### HOUSE JOURNAL

#### THIRTY-SECOND DAY

(Monday, March 4, 1957)

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

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

| Mr. Speaker        | Anderson | Armor | Atwell | Baker | Ballman | Bartram | Bass | Bell | Bishop | Blaine | Blanchard | Bowers | Boyd | Brashear | Britstow | Bryan | Bullock | Burnett | Byrd | Chapman | Childs | Cloud | Coie | Conley | Cory | Cottam | Cowan | Cox of Bell | Crowe | Day | de la Garza | Dewey | Ding Miah | Dugan | Dugan | Dugan | Dugas | Dugas | Dugas | Dugas | Dugas | Dugas | Dugas | Dugas |
|--------------------|----------|-------|--------|-------|---------|---------|------|------|--------|--------|-----------|--------|------|----------|----------|-------|---------|---------|------|---------|-------|-------|------|-------|------|-------|-------|----------|-------|-----|----------|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Absent             | Cox of Montgomery Ford |

A quorum of the House was announced present.

The Invocation was offered by the Reverend E. C. McDonald, Chaplain, as follows:

"O Thou who art eternal; Thou who knowest all things, in our limited knowledge, become distressed and disturbed not knowing what the wrong word or act might mean in the end. We therefore come to Thee and pray for Christ’s sake, to show us the unmistakable action in the House of Representatives. That we might not blunder in the eyes of God and the people of Texas. May we say what we mean and mean what we say. And may it be worth saying. Teach us economy in speech that neither wounds nor offends, that offers light without generating heat. Bridge our tongues, lest they stampede us into utterances after which we shall be ashamed. This we ask in Jesus’ name.—Amen."

#### MESSAGE FROM THE SENATE

Austin, Texas, March 4, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.
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Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. C. R. 33. Authorizing the Board of Regents of the University of Texas to accept on behalf of the Medical Branch of The University of Texas at Galveston private funds for the construction of a small building.

Respectfully,
CHARLES SCHNABEL, Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, March 4, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to Senate Bill No. 230 by the following vote: Yeas 27, Nays 3.

Respectfully,
CHARLES SCHNABEL, Secretary of the Senate.

HOUSE BILLS ON FIRST READING

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

By Messrs. Woolsey, Ehrle, Dugas, Sudderth, Bowers, and Russell:
H. B. No. 557. A bill to be entitled "An Act providing for the repeal of Article 46c, Acts 49th Legislature, 1945, so as to abolish the Texas Aeronautics Commission; and declaring an emergency."
Referred to the Committee on Aeronautics.

By Messrs. Spilman, Murray, de la Garza, Conley, Ellis and Pipkin:
H. B. No. 558. A bill to be entitled "An Act authorizing the appointment of a water master in any suit to determine the right of one hundred or more parties to divert or use water of a surface stream in which suit rights are asserted to divert or use such water in four or more counties; prescribing the powers, duties and authority of the water master; prescribing the jurisdiction, power and authority of the court in such cases; providing for the employment of necessary deputies and assistants; providing their duties, powers and authority; providing for the compensation of the water master and the compensation of the deputies and assistants and other employees provided for in the Act; providing for the assessment of cost of expenses of the water master and his office; providing for the payment of such costs and making other provisions relating thereto; providing a severability clause; providing this Act be cumulative and declaring an emergency."
Referred to the Committee on Conservation and Reclamation.

By Messrs. Spilman, Murray, de la Garza, Conley, Ellis and Pipkin:
H. B. No. 559. A bill to be entitled "An Act providing for the appointment by the Chief Justice of the Supreme Court of special judges trying the case of the State of Texas and the Cities of Brownsville, Raymondville, Hidalgo, Mission, McAllen, San Benito, Edinburg and Pharr, Plaintiffs, vs. Hidalgo County Control and Improvement District, No. 18, et al, Defendants, which case was pending in the 93rd District Court of Hidalgo County under Docket No. B-20876, on the 13th day of February, 1957, and any other case constituting the cause of action, claim, counterclaim, cross-claim, third-party claim, or controversy severed from such case, and any ancillary matter in connection with such case or cases; prescribing the powers, duties, compensation and expenses of such judges; making other provisions relating thereto; making necessary appropriations and declaring an emergency."
Referred to the Committee on Judiciary.

By Messrs. Spilman, Murray, de la Garza, Conley, Ellis and Pipkin:
H. B. No. 560. A bill to be entitled "An Act authorizing additional compensation and expenses for certain district judges trying the case of the State of Texas and the Cities of Brownsville, Raymondville, Hidalgo, Mission, McAllen, San Benito, Edinburg and Pharr, Plaintiffs vs. Hidalgo County Control and Improvement District, No. 18, et al, defendants, which case was pending in the 93rd District
Court of Hidalgo County under Docket No. B-20576, on the 13th day of February, 1957, and any other case constituting the cause of action, claim intervention, cross-claim, counterclaim, third-party claim, or controversy severed from any case, and any ancillary matter in connection with such case or cases; providing for the method of paying the compensation or expenses; making other provisions relating thereto; making necessary appropriation and declaring an emergency."

Referred to the Committee on Judiciary.

By Messrs. Crosthwait and Pool:
H. B. No. 561. A bill to be entitled "An Act amending Chapter V, Title 16, of Texas Banking Code of 1943 by adding thereto a new article authorizing State banks to own or lease land in the vicinity of such bank for use as automobile parking area for its customers and employees; repealing all conflicting laws; and declaring an emergency."

Referred to the Committee on Banks and Banking.

By Messrs. Dungan, Fenoglio, Jamison, Atwell and Sadler:
H. B. No. 562. A bill to be entitled "An Act to amend Article 6231 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 25, Acts of the 53rd Legislature, 1953, Regular Session, to provide for the payment of an increased pension to widows of Confederate Veterans who reside outside the Confederate Home of this State; and declaring an emergency."

Referred to the Committee on Military and Veteran's Affairs.

By Mr. Strickland:
H. B. No. 563. A bill to be entitled "An Act authorizing boards of trustees of school districts to require pupils to be vaccinated for poliomyelitis and to exclude pupils who have not been vaccinated; and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Strickland:
H. B. No. 564. A bill to be entitled "An Act to amend Chapter 467, General and Special Laws, Forty-Fourth Legislature, Second Called Session, 1935, the "Texas Liquor Control Act", as amended, (Vernon's Penal Code, Articles 660 and 667) so as to clarify said act and further regulate and control alcoholic beverages by amending Sections 15(16), 12(26) and 26 of Article I, prohibiting the sale or delivery of liquor between 8:00 p.m. of any day and 9:00 a.m. of the following day; prohibiting the sale or delivery of liquor on New Year's, Christmas and Thanksgiving; providing savings clauses; repealing all laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Liquor Regulation.

By Miss Isaacks and Messrs. Laurel and de la Garza:
H. B. No. 565. A bill to be entitled "An Act increasing the compulsory school attendance age to seventeen years and requiring daily attendance for the full regular school term, subject to certain exceptions and qualifications; amending Article 2827 of the Revised Civil Statutes and Article 297 of the Penal Code, as amended; repealing certain other laws relating to this subject; fixing the effective date of this Act; providing for severability; and declaring an emergency."

Referred to the Committee on Education.

By Miss Isaacks and Messrs. Laurel and de la Garza:
H. B. No. 566. A bill to be entitled "An Act prohibiting the employment of children of compulsory school age during school hours of the regular school year unless such children are exempt from compulsory school attendance; fixing the penalty for violation; designating an effective date; and declaring an emergency."

Referred to the Committee on Labor.

By Mr. McGregor of El Paso:
H. B. No. 567. A bill to be entitled "An Act to amend paragraph (3) of Article 7064, Revised Civil Statutes of Texas, 1935, as amended by Chapter 465, Acts of the 54th Legislature, so as to provide that Corporations organized pursuant to the provisions of Title VIII of the National Housing Act, which operate housing projects in connection with Military Reservations shall pay a franchise tax based upon gross receipts instead of gross assets
and thereby excluding from the tax base long-term indebtedness, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Moore of Harris:
H. B. No. 588, A bill to be entitled "An Act making an appropriation to pay the principal due thereon of a certain judgment obtained against the State of Texas in Cause No. 105,692, styled Salt Dome Production Company vs. The State of Texas in the 126th Judicial District Court of Travis County, Texas, according to the tenor, effect and reading of such judgment; providing that no interest shall be paid thereon and declaring an emergency." Referred to the Committee on Claims and Accounts.

By Mr. Moore of Harris:
H. B. No. 589, A bill to be entitled "An Act making an appropriation to pay the principal due thereon of a certain judgment obtained against the State of Texas in Cause No. 105,692, styled Mac Drilling Company vs. The State of Texas in the 126th Judicial District Court of Travis County, Texas, according to the tenor, effect and reading of such judgment; providing that no interest shall be paid thereon and declaring an emergency." Referred to the Committee on Claims and Accounts.

By Mr. Moore of Harris:
H. B. No. 591, A bill to be entitled "An Act making an appropriation to pay the principal due thereon of a certain judgment obtained against the State of Texas in Cause No. 105,692, styled Peter N. Petkas vs. The State of Texas in Cause No. 105,692, styled Dome Production Company vs. The State of Texas in the 126th Judicial District Court of Travis County, Texas, according to the tenor, effect and reading of such judgment; providing that no interest shall be paid thereon and declaring an emergency." Referred to the Committee on Claims and Accounts.

By Mr. Jamison:
H. B. No. 571, A bill to be entitled "An Act amending Article 2624, of the Revised Civil Statutes of Texas, 1921, as amended by Chapters 156 and 171, Acts of the 49th Legislature, Regular Session, 1945, changing the name of the Texas State College for Women at Denton, in Denton County, to the "Texas University for Women"; providing a changed meaning of the names "College of Industrial Arts" and "Texas State College for Women," or any reference thereto wherever such names or references appear in any Acts of any Legislature of this State; ratifying and confirming in behalf of the "Texas University for Women" all Legislative Acts and appropriations heretofore passed in behalf of the College of Industrial Arts or the Texas State College for Women, or the Texas University for Women; and declaring an emergency." Referred to the Committee on Education.

By Mr. Elliott:
H. B. No. 573, A bill to be entitled "An Act making an appropriation to pay the principal due thereon of a certain judgment obtained against the State of Texas in Cause No. 105,692, styled Drilling and Exploration Company, Inc., vs. The State of Texas in the 126th Judicial District Court of Travis County, Texas, according to the tenor, effect and reading of such judgment; providing that no interest shall be paid thereon; and declaring an emergency." Referred to the Committee on Claims and Accounts.

By Mr. Elliott:
H. B. No. 573, A bill to be entitled "An Act making an appropriation to pay the principal due thereon of a certain judgment obtained against the State of Texas in Cause No. 105,692, styled C. N. Hosah vs. The State of Texas in the 126th Judicial District Court of Travis County, Texas, according to the tenor, effect and reading of such judgment; providing that no interest shall be paid thereon; and declaring an emergency." Referred to the Committee on Claims and Accounts.

By Messrs. Hensley and Bell:
H. B. No. 574, A bill to be entitled "An Act revising the election laws of this state and repealing certain Articles of the Penal Code of this state by amending and adding to Articles 13.08 (Acts 1955, 54th Leg., page 1131, Ch. 414, Paragraph 1), 13.18, 13.34, 13.66 and Section 25 Article 7.14 of the Texas Election Code of 1951 as amended; by repealing Articles 262, 263,
264, 265, 266, 267, 268 and 269 of the Penal Code of 1925, as amended; Amending Article 13.08 (Acts 1956, 54th Leg., page 1131, Ch. 424, Paragraph 17, Texas Election Code of 1951, as amended, to include as primary expense the necessary cost of preparing and holding all precinct and county conventions; amending Article 13.18 Texas Election Code of 1951, as amended, to provide for the appointment by the County Chairman and the County Executive Committee of a Committee secretary, establishing such secretary's duties and compensation and providing for compensation for the County Chairman, reimbursement of his expenses and the setting of a maximum for such compensation and expense; amending Article 13.34 Texas Election Code of 1951, as amended, to change the deadline for filing of precinct convention minutes with the County Clerk; amending Article 13.61, Texas Election Code of 1951, as amended, to change the deadline for the filing of precinct convention minutes with the County Clerk; amending Section 35, Article 7.14, Texas Election Code of 1951, as amended, to change the word "but" to "and" in the definition of a watchman; repealing Articles 262, 263, 264, 265, 266, 267, 268 and 269 of the Texas Penal Code Revised Statutes of 1925: providing for effective dates of provisions of this Act: providing a savings clause; and repealing all laws in conflict.

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. de la Garza:

H. B. No. 575. A bill to be entitled "An Act creating a State Youth Authority for the protection, care, training, and parole supervision of delinquent children, and, among other things, defining its powers, duties and functions; providing for the transfer of all powers, duties, and responsibilities and appropriations now held by the State Youth Development Council to State Youth Authority; providing for the effective date of the Act; providing a saving clause, a repealing clause, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Methany:

H. B. No. 576. A bill to be entitled "An Act providing for the creation of public cemetery districts; providing for the procedure for the creating of cemetery districts and for the election of officers and their duties; and defining the powers of the cemetery districts, including the power of the districts for taxation purposes.

Referred to the Committee on Counties.

By Mr. Welch:

H. B. No. 577. A bill to be entitled "An Act amending Section 5 of the Optional County Road Law of 1947 (Chapter 178, Acts of the 55th Legislature, codified as Article 671-1 of Vernon's Texas Civil Statutes), so as to authorize the employment of a County Road Administrator to perform the duties imposed upon the County Road Engineer in the event a county is unable to employ a licensed professional engineer."

Referred to the Committee on Counties.

By Mr. Cloud:

H. B. No. 578. A bill to be entitled "An Act fixing the period that deer and wild turkey may be hunted, taken or killed in Throckmorton County, providing for a penalty and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Conley:

H. B. No. 579. A bill to be entitled "An Act granting to the Wilbarger County Navigation District the power and authority to lease land; to sell land to governmental agencies; repealing all laws or parts of laws in conflict; and declaring an emergency."

Referred to the Committee on Counties.

By Messrs. Baker, Kothmann, Henley, Forrest, Strickland, Mann, Forsyth, Pool and Wintree:

H. B. No. 580. A bill to be entitled "An Act relating to deaths and dead bodies; providing for the appointment of the Chief Medical Examiner by the Public Safety Commission; providing for the appointment of Deputy Medical Examiners coordinating the functions of all law enforcement agencies relating to deaths and dead bodies; prescribing the powers, duties, and functions of the Chief Medical Examiner
and his Deputies; providing that the
services provided for in this Act shall
be available to any County in this
State at the discretion of the Commis­
sioners Court; making other pro­
visions relating to deaths and dead
bodies; providing penalties for viola­
tion of the provisions of this Act;
providing a severability clause; and
declaring an emergency.

Referred to the Committee on
State Affairs.

By Messrs. Conley, Pippin, Murray,
de la Gema and Ellis:
H. B. No. 581, A bill to be entitled
"An Act amending Chapter 176, Acts
of the Fifty-fourth Legislature, Reg­
ular Session, 1955, codified in Ver­na's
as Article 82a, Vernon's Civil Statutes
and relating to pink bollworm con­
trol so as to authorize the Commissioner
of Agriculture to designate the date
of election and polling places where
the cotton growers of this State shall
have the opportunity to approve or re­
ject the provisions of such Act: pro­
viding payment of fees into escrow
accounts and related provisions; pro­
viding the method of selection of de­
positaries; making other provisions re­
lating thereto; providing a severability
clause and declaring an emergency.

Referred to the Committee on
Agriculture.

By Mr. Jones:
H. B. No. 582, A bill to be entitled
"An Act relating to the situs of per­
sonal property of domestic insurance
companies for the purpose of taxation;
amending Articles 3.15, 3.16 and 4.01
of the Insurance Code, so as to place
the situs of certain tangible personal
property of all types of insurance com­
panies organized under the laws of this
State at the place where such
property is located, and to place the
situs of all other personal property
at the principal place of business of
the company.

Referred to the Committee on
Revenue and Taxation.

By Mr. Gruening:
H. B. No. 583, A bill to be entitled
"An Act amending House Bill No.
642, of the Sixty-first Legislature, Reg­
ular Session (1949), Chapter 652, page
1189, so as to make such Act applica­
table to all state institutions of higher
education; authorizing the investment
or placing on time deposits not more
than 85% of the students' "General
Property Deposits": establishing a stu­
dent deposit fund consisting of the
income from the investment or time
deposit of the "General Property De­
posits" and forfeiting "General Prop­
erty Deposits": providing for the use
of the student deposit fund for schol­
arship purposes or support of student
union programs; providing for the
administration by the governing
boards of the student deposit fund and
making other limitations and conditions
for such use; excepting the Main Uni­
versity of The University of Texas,
A. & M. College of College Station, and
Texas Technological College at Lub­
beck from the use of the student de­
posit fund for a student union pro­
gram; and declaring an emergency.

Referred to the Committee on
Education.

By Messrs. Mays, Heitman and
Parsons:
H. B. No. 584, A bill to be entitled
"An Act amending the Foundation
School Program amending Section 2,
Article V, Chapter 334, Acts of the
Sixty-first Legislature, Regular Session,
1949, providing for a minimum monthly sal­
ary of One Hundred and Twenty-five
Dollars ($125) for school bus drivers,
which amount shall be allocated from the
Foundation School Fund and shall be
separate and apart from the pur­
chase, maintenance and operating cost
of transportation units; and declaring an
emergency.

Referred to the Committee on
Education.

By Mr. Cory:
H. B. No. 585, A bill to be entitled
"An Act amending Subsection (a) of
Section 20 of the Certificate of Title
Act (Article 1434-1 Vernon's Texas
Penal Code) by re-numbering it as
Section 30a of the Certificate of Title
Act and by changing its provisions so
as to require the designated agent for
receiving applications for certificate of
title to make the physical examina­tion
of identification numbers on motor ve­
hicles last titled or registered in some
other state or country upon application
for registration and certificate of title
in Texas.

Referred to the Committee on
Highways and Roads.
By Mr. Bass:
H. B. No. 586, A bill to be entitled "An Act creating Brazoria County Road District No. 34 of Brazoria County, Texas, under authority of Section 52, Article III, Constitution of Texas, for the purpose of the construction, maintenance, and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof; making it a body corporate and taxing district; describing its boundaries and including provisions relating thereto; granting it the authority to issue tax bonds, revenue bonds, and tax-revenue bonds, and containing provisions relating to said bonds and the issuance thereof; containing provisions relating to the operation and maintenance of the improvements and facilities of said district; providing that the fact that said district may overlap other road districts shall not affect said district or the powers granted by this Act; providing for the assumption of bonds of road districts included within said district; authorizing the levy and collection of maintenance taxes; containing other provisions relating to the subject; and declaring an emergency."
Referred to the Committee on Counties.

HOUSE JOINT RESOLUTION ON FIRST READING

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

By Mr. Foreman:
H. J. R. No. 39, A Joint Resolution "Proposing an amendment to the Constitution of the State of Texas to provide all ad valorem taxes on motor vehicles and substitute in lieu thereof one annual license fee."
Referred to the Committee on Constitutional Amendments.

SENATE BILLS ON FIRST READING

The following Senate Bills received from the Senate were today laid before the House read severally first time and referred to the appropriate Committees, as follows:
S. B. No. 9, to the Committee on Conservation and Reclamation.
S. B. No. 241, to the Committee on Conservation and Reclamation.
S. B. No. 89, to the Committee on State Affairs.
S. B. No. 94, to the Committee on Privileges, Suffrage and Elections.
S. B. No. 104, to the Committee on State Affairs.
S. B. No. 249, to the Committee on Municipal and Private Corporations.
S. B. No. 154, to the Committee on Criminal Jurisprudence.
S. B. No. 270, to the Committee on Judiciary.

CORRECTION IN H. B. NO. 144 AUTHORIZED

Mr. Woolsey asked unanimous consent of the House that the Engrossing Clerk be authorized to make the following corrections in House Bill No. 144 so that it shall read as follows:
Section 1. Article 7799, Revised Civil Statutes of Texas, 1925, is amended so as to hereafter read as follows:
"Article 7799. Board of Water Engineers to investigate
The State Board of Water Engineers shall be and is constituted a commission to investigate and report upon the organization and feasibility of all water improvement districts which shall issue bonds under the provisions of the law of this State. All such districts desiring to issue bonds for any purpose shall submit in writing to said board an application for investigation, together with a copy of the engineer's report, and a copy of all data, profiles, maps, plans and specifications prepared in connection therewith. Said Board of Water Engineers shall examine same and shall visit the project and carefully inspect the same and may call for and shall be supplied with additional data and information requisite to a reasonable and careful investigation of the project and proposed improvements. They shall file in their office in writing their suggestions for changes and improvements, and furnish a copy thereof to the Board of Directors of the district. If said Board shall finally approve or refuse to approve such project or the issuance of bonds for any improvement, they shall make a full written report..."
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thereon, file same in their office, and furnish a copy of same to the Board of Directors of said district. During the course of construction of such project and improvements, no substantial alterations shall be made in the plans and specifications as approved by the Board of Water Engineers unless and until such time as the engineer in charge of construction shall have given written notice thereof by certified mail to the Board of Water Engineers and the Board of Directors of such district. The Board and its staff shall have full authority to inspect the works of improvement at any time during construction to determine if the project is being constructed in accordance with the plans and specifications approved by said Board and in accordance with any substantial alterations for which notice has been given as provided herein. In the event the Board finds that the project is not being constructed in accordance with the approved plans and specifications and in accordance with any substantial alterations for which notice has been given, and that substantial alterations have been or are being made without notice as provided herein, then the Board immediately shall notify in writing by certified mail each member of the Board of Directors of such water district and its manager, if there be one.

Section 139. Article 7880-139 of Vernon's Civil Statutes of Texas, is amended so as to read as follows:

"Section 139. Investigation by State Board of Water Engineers

The State Board of Water Engineers shall be and is constituted a commission to investigate and report upon the organization and feasibility of all districts which shall issue bonds under the provisions hereof. All such districts desiring to issue bonds for any purpose shall submit in writing to said board an application for investigation, together with such plans, blueprints, maps, plans, and specifications prepared in connection therewith. Said Board shall examine same and shall visit the portion of the works of improvement at any time during construction to determine if the project is being constructed in accordance with the plans and specifications approved by said Board and in accordance with any substantial alterations for which notice has been given. In the event the Board finds that the project is not being constructed in accordance with the approved plans and specifications and in accordance with any substantial alterations for which notice has been given, and that substantial alterations have been or are being made without notice as provided herein, then the Board shall immediately notify in writing by certified mail each member of the Board of Directors of such water district and its manager, if there be one.

"Sec. 3. The fact that the present law is inadequate and does not give adequate supervisory powers to the Board of Water Engineers over projects for which bond issue is authorized by said Board and the need for directors of a water district to be advised when substantial alterations are made in the engineering plans for the project of the district create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each
House be suspended, and this Rule to grant Hugh M. Glover permission to sue the State of Texas and the Adjutant General's Department.

The resolution having heretofore been referred to the Committee on State Affairs and reported favorably by the Committee.

The resolution was read.

Mr. Welch offered the following Committee Amendment to the resolution:

Committee Amendment No. 1
To H. C. R. No. 28

Amend H. C. R. No. 28 by striking the last sentence and substituting in lieu thereof the following:

"The sole purpose of this Resolution is to grant permission to the aforesaid W. H. Taylor of Cherokee County, Texas, to bring suit against the State of Texas, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which he seeks to recover must be proved in court as in other civil cases."

(Mr. Sanders in the Chair.)

The amendment was adopted.

H. C. R. No. 28 was then adopted.

TO GRANT B. AND A. PIPELINE COMPANY PERMISSION TO SUIT THE STATE

The Chair laid before the House for consideration at this time.

H. C. R. No. 32, To grant B. and A. Pipeline Company permission to sue the State.

The resolution having heretofore been referred to the Committee on State Affairs and reported favorably by the Committee.

The resolution was read.

The amendment was adopted.

H. C. R. No. 32 was then adopted.
Mr. Holman offered the following Committee Amendment to the resolution:

Committee Amendment No. 1
To H. C. R. No. 32

Amend H. C. R. No. 32 by striking the last sentence in the first paragraph of the resolving clause and substituting in lieu thereof the following:

"The sole purpose of this Resolution is to grant permission to The B. & A. Pipeline Company to bring suit against the State of Texas and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which it seeks to recover must be proved in court as in other civil cases."

The amendment was adopted.

H. C. R. No. 32 was then adopted.

HOUSE BILL NO. 147 ON PASSAGE TO ENGROSSMENT

The amendment was adopted.

H. C. R. No. 32 was then adopted.

HOUSE BILL NO. 147 ON PASSAGE TO ENGROSSMENT

The Chair laid before the House, Committee Amendment No. 2, as amended, was adopted.

H. B. No. 147, as amended, was adopted.

H. B. No. 147 was then passed to engrossment.

HOUSE BILL NO. 147 ON THIRD READING

Mr. Woolsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 147 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Anderson
Armor
Atwell
Baker
Balmes
Barron
Bass
Bell
Bishop
H maint
Hainie
Hanchard
Bowers
Boyken
Brashley
Bristow
Bryan
Bullock
Byrd
Chapman
Cline
Cloud
Cola
Conley
Cory
Cotten
Cowen
Yeas—139

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The Chair then laid House Bill No. 147 before the House on third reading and final passage. The bill was read third time and was passed.

Mr. Woolsey moved to reconsider the vote by which H. B. No. 147 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Woolsey and by unanimous consent of the House, the Caption of House Bill No. 147 was ordered amended to conform with the body of the bill.

MESSAGE FROM THE SENATE

Austin, Texas, March 4, 1967

Hon. Waggoner Carr, Speaker of the House of Representatives:

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

S. C. R. No. 16, Endorsing a salary schedule for postal employees commensurate with that in private industry.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE BILL NO. 150 ON PASSAGE TO ENGROSSMENT

The Chair laid before the House, as postponed business on its passage to engrossment, H. B. No. 150, A bill to be entitled “An Act amending Section 16 of Chapter 25, Acts of the 39th Legislature, Regular Session, 1926 (codified in Vernon’s Texas Civil Statutes as Article 7880-16) so as to authorize a water control and improvement district to have a wider and more descriptive choice of names to designate it; and declaring an emergency.”
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The bill having been read second time on February 27, and further consideration of same having been postponed at that time.

Mr. Woolsey offered the following Committee Amendment to the bill:

Committee Amendment No. 1

Amend Sec. 1 of H. B. 160, line 10 to read as follows "Any district or organized under the provision hereof may be known . . ."

The amendment was adopted.

H. B. No. 150 was then passed to engrossment.

H. B. No. 150 ON THIRD READING

Mr. Murray moved that the constitutional rule requiring "bills to be read on three several days be suspended and that House Bill No. 150 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas — 137

Anderson Armor Atwell Baker Hallman Bartram Bass Ball Bishop Blaine Blanchard Bowers Boyceen Bradbeer Bratton Bullock Byrd Chapman Cilie Cole Conley Cox Cowen Cox of Bell Crockett-day Day de la Garza Dewey Duff, Miss Dugas Dungan

Kelly Kennard Kennedy Kilpatrick Koliba Korinth Kaufmann Latimer Lea McCoppin McDonald McGregor McIver McIlhany Mann Martin Matthews Mayes Moore of Harris Moore of Tarrant Mullin Murray Myatt Oliver Osborn Parish Parsons Patterson Pool Presler Puckett Ramsey Richardson Roberts Russell Sandahl Saal


Nays—2

Cotten Harrison Harrington

In The Chair

Sanders Absent

Bryan Ford Burkett Fikish Cloud Sadler Cox of Montgomery Sheridan Ellis

The Chair then laid House Bill No. 150 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Murray moved to reconsider the vote by which H. B. No. 150 was
The motion to table the motion to re-

consider.

On motion of Mr. Murray and by
unanimous consent of the House, the
caption of House Bill No. 150 was
ordered amended to conform with the
body of the bill.

HOUSE BILL NO. 6 ON PASSAGE
TO ENGROSSMENT

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

H. B. No. 14, A bill to be entitled
"An Act amending Article 1817, Re-
vised Civil Statutes of Texas, 1926,
so as to change the location of the
Court of Civil Appeals for the First
Supreme Judicial District from the
City of Galveston to the City of Hous-
ton and making provision for suitable
rooms for such Court and for the jus-
tices thereof; providing for the tem­
porary conduct of business at either
the City of Galveston or the City of
Houston but providing that the
change of location from the City of
Galveston to the City of Houston
shall be completed by January 1,
1958; repealing all laws or parts of
laws in conflict herewith; and declar­
ing an emergency."

The bill having been read sec­
time on February 20, and further
consideration of same postponed un­
til today.

Mr. Baker moved that further con­
sideration of House Bill No. 14 be
postponed until 10:30 o'clock a.m.
March 14.

There was no objection and it was
so ordered.

(Speaker in the Chair.)

HOUSE BILL NO. 6 ON
SECOND READING

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

H. B. No. 6, A bill to be entitled
"An Act concerning the hospitaliza-
tion, commitment, care, observation
and treatment of the mentally ill,
including persons of unsound mind,
and their status; imposing certain
responsibilities upon the Board for
Texas State Hospitals and Special
Schools; licensing mental hospitals
operated by private persons and po-
 litical subdivisions; saving certain
rights, obligations and procedures;
repealing certain statutes and laws;
and declaring an emergency."

The bill was read second time.

Mr. Schwartz of Galveston offered
the following Committee Amendment
to the bill:

Committee Amendment No. 1
To H. B. No. 6
Amend House Bill No. 6 by strik-
ing all below the enacting clause and
substituting therefor the following:

Chapter I. General Provisions
Section 1. Short Title. This Act
shall be known and may be cited as
the Texas Mental Health Code.

Section 2. Purpose. It is the pur-
pose of this Code to provide humane
care and treatment for the mentally
ill and to facilitate their hospitaliza-
tion, enabling them to obtain needed
care, treatment and rehabilitation
with the least possible trouble, ex-
 pense and embarrassment to them-
selves and their families and to eli-
niate so far as possible the traumatic
effect on the patient’s mental health
of public trial and criminal-like pro-
cedures, and at the same time to pro-
tect the rights and liberty of every
one. In providing care and treatment
for the mentally ill, the State acts to
protect the community from harm
and to serve the public interest by
removing the social and economic
burdens of the mentally ill on society
and the burden and disturbing effect
of the mentally ill person on the
family, and by care and treatment in a
mental hospital to restore him to a
useful life and place in society. It is
also the legislative purpose that
Texas contribute its share to the
nation-wide effort through care,
treatment and research to reduce the
prevalence of mental illness.

Section 3. Applicability of Stan-
dard Rules of Construction and Defi-
nitions. Unless specifically supplanted
by this Code or unless the context
otherwise requires, the provisions of
Articles 10, 11, 12, 14, 22 and 23,
Revised Civil Statutes of Texas, 1926,
and of Acts, 60th Legislature, 1947,
Chapter 359, (compiled as Texas
Civil Statutes, Article 52a (Vernon 1948) apply to this Code.

Section 4. Definitions. As used in this Code, unless the context otherwise requires:

(a) "Board" means the Board for Texas State Hospitals and Special Schools.

(b) "person" includes firm, partnership, joint stock company, joint venture, association and corporation.

(c) "political subdivision" includes a county, city, town, village or hospital district in this State but does not include the Board or any other department, board or agency of the State having state-wide authority and responsibility.

(d) "physician" means a person licensed to practice medicine in any state of the United States.

(e) "head of hospital" means the individual in charge of a hospital.

(f) "general hospital" means a hospital operated primarily for the diagnosis, care and treatment of the physically ill.

(g) "mental hospital" means a hospital operated for the primary purpose of providing in-patient care and treatment for the mentally ill. A hospital operated by an agency of the United States and equipped to provide in-patient care and treatment for the mentally ill shall be considered a mental hospital.

(h) "State mental hospital" means a mental hospital operated by the Board.

(i) "private mental hospital" means a mental hospital operated by any person or political subdivision.

(j) "patient" means any person admitted or committed to any mental hospital or any person under observation, care or treatment in a mental hospital.

(k) "mentally ill person" means a person whose mental health is substantially impaired. For purposes of this Code the term "mentally ill person" includes a person who is suffering from the mental conditions referred to in Article 1, Section 13a of the Constitution of the State of Texas.

(l) "mentally incompetent person" means a mentally ill person whose mental illness renders him incapable of caring for himself and managing his property and financial affairs.

(m) "next of kin" means spouse or nearest known adult relative.

(n) "resident of this State" means a person who has lived continuously in this State for a period of one (1) year or more and who has not acquired a residence in another state by living continuously therein for at least one (1) year subsequent to his residence in this State. Time spent in a public institution or on furlough therefrom is not included in determining residence in this or another state.

Section 5. Admission Not Affected by Certain Conditions. "Mental illness" as used in this Code does not include epilepsy, senility, alcoholism or mental deficiency. However, no person who is mentally ill shall be barred from admission or commitment to a State mental hospital because he is also suffering from epilepsy, senility, alcoholism or mental deficiency.

Section 6. Notice. Except as specifically provided herein, notice required by this Code may be given in any manner reasonably calculated to give actual knowledge to the person to be notified.

Section 7. Section Headings. Section headings are not a part of this Code. The section headings are mere catch-words designed to give some indication of the contents of the sections to which they are attached.

Section 8. Certificate of Medical Examination for Mental Illness. A Certificate of Medical Examination for Mental Illness shall be dated and signed by the examining physician, and shall state:

(a) The name and address of the examining physician;

(b) The name and address of the person examined;

(c) The date and place of the examination;

(d) A brief diagnosis of the physical and mental condition of the person examined;

(e) The period of time, if any, that the person examined has been under the care of the examining physician;

(f) The opinion of the examining physician as to whether the person examined is mentally ill, and if so:

(1) whether he requires observation and/or treatment in a mental hospital;

(2) whether he requires hospitalization in a mental hospital; and
(3) whether, because of his mental illness, he is likely to cause injury to himself or to others if not immediately restrained.

Section 9. Additional Powers of the Board. In addition to the specific authority granted by other provisions of law, the Board is authorized to prescribe the form of applications, certificates, records and reports provided for under this Code and the information required to be contained therein; to require reports from the head of any mental hospital relating to the admission, examination, diagnosis, release or discharge of any patient; to visit each hospital regularly to review the commitment procedures of all new patients admitted between visits; to investigate by personal visit complaints made by any patient or by any person on behalf of a patient; and to adopt such rules and regulations not inconsistent with the provisions of this Code as may be necessary for proper and efficient hospitalization of the mentally ill.

Section 10. Delegation of Powers and Duties.

(a) Unless otherwise expressly provided in this Code, a power granted to, or a duty imposed upon the Board may be exercised or performed by an authorized employee, but the delegation of a duty does not relieve the Board from its responsibility.

(b) Unless otherwise expressly provided in this Code, a power granted to, or a duty imposed upon the head of a hospital may be exercised or performed by an authorized employee, but the delegation of a duty does not relieve the head of a hospital from his responsibility.

Section 11. County Court—Probate Court—Open at All Times. The term "county court" is used in this Code to mean the "probate court" or the court having probate jurisdiction, and the term "county judge" means the judge of such court. The county court shall be open at all times for proceedings under this Code.

Section 12. Papers to be Filed with Clerk. All applications, petitions, certificates and all other papers permitted or required to be filed in the county court by this Code shall be filed with the county clerk of the proper county who shall file the same and endorse on each paper the date filed and the docket number and his official signature.

Section 13. County Attorney to Represent State. Upon the request of the county judge, the county attorney or the district attorney in counties having no county attorney shall represent the State in commitment hearings under this Code.

Section 14. Costs.

(a) The county of legal residence of the patient shall pay the costs of Temporary Hospitalization, Indefinite Commitment and Re-examination and Hearing proceedings, including attorneys’ fees and physicians’ examination fees, and expenses of transportation to a State mental hospital or to an agency of the United States.

(b) For the amounts of these costs actually paid, the county is entitled to reimbursement by the patient or any person or estate liable for his support in a State hospital.

(c) Unless the patient or someone responsible for him is able to do so, the State shall pay the cost of transportation home of a discharged patient and the return of a patient absent without authority.

(d) Neither the county nor the State shall pay any costs for a patient committed to a private hospital.

Section 15. Fees Allowed. For the amounts of these costs actually paid, the county judge, the county attorney or the district attorney appointed by him under this Code. The compensation paid shall be taxed as costs in the case.

Section 16. Return of Committed Patient to State of Residence.

(a) The Board may return a nonresident patient committed to a mental hospital in this State to the proper agency of the state of his residence.

(b) The Board may permit the return of any resident of this State who is committed to a mental hospital in another state.

(c) The head of a State mental hospital may detain a patient returned to this State from the state of his commitment for a period not to exceed ninety-six (96) hours pending order of the court in commitment proceedings in this State.

(d) All expenses incurred in returning committed patients to other States shall be paid by this State. The expense of returning residents of this
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State shall be borne by the states making the return.

Section 17. Reciprocal Agreements. The Board is authorized to enter into reciprocal agreements with the proper agencies of other states to facilitate the return to the states of their resident patients committed to mental institutions in this or other states.

Section 18. Liability. All persons acting in good faith, reasonably and without negligence in connection with examination, certification, apprehension, custody, transportation, detention, treatment or discharge of any person, or in the performance of any act required or authorized by this Code, shall be free from all liability, civil or criminal, by reason of such action.

Section 19. Penalties for Unwaranted Commitment. Any person who wilfully causes or conspires with or assists another to cause the unwarranted commitment or hospitalization of any individual to a mental hospital is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding Five Thousand (5,000) Dollars or by imprisonment in the county jail not exceeding two (2) years or by both.

Section 20. Penalties for Violation of this Code. Any person who knowingly violates any provision of this Code is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding Five Thousand (5,000) Dollars or by imprisonment in the county jail not exceeding one (1) year or by both.

Section 21. Enforcement Officers. The Attorney General and the district attorneys and county attorneys, within their respective jurisdictions, shall prosecute violations of this Code.

Chapter II. Voluntary Hospitalization

Section 22. Voluntary Admission. The head of a mental hospital may admit a voluntary patient as a voluntary patient if he is legally of age or by his parent, legal guardian, or the court judge, with his consent, if he is not legally of age;

(a) Shall be in writing and signed by the voluntary patient if he is legally of age or by his parent, legal guardian, or the county judge, with his consent, if he is not legally of age;

(b) Shall be filed with the head of the mental hospital to which admission is sought; and

(c) Shall state that the patient agrees to submit himself to the custody of the mental hospital for diagnosis, observation, care and treatment for an initial period of no less than (10) days unless sooner discharged, and thereafter to remain in the mental hospital until he is discharged or until the expiration of ninety-six (96) hours after written request for his release is filed with the head of the hospital.

Section 23. Application for Voluntary Admission. The application for admission of a person to a mental hospital as a voluntary patient:

(1) Must be in non-technical language

(a) Must be in writing and signed by the voluntary patient if he is legally of age or by his parent, legal guardian, or the county judge, with his consent, if he is not legally of age;

(b) Must be filed with the head of the mental hospital to which admission is sought; and

(c) Must state that the patient agrees to submit himself to the custody of the mental hospital for diagnosis, observation, care and treatment for an initial period of no less than (10) days unless sooner discharged, and thereafter to remain in the mental hospital until he is discharged or until the expiration of ninety-six (96) hours after written request for his release is filed with the head of the hospital.

Section 24. Advising of Patient's Rights. Upon admission of a voluntary patient to a mental hospital, the head of the hospital shall inform the patient and any relative or friend who accompanies him to the hospital, in simple, non-technical language concerning:

(a) The right of the patient to leave the hospital ninety-six (96) hours after filing with the head of the hospital a written request for his release, signed by the patient or someone on his behalf and with his consent;

(b) The right of habeas corpus, which is not affected by his admission to a mental hospital as a voluntary patient;

(c) The fact that his civil rights and legal capacity are not affected by his admission to a mental hospital as a voluntary patient; and

(d) The "Rights of Patients" set forth in this Code.

Section 25. Right to Release. A voluntary patient shall be released within ninety-six (96) hours after written request for his release is filed with the head of the hospital signed by the patient or by someone on his behalf and with his consent, unless prior to the expiration of the ninety-six (96) hour period:

(a) Written withdrawal of the request for release is filed; or

(b) Application for Temporary Hospitalization or Petition for Indefinite Commitment is filed and the patient is detained in accordance with the provisions of this Code.
Section 26. No Commitment of Voluntary Patient. No Application for Temporary Hospitalization or Petition for Indefinite Commitment may be filed for the commitment of a voluntary patient to a mental hospital unless a request for his release has been filed with the head of the hospital.

Chapter III.
Involuntary Hospitalization

Part I.
Emergency Admission Procedure

Section 27. Authority of Health or Peace Officer. Any health or peace officer who has reason to believe and does believe upon the basis of the conduct of a person or the circumstances under which he is found that the person is mentally ill and because of his mental illness is likely to cause injury to himself or others or if not immediately restrained may, without warrant, take such person into protective custody with the county court, and within forty-eight (48) hours following the taking of such person into protective custody and, without taking him before a judge, immediately transport him to a hospital and make written application for his admission for emergency observation and treatment.

Section 28. Emergency Admission. The head of a mental hospital or a general hospital may admit and detain any person for emergency observation and treatment for a period not to exceed ninety-six (96) hours upon:

(a) Written application by a health or peace officer who has the person in his custody stating the circumstances under which the person was taken into custody and the officer's belief and the reasons therefor that the person is mentally ill and that because of his mental illness is likely to cause injury to himself or others if not immediately restrained; and

(b) The opinion of the medical officer on duty at the hospital after preliminary examination that the person has symptoms of mental illness and is likely to cause injury to himself or others if not immediately restrained.

Section 29. Notification of Admission. The head of the hospital admitting a person for emergency observation and treatment shall immediately give notice thereof to the person's guardian or responsible relative, and shall report the admission to the Board.

Section 29. Examination and Certification. The head of the hospital shall have a physician examine every person within forty-eight (48) hours after his admission to a hospital for emergency observation and treatment and prepare a Certificate of Medical Examination for Mental Illness. A copy of the Certificate shall be sent to the person's guardian or responsible relative.

Section 31. Detention Longer Than Ninety-six (96) Hours. If the examining physician is of the opinion that the person is mentally ill and because of his mental illness is likely to cause injury to himself or others if not immediately restrained, the head of the hospital shall cause the Certificate of Medical Examination for Mental Illness and an Application for Temporary Hospitalization to be filed with the county court, and may detain the person pending order of the court.

Part II. Temporary Hospitalization for Observation and/or Treatment

Section 32. Application for Temporary Hospitalization. An sworn Application for Temporary Hospitalization of a proposed patient may be filed with the county court of the county in which the proposed patient resides or is found. The Application may be made by any adult person, or by the county judge, and shall state upon information and belief that the proposed patient is not charged with a criminal offense, that he is mentally ill, and that for his own welfare and protection or the protection of others he requires observation and/or treatment in a mental hospital.

Section 33. Examination by Two Physicians Required.

(a) Before a hearing may be had on an Application for Temporary Hospitalization there must be filed with the county court Certificates of Medical Examination for Mental Illness by two physicians who have examined the proposed patient within five (5) days of the filing of the Certificate, each stating that the proposed patient is mentally ill and requires observation and/or treatment in a mental hospital.
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(b) If the Certificates of two physicians are not filed with the Application, the county judge shall appoint the necessary physicians, at least one of whom shall be a psychiatrist if one is available in the county, to examine the proposed patient and file Certificates with the county court. The judge may order the proposed patient to submit to the examination. Section 34. Notice Required. When an Application for Temporary Hospitalization is filed, the county judge shall set a date for a hearing to be held within fourteen (14) days of the filing of the Application. The proposed patient shall be personally served with a copy of the Application and written notice of the time and place of hearing thereon and of the order, if any, to submit to an examination for mental illness. A copy of the Application and notice shall be sent to the guardian or a responsible relative of the proposed patient.

Section 35. Dismissal of Application. Unless at the time set for hearing on the Application there are on file with the county court two Certificates of Medical Examination for Mental Illness stating that the proposed patient is mentally ill and requires observation and/or treatment in a mental hospital, the county judge shall dismiss the Application and order the immediate release of the proposed patient if he is not at liberty.

Section 36. Liberty Pending Hearing. Pending the hearing on the Application, the proposed patient may remain at liberty unless he is already a patient in a mental hospital or is placed under protective custody. Section 37. Hearing on the Application.

(a) The judge may hold the hearing on an Application for Temporary Hospitalization at any suitable place within the county. The hearing should be held in a physical setting not likely to have a harmful effect on the mental condition of the proposed patient in the event he is present.

(b) The proposed patient is not required to be present at the hearing, but he shall not be denied the right to be present.

(c) The court may exclude all persons not having a legitimate interest in the proceeding.

(d) The hearing shall be conducted in an informal manner as is consistent with orderly procedure.

(e) The hearing shall be before the court without a jury.

Section 38. Findings on Certificates. If at the hearing no one opposes temporary hospitalization of the proposed patient, the court may make its findings upon the basis of the Certificates of Medical Examination for Mental Illness on file with the court.

Section 39. Order upon Hearing. (a) If upon the hearing the court finds that the proposed patient is mentally ill and requires observation and/or treatment in a mental hospital, the court shall enter (or order denying the Application and shall order the immediate release of the proposed patient if he is not at liberty.

(b) If upon the hearing the court finds that the proposed patient is mentally ill and requires observation and/or treatment in a mental hospital for his own welfare and protection or the protection of others, the court shall order that the mentally ill person be committed as a patient for observation and/or treatment in a mental hospital for a period not exceeding ninety (90) days.

Section 40. Stay of Order of Temporary Hospitalization. For good cause shown, the county judge may set aside an Order of Temporary Hospitalization and grant a motion for rehearing.

Part 3. Indefinite Commitment Section 41. Prerequisite to Commitment. No Petition for the indefinite commitment of a person to a mental hospital may be filed unless he has been under observation and/or treatment in a mental hospital for at least sixty (60) days pursuant to an Order of Temporary Hospitalization entered within the twelve (12) months immediately preceding the filing of the Petition.

Section 42. Petition. A sworn Petition for the indefinite commitment of a person to a mental hospital may be filed with the county court of the county in which the proposed patient is hospitalized, or if he is not hospitalized, the county in which he resides or is found. The Petition may be filed by any adult person, or by
the county judge, and shall be styled "THE STATE OF TEXAS, FOR THE BEST INTEREST AND PROTECTION OF ____________________ AS A MENTALLY ILL PERSON." The Petition shall contain the following statements upon information and belief:

1. Name and address of the proposed patient.
2. Name and address of the proposed patient's spouse, parents, children, brothers, sisters, and legal guardian.
3. Name and address of petitioner and a statement of his interest in the proceeding, including his relationship, if any, to the proposed patient.
4. Name and address of the mental hospital, if any, in which the proposed patient is a patient.
5. That the proposed patient is not charged with a crime.
6. That the proposed patient has been under observation and/or treatment in a mental hospital for at least sixty (60) days pursuant to an Order of Temporary Hospitalization entered within the twelve (12) months immediately preceding the filing of the Petition.
7. That the proposed patient is mentally ill and requires hospitalization in a mental hospital for his own welfare and protection or the protection of others.

Section 43. Certificate Required. The Petition shall be accompanied by a Certificate of Medical Examination for Mental Illness by a physician who has examined the proposed patient within the fifteen (15) days immediately preceding the filing of the Petition, stating the opinion of the examining physician that the proposed patient is mentally ill and requires hospitalization in a mental hospital.

Section 44. Hearing Set—Attorney Appointed. When a Petition and the required Certificate of Medical Examination for Mental Illness are filed, the county judge shall set a date for a hearing to be held within thirty (30) days of the filing of the Petition, and shall appoint an attorney ad litem to represent the proposed patient.

Section 45. Notice of Hearing. At least seven (7) days prior to the date of the hearing a copy of the Petition and Notice of Hearing shall be personally served on the proposed patient. A copy of the Petition and Notice of Hearing shall be sent to the guardian or a responsible relative of the proposed patient. The Notice of Hearing shall read substantially as follows:

The State of Texas for the Best Interest and Protection of ____________________ as a mentally ill person.

No. __________________________ County, Texas.

Notice of Hearing

TO: __________________________ (Proposed Patient):

You are hereby notified that on the __________________________ (date and time), at __________________________ (place), in __________________________ County, Texas, a hearing will be held on the attached Petition to determine whether or not you shall be indefinitely committed to a mental hospital and to determine the issue of your mental competency.

You are advised that you have a right to demand a trial by jury or to have a hearing before the judge alone if you wish to waive trial by jury.

Mr. __________________________, attorney at law, whose address is __________________________ and whose telephone number is __________________________, has been appointed by the county judge to represent you in this case for your best interest and protection. However, if you desire you may employ a lawyer of your own choosing to represent you. You may consult with your attorney concerning this Petition and your rights in this case.

Unless a waiver of trial by jury, signed by you or your next of kin, and your attorney, is filed with the court, a jury will hear and determine the issues in this case.

You have the right to be present at this hearing, but you are not required to be present.

__________________________ County Judge

Sec. 46. Waiver of Trial by Jury.

Waiver of trial by jury shall be in writing under oath and shall be signed and filed at any time subsequent to service of the Petition and Notice of Hearing upon the proposed patient. The waiver of trial by jury shall be signed and sworn to by the proposed patient, or his next of kin.
and by the attorney ad litem appointed to represent the proposed patient.

Sec. 47. Form of Waiver. The waiver of trial by jury shall be substantially as follows:

The State of Texas for the Best Interest and Protection of

_______ County of _____________

No._______ in the county court of _____________ County, Texas.

Waiver of Trial by Jury

The State of Texas

I, the proposed patient in the above entitled and numbered cause, hereby waive trial by jury and request that the county judge determine on the basis of competent medical or psychiatric testimony whether I shall be indefinitely committed to a mental hospital.

_______ Proposed Patient

Subscribed and sworn to before me this ___ day of ______, 19___

_______ Notary Public in and for _____________ County, Texas.

The State of Texas

I, the _______ (relationship) of the proposed patient in the above entitled and numbered cause, in his interest and for his protection and on his behalf, hereby waive trial by jury and request that the county judge determine on the basis of competent medical or psychiatric testimony whether the proposed patient shall be committed indefinitely to a mental hospital.

_______ Next of Kin

Subscribed and sworn to before me this _______ day of ______, 19___

_______ Notary Public in and for _____________ County, Texas.

The State of Texas

I, the attorney ad litem for the proposed patient in the above entitled and numbered cause, in his interest and for his protection and on his behalf, hereby waive trial by jury and request that the county judge determine on the basis of competent medical or psychiatric testimony whether the proposed patient shall be committed indefinitely to a mental hospital.

_______ Attorney Ad Litem

Subscribed and sworn to before me this _______ day of ______, 19___

_______ Notary Public in and for _____________ County, Texas.

Sec. 48. Liberty Pending Hearing. Pending the hearing on the Petition the proposed patient may remain at liberty unless he is already a patient in a mental hospital or is placed under protective custody.

Sec. 49. Trial by Jury. The proposed patient shall not be denied the right to trial by jury. A jury shall determine the issues in the case if no waiver of jury trial is filed, or if jury trial is demanded by the proposed patient or his attorney at any time prior to the termination of the hearing, whether or not a waiver has been filed. The jury shall be summoned and impaneled in the same manner as in other civil cases in the county court.

Sec. 50. Hearing on the Petition. (a) The county judge may hold the hearing on the Petition at any suitable place within the county. The hearing should be held in a physical setting not likely to have a harmful effect on the mental condition of the proposed patient in the event he is present.

(b) The proposed patient is not required to be present at the hearing, but he shall not be denied the right to be present.

(c) The court may exclude all persons not having a legitimate interest in the proceedings.

(d) At least two physicians who have examined the proposed patient within the fifteen (15) days immediately preceding the hearing shall testify at the hearing.

(e) If a waiver of trial by jury is filed and no jury is demanded, the hearing shall be before the court without a jury; otherwise the hearing shall be before a jury.

Sec. 51. Medical Testimony Required. No person shall be indefinitely committed to a mental hospital except upon the basis of competent medical or psychiatric testimony.

Sec. 52. Issues—Findings.

(a) The court or the jury, as the case may be, shall determine
(1) whether the proposed patient is mentally ill, and if so
(2) whether he requires hospitalization in a mental hospital for his own welfare and protection or the protection of others, and if so
(3) whether he is mentally incompetent.
(b) The court shall enter on its docket the findings of the court or jury on these issues.
Sec. 53. Order Upon Hearing.
(a) If the court or the jury, as the case may be, finds that the proposed patient is not mentally ill or that he does not require hospitalization in a mental hospital for his own welfare and protection or the protection of others, the court shall enter an order denying the petition and discharging the proposed patient.
(b) If the court or the jury, as the case may be, finds that the proposed patient is mentally ill and requires hospitalization in a mental hospital for his own welfare and protection or the protection of others, the court shall order that the mentally ill person be committed as a patient to a mental hospital for an indefinite period.
Sec. 54. New Trial. For good cause shown, the county judge within two (2) days after entering his Order of Indefinite Commitment, may set aside his order and grant a new trial to the person ordered committed. A motion for new trial is not premature to appeal from the order of the county court.
Sec. 55. Notice of Appeal. The person ordered committed may appeal the Order of Indefinite Commitment by filing written notice thereof with the county court within thirty (30) days after the Order of Indefinite Commitment is entered.
Sec. 56. Transcript on Appeal. When notice of appeal is filed, the clerk shall immediately send a certified transcript of the proceedings to the court of the county.
Sec. 67. Stay Order. For good cause shown, the county judge may stay the Order of Indefinite Commitment pending the appeal.
Sec. 68. Trial of Appeals. The appeal from the county court shall be by trial de novo in the district court, and shall be tried and determined as other civil cases in the district court. Such cases shall be advanced on the docket and shall be given a preference setting over all other cases.
Part 4. Orders, Transportation, Protective Custody
Sec. 59. Designation of Hospital.
In the Order of Temporary Hospitalization or Indefinite Commitment, the court shall commit the patient to a designated hospital.
(a) State mental hospital;
(b) private mental hospital; or
(c) agency of the United States operating a mental hospital.
Sec. 60. Commitment to a Private Mental Hospital. The court may order a patient committed to a private mental hospital at no expense to the State upon:
(a) Application signed by the patient or by his guardian or friend requesting that the patient be placed in a designated private mental hospital at the expense of the patient or the applicant, and
(b) Agreement in writing by the head of the private mental hospital to admit the patient and to accept responsibility for him in accordance with the provisions of this Code.
Sec. 61. Commitment to an Agency of the United States. The court may order a patient committed to an agency of the United States.
(a) Upon receiving written notice from an agency of the United States operating a mental hospital stating that facilities are available and that the patient is eligible for care or treatment therein, the court may order the patient committed to the agency and may place the patient in the custody of the agency for transportation to the mental hospital.
(b) Any patient admitted pursuant to order of a court to any hospital operated by an agency of the United States within or without the State shall be subject to the rules and regulations of the agency.
(c) The head of the hospital operated by such agency shall have the same authority and responsibility with respect to the patient as the head of a State mental hospital.
(d) The appropriate courts of this State retain jurisdiction at any time to inquire into the mental condition of the patient so committed and the necessity of his continued hospitalization.
Sec. 62. Person Authorised to Transport Patient.
(a) The court may authorize a relative or other responsible person having a proper interest in the welfare of the patient to transport him to the designated mental hospital.

(b) If the head of the designated hospital advises the court that hospital personnel are available for the purpose, the court may authorize the head of the hospital to transport the patient to the designated mental hospital.

(c) Otherwise, the court may authorize the sheriff to transport the patient to the designated mental hospital.

Sec. 63. Writ of Commitment. The court shall direct the clerk of the court to issue a writ of commitment in duplicate directed to the person authorized to transport the patient, commanding him to take charge of the patient and to transport the patient to the designated mental hospital.

Sec. 64. Transcript. The clerk of the county court shall prepare two certified transcripts of the proceedings in the Temporary Hospitalization or Indefinite Commitment Hearing, and shall send one to the Board and one to the head of the hospital to which the patient is committed. The clerk shall send with the transcript any available information concerning the medical, social and economic status and history of the patient and his family.

Sec. 65. Transportation of Patients. (a) Friends and relatives of the patient at their own expense may accompany him to the mental hospital.

(b) Every female patient shall be accompanied by a female attendant unless accompanied by her father, husband or adult brother or son during conveyance to the mental hospital.

(c) The patient shall not be transported in a marked police or sheriff's car or accompanied by officers in uniform if other means are available.

Sec. 66. Acceptance of Patient. The head of the mental hospital, upon receiving a copy of the writ of commitment and admitting a patient, shall give the person transporting the patient a written statement acknowledging acceptance of the patient and of any personal property belonging to him and shall file a copy of the statement with the clerk of the committing court.

Sec. 67. Order of Protective Custody. If in the county court in which an Application for Temporary Hospitalization or a Petition for Indefinite Commitment is pending, a Certificate of Medical Examination for Mental Illness is filed showing that the proposed patient has been examined within five (5) days of the filing of the Certificate and stating the opinion of the examining physician that the proposed patient is mentally ill and because of his mental illness is likely to cause injury to himself or others if not immediately restrained, the judge may order any health or peace officer to take the proposed patient into protective custody and immediately transport him to a designated mental hospital or other suitable place and detain him pending order of the court.

Sec. 68. Detention in Protective Custody. (a) Persons detained in protective custody shall be detained in a mental hospital or other facility deemed suitable by the county health officer.

(b) No person shall be detained in protective custody in a non-medical facility used for the detention of persons charged with or convicted of a crime except because of and during an extreme emergency and in no case for a period of more than seven (7) days.

(c) The county health officer shall see that persons held in protective custody receive proper care and medical attention pending removal to a mental hospital.

Chapter IV. General Hospitalization Provisions

Sec. 69. Admission and Detention. (a) The head of a mental hospital is authorized to admit and detain any patient in accordance with the following procedures provided in this Code:

1. Voluntary Hospitalization
2. Emergency Admission
3. Temporary Hospitalization
4. Indefinite Commitment

(b) Nothing in this Code prohibits the admission of voluntary patients to private mental hospitals in any lawful manner.

(c) This Code does not affect the admission to a State mental hospital
of an alcoholic admitted in accordance with Acts 1951, 52nd Legislature, Chap. 398 [compiled as Texas Civil Statutes, Art. 3166c (Vernon 1948 Supp.)] for the admission of a person charged with a criminal offense admitted in accordance with Acts 45th Legislature, Reg. Sess. 1937, Chap. 466 [compiled as Art. 933a, Code of Criminal Procedure (Vernon 1948)].

Sec. 76. Persons Charged with Criminal Offense. The sections of this Code concerning the discharge, transfer and transfer of a patient are not applicable to a person charged with a criminal offense who is admitted in accordance with Acts 45th Legislature, Reg. Sess. 1937, Chap. 466 [compiled as Art. 933a, Code of Criminal Procedure (Vernon 1948)].

Sec. 77. Care and Treatment of Patients. The head of a mental hospital shall provide adequate medical and psychiatric care and treatment for every patient in accordance with the highest standards accepted in medical practice. The head of a mental hospital may give the patient accepted psychiatric treatment and therapy.

Sec. 78. Physical Restraints. No physical restraint shall be applied to the person of a patient unless prescribed by a physician, and if applied the restraint shall be removed as soon as possible. Every use of physical restraint and the reasons therefore shall be made a part of the clinical record of the patient under the signature of the physician who prescribed the restraint.

Sec. 79. Patients Absent Without Authority.
(a) The head of a mental hospital shall institute action to regain custody of any patient who is absent without authority.
(b) It is the duty of any health or peace officer to take into protective custody and detain any such patient and to report the same to the head of the mental hospital or to the county judge and upon the order of either to transport the patient back to the mental hospital.

Sec. 80. Transfer to State Mental Hospital.
(a) The Board may transfer a patient from one State mental hospital to another whenever such transfer is deemed advisable. except that a voluntary patient may not be transferred without his consent.
(b) The head of a private mental hospital, upon notice to the committing court and to the Board, may for any reason transfer an involuntary patient to a State mental hospital designated by the Board.

Sec. 75. Transfer to Private Mental Hospital. The Board may transfer an involuntary patient to a private mental hospital, or the head of a private hospital may transfer an involuntary patient to another private mental hospital at no expense to the State, upon:
(a) Application signed by the patient or by his guardian or friend requesting such transfer to a private mental hospital at the expense of the patient or applicant; and
(b) Agreement in writing by the head of the private mental hospital to admit the patient and to accept responsibility for him in accordance with the provisions of this Code; and
(c) Notice in writing of the transfer to the committing court.

Sec. 76. Transfer to An Agency of the United States. The Board or the head of a private mental hospital may transfer an involuntary patient to an agency of the United States upon notice to the committing court and notification by the agency that facilities are available and that the patient is eligible for care on remission therein.

Sec. 77. Transfer of Records. The head of the mental hospital from which a patient is transferred shall send the patient's appropriate hospital records or copy thereof to the head of the mental hospital to which the patient is transferred.

Sec. 78. Periodic Examining Required. The head of a mental hospital shall cause every patient to be examined as frequently as practicable, but not less often than each six (6) months.

Sec. 79. Examination Prior to Release. Prior to the date upon which the head of the hospital is required to release a patient, a staff physician shall examine the patient and prepare a Certificate of Medical Examination for Mental Illness, a copy of which shall be sent to the committing court, if any.
(a) If the head of the hospital determines that the patient requires further hospitalization as a mentally...
ill person, and because of his mental illness is likely to cause injury to himself or others if not immediately restrained. The head of the hospital shall, prior to the date on which he is required to release the patient, cause to be filed in the county court of the proper county a Certificate of Medical Examination for Mental Illness and an Application for Temporary Hospitalization or Petition for Indefinite Commitment, and thereupon may detain the patient pending order of the court.

(b) If the head of the hospital determines that the patient requires further hospitalization as a mentally ill person he shall so inform a responsible relative of the patient, and may cause an Application for Temporary Hospitalization or Petition for Indefinite Commitment to be filed in the county court of the proper county.

Sec. 80. Furlough of Patient. The head of a mental hospital may, after examination, furlough an improved patient and may at any time, by order, readmit a furloughed patient. A patient on furlough remains subject to the orders of the head of the hospital.

Sec. 81. Discharge of Patients.

(a) The head of a mental hospital may at any time discharge a patient if he determines after examination that the patient no longer requires hospitalization.

(b) The head of a mental hospital may at any time discharge a patient on furlough, and shall discharge a patient who has been on furlough status for a continuous period of eighteen (18) months.

(c) The head of a mental hospital may discharge a non-resident patient who has been absent without authority for a continuous period of thirty (30) days.

(d) Upon the discharge of a patient, the head of the mental hospital shall prepare a Certificate of Discharge stating the basis therefor. The Certificate of Discharge shall be filed with the committing court, if any, and a copy thereof delivered or mailed to the patient.

Sec. 82. Effect of Discharge.

(a) The discharge of a patient terminates the period of commitment; and a discharged patient shall not be again hospitalized other than in accordance with the provisions of this Code.

(b) The discharge of a patient who has been found to be mentally incompetent terminates the presumption that he is mentally incompetent. Sec. 83. Re-examination—Hearing—Discharge.

(a) Any patient, or his next friend on his behalf and with his consent, may petition the county judge of the county in which the patient is hospitalized (or re-examination and hearing to determine whether the patient requires continued hospitalization as a mentally ill person.

(b) Upon the filing of the Petition the county judge shall immediately notify the head of the mental hospital in which the patient is hospitalized.

(c) Upon receipt of notice, the head of the hospital shall cause the patient to be examined. If he determines that the patient no longer requires hospitalization as a mentally ill person, the head of the hospital shall immediately discharge the patient. If he determines that the patient requires hospitalization as a mentally ill person, he shall file a Certificate of Medical Examination for Mental Illness with the county court within ten (10) days after the filing of the Petition for Re-examination and Hearing.

(d) At the expiration of the ten-day period, if the head of the hospital has filed a Certificate of Medical Examination for Mental Illness stating that the patient requires hospitalization as a mentally ill person, or if the head of the hospital has failed to file a Certificate of Medical Examination for Mental Illness and has not discharged the patient, the county judge shall set a date and place for hearing on the petition and give notice thereof to the patient and the head of the hospital, and shall appoint a physician not on the staff of a mental hospital to examine the patient and file a Certificate of Medical Examination for Mental Illness with the court. The court shall enter the necessary orders to insure that the patient may, if he desires, be examined by a physician of his own choosing at his own expense.

(e) The hearing shall be before the court without a jury.
(f) If the court finds that the patient does not require continued hospitalization as a mentally ill person, the court shall order the head of the hospital to discharge the patient. Otherwise, he shall dismiss the Petition.

(g) When the Petition for Re-examination and Hearing is filed before the expiration of one (1) year after the Order of Indefinite Commitment or before the expiration of two (2) years after the filing of a similar Petition, the county judge is not required to order such re-examination or hearing.

Sec. 84. Legal Competency.
(a) The judicial determination under the Code that a person is mentally incompetent creates a presumption that the person continues to be mentally incompetent until he is discharged from the mental hospital or until his mental competency is re-determined by a court.
(b) The judicial determination that a person is mentally ill or the admission or commitment of a person to a mental hospital, without a finding that he is mentally incompetent, does not constitute a determination or adjudication of the mental competency of the person and does not abridge his rights as a citizen or affect his property rights or legal capacity.

Sec. 85. No Effect on Guardianship. No action taken or determination made under this Code and no provision of this Code shall affect any guardianship established in accordance with law.

Sec. 86. Writ of Habeas Corpus. Nothing herein shall be construed to abridge the right of any person to a Writ of Habeas Corpus.

Sec. 87. Rights of Patients. (a) Subject to the general rules and regulations of the hospital and except to the extent that the head of the hospital determines that it is necessary for the welfare of the patient to impose restrictions, every patient in a mental hospital has the following rights:
(1) to receive visitors;
(2) to religious freedom;
(3) to communicate with persons outside the hospital; and
(4) to communicate by uncensored and sealed mail with legal counsel, the Board, the courts and the Attorney General of the State.

(b) Any restriction imposed by the head of the hospital on the exercise of these rights for the welfare of a particular patient and the reasons for the restriction shall be made a part of the clinical record of the patient.

Sec. 88. Disclosure of Information.
(a) Hospital records which directly or indirectly identify a patient, former patient, or proposed patient shall be kept confidential except where
(1) consent is given by the individual, his legal guardian, or his parent if he is a minor;
(2) disclosure may be necessary to carry out the provisions of this Code;
(3) a court directs upon its determination that disclosure is necessary for the conduct of proceedings before it and that failure to make such disclosure would be contrary to the public interest; or
(4) the Board or the head of the hospital determines that disclosure will be in the best interest of the patient.

(b) Nothing in this section shall preclude disclosure of information as to the patient's current condition to members of his family or to his relatives or friends.

Chapter V. Private Mental Hospitals

Sec. 89. License Required. Ninety (90) days after the effective date of this Code, no person or political subdivision may operate a mental hospital unless licensed to do so by the Board.

Sec. 90. Physician in Charge. Every licensed private mental hospital shall be in the charge of a physician who is certified by the American Board of Psychiatry and Neurology or by the American Osteopathic Board of Psychiatry and Neurology or who has had at least three (3) years experience as a physician in psychiatry in a mental hospital.

Sec. 91. Application for License.
(a) Application for license to operate a private mental hospital shall be made on forms prescribed by the Board. The Board shall prepare the application forms and make them available upon request. The application shall be sworn to and shall set forth:
(1) The name and location of the mental hospital;
(2) The name and address of the
physician to be in charge of hospital
care and treatment of mental
patients;
(3) The name and addresses of
the owners of the hospital, including
their officers, directors, and principal
stockholders if the owner is a corpo-
ration or other association;
(4) The number, duties, and qual-
ifications of the professional staff;
(5) A description of the equip-
ment and facilities of the hospital;
(7) Such other information as the
Board may require, which may in-
clude affirmative evidence of ability
to comply with such standards, rules
and regulations as the Board may
prescribe.
(b) The applicant shall submit a
plan of the premises to be occupied
as a mental hospital, describing the
buildings and grounds and the uses
intended to be made of the various
portions of the premises.

Sec. 92. License Issuance.
(a) After receipt of proper appli-
cation for license and the required
fees, the Board shall make such in-
vestigation as it deems desirable. If
the Board finds that the premises are
suitable and that the applicant is
qualified to operate a mental hospital
in accordance with the require-
ments and standards established by law
and by the Board, the Board shall
issue a license authorizing the design-
ated licensee to operate a mental
hospital on the premises described
for the bed capacity specified
in the license.
(b) The authorized bed capacity may
be increased at any time upon the
approval of the Board and may be
reduced at any time by notifying the
Board.
(c) A license issued by the Board
is not transferable or assignable.

Sec. 93. Application and License Fees.
(a) An application fee and a
license fee shall accompany the ap-
lication for a license. If the Board
denies the license, only the license
fee shall be returned. The applica-
tion fee is Twenty-Five ($25) Dollars.
The annual license fee payable on
August 31 of each year is Fifty ($50)
Dollars.
(b) All fees collected under this
chapter shall be deposited with the
State Treasurer to the credit of the
Board.

Sec. 94. Denial, Suspension or Re-
voke of License.
(a) After giving an applicant or
licensee opportunity to demonstrate
or achieve compliance and after
notice and opportunity for hearing,
the Board may deny, suspend, or re-
voke a license, if it finds substan-
tial failure by the applicant or licensee
to comply with the rules or regula-
tions established by the Board or the
provisions of this Code.
(b) If, after investigation, the
Board finds that there is immediate
threat to health or safety of patients
or employees of a private mental
hospital, the Board may temporarily
suspend a license for ten (10) days
pending a hearing on the suspension
order, and may issue orders neces-
sary for the welfare of the patients.

Sec. 95. Judicial Review.
(a) Any applicant or licensee may
appeal from the decision of the
Board.
(b) The Board shall prescribe the
procedure for hearings under this
chapter.
(c) The Board shall prescribe the
procedure for hearings under this
chapter.
(d) The legal staff of the Board
may participate in the hearings.
(e) The proceedings of the hearing
shall be recorded in such form that
the record can be transcribed if
notice of appeal is filed.
(f) The Board shall send a copy
of the decision by registered mail to
the applicant or licensee notifying
him of the action taken by the Board.

Sec. 96. Judicial Review.
(a) Any applicant or licensee may
appeal from the decision of the
Board by filing notice of appeal in
the District Court of Travis County
and with the Board within thirty
(30) days after receiving a copy of
the decision of the Board.
(b) Upon receiving notice of ap-
peal, the Board shall certify and file
with the court a transcript of the pro-
ceedings in the case. By stipula-
tion the transcript may be limited.
(c) The court shall review the
case only on the record as contained
in the transcript and may:
(1) Affirm the decision of the
Board; or
(a) The Board may prescribe such rules, regulations and standards as the Board considers necessary and appropriate to insure proper care and treatment of patients in private mental hospitals.

(b) Before any rule, regulation or standard is adopted the Board shall give notice and opportunity to interested persons to participate in the rule making.

(c) The rules, regulations and standards adopted by the Board under this Chapter shall be published and available on request from the Secretary of State.

(d) A copy of these rules shall be sent to each licensed private mental hospital.

Sec. 97. Records and Reports. The Board may require every licensee to make annual, periodical and special reports, and to keep such records as it considers necessary to insure compliance with the provisions of this Code and the rules, regulations and standards of the Board.

Sec. 98. Powers of Investigation. The Board may make such investigations as it deems necessary and proper to obtain compliance with the provisions of this Code and such rules, regulations and standards as the Board prescribes.

(b) Any duly authorized agent of the Board may at any reasonable time enter upon the premises of any private mental hospital to inspect the facilities and conditions of the hospital, and may have access for the purpose of examination and transcription to such records and documents as are relevant to the investigation.

Sec. 99. Administration of Oaths—Subpoenas.
accrued under the authority of the law repealed, and such law shall be treated as still remaining in force for the purpose of sustaining any proper action concerning any such act, right, obligation or penalty.

Sec. 103. Severability. If any provision of this Code or the application thereof to any person or circumstance is held invalid, this invalidity shall not affect other provisions or applications of the Code which can be given effect without the invalid provision or application, and to this end the provisions of this Code are declared severable.

Sec. 104. Repealer. The following Statutes and Acts, together with all laws or parts of laws in conflict therewith, are hereby repealed:

Revised Civil Statutes of Texas, 1925, Articles 5551, 5552, 5553, 5555, 5560, 5192, 5193a, 5193b, 5190c, 5190d, 5190e, 5190g, 5192e, 5192k, 5193, 5193k, 5193l, 5193m, 5193n, 5124, 5125, 5126.

Revised Civil Statutes of Texas, 1925, Article 5560, as amended. Acts 1927, 41st Leg., ch. 445, sec. 1; Article 5567, as amended, Acts 1927, 39th Leg., ch. 76, sec. 2; Article 5569, as amended Acts 1926, 39th Leg., ch. 76, sec. 3; Acts 1937, 45th Leg., 2nd C.S., ch. 87, sec. 1; Article 5561, as amended Acts 1929, 41st Leg., 1st C.S., ch. 101, Acts 1930, 43rd Leg., ch. 240; Article 5129h, as amended Acts 1941, 48th Leg., ch. 152, sec. 1; Article 5139s, as amended 48th Leg., ch. 266, sec. 1; Article 5139o, as amended Acts 1925, 39th Leg., ch. 174, sec. 26.


Sec. 105. Emergency Clause. The facts stated in the Purpose Section of this Code create an emergency and a case of imperative public necessity; therefore, the Constitutional Rule requiring bills to be read on three several days in each House is suspended, and this Code shall take effect on January 1, 1958.

SCHWARTZ of Galveston, ELLIOTT, MURRAY, MYATT, BLANCHARD, SPRINGER, HARRINGTON.

The amendment was adopted.

Mr. Schwartz of Galveston offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend House Bill No. 6 by striking out all above the enacting clause and substituting in lieu thereof the following:

"A BILL
To Be Entitled

An Act concerning the hospitalization, commitment, care, observation and treatment of the mentally ill, including persons of unsound mind, and their status; imposing certain responsibilities upon the Board for Texas State Hospitals and Special Schools; licensing mental hospitals operated by private persons and political subdivisions; saving certain rights, obligations and procedures; repealing certain statutes and laws; and declaring an emergency."

The amendment was adopted.

H. B. No. 6 was then passed to third reading.

HOUSE BILL NO. 6 ON THIRD READING

Mr. Sanders moved that the constitutional rule requiring bills to be
The motion prevailed by the following vote:

Yea—135
Anderson Jackson
Armstrong Jamison
Atwell Johnson
Bailman Jones
Bartram Joseph
Bass Kelly
Bell Kennard
Bishop Kennedy
Blaine Kilpatrick
Blanchard Koliba
Bowers Korloth
Boysen Kothmann
Brashear Latimer
Bristow Laurel
Bullock Lee
Cline McDonald
Cloud McGehee
Cole McGregor
Conly of McLennan
Cory McGregor
Cowan of El Paso
Cox of Bell McLheny
Crotzer Mattie
Dallin Garza Matthew
Dewey Mars
Duff, Miss Moore of Harris
Dugas Moore of Tarrant
Dungan Mullen
Ehlis Murray
Ellis Myatt
Ellis Oliver
Fenoglio Gabor
Ferrell Parise
Foreman Parsons
Forreth Patterson
Glass Pool
Graham Preslar
Green Puckett
Hale Ramsey
Hannington Richardson
Healy Roberts
Helfin Russell
Heflin Sadler
Hensley Sandahl
Hensley Smith
Holiman Saul
Holstein Schram
Hooks Schwartz
Hosey of Galveston
Huffman Schwartz
Hughes of Grayson of Washington
Hutcheson Seeligson
Isacks, Miss Shankelford
Johnson Wilson of Young
Korley of McLennan
Kothmann Yerak
Kotibah of Tarrant
Kuntas

Nays—4
Burkett Smith of Jefferson
Coffin Thurmond

Absen
Baker Ford
Bryan Hudspeth
Byrd Huffer
Chapman Hughes of Dallas
Cox of Montgomery Pilkins

The Speaker then laid House Bill No. 6 before the House on its third reading and final passage.

The bill was passed third time and was passed.

Mr. Sanders moved to reconsider the vote by which H. B. No. 6 was passed and to table the motion to reconsider,

The motion to table prevailed.
tures, operas, plays and like amusements held at fixed and regular established motion picture theaters; adding a provision expressly exempting from taxation complimentary tickets and passes for which no admission charge is collected; providing for the keeping of records and the inspection thereof; providing civil and criminal remedies and penalties for violations and fixing venue of court actions; repealing Sections 2 and 3 of Chapter 49, Acts of the Fifty-third Legislature, Regular Session; and declaring an emergency.

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

HOUSE BILL NO. 7 ON THIRD READING

Mr. Stewart moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Anderson
Armor
Atwell
Ballman
Bass
Bell
Bishop
Blaine
Blanchard
Bowers
Boyse
Broshar
Bray
Bullock
Byrd
Chapman
Clise
Cloud
Conley
Cory
Cowen
Cox of Bell
Cox of Dallas
Crouse
Day
Delar Garza
Dewey
Duffy, Miss
Dugas
Dungan
Ehrlle
Elliott
Kilpatrick
Kollhn
Kotthman
Kothmann
Kaltenheiser
Lee
McCoppin
McDonald
McGregor
McGregor of Mcallen
McGregor of El Paso
McLlhany
Mann
Mathew
May
McNair
Moore of Harris
Moore of Tarrant
Mullen
Murray
Myatt
Oliver
Osburn
Parish
Parsons
Patterson
Pipkin
Pool
Presler
Puckett
Ramsey
Richardson
Roberts
Russell
Sadler
Sandahl
Sanders
Saul
Yeas-135

Yeas-138
Nays-9

Yeas-138
Nays-9

Absent

Colp, J. E.
Cox of Montgomery
Cox of Walling
Ford

The Speaker then laid House Bill No. 7 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Anderson
Ballman
Armour
Bartram
Atwell
Bass
Baker
Bell
Mr. Stewart moved to reconsider the vote by which H. B. No. 7 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 17 ON SECOND READING

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

H. B. No. 17, A bill to be entitled An Act concerning the profession of psychology, requiring certification of psychologists, establishing the State Board of Examiners of Psychologists, making an appropriation and declaring an emergency.

The bill was read second time.

Mr. Schwartz of Galveston moved to set H. B. No. 17 as a Special Order for next Tuesday, March 12, at 10:30 o'clock a.m.

The motion prevailed, having received the necessary two-thirds vote.

HOUSE BILL NO. 33 ON SECOND READING

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

H. B. No. 33. A bill to be entitled An Act relating to appeals from orders of the Board of Barber Examiners; amending Section 22-A of Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as added by Chapter 15, Acts of the 41st Legislature, 5th Called Session, 1939, so as to change jurisdiction and venue on such appeals and
making other provisions relating there­
to; and declaring an emergency.

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

HOUSE BILL NO. 33 ON
THIRD READING

Mr. Chapman moved that the con­stitutional rule requiring bills to be
read on three several days be
suspended and that House Bill No. 33 be
placed on its third reading and final
passage.

The motion prevailed by the follow­ing vote:

Yeas-137
Anderson Armor Atwell Ballman Bass Bishop Blaine Bowers Brashear Bristow Bryan Bullock Byrd Chapman Cline Cole Conley Cory Cotton Cowen Cox of Bell Crosthwait de la Garza Dewey Duff, Miss Dugas Dulaney Bills Peno glo Perrell Foreman Forsyth Glass Gibson Green Hail Harrington Healy Hefflin

Nays-3
Day

Yeas-143
Anderson Armor Atwell Ballman Bass Bishop Blaine Bowers Brashear Bristow Bryan Bullock Byrd Chapman Cline Cole Conley Cory Cotton Cowen Cox of Bell Crosthwait de la Garza Dewey Duff, Miss Dugas Dulaney Bills Peno glo Perrell Foreman Forsyth Glass Gibson Green Hail Harrington Healy Hefflin


The Speaker then laid House Bill No. 33 before the House on third reading and final passage.

The bill was read third time and
was passed by the following vote:

Year—143
The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 34, A bill to be entitled An Act relating to the construction, acquisition and equipment of buildings and other plant facilities by junior college districts; amending Chapter 25, Acts of the 54th Legislature, 1956, codified as Article 2515r-1 of Vernon’s Texas Civil Statutes, by adding a new section to be designated as Section 6a, so as to further define and clarify the kinds of buildings and structures which may be constructed thereunder and the authority of the governing boards of the districts to charge fees for the use of buildings and other facilities; stating the effect of this Act on other laws; and declaring an emergency.

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

HOUSE BILL NO. 34 LAID ON THE TABLE SUBJECT TO CALL

On the motion of Mr. Murray, and by unanimous consent, H. B. No. 34 was laid on the table subject to call.

MESSAGE FROM THE SENATE

Austin, Texas, March 4, 1967

Hon. Waggoner Carr, Speaker of the House of Representatives.

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

H. C. R. No. 35, Recommending that the Texas Congressional delegation in Washington oppose bills providing federal aid for education.

Respectfully,

CHARLES SCHNABEL
Secretary of the Senate.

BILL AND RESOLUTION SIGNED BY THE SPEAKER

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

S. C. R. No. 14, Granting permission to Southern Union Gas Company to use the State.

S. B. No. 390. An Act authorizing the issuance of refunding bonds by school districts and containing provisions relating to such bonds; validating all refunding bonds heretofore issued by school districts and approved by the Attorney General and by Comptroller of Public Accounts; shall be incontestable except for forgery or fraud; and declaring an emergency.

HOUSE BILL NO. 51 ON SECOND READING

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

H. B. No. 51, A bill to be entitled An Act providing for the subdivision of consolidated independent school districts into separate divisions for the election of school trustees; providing for the adoption of this Act, candidates offering for trustees must file for the division in which they reside; providing that when the Board of Trustees adopt the procedure herein it may redefine the boundaries of such divisions; providing the method for determining the trustee who shall serve one, two and three years, respectively; after the first election, repealing all laws in conflict herewith, except those providing for election of school trustees by position, number or division, and making such laws cumulative with this Act; and declaring an emergency.

The bill was read second time.

(Mr. Welch occupied the Chair temporarily.)

(Speaker in the Chair.)

H. B. No. 51 then failed to pass to engrossment.

Mr. Sadler moved to reconsider the vote by which H. B. No. 51 failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

By unanimous consent of the House, Mr. Shannon of Tarrant was granted permission to be recorded as voting "nay" on the question of the passage of H. B. No. 51 to engrossment, instead of "yea".

HOUSE BILL NO. 79 ON SECOND READING

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

H. B. No. 79. A bill to be entitled An Act to amend Chapter 325, Acts of the 50th Legislature, 1947, (Vernon's Ann. Civ. St., Article 1269a) by amending Section 2 thereof by redesigning "Fireman" and "Policeman", and by amending Section 12 thereof by stopping the creating in the future of new classified positions unless established by ordinance; and by amending Section 13 thereof by providing that the results of examinations for promotion shall be published within twenty-four hours; and by amending Section 14 thereof, as amended by Section 4 of Chapter 572, Acts of the 51st Legislature, 1949, and as amended by Section 1 of Chapter 555, Acts of the 54th Legislature, 1955, by providing the manner in which examinations for promotion shall be prepared and graded; and by amending Section 20 thereof, as amended by Section 6 of Chapter 355, Acts of the 54th Legislature, 1955, by providing that upon leaving the classified service an employee shall, if he so elects, be entitled to receive a lump sum payment for not more than ninety (90) days of accumulated sick leave; and by adding thereto a new section numbered Section 26(a), providing vacations for firemen and policemen in the classified service; and by amending Section 27(a) thereof by limiting the applicability of the provisions of said Chapter 355, Acts of the 50th Legislature, 1947, as amended, to cities which have adopted or which shall hereafter adopt the provisions thereof; and providing a saving clause; and declaring an emergency.

The bill was read second time.

Mr. Moore of Harris offered the following Committee Amendment to the bill:
Committee Amendment No. 1
Amend H. R. No. 79 by striking out all below the enacting clause and inserting in lieu thereof:

Section 1. That Section 2 of Chapter 335, Acts of the 50th Legislature, 1947, (Vernon's Ann. Civ. St., Article 1269m, Section 2), be and the same is hereby amended to hereafter read as follows:

"Section 2. By the term 'Fireman' is meant any member of the Fire Department appointed to such position in substantial compliance with the provisions of Sections 9, 10, and 11 of this Act, or entitled to Civil Service Status under Section 24 of this Act. By the term 'Policeman' is meant any member of the Police Department appointed to such position in substantial compliance with the provisions of Section 9, 10, and 11 of this Act, or entitled to Civil Service Status under Section 24 of this Act. By the term 'Comission' as used herein is meant the Firemen's and Policemen's Civil Service Commission. The term 'Director' means Director of Firemen's and Policemen's Civil Service."

Section 2. Section 9 of Chapter 335, Acts of the 50th Legislature, 1947, as amended by Chapter 572, Acts of the 51st Legislature, Regular Session, 1949, is hereby amended to read as follows:

"Section 9. The Commission shall make provisions for open, competitive and free examinations for persons making proper application and meeting the requirements as herein prescribed. All eligibility lists for applicants for original positions in the Fire and Police Departments shall be created only as a result of such examinations, and no appointments shall ever be made for any position in such Departments except as a result of such examination, which shall be based on the applicant's knowledge of and qualifications for fire fighting and work in the Fire Department, or for police work and work in the Police Department as shown by competitive examinations in the presence of all applicants for such position, and shall provide for thorough inquiry into the applicant's general education and mental ability.

"An applicant who has served in the armed forces of the United States and who received an honorable discharge shall receive five (5) points in addition to his competitive grades. "Appropriate physical examinations shall be required of all applicants for beginning or promotional positions, and the examinations shall be given by a physician appointed by the Commission and paid by such city; and in the event of rejection by such physician, the applicant may call for further examination by a board of three (3) physicians appointed by the Commission, but at the expense of the applicant, and whose findings shall be final. The appraoch of physical requirements shall be set by the Commission in accordance with provisions of this law and shall be the same for all applicants. Provided no person shall be certified as eligible for a beginning position who has reached his thirty-sixth birthday.

"All police officers and firemen coming under this Act must be able to intelligently read and write the English language.

"When a Fireman or Policeman is given a physical examination to determine if he is physically able to continue his duties, the physician appointed by the Commission to make such examination shall submit a complete physical report to the Chief of the Fire Department if the person so examined is a Fireman, and to the Chief of the Police Department if the person so examined is a Policeman. The Chief of each respective Department shall be the sole judge as to whether or not such Firemen or Policeman is able to continue his duties."

"Section 3. That Section 12 of Chapter 335, Acts of the 50th Legislature, 1947, (Vernon's Ann. Civ. St., Article 1269m, Section 12), be and the same is hereby amended to hereafter read as follows:

"Section 12. A person who has received appointment to the Fire Department or Police Department hereunder, shall serve a probationary period of six (6) months. During such probationary period, it shall be the duty of the Fire Chief or head of the Fire Department or Police Chief or head of the Police Department to discharge all Firemen or Policemen whose appointments were not regular, or not made in compliance with the provisions of this Act, or of the rules or regulations of the Commis-
tion, and to eliminate from the pay-roll any such probationary employee. When Firemen or Policemen, however, have served the full probationary period, having been appointed in substantial compliance with Sections 9, 10 and 11 of this Act and not otherwise, they shall automatically become full-fledged civil service employees and shall have full civil service protection. All positions in the Fire Department, except that of Chief or head of the Department, and in the Police Department, except that of Chief or head of the Department, shall be classified by the Commission and the positions filled from the eligi-

bility lists as provided herein.

"All offices and positions in the Fire Department or Police Department shall be established by ordi-

cance of the City Council or govern-

ing body, provided however that the failure of a City Council or govern-

ing body to establish a position by ordi-

nance shall not result in the loss of Civil Service benefits under this Act by any person appointed to such position in substantial compliance with the provisions of Sections 9, 10 and 11 of this Act, or entitled to Civil Service Status under Section 24 of this Act."

Section 4. That Section 13 of Chapter 325, Acts of the 58th Legislature, 1947, (Vernon's Ann. Civ. St., Article 1269m, Section 13), be and the same is hereby amended to hereafter read as follows:

"Section 13. Ten days in advance of any entrance examination or exam-

ination for promotion, the commission shall cause to be posted on a bulletin board located in the main lobby of the city hall, and the office of the commission, and in plain view, a notice of such examination, and such notice shall show the position to be filled or for which examination is to be held, with date, time, and place thereof, and in case of examination for promotion, copies of such notice shall be furnished in quantities suffi-

cient for posting in the various sta-

tions or subdepartments in which po-

sition is to be filled. No one under 18 years of age shall take any en-

trance examination, and appointees to the police and fire department shall not have reached their 26th birthday for entrance into the fire de-

partment or police department. The results of each examination for pro-

motion shall be posted on a bulletin board located in the main lobby of the city hall by the commission within 24 hours after such examination."

Section 5. That Section 14 of Chapter 325, Acts of the 58th Legislature, 1947, as amended by Section 4 of Chapter 572, Acts of the 51st Legislature, 1949, and as amended by Section 1 of Chapter 285, Acts of the 54th Legislature, 1955, (Vernon's Ann. Civ. St., Article 1269m, Section 14) be and the same is hereby amended to hereafter read as follows:

"Section 14. The Commission shall make rules and regulations govern-

ing promotions and shall hold pro-

motional examinations to provide eligi-

bility lists for each classification in the Police and Fire Departments, which examinations shall be held substantially under the following re-

quirements:

"A. All promotional examinations shall be open to all policemen and firemen who have held a continuous position for two (2) years or more in the classification immediately below in salary of that classification for which the examination is to be held; except where there is not a sufficient number of members in the next lower position with two (2) years service in that position to provide an ade-

quate number of persons to take the examination, the Commission may ex-

tend the examination to the members in the second lower position in salar-

y to that for which the examination is to be held.

"B. Each applicant shall be given one (1) point for each year of senior-

ity in his Department, but never to exceed ten (10) points.

"C. The Commission shall formu-

late proper procedure and rates for semi-annual efficiency reports and grade of each member of the Police or Fire Departments, which efficien-

cy reports shall be made on each by his immediate superior, and each efficiency report shall be based on thirty (30) points as the highest grade in efficiency. The immediate superior officer of each member, af-

ter completing each report, shall del-

er the original and two copies, with suggestions for improvement and reasons for grade, to his imme-

diate superior officer, who shall cor-

rect and approve the same and for-

ward one copy to the member report-

ed on, and forward the original and
one copy to the Head of the Department who shall retain one copy and forward the original to the Commission for filing. Upon examination for promotion each applicant shall receive a credit of not to exceed thirty [(30)] points based on the average of his semi-annual efficiency reports filed with the Commission from the effective date of this Act, but not to exceed the last two semi-annual efficiency reports prior to the effective date of this Act. No person shall be eligible for promotion unless he has served in such Department for at least two (2) years immediately preceding the day of such promotion examination in the next lower position or other positions specified by the Commission, and no person with less than four (4) years actual service in such Department shall be eligible for promotion to the rank of Captain.

6. No person shall be eligible for appointment as Chief or Head of the Fire or Police Department of any city coming under the provisions of this Act who has not been a bona fide fire-fighter in a Fire Department or a bona fide law enforcement officer for five (5) years in the State of Texas.

6. Upon written request by the Heads of the Departments for a person to fill a vacancy in any classification, the Commission shall certify to the Head of the Department the three names having the highest grades on such eligibility list for such classification for the vacancy requested to be filled, and the Head of such Department shall appoint the person having the highest grade, except where such Head of the Department shall have a valid reason for not appointing such highest name; and in such cases he shall, before such appointment, file his reasons in writing, for rejection of the higher name or names, with the Commission, which reasons shall be valid and subject to review by the Commission upon the application of such rejected person.

The name of each person on the eligibility lists shall be submitted to the Head of the Department three (3) times; and if passed over by the Department three (3) times with written reasons filed therefor and not set aside by the Commission, he shall thereafter be dropped from the eligibility list. All eligibility lists shall remain in existence for one (1) year unless exhausted, and at the expiration of one (1) year they shall expire and new examinations be given. The Commission shall proceed to hold examinations to create eligibility lists within ninety (90) days after a vacancy in any classification occurs, or new positions are...
March 4, 1957

in existence.

Section 6. That Section 26 of Chapter 325, Acts of the 54th Legislature, 1947, as amended by Section 6 of Chapter 285, Acts of the 54th Legislature, 1945, (Vernon's Ann. Civ. St., Article 1269m, Section 26), be and the same is hereby amended to hereafter read as follows:

"Section 26. Permanent and temporary employees in the classified service shall be allowed a total of sick leave with full pay computed upon a basis of one and one-fourth (1-1/4) full working days allowed for each full month employed in a calendar year, so as to total fifteen (15) working days to an employee's credit each twelve (12) months.

"Employees shall be allowed to accumulate fifteen (15) working days of sick leave with pay in one (1) calendar year.

"Sick leave with pay may be accumulated without limit and may be used while an employee is unable to work because of any bona fide illness. In the event that the said employee can conclusively prove that the illness was incurred while in performance of his duties, an extension of the working time shall be granted.

"In the event that a Fireman or Policeman for any reason leaves the classified service, he shall receive, in a lump sum payment, the full amount of his salary for the period of his accumulated sick and vacation leave, provided that such payment shall not be based upon more than ninety (90) working days of accumulated sick leave, and not more than 60 working days of accumulated vacation time. Provided, that in order to facilitate the settlement of the accounts of deceased employees of the Fire or Police Departments, all unpaid compensation due such employee at the time of his death shall be paid to the beneficiary or persons surviving at the date of death, in the following order of precedence and such payments shall be a bar to recovery by any other person of amounts so paid:

"First, to the beneficiary or beneficiaries designated by the employee in writing to receive such compensation filed with the Civil Service Commission prior to the employee's death;

"Second, if there be no such beneficiary, to the widow or widower of such employee;

"Third, if there be no such beneficiary or surviving spouse, to the child or children of such employee, and descendants of deceased children, by representation;

"Fourth, if none of the above, to the parents of such employee, or the survivor of them;

"Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased employee, or if there be none, to the person or persons determined to be entitled thereto under the laws of descent and distribution of the State of Texas.

"Provided that all such cities coming under the provisions of this act shall provide injury leaves of absence with full pay for periods of time commensurate with the nature of injuries received while in line of duty for at least one (1) year. At the expiration of said one-year period, the City Council or governing body may extend such injury leave, at full or reduced pay, provided that in cities that have a Firemen's or Policemen's Pension Fund, that if said injured employee's salary should be reduced below sixty per cent (60%) of his regular monthly salary, said employee shall be retired on pension until able to return to duty."

Section 7. That Chapter 325, Acts of the 50th Legislature, 1947, (Vernon's Ann. Civ. St., Article 1269m), be and the same is hereby amended by adding thereto a new section to be numbered Section 26 (a), reading as follows:

"Section 26 (a). All firemen and policemen in the classified service shall earn a minimum of fifteen (15) working days vacation with pay in each year. In computing the length of time during which a fireman or policeman may be absent from work for the vacation provided by this section, only those calendar days during which the member would be required to work if he were not on vacation shall be counted as vacation days.

"Vacation leave may be accumulated to a total of not more than thirty (30) working days and upon leaving the
Section 8. If any provision, section, part, subsection, sentence, clause, phrase or paragraph of this amending Act be declared invalid or unconstitutional, the same shall not affect any other portion or provision hereof, and all other provisions shall remain valid and unaffected by any invalid portion, if any.

Section 9. The importance of clarifying certain provisions of this Act, and the importance of providing for properly conducted entrance examinations and examinations for promotion of firemen and policemen in the State of Texas, and the importance of encouraging firemen and policemen to accumulate sick leave, and the importance of adequate vacations to the efficiency of firemen and policemen in Texas, and the crowded condition of the calendar create an emergency and an imperative public necessity requiring that the Constitutional Rule providing that bills shall be read on three separate days in each House be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

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

Amend the Committee Amendment to House Bill No. 79 by striking out lines 60, 61, 62, page 4 and inserting instead the following sentences:

"Section 26 (a). All firemen and policemen in the classified service shall earn a minimum of fifteen (15) working days vacation with pay in each year. In computing the length of time during which a fireman or policeman may be absent from work for the vacation provided by this section, only those calendar days during which the member would be required to work if he were not on vacation shall be counted as vacation days.

"Vacation leave may be accumulated to a total of not more than 60 working days and upon leaving the department, the employee shall be compensated by lump sum payment for accumulated vacation time."

The amendment to Committee Amendment No. 1 was lost.

Committee Amendment No. 1 was adopted.

H. B. No. 79 was then passed to engrossment.

Mr. Moore of Harris moved to reconsider the vote by which H. B. No. 79 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT

Mr. Day moved that the House recess until 2:30 o'clock p.m. today.

Mr. Latimer moved that the House adjourn until 10:00 o'clock a.m. tomorrow.

The Reverend E. C. McDonald, Chaplain, offered the Benediction, as follows:

"Now may the love and grace of our Lord and Savior, Jesus Christ, be with you now and forevermore.—Amen."

The motion to adjourn prevailed and the House accordingly, at 12:29 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committee has filed favorable reports on bills, as follows:


REPORT OF THE COMMITTEE ON ENGEROSED BILLS

Austin, Texas, February 28, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 35, Recommending that the Texas Congressional delegation in Washington oppose the bills now under consideration which would provide federal financial assistance to local school districts, whether for construction of classroom facilities, supplementing teachers' salaries, or for other similar purposes; etc.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

THIRTY-THIRD DAY
(Tuesday, March 5, 1957)

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

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

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Mr. Speaker
Anderson
Armbrister
Atwell
Baker
Ballman
Bartram
Bass
Bell
Bishop
Blaine
Blanchard
Bowers
Boyce
Brashier
Bray
Bullock
Burkett
Byrd
Chapman
Clife
Cloud
Cole
Conley
Cory
Cotton
Cowen
Cox of Bell
Crockett
Day
de la Garza
Jamison
Johnson
Jones
Joseph
Kelly
Kennard
Kennedy
Kimball
Koliba
Kovarich
Kothmann
Lafluer
Laurel
Lee
McCoppin
McDonald
McGregor
of McLennan
McGregor
of El Paso
Mcllhany
Maass
Martin
Matthew
Mays
Moore of Harris
Moore of Tarrant
Mullican
Mullen
Murray
Myatt
Oliver
Osborn
Parish
Parr
Parran
 Patterson
Pool
Presler
Puckett
Ramsey
Richardson
Roberts
Russell
Sadler
Sandahl
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Absent

Cox of Montgomery
Absent—Excused

Ford
Hosey

A quorum of the House was announced present.

The Invocation was offered by the Reverend E. C. McDonald, Chaplain, as follows:

“Almighty God our Father, Thou who alone knows what lies before us...