REPORTS OF THE COMMITTEE ON ENROLLED BILLS
Austin, Texas, April 24, 1967
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 188, An Act relating to licensing of persons to practice law in this State; amending Acts, 1943, Forty-eighth Legislature, page 397, Chapter 268, Section 1, codified as Article 307A of the Revised Civil Statutes of Texas, providing that law licenses shall be granted to law school graduates upon separation from military service under certain circumstances without requirement of passage of the State Bar Examination and setting out the conditions thereon; further providing for issuance of law licenses without requirement of passage of the State Bar Examination to persons meeting certain conditions of military service, service in the Texas Legislature, membership in the Bar of another State, and residence in Texas; further providing for issuance of law licenses to persons now in active military service or entering active service prior to November 1, 1957, and meeting certain conditions relative to such service, graduation from an approved law school, character requirements, residence, and application for license; providing a repealing clause; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 24, 1967
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 391, An Act amending Chapter 218, Acts 1949, Fifty-first Legislature, as amended by Chapter 304, Acts 1951, Fifty-second Legislature, providing for two-year terms of Park Commissioners of eligible counties and adding a new section providing that any bonds issued under said Chapter shall be authorized by the Commissioners Court of the county; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

AMOS A. MARTIN, Vice Chairman.

SENT TO THE GOVERNOR
April 24, 1967
H. B. No. 188.
H. B. No. 391.

FIFTY-NINTH DAY
(Continued)
(Thursday, April 25, 1967)

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

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

"Lord Jesus, Thou hast promised to give us the Holy Spirit, if we are willing to open our hearts and let Him in. Make us willing now, that things of eternal significance may begin to happen here. We know down deep in our hearts, that without Thee we can do nothing, but with Thee we can do all things. Let us not be frightened by the problems that confront us; but rather give Thee thanks that Thou hast matched us with this hour. May we resolve, God helping us, to be part of the answer, and not part of the problem. For Jesus sake—Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:
Mr. Tunnell for today on motion of Mr. Ferrell.

The following Members were granted leaves of absence on account of illness:
Mr. Harrington for today on motion of Mr. Green.
Mr. Crosthwaite for today and remainder of week on account of death in family, on motion of Mr. Watson.
Honoring Professor J. L. Moses of Sam Houston State Teachers College

Mr. Huff, by unanimous consent, offered the following resolution:

H. S. R. No. 491

Whereas, A distinguished citizen of the State of Texas, Professor J. L. Moses, director of agriculture at Sam Houston State Teachers College at Huntsville, Texas, has been elected to the National Board of Trustees of the Future Farmers of America Foundation, and

Whereas, This prominent educator was elected unanimously by some 150 agriculture educators over the southern region of the FFA, which comprises twelve states and is one of four divisions into which national FFA activities have been divided, and

Whereas, He will have the position of directing the use of funds in the extensive FFA activities and also be in charge of the overall policy direction, and

Whereas, Mr. Moses has been with the Sam Houston State Teachers College agriculture education department consecutively for 20 years, and prior to that was high school superintendent for 12 years, and Assistant State Superintendent for two years, and

Whereas, He is a former president of the Texas Vocational Association and he is currently a member of the Natural Resources Use Education Society, and

Whereas, This honorable citizen will receive the highest honorary award given by the FFA, the American Farmer Degree, at the end of his three-year term on the Board, and

Whereas, It is the desire of the House of Representatives of the Fifty-Fifth Legislature of Texas to congratulate Mr. Moses on being elected to this important position and to commend him for his efforts on behalf of the program of education and agriculture in the State of Texas; now, therefore be it

Resolved, That this Resolution be printed in the House Journal and that a copy of it be sent to Mr. Moses.

The resolution was adopted.

Congratulating the New Castle Bobcats Football Team

Mr. Wilson of Young, by unanimous consent, offered the following resolution:

H. S. R. No. 492

Whereas, The Newcastle Bobcats Football Team tied for District Championship with the inspired help of Coach George Simx, Assistant Coach Don Schuster, and Superintendent Wayne Hales; and

Whereas, Members of the team are Don Blanton, Larry Hatton, Jimmy Clark, Ann Theford, Darrell Sloan, Glen Clark, Jerry Pinkerton, George Owens, Truett Wilson, Bobby Larimore, Gary Watson, Bill Hare, Jerry Wooldridge, Howard Sloan and Donald Herring; and

Whereas, The Newcastle Bobcats Football Team for 1956, and for many years previously, has contributed more to the true pleasure and wonderful community spirit of the City of Newcastle and surrounding territory than any other single factor. Many ex-Bobcats are numbered among the great and near great in various walks of life. May you, the Bobcats of 1956, and all of the kitteens who follow you, adhere to that high standard of sportsmanship and that crave determination to win and to win fairly as long as there be a Newcastle and Bobcats Team; now, therefore be it

Resolved, That the House of Representatives of the State of Texas express its congratulations to this fine group of young athletes for their excellent teamwork in teaching this goal of athletic competition and extend to them good wishes for their continued success; and be it further

Resolved, That copies of this resolution be sent to the superintendent, coach, assistant coach and each member of the 1956 Bobcats Football Team.

The resolution was adopted.
COMMITTEE MEETING

Mr. Healy asked unanimous consent of the House that the Committee on State Affairs be permitted to meet at this time.

There was no objection offered.

IN RECOGNITION OF THE SIXTH, SEVENTH AND EIGHTH GRADE CLASSES OF THE WESTHOFF RURAL HIGH SCHOOL

Mr. Matthew, by unanimous consent, offered the following resolution:

H. S. R. No. 465

Whereas, The Sixth, Seventh, and Eighth Grade Classes of Westhoff Rural High School were guests of the House of Representatives of the Fifty-fifth Texas Legislature on Wednesday, April 24, 1957; and

Whereas, These 38 interested and ambitious students accompanied by their teacher, Mrs. Nina Scarbrough, and sponsors, Mrs. George Hahn, Mrs. Oscar Wolters, Sr., Mrs. Robert Kueker, Sr., and Mr. Carl Hattenbach, made a trip of some ninety miles to watch proceedings of the House and Senate; and

Whereas, Each of these students is to be praised and commended for his interest in our grand and glorious State of Texas and its government and Mrs. Scarbrough, Mrs. Hahn, Mrs. Wolters, Mrs. Kueker, and Mr. Hattenbach are to be praised and commended for their splendid work in assuring these students the opportunity to see these governmental proceedings; now, therefore, be it

Resolved, That we extend our sincerest best wishes to this group of young Texan., and that an enrolled copy of this Resolution bearing the official Seal of the House be forwarded to them in recognition of their visit and interest in their State government.

The resolution was adopted unanimously.

TO NAME KAREN AND KEN COLEY AS MASCOTS OF THE HOUSE

Mr. Cline, by unanimous consent, offered the following resolution:

H. S. R. No. 466

Whereas, Karen and Ken Coley, daughter and son of the Honorable Hal, and Martha Coley, are eligible candidates for the office of Mascot of the Texas House of Representatives where their father, Hal, is serving the State with honor and distinction; and

Whereas, These children reflect the fine qualities of their father and the charm and poise of their mother, and are the pride and joy of their paternal grandparents, the C. H. Coleys of Huntsville, Texas, and of their maternal grandparents, the J. M. Sheppards of Jena, La.; and

Whereas, It is the desire of the Texas House of Representatives of the Fifty-fifth Legislature to give honor and recognition to children of Members of the House; now, therefore, be it

Resolved, That Karen and Ken Coley, be, and they are hereby named Mascots of the House of Representatives and that their photographs be placed with the official Mascots; and be it further

Resolved, That a copy of this Resolution be sent to Karen and Ken, and that this House go on record as extending to them its best wishes for their happiness and success during their entire lives.

The resolution was referred to the Committee on Rules.

COMMENDING READ GRANBERRY

Mr. Dugas offered the following resolution:

H. S. R. No. 467

Whereas, The House of Representatives of the Fifty-fifth Legislature has been fortunate in having available a most distinguished authority of parliamentary law, the respected Read Granberry; and

Whereas, He is doing outstanding service for the State in acting as parliamentarian for this Session. His most efficient manner in interpretation of the jurisdiction of that domain of our procedure is a part of the success of this Session; and

Whereas, He is always generous with his talent and time in aiding individual Legislators and is a constant source of inspiration to all who aspire to the perfect pattern of a pure procedure in the course of lawmaking;
April 25, 1957

Whereas, the House of Representatives of the Fifty-fifth Legislature wishes to pay tribute to this honorable gentleman for his unselfish service to the State of nearly fifty years; now, therefore, be it

Resolved, That an enrolled copy of this sincere and appreciatively submitted Resolution be sent to R. Granberry with our great respect and admiration.


On the motion of Mr. Dumas the names of all Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

Mr. Cory addressed the House paying tribute to Mr. Granberry.

Mr. Suddeatherd addressed the House paying tribute to Mr. Granberry.

Mr. Patterson on behalf of the Members of the House, presented a watch to Mr. Granberry.

Mr. Granberry was recognized and addressed the House, as follows:

"Mr. Speaker and ladies and gentlemen of the House:

First, let me express my deep appreciation for the kind remarks made by Mr. Cory, Mr. Suddeatherd and Mr. Patterson and for the resolution you have just adopted.

I am very, very grateful to each and every one of you for this beautiful evidence of your kindness and friendship. I shall treasure it always. Let me assure you that, as a sun dial points only to sunny hours, this watch will remind me of the happy hours spent with you in the 55th Legislature.

As you know, even though I work close to this microphone, I am really a stranger to it. So, having this rare opportunity, I want to take advantage of it to express to you, Mr. Speaker, and to each member of this House, my deep appreciation for the courtesy, understanding, cooperation and forbearance you have accorded me in my efforts to be of greatest possible assistance to you as you serve Texas so well in this distinguished body. It has been truly a pleasure and a privilege to know and to work with each of you, and I trust you will allow me to continue to be of any help possible throughout your term.

Also, I would like to take this opportunity to say a word which I believe is long overdue and which is really needed. If the people of Texas could know as well as I have the membership over the years of the House and Senate and the procedure of the Texas Legislature they would be convinced of your hard work and dedication to duty, the high integrity and statesmanship evidenced day after day as you wrestle with major problems, and the over-all contribution you are making toward the improvement of state government which is so essential to the continuation of the historic role played by the states in this great union. To my mind there is nothing more unfair than to have the public mind fogged and blinded..."
to the tremendous amount of fine work done in the Texas Legislature by the unfortunate lapse of a few. At such a time as this I recall a most appropriate verse—hitherto echoed in this hall—and which truly expresses my sentiments today—

"It has been my joy in life to find,
At every turning of the road
The strong arms of comrades kind
To help me onward with my load.

And since I have no gold to give,
And love alone must make amends,
My only prayer is: While I live
God make me worthy of my friends."

ADDRESS ORDERED PRINTED
Mr. Smith of Jefferson moved that the remarks of Read Granberry addressing the House on this morning, be reduced to writing and placed in the House Journal.

There was no objection offered and it was so ordered.

PRESENTATION TO UNCLE HENRY BLAIR
Mr. Moore of Harris, on behalf of the Members, presented Uncle Henry Blair, Head Porter, with a gift.

Uncle Henry Blair then addressed the House expressing appreciation for the gift.

RESOLUTION SIGNED BY THE SPEAKER
The Speaker signed in the presence of the House after giving due notice thereof and its caption had been read the following enrolled resolution:

H. C. R. No. 74, To Suspend Joint Rules in order to consider bills on a Local and Uncontested Calendar at any time.

MESSAGE FROM THE SENATE
Austin, Texas, April 25, 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 passed the following:

H. B. No. 287, Relating to branch banking; allowing banks to maintain a branch within 500 feet of nearest wall of central building; and declaring an emergency. (With Amendments.)

H. B. No. 57, Validating the establishment, organization, and/or creation of all school districts; validating the acts of county boards of school trustees, county judges, Commissioners Courts, boards of trustees of such school districts, and municipal governing bodies; validating tax elections, bond elections, bond assumption elections, and all bonds voted, authorized, and/or now outstanding of said districts; authorizing the levy, assessment, and collection of taxes, etc.; and declaring an emergency.

H. B. No. 660, Authorizing certain municipalities to contribute money for joint planning with other municipalities; and declaring an emergency. (With Amendments.)

H. B. No. 51, Authorizing banks to own or lease land in the vicinity of such bank as an automobile parking area exclusively or predominately for the use of its customers and employees; and declaring an emergency.

H. B. No. 830, Authorizing the appointment of an assistant district attorney for the district attorneys of the 43rd Judicial District, and the 164th Judicial District, respectively; and declaring an emergency. (With Amendments.)

H. B. No. 270, Relating to corporations exempt from payment of the franchise tax; and declaring an emergency.

H. B. No. 667, Creating, as a temporary Court, the County Court at Law of Hunt County; prescribing the jurisdiction, terms, and duration of the Court; and declaring an emergency. (With Amendments.)

H. B. No. 383, Fixing the deadline for filing applications of candidates in elections for the office of county school trustee or trustee of any school di-
Mr. Pool called up with Senate Amendments for consideration at this time.

H. B. No. 4. A bill to be entitled "An Act to amend Section 177 of the Election Code of the State of Texas (Article 12.02 of Vernon's Texas Election Code) providing the various members of filling vacancies in the Office of United States Senator and Congressman-at-Large; providing a saving clause; and declaring an emergency."

Mr. Pool moved that the House concur in the Senate Amendments.

Mr. Bullock moved as a substitute motion that the House do not concur in the Senate Amendments, and that H. C. R. No. 26, Authorizing the Conference Committee be requested to adjust the differences between the two Houses on the bill.

Mr. Sanders in the Chair.

A record vote was requested on the substitute motion by Mr. Bullock.

H. B. No. 245, Providing that sums for jurors may be made by first class United States mail, certified United States mail or by registered United States mail, as the judge drawing the jury may direct, as well as verbally made upon each juror in person; and declaring an emergency.

Mr. Pool moved that the House H. C. R. No. 66, Granting permission to L. B. Howard, of Nolan County, Texas, to bring suit against the City of Austin certain tracts of land.

Mr. Bullock moved as a substitute motion that the House do not concur in the Senate Amendments, and that H. C. R. No. 43, Dedicating and saving clause; and declaring an emergency.
**HOUSE JOURNAL**

**COMMITTEE MEETING**

By unanimous consent, the Committee on Public Lands and Buildings was granted permission to meet at this time.

Question recurring on the motion by Mr. Pool to concur in Senate Amendments to H. B. No. 4. Yea and nays were requested.

The motion prevailed by the following vote:

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In The Chair

| Sanders |       |

Present—Not Voting

| Bradburn |       |

Absent

| Blaine   |       |
| Blanchard|       |
| Bryan    |       |
| Laurel   |       |
| Oliver   |       |

Absent—Excused

| Crosswhite |       |
| Harrington |       |
Mr. Pool moved to reconsider the vote by which the motion to concur in the Senate amendments to H. B. No. 4 prevailed and to table the motion to reconsider.  

The motion to table prevailed.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 4

Committee Amendment No. 1

Amend House Bill No. 4 by striking out all of Section 4 thereof and substituting in lieu thereof the following:

"The fact that under the present law relative to the election of a United States Senator, in the event of a vacancy, the candidate with the highest number of votes succeeds to this high office, and whereas it has long been a fundamental policy of the people of Texas that candidates generally must receive a majority of all votes cast, creates an emergency and an imperative public necessity that the Constitutional rule requiring all bills to be read on three several days in each House be suspended; and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Adopted April 18, 1957.

Committee Amendment No. 2

Amend House Bill No. 4 by striking out all of Section 2 thereof.  

Adopted April 18, 1957.

Committee Amendment No. 3

Amend caption to conform to body of bill.  

Adopted April 18, 1957.

H. R. NO. 877 ORDERED NOT PRINTED

Mr. Ferrell moved to suspend all necessary rules in order to not print H. B. No. 877.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 738 WITH SENATE AMENDMENTS

Mr. Cole called up with the Senate Amendments for consideration at this time.

H. B. No. 738. A bill to be entitled "An Act providing for a referee for Juvenile Courts in counties having a population of 80,000 or more, authorizing the appointment of a Juvenile Court referee; providing for the qualifications of such referee; providing for the duties and authority of such referee; providing for compensation for such referee; and making other provisions in regard thereeto; and declaring an emergency."

Mr. Cole moved that all the necessary Rules be suspended for the purpose of occurring in the Senate Amendments to, H. B. No. 738.
The motion prevailed by the following vote:

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Mr. Cole moved to reconsider the vote by which the motion made by himself to concur in Senate Amendments to H. B. No. 738 prevailed and to table the motion to reconsider.

The motion to table prevailed.

**TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 738**

Amend H. B. No. 738 by striking out the last sentence of the first paragraph of Section 2 and substituting therefor the following:

"If the witnesses after being duly summoned, shall fail to appear, or, having appeared, shall refuse to answer questions, the Judge of the Juvenile Court shall have the power to issue attachment against such witness, and to fine and imprison them in like manner as the district and county courts are empowered to do in like cases."

Amend Caption to conform to the body of the bill, as amended.

**EXPRESSING OPINION OF THE HOUSE OF REPRESENTATIVES IN REGARD TO OFFICES AND LIVING QUARTERS IN THE CAPITOL FOR PRESIDING OFFICERS OF HOUSE AND SENATE**

Mr. Bell offered the following resolution:
Whereas, It has come to the attention of the House that suits have been filed in the 98th District Court of Travis County seeking to eject the Speaker of the House, Honorable Waggoner Carr, and his family from the Speaker’s apartment; and charging that he and his family are in fact trespassers, the suits alleging that living quarters in the Capitol and expenditures to maintain them are illegal, and further that the Speaker’s acts in occupying the Speaker’s apartment constitute a legal fraud on the State of Texas; and
Whereas, The architectural plans for the Capitol as built reveal that offices and private rooms were designated for the Lieutenant Governor and the Speaker of the House, and it is well known that for the last 50 years or so Speakers have made use of the living quarters and offices provided for them; and
Whereas, The wisdom of the early planners of the Capitol in making available living quarters and offices for the Speaker, as a part of the spare set aside in the building for the use of the House, has been reaffirmed time and time again in that Speakers and their staff have been readily available to the members and officers of the House for consultation in the discharge of their official duties; and
Whereas, The custom of more than 40 years of use by Speakers and Lieutenant Governors of their assigned offices and living quarters was recognized anew and officially authorized by the Legislature in 1943 through the enactment of House Bill 2, 44th Legislature, Regular Session (codified as Article 608, Vernon’s Texas Civil Statutes); and
Whereas, Members of the House of the 55th Legislature have made frequent use of the Speaker’s Office and appropriate portions of the Speaker’s apartment for meetings with the Speaker to discuss legislative problems, and such meetings have materially aided in expediting and perfecting legislation at this session; and
Whereas, Expenditures of the legislative department, one of the three co-ordinate branches of our government, currently amount to much less than one per cent of the State’s annual outlay for all governmental purposes, attesting to the legislature’s traditional economical operation; now therefore be it
Resolved, That the House of Representatives of the 55th Legislature approves the filing of the aforementioned suits by a former member of the Texas Legislature who never more raised his voice in his four terms as a state senator; to object in any way whatsoever to the long-established and generally accepted practice of providing the presiding officers of the two Houses with offices and living quarters; and be it further
Resolved, That this House of Representatives reaffirms as only fair and just the clear-cut statutory provision for such space in the Capitol for the presiding officers of the two Houses; and be it further
Resolved, That the House repudiates the unjust and unfounded charges that impugn the honesty and good faith of the Honorable Waggoner Carr as Speaker of this House in occupying the living quarters long provided for Speakers, since he has done so under the specific authorization of H. R. 15, passed on January 9, 1957 by this Body.

BILLS
WINFREE, HUFFMAN, KORIOTH, BLANCHARD, SANDERS, KENNARD.

The resolution was adopted unanimously.

Mr. Bell moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 660 WITH SENATE AMENDMENT

Mr. Bass called up with Senate Amendment for consideration at this time.

H. R. No. 660. A bill to be entitled "An Act authorizing municipalities within an area wherein the sphere of influence of such municipalities is...
lie funds for the joint planning of the area of such municipalities, upon equal representation from each of such municipalities; setting forth the powers and duties of such area planning commission; authorizing the creation of an area planning commission; stating the effect of this Act on other laws; providing the effective date of this Act; providing a savings clause; and declaring an emergency."

Mr. Bass moved that all the necessary Rules be suspended for the purpose of concurring in the Senate Amendment to H. B. No. 660.

The motion prevailed by the following vote (having received the necessary two-thirds vote):

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Mr. Bass moved to reconsider the vote by which the motion to concur in the Senate Amendment to H. B. No. 660 prevailed and to table the motion to reconsider.

The motion to table prevailed.

**TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 660**

Floor Amendment to H. B. 660

Amend H. B. 660 by striking out all of the "Whereas" clause and the words "Now, Therefore" between the caption and the enacting clause.
SENATE BILL NO. 106 ORDERED NOT PRINTED

Mr. Ellis moved that all necessary rules be suspended for the purpose of not printing S. B. No. 106.

The motion prevailed without objection.

HOUSE BILL NO. 820 WITH SENATE AMENDMENT

Mr. Latimer called up with Senate Amendment for consideration at this time.

H. B. No. 820, a bill to be entitled "An Act authorizing appointment of an assistant district attorney for the district attorney of the 42nd Judicial District, and the 104th Judicial District, respectively; prescribing his qualifications, duties, and salary; providing for expenses of the assistant district attorney; repealing all laws in conflict; and declaring an emergency."

Mr. Latimer moved that all the necessary Rules be suspended for the purpose of concurring in the Senate Amendment to H. B. No. 820.

The motion prevailed by the following vote (having received the necessary two-thirds vote):

Yea—126


In the Chair

Sanders  Absent

Bell  Murray  Bryan  Oehren  Burtett  Parsons  Cotten  Foor  Ellis  Romney  Ferrell  Sadler  Glassing  Shaw  Holman  Storey  Kelly  Suddeth

Absent—Excused

Crosthwait  Tunnell  Harrington

Mr. Latimer moved to reconsider the vote by which the motion to con-
whereas, Jan Woolsey is an eligible candidate for the office of mascot for the House of Representatives; now, therefore, be it
Resolved, that Jan Woolsey be, and she is hereby declared mascot of the House of Representatives of the Fifty-fifth Legislature, and that
she have her picture placed on the picture panel with the Members of the Fifty-fifth Legislature; and be it further
Resolved, that an enrolled copy of this Resolution be sent to Jan for present record and future reading with the best wishes of her father's colleagues who hold him in high esteem.

GUBING, HALE, FORSYTH.

On motion of Mr. Glusing, Mr. Hale and Mr. Forsyth the resolution was adopted unanimously.

APPPOINTMENT ON STANDING

HOUSE COMMITTEES

The Speaker announced the appointment of the following House Committee assignments:

Common Carriers: Mr. Coley.

Examination of Comptroller's and Treasurer's Accounts: Mr. Coley.

Counties: Mr. Coley.

Judicial Districts: Mr. Coley.

Public Health: Mr. Coley.

MESSAGE FROM THE SENATE

Austin, Texas, April 25, 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 passed the following:

H. J. R. No. 17, Providing that the Legislature shall have authority to provide a system of retirement and disability pensions to certain retiring Texas Rangers and their widows. (With Amendments.)

H. B. No. 566, Amending "An Act providing for the annexation of common and/or independent school dis-
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tricts for Junior College Districts for Junior College purposes only, etc." and declaring an emergency.

I am directed by the Senate to inform the House that the Senate has passed the following on the local, uncontested calendar:

S. B. No. 167, Providing that the state registrar, county clerks, or local registrars shall not issue a certified copy disclosing illegitimacy or otherwise disclose illegitimacy unless authorized by the county court; and declaring an emergency.

S. B. No. 174, Providing for the budgeting, accounting, and reporting by and for common and rural high school districts of school funds estimated, received and expended; and declaring an emergency.

S. B. No. 175, Providing for the budgeting, accounting, and reporting by any and all independent school districts of school funds estimated, received and disbursed; and declaring an emergency.

S. B. No. 181, Validating, ratifying, confirming and approving time warrants and refunding bonds issued for the purpose of refunding time warrants and all proceedings, etc.; and declaring an emergency.

S. B. No. 214, Relating to the situs of personal property of domestic insurance companies for the purpose of taxation; and declaring an emergency.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to Senate Bill No. 456 by the following vote: Yeas 29, Nays 0.

Respectfully,
CHARLES SCHNABEL,
Secretary of the Senate.

SENATE BILL NO. 194 ON PASSAGE

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

S. B. No. 194, Prohibiting any private investigator from attempting to determine the number of paid admissions at theatres without certain authority; and declaring an emergency.

The bill having been read third time on yesterday and further consideration of same postponed until today.

Mr. Lee offered the following amendment to the bill:

Amend S. B. 194 by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1. Any person employed as a private investigator or confidential investigator for the purpose of determining or attempting to determine the attendance or number of paid admissions at any motion picture theatre, performance in this State shall furnish to the owner or general manager of such theatre, or theaters, checked, a report of his findings on the next succeeding day and within three (3) days after such check, a written copy of his findings or report."

The amendment was adopted by the necessary two-thirds vote.

 SENATE BILL NO. 194 was then passed.

REASON FOR MY VOTE ON SENATE BILL NO. 194

I voted against S. B. 194 for the following reasons:

1. I feel that this was a "private interest" bill.
2. The bill was misrepresented before the Committee on Criminal Jurisprudence in that it was represented that the bill as rewritten had no opposition and based upon that representation, the bill was recommended to the House favorably, when in fact there was opposition to the subject bill as amended, and in fact, this opposition was never heard before the Committee.
3. That on the floor of the House on second reading proponents of the bill agreed to an amendment to the bill, and based on this agreement, the bill was passed to third reading, and on third reading the proponents failed to honor the agreement and in fact took off an amendment which they had theretofore stated was agreeable and should be placed on the bill.
4. The bill is, I believe, unconstitutional in that it is special legislation which purports only to owners of theaters and restriction to this group is neither justified nor warranted.
5. There is serious doubt in my mind whether the State of Texas may through its investigators check theater owners for the purpose of determining whether or not theater owners are in fact paying the State Amusement Tax.

6. I do not feel that it is a proper function of the government to interfere with the business affairs of any enterprise as is done in this bill. The same effect could be accomplished by contractual arrangement between the parties involved.

BOB JOHNSON.

Mr. Blanchard moved to reconsider the vote by which Senate Bill 194 was passed and to table the motion to reconsider.

On motion of Mr. Blanchard and by unanimous consent of the House, the motion to table was lost.

The amendment was adopted.

Mr. Schwartz offered the following amendment to the bill:

Amend Senate Bill 126, Section 1 by striking the word "a" on line 27 of the printed bill and inserting in lieu thereof the words "an international".

Mr. Bass moved to table the amendment by Mr. Schwartz of Washington.

The motion to table was lost.

The amendment was adopted.

Mr. Thurmond offered the following amendment to the bill:

Amend Senate Bill 126, Section 1 by inserting a comma for the semicolon on line 51 of the printed bill and adding the following: "provided that nothing herein shall be construed as allowing the Board of Water Engineers to make a determination of the normal or underflow of the stream."

The amendment was adopted.

Mr. White offered the following amendment to the bill:

Amend Senate Bill 126, Section 1, by changing the word "destined" wherever it appears, by adding on line 38 of the printed bill the words "designated" and "specified", and by adding on line 39 of the printed bill the words "without legal right".

The amendment was adopted.

Senate Bill No. 126 was then passed to third reading.

SENATE BILL NO. 126 ON THIRD READING

Mr. Thurmond moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 126 be placed on its third reading and final passage.

The motion prevailed by the following vote:
Yeas—119

Nays—19
Aitwell  Blass  Burkett  Chapman  Conley  Cotten  Day  de la Garza  Ekler  Holloev  Hunt

In The Chair
Sanders

Absent
Ford  Murray  Myatt  Storey

Absent—Excused
Crookshwart  Tunnell

The Chair then laid Senate Bill No. 126 before the House on third reading and final passage.

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

Yeas—108
Mr. Thurmond moved to reconsider the vote by which S. B. No. 136 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Thurmond and by unanimous consent of the House, the Caption of Senate Bill No. 136 was ordered amended to conform with the body of the bill.

HOUSE JOINT RESOLUTION NO. 17 WITH SENATE AMENDMENTS

Mr. Jones called up with Senate Amendments for consideration at this time,

H. J. R. No. 17, Proposing an amendment to Article XVI of the Constitution of the State of Texas, by adding thereto a new section to be known as Section 66, to provide that the Legislature shall have authority to provide a system of retirement and disability pensions to certain retiring Texas Rangers and their widows; stating the maximum of such pension; and providing a fund from which such pensions may be paid.

Mr. Jones moved that all the necessary Rules be suspended for the purpose of concurring in the Senate Amendments to H. J. R. No. 17.

The motion prevailed by the following vote (having received the necessary two-thirds vote):

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In The Chair

Sanders

Present—Not Voting

Brackett

Absent

Ballman
Bryan
Bullock
Duff, Miss
Ford
Kilpatrick
 McGregor
of El Paso

Absent—Excluded

Crossthwaite

Harrington
TEXT OF SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION NO. 17

Amendment No. 1
Amend Section one (1) of H. J. R. 17 by deleting the period and closing parentheses after the word “widow” on line 31 of the printed resolution, being the last word in Section one (1), and by adding the following language and punctuation: “, provided that such widow was legally married prior to January 1, 1957 to a Texas Ranger qualifying for such pension.”
Adopted April 24, 1957.

Amendment No. 2
Amend H. J. R. 17 by striking the words and figures in Lines 30 and 31 of printed bill “One Hundred and Twenty-five Dollars ($125)” to read Eighty Dollars ($80).
Adopted April 24, 1957.

Amendment No. 3
Amend caption to conform to body of bill.
Adopted April 24, 1957.

RECESS
On motion of Mr. Baker the House at 11:55 o'clock a. m., took recess until 2:00 o'clock p. m. today.

AFTERNOON SESSION
The House met at 2:00 o'clock p. m. and was called to order by the Speaker.

ABSENCE GRANTED
The following Member was granted leave of absence for this afternoon on account of important business:
Mr. Pipkin on motion of Mr. Murray.

SENATE BILL NO. 247 ON PASSAGE TO THIRD READING
The Speaker laid before the House, as postponed business, on its passage to third reading.

S. B. No. 247, Relating to lease of State lands for oil, gas and mineral production; and declaring an emergency.
The bill having been read second time on yesterday and further consideration of same postponed until today.

Senate Bill No. 247 was then passed to third reading.

SENATE BILL NO. 247 ON THIRD READING

Mr. Slack moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 247 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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<th>Yeas</th>
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<td>Dug, Miss</td>
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<td>Crouchwell</td>
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<td>Harrington</td>
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The Speaker then laid Senate Bill No. 247 before the House on third reading and final passage.

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

<table>
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<tr>
<th>Yeas</th>
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<tr>
<td>Bryan</td>
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</tbody>
</table>
The Speaker laid before the House, as postponed business, on its passage to third reading, S. B. No. 348, Relating to the prospecting of State lands for certain minerals, and declaring an emergency.

The bill having been read second time on yesterday and further consideration of same postponed until today.

Senate Bill No. 348 was then passed to third reading.

Mr. Slack moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 348 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—123**

Anderson  Conley
Armbrister  Cory
Baker  Cowen
Bartram  Cox
Bell  Day
Bishop  de la Garza
Boyd  Douglas
Bunch  Duncan
Bowers  Ehrie
Braun  Elliott
Bryan  Ford
Bullock  Foreman
Byrd  Forsyth
Champion  Glass
Close  Glidsl
Cloud  Hale
Cole  Nealy
Colley  Netta

**Nays—4**

Dawey  McGregor
Koliba  of McLennan

Absent—Excused

Grotewehl  Tunnell

**SENATE BILL NO. 348 ON PASSAGE TO THIRD READING**

The bill having been read second time on yesterday and further consideration of same postponed until today.

Senate Bill No. 348 was then passed to third reading.

**SENATE BILL NO. 348 ON THIRD READING**

Mr. Slack moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 348 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—123**

Anderson  Conley
Armbrister  Cory
Baker  Cowen
Bartram  Cox
Bell  Day
Bishop  de la Garza
Boyd  Douglas
Bunch  Duncan
Bowers  Ehrie
Braun  Elliott
Bryan  Ford
Bullock  Foreman
Byrd  Forsyth
Champion  Glass
Close  Glidsl
Cloud  Hale
Cole  Nealy
Colley  Netta
The Speaker then laid Senate Bill No. 48 before the House on third reading and final passage.

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

**Yes—113**

- Anderson
- Hughes of Grayson
- Armbrister
- Hughes of Dallas
- Baker
- Hutchins
- Balmann
- Isaksen, Miss
- Bankhead
- Jackson
- Bass
- Jamison
- Bell
- Johnson
- Bishop
- Jones
- Blalock
- Joseph
- Blanchard
- Kelly
- Bowers
- Kennedy
- Boyles
- Kenneth
- Brashear
- Kilpatrick
- Bryan
- Koehn
- Ballock
- Klopfner
- Burkett
- Lattimer
- Byrd
- Laurel
- Chapman
- Lee
- Clines
- McCoppin
- Cloud
- McGregor
- Cole
- of El Paso
- Coley
- McLellan
- Conley
- Mann
- Cory
- Martin
- Cotton
- Matthews
- Crow
- Moore of Harris
- Cox
- Moore of Tarrant
- Day
- Mullen
- de la Garza
- Muench
- Dunn, Miss
- Myatt
- Dugas
- Oliver
- Duncan
- Cochran
- Ellis
- Parish
- Billiot
- Farmer
- Bills
- Patterson
- Ford
- Pickett
- Foreman
- Pool
- Foreyth
- Pressler
- Glass
- Puckett
- Glasing
- Richardson
- Green
- Roberts
- Hale
- Russell
- Healy
- Sadler
- Heflin
- Sandgart
- Henley
- Sanders
- Holman
- Sand
- Hocutt
- Schram
- Hooks
- Schwartz
- Hovely
- Galveston
- Huddleson
- Schwartz
- Huffman
- of Washington
- Huffer
- Seeligson
The Speaker laid before the House, on its second reading and passage to third reading, Senate Bill No. 268, increasing the maximum load limit on certain type commercial motor vehicles where such vehicles are used for a specialized purpose and within a specified area; and declaring an emergency.

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

Mr. Lee moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 268 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—130

Yeas—5

Nays—126

The motion prevailed.

The Speaker laid before the House, on its second reading and passage to third reading, Senate Bill No. 268, increasing the maximum load limit on certain type commercial motor vehicles where such vehicles are used for a specialized purpose and within a specified area; and declaring an emergency.

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

Mr. Lee moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 268 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—130

Yeas—5

Nays—126

The motion prevailed.
The Speaker then laid Senate Bill No. 268 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

Yeas—130

Anderson
Armour
Baker
Ballman
Barron
Bell
Bush
Blaine
Blanchard
Bowers
Boyars
Brashbeer
Bullock
Burkett
Chapman
Chino
Cloud
Cole
Coley
Conley
Cory
Cotten
Cowan
Cox
Day
de la Garza
Dewey
Duffy, Miss
Dugas
Duggan
Ehrie
Elliott
Ellis

Nays—7

Burkett
Cotten
Dewey
Huffor

Absent

Atwell
Bristow
Bryan
Fenoglio

Absent—Excused

Crosthwait

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

Yeas—130

Anderson
Armour
Baker
Ballman
Barron
Bell
Bush
Blaine
Blanchard
Bowers
Boyars
Brashbeer
Bullock
Burkett
Chapman
Chino
Cloud
Cole
Coley
Conley
Cory
Cotten
Cowan
Cox
Day
de la Garza
Dewey
Duffy, Miss
Dugas
Duggan
Ehrie
Elliott
Ellis

Nays—2

Atwell
Bristow
Bryan
Bryant
Byrd
Byrnes
Cotton
Cox
Crosby

Absent—Excused

Crosthwait

SENATE BILL NO. 191 ON SECOND READING

(By Unanimous Consent)

The Speaker laid before the House its second reading and passage to third reading, S. B. No. 191, Amending the Insurance Code so as to provide authority for the regulation of unfair methods.
of competition and unfair and deceptive acts and practices in the business of insurance; and declaring an emergency.

The bill was read second time.

(Mr. Hale in the Chair)

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

In subsection 6 of Section 4 eliminate the word "life" following the word "participating" and before the word "insurance".

The amendment was adopted.

Senate Bill No. 191 was then passed to third reading.

SENATE BILL NO. 191 ON THIRD READING

Mr. Sutton moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 191 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100


Nays—21

Bass, Bowers, Brubear, Burkett, Cotten, Dupas, Green, Haggard, Hendrickson, Hensley, Hoffman, Hostetle, Howard, House

In the Chair

Present—Not Voting

Myatt, White

Absent

Allwell, Baxley, Britton, Brown, Brown, Brown, Buie, Briscoe, Ford, Healy, Hensley, Hoyt

Absent—Excused

Crosthwaite, Tunnell, Harrington

The Chair then laid Senate Bill No. 191 before the House on third reading and final passage.
The bill was read third time and was passed by the following vote:

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Nays-15

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House of Representatives

The motion to table prevailed.

RELATIVE TO H. R. NO. 102

The Chair stated that H. R. No. 102 was the next bill on the House Calendar for today, and asked if there was objection to delaying consideration of the bill temporarily.

There was no objection offered and it was so ordered.

MESSAGE FROM THE SENATE

Austin, Texas, April 25, 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. R. No. 877, Authorizing 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; and declaring an emergency.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE
Austin, Texas, April 25, 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 passed the following on the local, uncontested calendar:

S. B. No. 19, Relating to Workers' Compensation Insurance for certain employees of Texas A. & M. College; and declaring an emergency.

S. B. No. 164, Providing that a certificate of stillbirth shall be signed by the person in attendance at the stillbirth; and declaring an emergency.

S. B. No. 241, Relating to the discontinuance, abolition and annexation of elementary school districts; and declaring an emergency.

S. B. No. 246, Creating the Texas Stonewall Jackson Memorial Board; and declaring an emergency.

S. B. No. 254, Concerning leases on oil and mineral property; and declaring an emergency.

S. B. No. 341, Granting to the City of Corpus Christi, Texas, certain land for Mineral Development; and declaring an emergency.

S. B. No. 338, Relating to the issuance of an occupational license; providing for the payment of a fee for such license; and declaring an emergency.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE
Austin, Texas, April 25, 1957

Sir: I am directed by the Senate to inform the House that the Senate has passed the following on the local, uncontested calendar:

S. B. No. 42, Providing for exemption of school teachers from jury service during teaching periods; and declaring an emergency.

S. B. No. 415, Relating to tax on bequests to charitable organizations; and declaring an emergency.

S. B. No. 422, Requiring that increases in assessments ordered by the Board of Insurance Commissioners of mutual assessment companies be placed in the mortuary or relief fund; and declaring an emergency.

S. B. No. 425, Pertaining to per diem for members of the State Board of Dental Examiners; and declaring an emergency.

S. B. No. 428, Concerning the development of mines and mining claims on lands in which the state owns the minerals other than oil and gas; and declaring an emergency.

S. B. No. 429, Relating to authority of Commissioners Court to fill vacancies in certain county offices; and declaring an emergency.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE
Austin, Texas, April 25, 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 passed the following on the local, uncontested calendar:

S. B. No. 319, Confering upon district courts the jurisdiction to order recounts of votes and to hear and determine election contests relative to the party offices of precinct chairman and county chairman; and declaring an emergency.

S. B. No. 331, Providing that certain bonds or notes shall be registered by the Comptroller of Public Accounts; providing authority for refunding certain bonds or notes; and declaring an emergency.
MESSAGE FROM THE SENATE
Austin, Texas, April 25, 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 refused to concur in House Amendments to Senate Bill No. 68 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators: Hardeman, Lane, Alldin, Ratliff, and Krueger.

Respectfully submitted,
CHARLES SCHNABEL,
Secretary of the Senate.

H. B. No. 608 ON SECOND READING

Mr. Moore of Harris moved that the regular order of business be suspended for the purpose of taking up and considering at this time, House Bill No. 608.

The motion prevailed by the necessary two-thirds vote.

The Chair laid before the House, on its second reading and passage to engrossment,
H. B. No. 608, A bill to be entitled "An Act amending Section 194 of the Texas Election Code (Article 13.16, Vernon's Texas Election Code), so as to fix a filing fee for candidates for nomination for State Representative in primary elections in counties having a population of more than 700,000; providing conditions for payment; repealing conflicting laws; and declaring an emergency."

The bill was read second time.

Mr. Parish offered the following amendment to the bill:

Amend House Bill No. 608 by striking out Section 1 of said bill and inserting in lieu thereof the following:

"Section 1. Section 194 of the Election Code of Texas (Article 13.16, Vernon's Texas Election Code) is hereby amended to read as follows:

"194. Payments by candidates for State Senator or Representative.

"No candidate for nomination for State Senator or Representative shall be required to pay more than Three Hundred Dollars ($300.00) to have his name placed on the primary ballot or ballots within the district where the candidate seeks such nomination. The payment shall be made to the County executive committee; provided that within the districts that are composed of more than one county, the payment shall be distributed equally between each county within the district with the total cost to the candidate not to exceed Three Hundred Dollars ($300.00)."

(Speaker in the Chair.)

Mr. Moore of Harris moved that further consideration of House Bill No. 608 be postponed until April 26, at 11:00 o'clock a.m.

There was no objection offered and it was so ordered.

 LEAVE OF ABSENCE GRANTED

Mr. Wilson of Young was granted leave of absence for the remainder of the day, on account of important business on motion of Mr. Stroman.

H. B. No. 108 ON PASSAGE

The Speaker laid before the House, on its final passage,
H. B. No. 108, A bill to be entitled "An Act providing for the allocation..."
of one percent (1%) of the total Permanent School Fund to the Available School Fund in compliance with Article 7, Section 5 of the Texas Constitution; and declaring an emergency."

The bill having been read third time on April 24, and with point of order raised by Mr. Sanders, pending.

The Speaker overruled the point of order raised by Mr. Sanders.

Mr. Johnson moved that further consideration of House Bill No. 103 be postponed until April 29, at 10:00 o'clock a. m.

Mr. Dugas moved to table the motion to postpone H. B. No. 103.

The motion to table the motion to postpone prevailed.

Question recurring on the passage of H. B. No. 103, yeas and nays were requested.

House Bill No. 103 was then passed by the following vote:

**Yeas-96**

Anderson
Arnold
Baker
Ballman
Bartram
Bell
Bish
Boykin
Bryan
Bullock
Byrd
Cline
Cloud
Colby
Conley
Cory
Cox
Day
de la Garza
Dewey
Duff, Miss
Dugas
Dungan
Ehrle
Elliott
Ellis
Ferrell
Ford
Foreman
Foreyth
Glüssing

**Nays-41**

Bass
Blanchard
Bowers
Burkett
Chapman
Cotten
Cox
Cruce
Elliott
Ellis
Ferren
Ford
Foreman
Foreyth
Glüssing

Mr. Dugas moved to reconsider the vote by which H. B. No. 103 was passed and to table the motion to reconsider.

The motion to table prevailed.
LEAVE OF ABSENCE GRANTED

Mr. Cole was granted leave of absence for the balance of the day and the remainder of the week on account of important business, on motion of Mr. Cox.

MESSAGE FROM THE SENATE

Austin, Texas, April 25, 1887

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. 72, Authorizing corrections in Senate Bill No. 94.

Respectfully,

CHARLES SCHNABEL
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, April 25, 1887

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 on the local, uncontested calendar:

S. B. No. 447, Authorizing the filing fee of candidates in counties of $1,000.00 or more, to be paid not to exceed five percent of one year's salary; and declaring an emergency.

S. B. No. 448, Relating to the salaries of certain precinct and county officials; and declaring an emergency.

S. B. No. 449, Creating a water control and improvement district to be known as "Willurger Creek Water Control and Improvement District No. 1 of Bastrop and Travis Counties"; and declaring an emergency.

S. B. No. 452, Amending Canadian Municipal Water Authority Act with regard to rates charged member cities; and declaring an emergency.

S. B. No. 453, Amending the Insurance Code to apply to all corporations doing a title insurance business; and declaring an emergency.

S. B. No. 454, Creating the Elm Creek Watershed Authority as a conservation and reclamation district in Bell, Milam, Falls and McLennan Counties; and declaring an emergency.

S. B. No. 446, Providing for the transfer of title to certain lands lying parallel to Harbor Island and adjacent to Corpus Christi Bay to the State Highway Commission; and declaring an emergency.

S. B. No. 448, Authorizing clerk of the court to pay any fund of $1,000.00 or less, belonging to any insane, idiot, person of unsound mind, etc., or person committed for mental illness, without a legal guardian, who is an inmate of any state insane asylum institution, to the institution for the use and benefit of the inmate; and declaring an emergency.

Respectfully,

CHARLES SCHNABEL
Secretary of the Senate.

SPECIAL ORDER SET

Mr. Jamison moved to set H. R. No. 447 as a special order for April 30, at 10:30 o'clock a. m.

(Mr. Hollowell in the Chair.)

A record vote was requested on the motion to set H. R. No. 447 as a special order.

The motion prevailed by the following vote: (having received the necessary two-thirds vote.)

Yea—96

Armbrister
Ballman
Bishop
Blaine
Bland
Bowen
Boyer
Brady
Bullock
Burkett
Byrd
Cline
Cloyd
Conley
Cory
Cox
Cranford
Daily

de la Garza
Dewey

Dufek, Miss
Dungan
Ehrle
Farrell
Foreman
Glass
Grist
Hale
Hearn
Holstein
Hooks
Hudnell
Hufnagel
Hughes of Grayson
Hutcheson
Isaacks, Miss
Jackson
Jamison
Jones
Joseph
April 25, 1957

Mr. McGregor of McLennan moved that the House recess until 8:30 o'clock a. m. tomorrow.

The motion to recess was lost.

HOUSE BILL NO. 215 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 215, A bill to be entitled "An Act authorizing the employment of special investigators for grand juries; providing the method of employment, tenure of employment and compensation; and declaring an emergency."

The bill having been read second time on March 6 and further consideration of same postponed until April 22.

Mr. Cox moved that further consideration of House Bill No. 215 be postponed until May 21, 1957 at 10:30 o'clock a. m.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 58 ON PASSAGE

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

H. B. No. 58, A bill to be entitled "An Act to define and license the business of making loans or advances in the amount of One Hundred Dollars ($100.00) or less, and for a term of six (6) months or less, secured or unsecured; providing certain exemptions; providing that a license to engage in such business shall be obtained from and may be revoked by the Banking Commissioner of the State of Texas, and for judicial review of his decisions and findings and for certain examinations and license fees to be charged by said Commissioner; providing that each applicant shall have certain qualifications and that licenses shall be granted without investigation and
without investigation fees therefor, to those in said business on January 
15,1967, and shall file a bond in the 
sum of One Thousand Dollars 
($1,000.00); defining certain terms; 
defining interest and limiting the 
rates of interest and amount of ex-
 pense charges in connection with 
such loans or advances and penalties 
for the violation thereof; declaring 
such charges to be prima facie rea-
sonable; providing that the borrower 
shall be informed of the cost of the 
loan and the elements of such cost; 
providing there shall be no splitting 
of loans; providing for the adminis-
tration of this Act and for the is-
surance of rules and regulations there-
under; authorizing the making of 
examinations and investigations; pro-
viding that willful and knowing vi-
lation of this Act shall constitute a 
misdemeanor which shall be punish-
able by a fine of not less than One 
Hundred Dollars ($100.00) nor more 
than Five Hundred Dollars 
($500.00) for the first offense and, for a 
second conviction within one year 
thereafter, punishment of a fine not 
less than One Hundred Dollars 
($100.00) nor more than Five Hun-
dred Dollars ($500.00) and revoca-
tion of the license by the Commis-
sioner; providing for a reasonable period for 
sale, transfer or assignment of such 
license; providing that operating 
without a license shall constitute a 
misdemeanor and shall be punishable 
by a fine of not less than Five Hundred 
Dollars ($500.00) nor more than Two 
Thousand Dollars ($2,000.00); or 
committing a crime in the county jail 
of not less than six (6) months nor 
more than two (2) years, or both; 
and providing other penalties; pro-
viding for the repeal of Article 
616a of Title 107, Section 14 of 
Article 7047 of Chapter 1 of Title 
122, entitled "Loan Brokers", and 
also Section 13 of Article 7047 of 
Chapter 1 of Title 122, entitled 
"Money Lenders", and also Article 
444b of Title 76, all such articles 
being of the Revised Civil Statutes 
of Texas, 1923; and Articles 8089, 
5077, 5073, Title 79, of the Re-
vised Civil Statutes of Texas, 1923, 
are repealed insofar as inconsistent 
with provisions hereof; and prov-
iding for the repeal of all Acts and 
parts of Acts which relate to the 
same subject matter as this Act so 
far as they are inconsistent with the 
provisions of this Act; providing this 
Act shall be void as a whole if any 
part thereof held unconstitutional, 
and declaring an emergency."

The bill having been read second 
time on April 4, and further con-
sideration of same postponed until 
April 23.

Mr. Hale moved that further con-
sideration of House Bill No. 36 be 
postponed until May 2, 1967 at 
10:30 o'clock, a. m.

There was no objection offered 
and it was so ordered.

HOUSE BILL NO. 36 ON PASSAGE 
TO ENGROSSMENT

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

H. B. No. 36, A bill to be entitled 
"An Act to amend Section 1 of 
Article 1884 of the Penal Code of 
Texas, 1923, as enacted and added 
by Chapter 140, Acts of the 50th 
Legislature, Regular Session, 
1947, and as last amended by 
Chapter 188, Acts of the 
33rd Legislature, Regular Session, 
1955, by providing increased 
minimum salaries for firemen and 
policemen in cities having certain 
populations; by changing the time 
within which an election shall be 
held on a proposed salary increase 
and by changing the time within 
which such increase shall be put into 
effect; by permitting such an elec-
tion for either a fire department or 
a police department as well as for 
both; repealing all laws in conflict 
to the extent of such conflict; pro-
viding a severance clause; and de-
claring an emergency."

The bill was read second time 
on April 4, and further considera-
tion of same postponed until April 
23.

Mr. Hughes of Grayson moved that 
further consideration of House Bill 
No. 36 be postponed until May 2, 
1967, at 10:46 o'clock a. m.

There was no objection offered 
and it was so ordered.
The Chair laid before the House on its second reading and passage to engrossment, legislation to the protection or emergency. pending, and this rule is hereby willful damage property substituting the following: bill: all of the including any municipal corporation, county, school partnership, corporation or association, or any religious organization whether incorporated or unincorporated, shall be entitled to recover damages in an amount not to exceed $300.00 from the parents of any minor under the age of 18 years, who maliciously or wilfully damages or destroys property, real, personal or mixed, belonging to such owner. However, this Act shall not apply to parents whose parental custody and control of such child has been removed by court order, decree, or judgment.

Sec. 2. The suit may be brought in any court of competent jurisdiction, and venue thereof shall be governed by the statutes regulating venue in actions based upon trespass. The recovery shall be limited to the actual damages in an amount not to exceed $300.00, in addition to taxable court costs.

Sec. 3. The action authorized in this Act shall be in addition to all other actions which the owner is entitled to maintain and nothing in this Act shall prejudice recovery in a greater amount from the minor or from any other person, including the parents, for damages to which such minor or other person would otherwise be liable, it being the purpose of this Act to authorize recovery from parents, and to limit the amount of the recovery, in situations where they would not otherwise be liable.

Sec. 4. The importance of this legislation to the protection of property owners from the malicious or wilful acts of minors creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. White offered the following amendment to the Committee Amendment:

Amend H. B. No. 45, Committee amendment No. 1 by striking the word "or" before the word "wilfully" in line 2, Section 1, and substituting in lieu thereof the word "and". And by adding after the word "years", line 21 of Section 2 the words "and over the age of ten".

The amendment to the amendment was adopted.

Mr. White offered the following amendment to the Committee Amendment:

Amend H. B. No. 45, Section 1 by changing the period on line 22, to a comma, and adding the following wording:

"provided such Acts of damage or destruction were in part the result of failure on the part of such parent or parents to exercise proper surveillance and control over such minor."

Mr. Bell moved to table the amendment by Mr. White.

The motion to table the amendment prevailed.

Committee Amendment No. 1 as amended was adopted.

House Bill No. 46 was then passed to engrossment.

HOUSE BILL NO. 45 ON THIRD READING

Mr. Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 45
be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Year—125**

- Anderson
- Armor
- Baker
- Ballman
- Bartram
- Bell
- Bishop
- Blanchard
- Bland
- Boyce
- Brashear
- Bryan
- Bullock
- Byrd
- Chapman
- Cline
- Cloud
- Coley
- Conley
- Cory
- Covin
- Cowen
- Cox
- Day
- de la Garza
- Dewey
- Dunn
- Dungan
- Ehrle
- Elliott
- Ellis
- Ferrell
- Ford
- Foreman
- Forsyth
- Glass
- Glueing
- Green
- Hale
- Hatley
- Heflin
- Helmsley
- Hollowell
- Holman
- Hooks
- Hubbard
- Huffman
- Hughes of Grayson
- Hughes of Dallas
- Hutchins
- Isacks, Miss
- Jackson
- Jamison
- Johnson
- Jones
- Kennedy
- Kelso
- Koliba
- Lankster
- Lee
- McCoppin
- McDonald
- Mann
- Mann
- Martin
- Mayer
- Moore of Harris
- Moore of Tarrant
- Mullen
- Murray
- Myers
- Oliver
- Osborn
- Parish
- Parsons
- Patterson
- Pipkin
- Pool
- Pressler
- Puckett
- Richardson
- Roberts
- Russell
- Sadler
- Sandahl
- Sanders
- Saul
- Schram
- Schwartz of Galveston
- Schwartz of Washington
- Scoggin
- Shackelford
- Shannon
- Shaw
- Sherrill
- Smith of Hays
- Smith of Jefferson
- Spillman
- Springer
- Turman
- Stewart
- Storey
- Strickland
- Stroman
- Sudderth
- Sullivan
- Talasek
- Terrell
- Thurmond
- Zbranek

**Nays—8**

- Baer
- Burkett
- Cotten
- Kothmann
- Manley
- McAlpin
- Miranda
- Murphree
- Olsford
- Parsons
- Patterson
- Puckett
- Richardson
- Robertson
- Russell
- Sadler
- Sandahl
- Sanders
- Saul
- Schram
- Schwartz of Galveston
- Schwartz of Washington
- Scoggin
- Shackelford
- Shannon
- Shaw
- Sherrill
- Smith of Hays
- Smith of Jefferson
- Spillman
- Springer
- Turman
- Stewart
- Storey
- Strickland
- Stroman
- Sudderth
- Sullivan
- Talasek
- Terrell
- Thurmond
- Zbranek

The Chair then laid House Bill No. 46 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Bell moved to reconsider the vote by which H. B. No. 46 was passed and to table the motion to reconsider.

The motion to table prevailed.

**HOUSE BILL NO. 60 ON SECOND READING**

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

H. B. No. 60, A bill to be entitled "An Act making and declaring policies relating to occupational safety; defining terms of this Act; providing duties of employers as to occupational safety; creating within the Bureau of Labor Statistics an Occupational Safety Board; authorizing said Board, after public hearing, to make and publish in occupational safety rules for places of employment; creating within the Bureau of Labor Statistics a Division of Occupational Safety; providing for the enforcement and administration of...
such rules by the Commissioner of the Bureau of Labor Statistics, providing for judicial review of such rules; providing penalties; providing for cooperating with the State Department of Health; providing for separability; repealing conflicting laws; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1
Amend H. B. No. 60 by striking all beneath the enacting clause and substituting in lieu thereof the following:

Section 1. Findings and Policies.

Experience has demonstrated that a workable and effective program of safety measures varies according to character and needs of particular industries and enterprises and that cooperation of both employers and their representatives and employees and their representatives is a vital condition for accumulation and application of information relating to industrial safety and to accurate determination of what constitutes a process, material or condition which has a possible adverse effect on the health of any person or persons employed under such conditions.

The provisions of this Act do not establish penalties for deviations from standards promulgated herein, and the remedies provided for in this Act are not mandatory or punitive, but the processes provided for herein seek to remedy undesirable conditions relating to health and safety maintained by some employers by affording research, information, consultation and advice to employers and employees and by establishing certain standards.

Section 2. Definition. When used in this Act:
(a) "Board" means the Occupational Safety Board.
(b) "Commissioner" means the Commissioner of the Bureau of Labor Statistics.
(c) "Director" means the Director of the Division of Occupational Safety of the Bureau of Labor Statistics.
(d) "Employee" means the Division of Occupational Safety of the Bureau of Labor Statistics.
(e) "Employer" includes every person, firm, corporation, partnership, representative or foreman or any other person having control or custody of any employment, place of employment or any employee.
(f) "Employee" means a person who works for an employer for wages, compensation, or other things of value, but shall not include any person employed in the domestic service of another in a private residence.

(g) "Safe," and "Safety," as applied to employment or place of employment, means such freedom to employees from occupational injury as the nature of the industry or occupation reasonably permits.
(h) "Safety Device" and "Safety Guard" shall be given a broad interpretation so as to include any practicable method of mitigating or preventing occupational injury.
(i) "Place of employment" means every place where, either temporarily or permanently, any trade, industry, or business is carried on, or where any person is directly or indirectly employed by another for direct or indirect gain or profit, but not including domestic service performed in a private residence.

Section 3. Standard of Safety.
(a) Every employer should furnish and maintain employment and a place of employment which should be reasonably safe and healthful for employees. Every employer should install, maintain and use such methods, processes, devices and safeguards, including methods of sanitation and hygiene, as are reasonably necessary to protect the life, health, and safety of such employees, and should do every other thing reasonably necessary to render such employment and place of employment.

(b) The object of the standards to be promulgated under Section 4 of this Act shall be to obtain such a condition in every industry in the State as far as practicable through the educational and consultative functions herein provided for.

Section 4. Occupational Safety Board.
(a) For the purpose of administering the provisions of this Act there is hereby created within the
Bureau of Labor Statistics an Occupational Safety Board, consisting of three members, one to represent employees, one to represent employers, and the third to be the Commissioner, who shall serve as chairman of the Board as the public member. The employer and employee member shall be appointed by the Governor for a term of six years, or until their successors are appointed and qualified.

Vacancies shall be filled for an unexpired term by appointment by the Governor in the same manner as the original appointments.

(b) The employer and employee members shall receive no salary but shall receive compensation not exceeding twenty-five dollars for each day or part thereof actually spent in the discharge of their official duties and shall in addition be reimbursed for their reasonable and necessary traveling expenses and shall be paid ten dollars per diem for other expenses. The Commissioner is hereby authorized and directed to provide such Board with such technical, clerical and other assistance as shall be necessary to permit such Board to perform its duties as provided in this Act.

(c) After due notice of meetings, a majority of the Board shall constitute a quorum to transact business, and the act or decision of any two members thereof shall be held the act or decision of the Board. No vacancy shall impair the right of the remaining member or members of the Board, to exercise all the powers of the Board. The Board shall provide itself with a seal on which shall be inscribed the words "Occupational Safety Board, Bureau of Labor Statistics, State of Texas."

Any proceeding of said Board when duly attended by any member of the Board shall be admissible as evidence of the act of said Board in any court of this State.

Section 5. Consultative and Educati onal Powers

(a) The Board is authorized and empowered through any member, authorized by it for such purpose or through the Commissioner and the Division of Occupational Safety of the Bureau of Labor Statistics to appear or to endeavor to eliminate any impediment to safety or otherwise effectuate the purposes of this Act by means of conference, consultation and persuasion; in carrying out such endeavor it is authorized and empowered to advise and consult with any employer directly involved and with representatives of employers and labor and public officials.

(b) The Board is empowered to issue or cause to be issued such publications, determinations and such results of study and research as in its judgment will tend to promote occupational safety and minimize or eliminate any impediment to safety called to its attention and to otherwise effectuate the purposes and policies of this Act.

Section 6. Promulgation of Safety Standards.

(a) In addition to such other powers and duties as may be conferred upon it by law, the Board shall have authority to promulgate safety standards for the prevention of accidents and occupational injuries in every employment or place of employment as the Board shall find, upon the basis of substantial evidence presented at a public hearing held in accordance with the provisions of Section 7, to be necessary for the protection of the health and/or safety of employees. In making such findings, the Board may consider among other relevant factors, (1) the causes of industrial accidents and occupational injuries and the extent to which such accidents and occupational injuries result from the use of, or a failure to use, particular equipment, devices, processes, plant layouts, and methods of inspection, maintenance and construction and from the existence of particular working conditions; (2) the adequacy, efficiency and effectiveness of particular equipment, devices, processes, plant layouts, and particular methods of inspection, maintenance and construction in preventing industrial and occupational injuries; (3) the applicable code, if any formulated and/or approved by the American Standards Association. In connection with its promulgation of standards the Board may promulgate standards for the construction, repair and maintenance of places of employment.

(b) It shall be the duty of the Commissioner to propose to the Board such standards or amendments thereof as he may deem necessary to carry out the provisions of this Act.
In the performance of his duties he shall appoint a General Advisory Occupational Safety Committee whose members shall be approved by the Board. Such Committee shall be composed of ten representatives of employers, ten representatives of employees, and a public member, who shall act as Chairman. Such Chairman shall be, as near as may be, neutral and impartial as between employers and employees, and he should be, preferably, a person with general experience in the Industrial Field, such as an attorney or an arbitrator; however, the qualifications of such member shall be subject to the discretion of the Board. The Chairman shall be paid at the same rate as employer and employee members of the Board.

Such Committee shall propose for appointment by the Commissioner and for final approval of the Board the members of sub-committees, in whom shall be delegated the details of developing new standards, deletions of present standards and amendments or changes in existing standards. Such amendments, deletions or changes shall be referred to the General Advisory Committee for final recommendation to the Board as a part of the performance of its duties. The members of such sub-committees shall be selected for their general qualifications to cope expertly with the various subjects assigned to them and the same impartial balance of representation by employer members and employee members shall not require membership on the General Advisory Occupational Safety Committee, but members of such Safety Commission shall also be assigned to serve on such sub-committees by the Commissioner. The public member shall be available to the sub-committees, upon their request or the request of the Commissioner to aid the sub-committees in formulating their programs, recommended standards, and reports. The services of all such sub-committee members shall be voluntary and without compensation.

(d) Standards promulgated under this section of this Act shall be in the nature of: (1) determination as to what constitutes a process, material or condition which has a possible adverse effect on the health or safety or any person or persons employed under such conditions, or (2) determinations of goals which, if established in the place of employment would result in more desirable conditions as to health and safety.

Nothing in this section shall be deemed to establish, as a part of this Act, any penalty, liability, or condition on which injunctive relief shall or may be granted; however, that this provision shall not be deemed to alter or affect the common law or statutory law of this State so as to exonerate employers from common law or statutory duties previously existing, but this Act shall be in harmony with such other provisions of law and as augmenting same.

(a) Nothing in this Act shall be construed as conflicting with any provision of the Acts 1946, 49th Legislature, page 234, Chapter 170, and particularly with that section of same codified as Article 4971-I, section 15, Vernon's Revised Civil Statutes of Texas, nor with the provisions of Acts 1943, 46th Legislature, page 94, Chapter 68, as amended by Acts 1953, 53rd Legislature, page 832, Chapter 335, section 1, codified as Article 5173a, Vernon's Revised Civil Statutes of Texas; nor with the provisions of Acts 4th Called Session 1919, page 112, codified as Articles 5172 through 5180, Vernon's Revised Civil Statutes of Texas; nor with Acts 1919, page 281, codified as Article 5184, Vernon's Revised Civil Statutes of Texas; nor with Acts 1951, Vernon's Revised Civil Statutes of Texas; nor with Acts 1939, 45th Legislature, page 883, Chapter 428, Acts 1939, 45th Legislature, page 433, sections 1-3, as amended by Acts 1955, 54th Legislature, page 467, Chapter 121, section 1, Acts 1951, 52nd Legislature, page 273, Chapter 155, section 1, Acts 1939, 45th Legislature, page 434, section 3, and Acts 1951, 52nd Legislature, page 273, Chapter 155, section 1, codified as Article 5221c, Vernon's Revised Civil Statutes of Texas; nor shall this Act be construed as conflicting with Acts 1909, page 59 or Acts 1919, page 164, codified as Article 5144 through 5151, Vernon's Revised Civil Statutes, but shall be construed in harmony with same so that the provisions of this Act and of those previously existing articles shall implement each other insofar as specifically provided therein as if the same
had been passed at one and the same time.

Section 7. Publication and Hearings.

For the purpose of obtaining maximum participation by industrial groups and advice from them, and for the purpose of giving maximum publicity to the said safety standards, the following rules for publication and hearings are established:

(a) Before any standard is promulgated or altered so as to become a part of the code or codes of the Board, there shall be a public hearing thereon, notice of which shall be published at least once not less than ten (10) days preceding such hearing, in such newspaper or newspapers of general circulation as the Board shall prescribe.

(b) Any employer in an industry to which the consultative and educational powers of the Board are applied under the standard in question may petition the Commissioner for a hearing on the reasonableness of such standard.

(c) Such petition for hearing shall be by verified petition filed with the Commissioner, setting out specifically and in full detail the standard or proposed change upon which a hearing is desired and the reasons why same are unreasonable. All hearings shall be open to the public.

(d) Upon receipt of such petition, the Commissioner, after consultation with the Board, may determine the same by confirming without hearing the previous determination. If the material issues presented by the petition have not been previously considered at hearings, the Commissioner shall refer the matter to the Board for hearing for consideration of the issues involved and for its recommendations. Notice of the time and place of such hearing shall be given to the petitioner and to such other persons as the Commissioner may find directly interested in the issues involved in the petition.

(e) If the Board shall find that the standard or proposed change complained of is unreasonable, it shall, in accordance with the procedure set forth in the provisions of this Act, formulate and propose such substitute standard as the Board shall determine to be reasonable, and a hearing shall be directed and held upon such substitute standard as provided in (a) hereof.

Section 8. Effective Date of Standards: Publication.

(a) Every standard or alteration thereof shall become a final determination and a part of the code or codes of the Board, and shall thereafter be used by the Board in exercising its consultative and educational powers, thirty days after the first publication thereof, and certified copies thereof shall be filed in the office of the Secretary of State.

(b) Every standard promulgated and every alteration thereof shall be published in such manner as the Board may determine, and the Board shall deliver a copy to every person making application therefor. The Commissioner shall include the text of each standard in an appendix to the Biennial Report of the Bureau of Labor Statistics next following the adoption or amendment of such standard.

Section 9. Division of Occupational Safety.

To facilitate the administration of this Act, there is hereby created within the Bureau of Labor Statistics a Division of Occupational Safety. The Commissioner shall have the power and is hereby authorized to appoint a Director of the Division of Occupational Safety, who shall have charge and supervision of the Division, and with the approval of the Commissioner, shall do all things proper and necessary to carry out the work of the Division and the purpose of this Act.

Section 10.

(a) The Commissioner shall administer the provisions of this section and all other provisions of this Act not heretofore delegated to the Board.

Section 11. Cooperation With Other State Agencies.

(a) The Division, the Board, the Commissioner, the Director and the General Advisory Committee shall cooperate with, and shall have the cooperation of, all other state agencies dealing with related matters and shall have free access to the statistics and materials collected by such agencies.

(b) In such connection, the reports to the Industrial Accident Board relative to accidents, personal
House Bill No. 60 was passed to engrossment.

Motion to Place House Bill No. 60 on Third Reading

Mr. Hughes of Grayson moved that the constitutional rule requiring bills to be read on three separate days be
suspended and that House Bill No. 60
be placed on its third reading and
final passage. 

The motion was lost (not receiving
the necessary four-fifths vote) by the
following vote:

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Johns     Shaw
Kennedy     Sheridan
Latimer     Smith of Hays
McDonald     Spelman
McElhaney     Sutton
Matthew     Tharmond

In The Chair
Hollowell
Present—Not Voting
Isaacks, Miss
Absent
Atwell     Patterson
Brenner     Ramsey
Bristow     Roberts
Bryan     Sandahl
Bullock     Shannon of Erath
Day     Strickland
Fenoglio     Wilson of Potter

Absent—Excused
Cole     Tunwell
Crosthwaite     Wilson of Young
Harrington

Mr. Hughes of Grayson moved to reconsider the vote by which H. B.
No. 60 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

Mr. Jamison asked unanimous consent of the House that the Commit­
tee on School Districts be permitted to meet at this time.

There was no objection offered.

HOUSE BILL NO. 62 ON
SECOND READING

Mr. Russell moved that all the
necessary rules be suspended for the
purpose of taking up and considering
at this time, House Bill No. 62.

The motion prevailed by the neces­
sary two-thirds vote.

The Chair laid before the House, on its second reading and passage to
engrossment.
April 26, 1967 HOUSE JOURNAL

H. B. No. 62. A bill to be entitled "An Act to amend Section 24 of Chapter 214 of the General and Special Laws of the Fifty-fourth Legislature, Regular Session, 1965, to provide for adequate housing of the Archives Division of the Texas Library and Historical Commission, directing the State Building Commission, to provide quarters in the State Office Building to the extent required for proper protection and display of the materials and books held by such Division, and to furnish necessary equipment for such purpose; making an appropriation; repealing conflicting laws; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1 To House Bill No. 62

Amend House Bill No. 62 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Notwithstanding other provisions of law, the Legislature may appropriate money from the Motor Vehicle Inspection Fund for the purpose of constructing and initially equipping a building to house the State Library and the State Archives, Museum and Land Office, including the purchase of a site thereof.

Sec. 2. The State Building Commission is hereby authorized and empowered to expend any funds which may be appropriated to it from the Motor Vehicle Inspection Fund for the purpose stated in Section 1 of this Act, and to purchase the site and to plan, construct, and initially equip the building, subject to such direction as may be set out in the Act making the appropriation.

Sec. 3. All laws in conflict herewith are hereby repealed to the extent of such conflict. This Act shall not repeal the authority of the Public Safety Commission to use balances in the Motor Vehicle Inspection Fund for such purposes as may be authorized by law, but the amounts appropriated by the Legislature pursuant to this Act shall be deducted in determining the amount of the balance remaining in such fund which is subject to disposition by the Public Safety Commission.

Sec. 4. The fact that the precious historic Archives of the State of Texas, the valuable books on Texas history, the early State records and other materials revealing the magnificent history of Texas are now housed at some distance from the Capitol in quarters that are not conducive to the adequate protection of such materials and which afford no opportunity for the display of such items as the Declaration of Independence of Texas, the copy of the famous letter of Travis written from the Alamo and other such items; and the fact that our State Library is inadequately housed create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

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

Committee Amendment No. 2 To House Bill No. 62

Amend House Bill No. 62 by striking out all below the enacting clause and inserting in lieu thereof the following:

"A BILL
To Be Entitled

An Act authorizing the use of money in the Motor Vehicle Inspection Fund for the purpose of constructing and initially equipping a building to house the State Library and Archives, Museum and Land Office, including the purchase of a site thereof; empowering the State Building Commission to expend funds appropriated to it from this source; stating the effect of this Act on other laws; and declaring an emergency."

The amendment was adopted.

House Bill No. 62 was then passed to engrossment.

HOUSE BILL No. 62 ON THIRD READING

Mr. Russell moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 62
be placed on its third reading and final passage.

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Mr. Russell moved to reconsider the vote by which H. B. No. 63 was passed and to take the motion to reconsider.

The motion to take the bill prevailed.

Mr. Baker moved that all the necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 169.

The motion prevailed unanimously.

Mr. Ratab moved to reconsider the bill on its second reading and passage to engrossment.

H. B. No. 169, A bill to be entitled "An Act establishing and providing for a State mental hospital; regulating and providing for the operation of same; and declaring an emergency."

The bill was read second time.
Mr. Elliott offered the following Committee Amendment to the bill:

Amend House Bill 169 by striking all below the enacting clause and substituting in lieu thereof the following:

Statement of Purposes and Public Policies.
Section 1. It is the sense of the Legislature that the Board for Texas State Hospitals and Special Schools be authorized to establish such out-patient clinics for treating the mentally ill as such Board deems necessary and as funds for their operation are made available; and that a total mental health program be established in a given area of this State which shall consist of the following: (1) An area or community hospital of approximately sixty (60) beds to be used for treating the mentally ill and for research, training, and education in treating mental illness and an out-patient clinic which may be operated in conjunction with the community hospital; the out-patient clinic to be authorized and the community hospital and clinic to be provided for in this Act. (2) A mental hospital of approximately five hundred (500) beds with or in which shall be established a not less than fifty (50) bed residential intensive treatment, research, and training unit which may be operated in conjunction with the facilities and program provided for in this Act.

Authorization for Out-patient Clinics
Section 2. The Board for Texas State Hospitals and Special Schools is authorized to establish out-patient clinics for treatment of the mentally ill in such locations as deemed necessary by said Board and as money for their operation shall be made available. The Board shall acquire facilities, provide a staff, make rules and regulations, and make contracts with persons, corporations, and agencies of local, state, and federal governments as shall be necessary for the establishment and operation of said clinics.

Establishment
Section 3. There shall be constructed, established and maintained an area or community hospital of approximately sixty (60) beds to be used in treating the mentally ill and for research, training, and education in mental illness and an out-patient clinic which may be operated in conjunction with the community hospital. Such hospital and clinic shall be located within a city where a recognized medical center is located and operating. The Board for Texas State Hospitals and Special Schools shall designate the city and select a site or sites therefor for the location of said hospital and out-patient clinic. Such site or sites shall be accessible and convenient to the local medical center and shall contain sufficient land served by adequate utilities to meet the requirements of said hospital and out-patient clinic. Said Board shall take title to the land or lands so selected by them in the name of the State of Texas for the site and benefit of said hospital and clinic; provided, that the Attorney General's Department shall first approve the title to the land or lands so selected by the Board.

Buildings
Sec. 4. There shall be constructed upon said grounds at selected permanent, suitable, substantial, and firmfooted buildings sufficient in all respects to be used for training, research, and treatment of the mentally ill; said buildings are to be served with modern improvements for furnishing water, heat, ventilation and sewage.

The Board for Texas State Hospitals and Special Schools shall proceed to prepare plans and specifications for said buildings; and immediately after this Act becomes effective and title to the land designated as the site or sites for said hospital and clinic shall have been approved by the Attorney General as being vested in the State of Texas, the Board shall contract for the erection of the necessary buildings for the proper operation of said hospital and clinic, as provided by law; and said Board shall have the power and authority to do and perform all things necessary for carrying out the purpose of this Act.

Personal; patients
Sec. 5. Upon the completion of the buildings and facilities, the Board for Texas State Hospitals and Special Schools shall appoint such personnel as are necessary to operate and maintain such hospital and clinic and to adequately treat such patients. 

Committee Amendment No. 1
HOUSE JOURNAL 
Mr. Elliott offered the following Committee Amendment to the bill:
patients as are admitted, within the limits of legislative appropriations. The Board for Texas State Hospitals and Special Schools shall admit patients to the area or community hospital and shall provide for their care and maintenance under the same applicable laws, rules and regulations as govern the admission and care of mentally ill persons provided for in the General Laws of the State of Texas governing institutions for the care of the mentally ill. The outpatient clinic shall be operated under such rules and regulations as the Board may promulgate.

The Board for Texas State Hospitals and Special Schools is hereby authorized, in its discretion, to operate and maintain such hospital and clinic as a part of such other hospital as may be constructed or operated by the Board.

Appropriation. Sec. 6. There is hereby appropriated to the Board for Texas State Hospitals and Special Schools such federal funds as the U. S. Government may grant for the construction of such buildings, and such other funds as may be given or granted by any State agency or individual, and said Board is authorized and directed to obtain and expend such funds as are available for this project.

Temporary Facilities. Sec. 7. Until such hospital and clinic is constructed, the Board for Texas State Hospitals and Special Schools is hereby authorized to rent such temporary facilities as are available and necessary for the establishment of research, training, and treatment activities at such location or locations as may be selected by the Board.

Contracts. Sec. 8. The Board for Texas State Hospitals and Special Schools is authorized to make contracts with such persons, corporations, or agencies of state, local, and federal governments as said Board deems proper and necessary to effect the purposes of this Act.

Emergency. Sec. 9. The importance of this legislation creates 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 Act shall take effect on September 1, 1957.

The amendment was adopted.

Mr. Elliott offered the following Committee Amendment to the Bill:

Committee Amendment No. 2

Amend House Bill 166 by striking all above the enacting clause and substituting the following:

"A BILL

To Be Entitled

An Act authorizing outpatient clinics and establishing and providing for a community mental hospital for research and education in mental illness and for an outpatient clinic; regulating and providing for the operation of same; and declaring an emergency."

The amendment was adopted.

House Bill No. 166 was then passed to engrossment.

HOUSE BILL NO. 166 ON THIRD READING

Mr. Baker moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 166 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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Cowen
Baker
de la Garza
Ballman
Dewey
Bartram
DeWitt
Bass
Dugas
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NAYS—1
April 25, 1957  

HOUSE JOURNAL  

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The Chair then laid House Bill No. 169 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Baker moved to reconsider the vote by which H. B. No. 169 was passed and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the Chair)

TO GRANT PERMISSION TO THE BOARD OF DIRECTORS OF A & M COLLEGE OF TEXAS TO ACCEPT CERTAIN LANDS AND BUILDINGS FROM THE U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

The Speaker laid before the House for consideration at this time, S. C. R. No. 47, Granting permission to the Board of Directors of A & M College to accept certain land and buildings.

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

The resolution was adopted.

CONFERENCE COMMITTEE APPOINTED ON S. B. NO. 308

The Speaker announced the appointment of the following Conference Committee on the part of the House on S. B. No. 308:

Messrs. Walling, Parish, Kothmann, Cloud and Kelly.

CONFERENCE COMMITTEE APPOINTED ON S. B. NO. 237

The Speaker announced the appointment of the following Conference Committee on the part of the House on S. B. No. 237:

Messrs. Martin, Murray, Mann, Cotten and Blalock.

OFFICIALLY PROCLAIMING MAY 1, 1957, AS NATIONAL YOUTH DAY

Mr. Smith of Jefferson (by unanimous consent) offered the following resolution:
Whereas, The day of Wednesday, May 1, 1957, has been officially proclaimed as National Youth Day, many State, County, and City officials throughout the United States have pledged their cooperation with the Benevolent and Protective Order of Elks, who are sponsoring this observance in honor of American Youth; and

Whereas, Many patriotic groups throughout this country will participate in Youth Day activities which will feature the slogan "Make May Day American," and which will extend deserved recognition to American Youth for its stalwart resistance to the insidious campaign of Communist propaganda and other subversive influences designed to undermine our form of government, and to urge that the young men and women of America continue to dedicate themselves to the ideals of freedom and justice and the American way of life; and

Whereas, More than a million members of the Benevolent and Protective Order of Elks, of whom are members of lodges in the State of Texas, will observe this day in recognition of American Youth; now, therefore, be it

Resolved, That the Benevolent and Protective Order of Elks in the State of Texas be urged to cooperate in the observance of this day and that suitable programs honoring the young people of America be arranged, and that these observances call public attention to the principles of democracy upon which the American government was founded, and encourage our young men and women to follow the path of good citizenship; and, be it further

Resolved, That the Benevolent and Protective Order of Elks and their National, State, and local lodges be commended for their patriotic and unifying efforts in behalf of the youth of America and for their unselfish dedication to the ideals of Liberty, Justice, and Honor, and to the ideals of Democratic Government under the Constitution of the United States of America.

The resolution was adopted unanimously.

SENATE BILL ON FIRST READING

The following Senate Bill received from the Senate was today laid before the House read first time and referred to the appropriate Committee, as follows:

S. B. No. 415 to the Committee on Judiciary.

RECESS

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

"Save this moment, O Lord from being merely a gesture to custom or convention and make a real experience for every one of us in this Hall, as we call upon Thee for guidance and help. Thou hast said, when we stand praying, 'Forgive if you have sinned against any.' Give us the grace to lay aside all bitterness or resentment we may be nursing in our hearts, lest their acid eat into our peace and corrode our spirits. Thou hast said 'It is more blessed to give than receive.' Give us the grace today, to think not of what we can get, but of what we can give, that a new spirit may come into our work here, with a new vision that Thou wilt delight to bless. For Thy sake.—Amen."

On motion of Mr. Bartram the House at 5:37 o'clock p. m., took recess until 8:30 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills and resolutions, as follows:


April 25, 1957

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ACHERY THE COMMITTEE ON

Education: H. B. No. 873 and H. R. No. 128.
Liquor Regulation: S. B. No. 29.
Public Lands and Buildings: S. B. No. 316.
Rules: H. C. R. No. 86 and H. R. No. 129.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 24, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 558, A bill to be entitled “An Act authorizing the appointment of a water master in any suit where the State of Texas is a party and the purpose of the suit is to determine the rights of one hundred (100) or more parties to divert or use waters of a surface stream in which such rights are asserted to divert or use such waters in four (4) or more counties; prescribing the power, 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 cost and making other provisions relating thereto; providing a severability clause; providing this Act be cumulative and declaring an emergency.”

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 24, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 914, A bill to be entitled “An Act amending Chapter 243, Acts of the Fifty-third Legislature, Regular Session, 1953, so as to eliminate the present requirement that charges and rates for water furnished in cities and towns of the District shall be uniform regardless of the distance from the source, and to provide that such charges and rates and any penalties to be imposed in connection therewith shall be fixed by unanimous vote of the District’s Board of Directors; ratifying, confirming and validating (a) the District and its organization; (b) all acts and proceedings heretofore accomplished by its Board of Directors; (c) all elections heretofore held and bonds heretofore voted in the District; (d) all water supply contracts heretofore authorized and executed on behalf of the District; and declaring an emergency.”

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 24, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 46, Granting Nash Gasoline Company permission to use the State of Texas.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 24, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 54, Granting Anastacio Vargas permission to sue the State of Texas.
H. C. R. No. 74, Suspending the Joint Rules, etc.

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 64, Granting Anastacio H. C. R. No. 74, Suspending the
Vargas permission to sue the State Joint Rules, etc.

Has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.
Austin, Texas, April 24, 1957

AMOS A. MARTIN,
Vice Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 878, An Act creating a
County Court at Law No. 2 for Lub- 
beck County, Texas, and making oth­ 
er provisions relative thereto; and 
declaring an emergency.

Has carefully compared same and finds it correctly enrolled.
W. C. SCHWARTZ, Chairman.

SENT TO THE GOVERNOR

April 24, 1957
H. B. No. 878.
H. C. R. No. 74.
In Memory of

Floyd Hadley Reeve

Mr. Osborn, by unanimous consent, offered the following resolution:

H. S. R. No. 403, In Memory of Floyd Hadley Reeve.

Whereas, On April 11, 1957, Friona and the State of Texas lost a worthy citizen in the passing of Floyd Hadley Reeve; and

Whereas, He was born on April 10, 1912, in Parmer County and was the son of Mr. and Mrs. F. W. Reeve. He was married on February 28, 1942, at Denison to Miss Fay Pinckley. He received degrees from West Texas State College and Texas Tech and he spent many years in the teaching profession prior to his association with Reeve Chevroler Company; and

Whereas, He was a member of Friona Masonic Lodge, the local school board, and the Farm Bureau in Parmer County; and

Whereas, He is survived by his widow; four children, Floyd, Sharon, David and Carol; his parents; two brothers, Glenn of Friona and Charles of Naugatuck, Connecticut; three sisters, Mary of Pampa, Esther O'Rear of Amarillo; Ruth Hume of Paynes Creek, California; eleven nieces and nephews; and

Whereas, In the Book of Saint John in the Holy Bible is the comforting promise, “In my Father's house are many mansions; if it were not so, I would have told you:” now, therefore, be it

Resolved, That the House of Representatives of the Fifty-fifth Legislature adjourns this day in memory of Floyd Hadley Reeve and that a page in the House Journal be set aside out of respect to him.

The resolution was unanimously adopted by a rising vote.
In Memory of

Herschel M. Duncan

Mr. Pressler, by unanimous consent, offered the following resolution:

H. S. R. No. 404, In Memory of Herschel M. Duncan.

Whereas, On February 15, 1967, the city of Houston mourned the passing of one of its most beloved citizens, Herschel M. Duncan, and

Whereas, With his death, the ranks of pioneer businessmen who helped to develop that community into the metropolis that it is today was further thinned.

Whereas, Mr. Duncan was a native of Kentucky, the son of a noted Scottish educator, Dr. John G. Duncan, educated at South Normal College, and came to Houston at the age of eighteen to begin his work in the world of business.

Whereas, Mr. Duncan was the President of the Duncan Coffee Co., one of the largest coffee concerns in the nation. Beginning as an employee of the Creek-Neal Coffee Co. in 1907, he soon founded the Duncan Coffee Co. In 1933 he began to expand his company, acquiring concerns in Houston and Dallas which brought his profits from a hundred dollars to several million dollars a month.

Whereas, Herschel Duncan was an example of the American spirit of free enterprise and self reliance, climbing the ladder of success by his own efforts and knowing his business from the ground up, preferring to establish his own business rather than work for another's. Through his sincere and fair business practice he was elevated to a position of leadership in his communities' affairs. He was active in welfare work; a Director of Jefferson Davis Hospital in Houston; The Houston Horse Show Association; The Houston Fat Stock Show and Rodeo; a patron of the Houston Symphony Orchestra; a generous subscriber to many civic and charitable organizations; a member of the Masons, the Honorable Order of Kentucky Colonels and many professional organizations.

Whereas, The House of Representatives wishes to pay tribute to the memory of Herschel M. Duncan, whose worthy life was a glittering example of the American Way of Life in business, generosity and reverent responsibility to the public and the people that he knew and loved. Therefore, be it

Resolved, That the House express its sympathy to the family of this great citizen and forward to them a copy of this Resolution, and, be it further

Resolved, That a page be set aside in the House Journal in memory of Mr. Duncan and that when the House adjourns this day it does so in loving and reverent respect to him.

PRESSLER, WINFREE, MANN, ELLIOTT.

The resolution was unanimously adopted by a rising vote.