

**REQUIRING INTRODUCTION OF MALODORANT AGENT
IN NATURAL GAS.**

H. B. No. 1017.] CHAPTER 364.

An Act amending Article 6053 of the Revised Civil Statutes of Texas of 1925 by empowering and authorizing the Railroad Commission of the State of Texas to investigate the use of malodorants by persons, firms, or corporations engaged in the business of handling, storing, selling or distributing natural gas and liquefied petroleum gases including butane and other odorless gases for private and commercial use, or supplying the same by pipe lines or otherwise to any public building or buildings or the general public, and empowering the Commission to require such gases to be malodorized so that they will indicate by distinctive odor their presence; partially defining such odorants or malodorants; empowering the Railroad Commission of Texas to pass upon the sufficiency of same and to issue rules and regulations for the enforcement of this Act and giving the same a force and effect of law; providing that nothing in this Act shall apply to gas transported out of the State of Texas; providing regulations for the design, installation, construction and operation of containers and pertinent equipment for the storage, handling and transportation of butane or liquefied petroleum gases; making certain exceptions; providing that nothing in this Act shall interfere with the Motor Carriers Transportation Act; providing penalties for failure of any person, firm, corporation or association and their officers to comply herewith; empowering the Attorney General to bring suits for such enforcement and penalties; providing for the giving of notice to interested parties by the Commission of the proposed rules and regulations to be adopted and promulgated and the filing of written exceptions and objections on the part of such interested parties; and providing for the holding of hearings to consider such exceptions and objections and providing for the publication of such rules and regulations finally adopted; and declaring an emergency.

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

SECTION 1. Amend Article 6053 of the 1925 Revised Civil Statutes, as enacted by the Acts of the Third Called Session 1920, as follows, to wit:

"Article 6053. Regulation of Utilities. The Commission after due notice shall fix and establish and enforce the adequate and reasonable price of gas and fair and reasonable rates of charges and regulations for transporting, producing, distributing, buying, selling and delivering gas by such pipe lines in this State; and shall establish fair and equitable rules and regulations for the full control and supervision of said gas pipe lines and all their holdings pertaining to the gas business in all their relations to the public, as the Commission may from time to time deem proper; and establish a fair and equitable division of the proceeds of the sale of gas between the companies transporting or producing the gas and the companies distributing or selling it; and prescribe and enforce rules and regulations for the government and control of such pipe lines in respect to their gas pipe lines and producing, receiving, transporting and distributing facilities; and regulate and apportion the supply of gas be-

tween towns, cities and corporations, and when the supply of gas controlled by any gas pipe line shall be inadequate, the Commission shall prescribe fair and reasonable rules and regulations requiring such gas pipe lines to augment their supply of gas, when in the judgment of the Commission it is practicable to do so; and it shall exercise its power, whether upon its own motion or upon petition by any person, corporation, municipal corporation, county, or commissioner's precinct showing a substantial interest in the subject, or upon petition of the Attorney General, or of any county or district attorney in any county wherein such business or any part thereof may be carried on."

SEC. 2. In addition to the duties and powers of the Commission hereinabove set forth, it is empowered and it shall be its duty to investigate the use of malodorants by persons, firms, or corporations engaged in the business of handling, storing, selling or distributing natural and liquefied petroleum gases, including butane and other odorless gases, for private or commercial uses, or supplying the same by pipe lines or otherwise, to any public building or buildings or the general public, and the Commission is empowered to require such persons, firms or corporations to odorize such gas by the use of a malodorant agent of such character as to indicate by a distinctive odor the presence of gas; such malodorant agent so required to be used, however, shall be non-toxic and non-corrosive and not harmful to leather diaphragms in gas equipment, the method of its use and containers and equipment to be used in connection therewith to be under the direction of and as approved by the Railroad Commission of Texas; the Commission having full power and authority to prescribe such rules and regulations as in its wisdom may be deemed necessary to carry out the purposes of this Act. Nothing herein contained shall apply to gas transported out of the State of Texas.

SEC. 2-a. After the effective date of this Act all containers and pertinent equipment installed for use in this State for the storage and dispensing of liquefied petroleum gases for the purpose of providing gas for industrial, commercial and domestic uses, shall be designed, constructed, equipped, and installed as specified under the published regulations of the National Board of Fire Underwriters for the design, installation, and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases, effective July 15, 1934, and amendments, modifications or revisions thereto. All containers used for the transportation of liquefied petroleum gases over the highways of this State, shall be designed, constructed, and operated in accordance with the published regulations for the design, construction, and operation of automobile tank trucks and tank trailers for the transportation of liquefied petroleum gases, adopted by the National Board of Fire Underwriters and the National Fire Protection Association in the year 1935, and amendments, modifications or revisions thereto. Containers subject to the regulations of the Interstate Commerce Commission

and containers which are owned or used by the Government of the United States of America are excepted from the provisions of this Section. Provided, however, that nothing herein shall be construed to alter, modify, or amend the Motor Carriers Law of the State of Texas.

SEC. 3. The failure of any person or persons, firm, or corporation, municipality, or otherwise, or any association, or manufacturing or distributing or storing system in this State handling such gases, or installing or using such containers and pertinent equipment, as set out in this Act, to, within sixty (60) days after the receipt of any order of the Railroad Commission, comply fully with the Act or any such order, rule or regulation, shall be a violation of this Act, subjecting such person or persons, and the officers and executives of such named concerns to a penalty of One Thousand Dollars (\$1000) for each day they shall fail to comply with such Act; and the Attorney General is empowered to bring suit for the collection of same in the District Court of Travis County, Texas.

SEC. 4. Before the adoption or promulgation of any orders, rules, and regulations under the terms and provisions of this Act, the Railroad Commission shall give ten (10) days notice to all utilities and other interested parties embraced within this Act, by mailing to such utilities and interested parties a copy of the orders, rules and regulations which the Commission proposes to adopt and promulgate, which notice shall state the time and place when the Railroad Commission will hear and consider any objections to any such orders, rules, and regulations, and any person, firm or corporation affected by such orders, rules, and regulations, shall have the right to file written objections thereto and be heard in person or by counsel, and after such hearing the Railroad Commission shall, in its discretion, adopt and promulgate any such orders, rules, and regulations as published in such notice, or shall make such amendments and modifications thereof as the Railroad Commission shall deem just and equitable, and if, as and when any such orders, rules and regulations are finally adopted, the Railroad Commission shall, within ten (10) days thereafter, cause the same to be published in at least three newspapers of general circulation throughout the State, and a copy thereof to be mailed to each utility and other interested parties.

SEC. 5. The fact that in the past few weeks hundreds of lives have been lost from causes apparently due to escaping or accumulated gas explosions, and that numerous such accidents are constantly occurring by reason of the fact that butane liquefied petroleum gas is practically odorless and undetectable, 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 in order that this bill may become a

law immediately after its passage, and such Rule is hereby suspended, and said Act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—H. B. No. 1017 passed the House, April 13, 1937, by a vote of 100 yeas, 3 nays; passed the Senate, with amendments, May 7, 1937, by a vote of 29 yeas, 0 nays; House concurred in Senate amendments, May 10, 1937, by a vote of 119 yeas, 0 nays:]

Approved May 17, 1937.
Effective May 17, 1937.

REPEALING MONTGOMERY COUNTY TRAPPING LAW.

H. B. No. 1140.] CHAPTER 365.

An Act to repeal Chapter 20 of Special Laws of the Regular Session of the Forty-fourth Legislature.

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

SECTION 1. That Chapter 20, Special Laws of the Regular Session of the Forty-fourth Legislature be and the same is hereby repealed.

[NOTE.—H. B. No. 1140 passed the House, May 10, 1937, by a viva voce vote; passed the Senate, May 12, 1937, by a vote of 30 yeas, 0 nays.]

Approved May 18, 1937.
Effective August 21, 1937.

AUTHORIZING TEXAS NATIONAL GUARD ARMORY BOARD TO ISSUE SECURITIES WITH WHICH TO OBTAIN FUNDS TO CONSTRUCT AND ACQUIRE ARMORIES.

S. B. No. 402.] CHAPTER 366.

An Act to amend Chapter 184 of the Regular Session of the 44th Legislature creating the Texas National Guard Armory Board and defining its powers and duties; and declaring an emergency.

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

SECTION 1. That Sections 1 to 4 inclusive of Chapter 184 of the Regular Session of the 44th Texas Legislature be and the same hereby are amended to read as follows:

"Section 1. There is hereby created the Texas National Guard Armory Board, hereinafter called the "Board" to be composed of