property, 1,800 to 2,500 acres</td>
</tr>
<tr>
<td>8280-4</td>
<td>1949, ch. 505</td>
<td>Districts with 81,000 to 82,100 acres</td>
</tr>
<tr>
<td>8280-6</td>
<td>1953, ch. 390</td>
<td>City of 20,000 or more</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Water development bonds</td>
</tr>
<tr>
<td>8280-9</td>
<td>1965, ch. 221</td>
<td>Authorization</td>
</tr>
<tr>
<td>8280-9a</td>
<td>1971, ch. 1011</td>
<td>Further authorization</td>
</tr>
<tr>
<td>8280-10</td>
<td>1961, ch. 193</td>
<td>District wholly within incorporated city, taxes, bonds, abolition, validation</td>
</tr>
<tr>
<td>8280-10</td>
<td>1961, 1st C.S., ch. 3</td>
<td>Validation</td>
</tr>
<tr>
<td></td>
<td>1963, ch. 176</td>
<td></td>
</tr>
</tbody>
</table>

165