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

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

Mr. Speaker
Anderson
Armor
Atwell
Baker
Ballman
Bartram
Bass
Bell
Bishop
Blaine
Blanchard
Bowers
Boyson
Breahen
Bratton
Bryan
Bullock
Burkett
Byrd
Chapman
Clute
Cline
Cole
Coley
Combs
Cory
Cotzen
Cowen
Cox
Cristhwaite
Day
de la Garza
Dewey
DuBois
Dugan
Dungan
Ehrle
Elliot

Lee
McCookin
McDonald
McGregor
McGregor
McGregor
McHenty
Mann
Martin
Matthew
Mays
Moore of Harris
Moore of Tarrant
Mullen
Murray
Myatt
Oliver
Osborn
Paren
Parsons
Peterson
Pitkin
Pool
Prenderger
Puckett
Ramsay
Richardson
Roberts
Russell
Sadler
Sandahl
Sanders
Schafer
Schwartz
Schwartz
of Tarrant
Shaw
Sider
Smith
Smither
Smith
Smith
of Galveston
Smith
Smith
of Houston
Shannon
Shannon
of El Paso
Shannon
of Erath
Shaw
Sheridan
Siddall
Speer
Speer
of Washington
Secor
Sneed
Shannon
of Erath
Shannon
of Tarrant
Shaw
Sheridan
Siddall
Smith
Smith
of Hays
Smith
of Jefferson
Spelman
Springer
Springer
Storey
Strickland
Sudduth
Sutton
Talaia
Terrell
Tennant
Tennant
Thurmond
Wilson
of Potter
Winfree
Woolsey
Woolsey
Yezak

Absent—Excused
Kelly
Zbranek
Wilson of Young

A quorum of the House was announced present.

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

"Lord Jesus we know of no better way to begin the work of another
week, than by rededication to Thee, resolving to trust Thee and to obey Thee, and to do our very best to serve Thee, by serving our fellow man. In these days that call for understanding, for mercy, for the salvation of men's souls and healing of their bodies, may we have Thy Spirit that we may work to that end, for Thou art the Savior of the world and we have no hope apart from Thee. Hear our prayer for Thy mercy's sake.—Amen".

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Wilson of Young for today on motion of Mr. Stroman.

Mr. Zbranek for today on motion of Mr. Sanders.

The following Member was granted leave of absence on account of illness:

Mr. Kelly for today on motion of Mr. Cloud.

SENATE BILLS ON FIRST READING

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

S. No. 240 to the Committee on Education.
S. No. 312 to the Committee on State Affairs.
S. No. 331 to the Committee on Education.

NOTICE GIVEN

Mr. Bams gave notice that he would on tomorrow call from the Journal the motion to reconsider the vote by which the Amendment offered by Mr. Watson, on April 23, 1957, to H. J. No. 38 was adopted.

MOTION TO PRINT H. B. NO. 211

Mr. McMillan moved to print H. B. No. 211 on a minority report.

A record vote was requested on the motion to print H. B. No. 211 on a minority report.

The motion was lost by the following vote:

Year—57
Anderson
Armour
Balls
Bates
Bishop
Brisse
Bullock
Chapman
Cloud
Cole
Cotten
Dewey
Dugan
Ferrell
Glassing
Harrington
Heffin
Huffer
Hughes of Grayson
Hutchins
Jamison
Joseph
Konnard
Kilpatrick
Koroth
Lee
McGregor
McLennan
Hughes of Grayson
Hofstetin
Baker
Bartram
Bell
Blaine
Bowers
Boyesen
Byrd
Cline
Conley
Cory
Cowan
Cook
Cox
Day
de la Garza
Ellis
Elliot
Ellis
Fenoglio
Foreman
Foreyth
Green
Hale
Hensley
Holowell
Holman
Yeas—67
McGregor
McLennan
McLennan
McLennan
McIntosh
McDermott
Moffett
Moore
Moore
Mullen
Murray
Parham
Pipkin
Pool
Pressler
Ramsey
Richardson
Richardson
Yepak
Nays—67
Mr. Burkett called up Senate Amendments to H. B. No. 427.  

An Act authorizing and directing the Game and Fish Commission to publish information; authorizing sale of publications at not to exceed cost; providing for the disposition of funds; providing for the collection, deposit, and use of moneys collected; providing for authority to sell subscriptions to monthly publications; providing for compensation for persons collecting and remitting funds referred to in this Act; requiring procedure for making remittances; providing the form thereof; and declaring an emergency.

The motion prevailed by the following vote:

Year—136

Anderson  Baker  Ballman
Armour  Baker  Boles
Bartram  Kothmann  Bess  Latimer
Bishop  Laurel  Blaine  Lee
Blanchard  McCoppin  Bowers  McDonald
Boysen  McGregor  Bristow  of McLennan
Bryan  McGregor  Bullock  of El Paso
Burkett  McLain  Byrd  Man
Chapman  Martin  Cline  Matthew
Cloud  Mays  Coley  Moore of Harris
Conley  Moore of Tarrant  Cory  Malien
Cotten  Murray  Cowen  Myatt
Cox  Oliver  Crosthwait  Odern
Day  Parish  de la Garza  Parsons
Dewey  Patterson  Duff, Miss  Pipkin
Dugas  Presler  Dungan  Puckett
Ehle  Ramsey  Ellis  Richardson
Fenoglio  Roberts  Forsyth  Sandahl
Glasing  Sanders  Green  Schram
Hale  Schwartz  Harrington  of Galveston
Hensley  of Washington  Holwell  Shackelford
Holman  Shackleford  Holton  Shannon of Brath
Hopkins  Shannon of Tarrant  House  Shaw
Hufman  Sherman  Huffman  Sherrill
Hughes of Grayson  Slack  Hughes of Dallas  Smith of Hays
Hutcheson  Smith of Jefferson  Isaacks, Miss  Sotulman
Jackson  Stewart  Jamison  Storrey
Johnson  Strickland  Jones  Stoneman
Joseph  Suderth  Kennard  Sutton
Kennedy  Talasek  Kilpatrick  Terrell
Kenia  Thurmard
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**TEXT OF SENATE AMENDMENTS TO H. B. NO. 27**

**Senate Amendment No. 1**

Amend Sec. 1 of H. B. No. 27 by striking out the words “and direct­ed.”

**Adopted, April 24, 1957**

**Senate Amendment No. 2**

Amend caption to conform to body of bill.

**Adopted, April 24, 1957**

**INTRODUCTION OF HOUSE BILLS**

Mr. Dewey asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 915.

There was no objection offered and it was so ordered.

Mr. White asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 916.

There was no objection offered and it was so ordered.

**RELATIVE TO H. B. NO. 855 AND H. B. NO. 900**

Mr. Sutton asked unanimous consent of the House that certain cor­rections be made in H. B. No. 855 and H. B. No. 900.

There was no objection offered and it was so ordered.

**ADOPTION OF CONFERENCE COMMITTEE REPORT ON S. J. R. NO. 4**

Mr. Bryan submitted the following Conference Committee Report on S. J. R. No. 4:

Austin, Texas, April 25, 1957

Hon. Ben Ramsey, President of the Senate.

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

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. J. R. No. 4, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

ASHLEY, KRUEGER, BRACEWELL, REAGAN, SECREST.

On the part of the Senate

BRYAN, BLAINE, FORSYTH, REELIGION, STEWART.

On the part of the House

Senate Joint Resolution No. 4

Proposing an Amendment to Sec­tion 95 of Article XVI of the Constitu­tion of the State of Texas, provid­ing that the Legislature be authorized to appropriate money and establish the procedure necessary to expend such money for the purpose of developing information about the historical, natural, agricultural, industrial, educational, marketing, recreational and living resources of Texas, and for the purpose of informing persons and corporations of other states through advertising in periodicals hav­ing national circulation and the dis­semination of factual information about the advantages and economic re­sources offered by the State of Texas, providing that neither the name nor the picture of any living state official shall ever be used in any of said advertising, and providing that the Legislature may require that any sum of money appropriated hereunder shall be matched by an equal sum...
April 29, 1957

HOUSE JOURNAL 2273

The following Constitutional Amendment shall be submitted to a vote of the qualified voters of this State at an election to be held on the first Tuesday after the first Monday in November, 1958, at which election all ballots shall have printed thereon the following:

"FOR the Amendment to the Constitution authorizing the Legislature to make appropriations and establish procedure for advertising the historical, natural, agricultural, industrial, educational, recreational and other resources of Texas.

"AGAINST the Amendment to the Constitution authorizing the Legislature to make appropriations and establish procedure for advertising the historical, natural, agricultural, industrial, educational, recreational and other resources of Texas."

Sec. 3 The Governor of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this State.

Mr. Bryan moved that the Conference Committee Report on S. J. R. No. 4 be adopted.

The motion prevailed by the following vote:

Year—109

Anderson  Kennedy
Atwell  Kilpatrick
Baker  Koliba
Ballman  Koptz
Bartram  Kochmann
Bass  Latimer
Bell  Laurel
Bishop  Lee
Bland  McCoppin
Blanchard  McGregor
Braehear  of McLennan
Bryan  McGregor
Bullock  of El Paso
Byrd  McIlvaine
Cline  Mann
Cole  Martin
Colley  Mayo
Conley  Moore of Harris
Cox  Mullin
Crosthwait  Murray
Day  Myatt
de la Garza  Oliver
Dewey  Osbourn
DeWagon  Parish
Ehrle  Parsons
Elliot  Patterson
Penslow  Pidkin
Foreman  Pool
Forsyth  Presler
Gleason  Puckett
Guinsing  Ramsey
Green  Roberts
Hale  Russell
Harrington  Sadler
Hasty  Sandahl
Heffin  Sanders
Hensley  Schram
Holman  Schwarts
Holsteth  of Galveston
Hoeks  Schwerz
Honey  of Washington
Hudson  Shackelford
Huffman  Shannon of Erath
Huffor  Sheridan
Hughes of Grayson  Sherrill
Hutchins  Slack
Isaacs, Miss  Smith of Jefferson
Jackson  Spilman
Jones  Springer
Joseph  Stovley
Kennard  Strickland
Mr. Bynan moved to reconsider the vote by which the Conference Committee Report on S. J. R. No. 4 was adopted and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 287 ON PASSAGE TO ENGROSSMENT

Mr. Hutchinson called from the Journal the motion to reconsider the vote by which H. B. No. 287 failed to pass to engrossment.

The motion to reconsider the vote by which H. B. No. 287 failed to pass to engrossment prevail.

Question—Shall H. B. No. 287 pass to engrossment?

TO NAME MARGARET PRISCILLA ROUNTREE AND CATHY JUNE ROUNTREE AS HONORARY MASCOTS OF THE HOUSE

Mr. McCoppin offered the following resolution:

Whereas, We find Margaret Priscilla Rountree, age six, and Cathy June Rountree, age four, to be proper candidates for Mascots of the House of Representatives; and

Whereas, They are the charming grandchildren of our esteemed fellow member, the Honorable L. C. Terrell and his lovely wife, Laura Terrell, of DeKalb, Texas; now, therefore be it

Resolved by the House of Representatives of the State of Texas, That Margaret Priscilla Rountree and Cathy June Rountree be, and they are hereby, named Honorary Mascots of the House of Representatives of the Fifty-fifth Legislature, Regular Session; and, be it further

Resolved, That a copy of this Resolution be sent to these grandchildren, and that the 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.

WELCOMING THE SENIOR CLASS OF ST. MARY'S HIGH SCHOOL OF FORT WORTH, TEXAS

Mr. Kennard offered the following resolution:

WHEREAS, The Senior Class of St. Mary's High School in Fort Worth were guests of the House of Representatives of the Fifty-fifth Texas Legislature on Wednesday, April 24, 1957, and

Whereas, These 13 interested and ambitious students accompanied by their teachers, Sister Ann Vincent and Sister Mary Elaine, Rev. Father Meinard Morough, Mrs. T. J. Murphy, Jr. and Mrs. G. A. Pulliam, made a trip of almost two hundred miles to watch the proceedings of the House and Senate; and

Whereas, Each of these students is to be praised and commanded for their interest in our grand and glorious State of Texas and its government, and Sister Ann Vincent, Sister Mary Elaine, Rev. Father Meinard Morough, Mrs. Murphy and Mrs. Pulliam are to be praised and commanded for their splendid work in assuring these students the opportunity to see these
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Resolved, That we extend our sincerest best wishes to this group of young Texans, 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.

KENNARD,
HOLMAN,
McDONALD,
SHANNON of Tarrant,
GREEN,
COWEN,
MOORE of Tarrant.

The resolution was adopted.

WELCOMING STUDENTS OF THE O. HENRY JUNIOR HIGH SCHOOL OF AUSTIN, TEXAS

Mr. Jones offered the following resolution:

H. S. R. No. 412

Whereas, The Seventh Grade Students of the O. Henry Junior High School of Austin, Texas, accompanied by their Teacher, Mrs. John E. Coats, were visiting in the State Capitol on the twenty-third day of April, 1957; and

Whereas, These fine young American citizens were on an educational tour to observe and learn the workings of their State government; and

Whereas, It is the desire of the House of Representatives of the Fifty-fifth Legislature to commend this group for their interest; now, therefore, be it

Resolved, That they be officially recognized and that a copy of this Resolution be forwarded to the Class.

JONES,
SANDAHL,
POREMAN.

The resolution was adopted.

WELCOMING STUDENTS OF THE O. HENRY JUNIOR HIGH SCHOOL OF AUSTIN, TEXAS

Mr. Jones offered the following resolution:

H. S. R. No. 413

Whereas, The Seventh Grade Students of the O. Henry Junior High School of Austin, Texas, accompanied by their Teacher, Mrs. Roberta S. Dickenson and Mr. and Mrs. Thompson, were visiting in the State Capitol on the twenty-third day of April, 1957; and

Whereas, These fine young American citizens were on an educational tour to observe and learn the workings of their State government; and

Whereas, It is the desire of the House of Representatives of the Fifty-fifth Legislature to commend this group for their interest; now, therefore, be it

Resolved, That they be officially recognized and that a copy of this Resolution be forwarded to the Class.

The resolution was adopted.

AUTHORIZING CERTAIN CORRECTIONS IN SENATE BILL NO 94

The Speaker laid before the House for consideration at this time, the following resolution:

S. C. R. No. 72

Whereas, Senate Bill No. 94 has been returned from the Governor's Office and is now in the Engrossing
and Enrolling Room of the Senate; and

Whereas, It has been discovered that the words "within three (3) days after the present convention" should be inserted between the words "convention" and "to" on Page 3, the 27th line of the enrolled copy of the bill; now, therefore: Be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Enrolling Clerk be authorized to make said corrections in said Senate Bill No. 94.

The resolution was read and was adopted.

HOUSE BILL NO. 433 ON SECOND READING

Mr. Quitman moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 433.

The motion prevailed.

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 433. A bill to be entitled "An Act revising the employers' liability and workmen's compensation insurance laws of this State by amending and adding to certain sections of Articles 8369, 8369a, 8367, and 8369, Revised Civil Statutes of 1925, as amended; amending Sections 7, 7a, 7b, 7c, 7d, 7e, 8, 9, 10, 11, 12, 12b, 18, 19, and 36d of Article 8369, Revised Civil Statutes of 1925; removing present limitations of medical service benefits and providing that such services shall include treatments necessary to physical rehabilitation and providing for referral of an injured employee by the Board of the Vocational Rehabilitation Division of the Texas Education Agency in cooperation between the Board and said Division regarding vocational rehabilitation; fixing fees of attorneys before the Board, single member or Commissioner, and before the courts and placing certain limitations thereon and providing for the payment thereof and the approval thereof by the Board, single member or Commissioner, or the court; providing for the payment into the Second Injury Fund under certain circumstances by the association; fixing the liability of the association to furnish artificial or prosthetic appliances and removing the present limitations on the cost thereof; fixing the benefits payable in cases of death, with limitations, and providing to whom payable; fixing requirements for appointment of guardians for minor beneficiaries in death cases; fixing the benefits payable in cases of funeral expenses, with limitations, and providing to whom payable; fixing the benefits payable for total incapacity, with limitations; providing the method of determining extent of partial incapacity and the method of computing compensation therefor, with limitations on amount payable; providing elements to be proved in case of a hazard and fixing benefits payable in such cases; providing procedure to be followed by the Board where the association willfully refuses or fails to pay compensation accrued or to comply with a final award, etc., and declaring an emergency."

The bill was read second time.

Mr. Winfree moved that further consideration of House Bill No. 433 be postponed until 2:30 o'clock p. m. today.

There was no objection offered and it was so ordered.

MESSAGE FROM THE SENATE

Austin, Texas, April 29, 1927.

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. 138 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, Kasee, Fly, Parkhouse, Ashley.

Respectfully submitted,

CHARLES SCHMABEL,
Secretary of the Senate.

HOUSE BILL NO. 107 ON SECOND READING

Mr. Dewey moved that the regular order of business be suspended to take...
up and have placed on its second reading and passage to engrossment, H. B. No. 107.

(Mr. Chapman in the Chair.)

The motion of Mr. Dewey prevailed.

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

H. B. No. 107. A bill to be entitled "An Act amending Section 48 of the Election Code of the State of Texas (Article 5.16 of Vernon's Texas Election Code), to require annual exemption certificates for all voters who are exempt from the payment of a poll tax; and declaring an emergency."

April 29, 1957

The bill was read second time.

(Speaker in the Chair.)

Mr. Jones offered the following amendment to the bill:

Amend House Bill No. 107 by deleting from Section 1, Paragraphs (d) and (e), and Section 2, and adding in lieu thereof the following: "(d) Certificates shall be in substantially the following form:

'Permanent Certificate of Exemption From Payment of Poll Tax

The State of Texas, County of_______, Precinct No._____.

I, ______________, Tax Collector for said county, do hereby certify that ______________ has on oath declared that his/her race is ______________; that he/she is ______________ years old, and that his/her occupation is ______________; that he/she has resided in the State of Texas for ______________ years and in said county for ______________ years; that he/she now resides in Precinct No._____. and that his/her street or post office address is ______________; that he/she is exempt from the payment of a poll tax by reason of ______________; and that he/she is a qualified voter under the Constitution and laws of the State of Texas.

Given under my hand and seal of office, this the ______________day of ______________, 19___.

(Signed) ____________

Tax Collector.

(SEAL) ____________ County, Texas"

"(e) Upon removal from the county, the holder of an exemption certificate issued under this section shall notify the tax collector of the fact of his removal. Upon removal to another election precinct in the same county, the certificate holder shall return the certificate to the tax collector during the period for the issuance of such certificates and obtain a new certificate. A voter moving to another county or precinct shall be entitled to vote in the precinct of his new residence during the voting year in which he changed his residence upon making an affidavit as provided in Section 47 of this Code; but he shall not be entitled to vote during a subsequent voting year unless he obtains a new certificate.

"(f) Before February 26, 1958, the county clerk of each county shall furnish to the county tax collector a list of the names and addresses of all persons over 60 years of age dying in the county between October 1, 1957, and January 31, 1959; and before February 20 of each year thereafter the county clerk shall furnish to the tax collector a list of the names and addresses of all such persons dying during the preceding year ending on January 31.

"(g) In making up the regular list of qualified voters each year, the tax collector shall include on that list the names of all persons therebefore issued exemption certificates under this section for whom the tax collector has not received a notice of removal from the county or precinct or a record of death as hereinafter provided, except that if the tax collector has reliable information that any certificate holder has died or has removed from the county or precinct without such information having been reported to him as provided above, the tax collector shall not include his name on the list of qualified voters.

"(h) In the event of loss of a certificate of exemption, the voter may secure a reissue under his old number by making affidavit of such loss before the county tax collector."

Sec. 2. In all elections held prior to February 1, 1958, persons who were not required to obtain an exemption certificate under the law as it existed prior to the passage of this Act shall be entitled to vote without an exemption certificate if they are otherwise qualified. All voters subject to the provisions of
Section 48 of the Election Code, as herein amended, must obtain exemption certificates in the form prescribed therein, before February 1, 1958, in order to vote at elections held during the voting year beginning on February 1, 1958.

The amendment was lost.

A record vote was requested on the passage of H. B. No. 107 to engrossment.

House Bill No. 107 failed to pass to engrossment by the following vote:

Yea—44
Anderson Latham
Armstrong McDonald
Bartman McGreggor
Bate McGreggor
Bell of El Paso
Blaize of El Paso
Bonds Mann
Branhearn Martin
Burkett Moore of Harris
Cade Moore of Tarrant
Conley Mullen
Cory Murray
de la Garza Parish
Dewey Peterson
Duke Pickin
Elli Russell
Fairwell Sanders
Poreman Saul
Powers Schram
Gundage Schwartz
Green of Galveston
Hale Seeligson
Heffin Shannon
Hendley of Tarrant
Holman Sheridan
Honey of Smith of Hays
Hosha Spillman
Huffman Stewart
Jeacks Miss Strickland
Johnson Tennell
Jones Welch
Joseph White
Kennard Wilson of Potter
Kothmann Woolsey

Nay—73
Armbrister Byrd
Baker Chapman
Baltman Cline
Bishop Cloud
Boyes Coley
Bright Outdoor
Bryan Cowan
Bullock Cox

Cristie until Premoer
Day Puckle
Duff, Miss Ramsey
Dungan Richardson
Ehrle Roberts
Fenoglio Sadler
Ford Sandahl
Ghass Schwarts
Harrington of Washington
Hestly Shackelford
Hollowell Shannon of Krah
Holafstein Shaw
Hooks sherftill
Huffer Shack
Hughes of Grayson Smith of Jefferson
Hughes of Dallas Springer
Hutchins Strey
Kilpatrick Stroman
Koliba Sudler
Laurel Sutton
Lee Talasek
McCulloch Terrell
McHans Thattom
Matthew Turman
Mays Wailing
Myast Watson
Oliver Wheeler
Parrs Wintree
Pool Yeak

Absent

Atwell
Elliot
Jackson
Jamieson

Absent—Excused.

Kelly Zbranek

Wilson of Young

Mr. Thurmond moved to reconsider the vote by which H. B. No. 107 failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, April 29, 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 adopted the Conference Committee report on S. J. R. No. 4 by the following vote: Yea 24, Nays 8.

Respectfully submitted,
CHARLES SCHMIDT,
Secretary of the Senate.
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HOUSE BILL NO. 60 ON THIRD READING

Mr. Hughes of Grayson moved that the regular order of business be suspended to take up and place on its third reading and final passage, H. B. No. 60.

The motion prevailed.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 60, A bill to be entitled "An Act making findings 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 third time and was passed.

On motion of Mr. Hughes of Grayson and by unanimous consent of the House, the Caption of House Bill No. 60 was ordered amended to conform with the body of the bill.

BILLS SIGNED BY THE SPEAKER

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

S. B. No. 42, An Act changing the name of the Texas Prison System to the Texas Department of Corrections; the name of the Texas Prison Board to the Texas Board of Corrections; and the title of General Manager of the Texas Prison System to Director of Corrections; and declaring an emergency.

S. B. No. 49, An Act amending Article 2904, Revised Civil Statutes of Texas, 1925, as amended, and Article 581, Revised Code of Criminal Procedure of Texas, 1925, as amended, relating to the selection of jurors by the jury wheel system; and the selection of special venire by the jury wheel system so as to make its provisions applicable to additional counties; providing a severability clause; and declaring an emergency.

S. B. No. 191, An Act to amend Article 11.31 of Chapter Twenty-one of the Insurance Code (Acts 1905, p. 192, as amended by Acts 1939, 41st Legislature, 1st Called Session, p. 5, Chapter 3, Section 1) 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; to provide penalties for violations of provisions hereof; and declaring an emergency.

S. B. No. 220, An Act authorizing the County Board of School Trustees of each county to contract with the State Department of Public Welfare for coverage of certain persons under the provisions of the Old Age and Survivors Insurance Program of the Federal Social Security Act; etc.; and declaring an emergency.

S. B. No. 268, An Act to amend Section 5 of Chapter 42, Acts of the 41st Legislature, Second Called Session, as last amended by Chapter 182, Acts of the 49th Legislature, Regular Session, by the addition thereto of a new Section 5a, to increase the maximum load limit on certain type commercial motor vehicles from forty-eight thousand (48,000) pounds to fifty-eight thousand (58,000) pounds where such vehicles are used for a specialized purpose and within a specified area; repealing all laws in conflict herewith: providing for conditional effectiveness of the act; and declaring an emergency.

S. B. No. 347, An Act amending Section 2 of Chapter 3, House Bill No. 9, Acts of the Forty-sixth Legislature, Regular Session, 1939, as amended by Chapter 97, Acts of the Fifty-third Legislature, Regular Session, 1953, providing for the leasing of lands belonging to the State of Texas for the production of oil, gas, coal, lignite, sulfur, salt and potash; providing that leasing of minerals other than oil and gas shall not be subject to the provisions of Article 5815, Revised Civil Statutes, 1925 and Subsection 8,
Sections 8-A of Section 1, Chapter 40, Acts of the Forty-second Legislature, Second Called Session, 1931; providing that the minerals may, at the discretion of the School Land Board, be leased together or separately; providing the minimum royalty; repealing all laws in conflict herewith; and declaring an emergency.

S. B. No. 248, An Act amending Chapter 497, Acts of the Fifty-fourth Legislature, Regular Session, 1955; providing for the prospecting of land belonging to the State for certain minerals; providing for the filing of an application with the Commissioner of the General Land Office; providing the rental payment to accompany such application; providing for the issuance of permits by the Commissioner of the General Land Office; etc., and declaring an emergency.

S. B. No. 379, An Act amending subsection (g) and subsection (c) of Section 1, Article XVII, Chapter 184, Acts of the Regular Session of the 47th Legislature, as amended, to re-define the term "distributor" and the term "first sale" of motor fuel; and by adding a new subsection (g) to the said Section 1, to define the term "tax free" sale or purchase of motor fuel; amending Section 5 of said Article by adding new provisions thereto authorizing distributors to make sales of motor fuel tax free to wholesale dealers and jobbers holding valid permits as distributors, who purchase said motor fuel for taxable resale or distribution at wholesale; requiring taxes be collected and paid to this state on resale, distribution or use of said motor fuel and on motor fuel unaccounted for; requiring Comptroller to issue revocable certificates of authority to make tax free sales and prescribing limitations and conditions of said certificates of authority commensurate with amount of bond filed and value of property subject to tax lien of the purchasing distributor; providing taxes collected shall be for use and benefit of State of Texas and shall be paid to said state as provided by law; amending subsection (a) of Section 7 of said Article by increasing the amount of bond that may be required of a distributor; providing reduction of bond set by Comptroller under certain conditions; amending subsection (b) of Section 2 of said Article setting out allowance for evaporation, handling losses and expense of collecting taxes; repealing conflicting provisions of law, and preserving taxes, penalties, interest, items and bonds existent prior to amendments; containing a savings clause; fixing the effective date of said law as amended, and declaring an emergency.

S. B. No. 450, An Act authorizing the creation of Public Hospital Districts by the Commissioners Court, providing for a petition by the qualified taxing voters; defining said districts and requesting the issuance of bonds and the levying of a tax for the payment thereof; providing for a deposit to be made for holding elections in connection therewith; providing for a hearing before the Commissioners Court prior to said election or elections; etc., and declaring an emergency.

RECESS

Mr. Strickland moved that the House reassemble until 3:30 o'clock p.m. today.

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

The motion to adjourn was lost.

The motion to reassemble prevailed.

The House accordingly adjourned until 3:30 o'clock p.m., to reassemble until 2:30 o'clock p.m. today.

APRIL 11

The House met at 2:30 o'clock p.m. and was called to order by the Speaker.

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence on account of illness:

Mr. Talamoek on account of illness in family for today, on motion of Mr. Gus.

HOUSE BILL NO. 413 ON PASSAGE TO ENGROSSEMENT

The Speaker laid before the House postponed business on its passage to engrossment.

H. B. No. 413, A bill to be entitled "An Act revising the employers' Liability and workmen's compensation insurance laws of this State by
amending and adding to certain sections of Articles 8306, 8306a, 8307, and 8309, Revised Civil Statutes of 1925, as amended; amending Sections 7, 7c, 7d, 7e, 8, 8a, 9, 10, 11, 12, 12a, 18, 19, and 24d of Article 8306, Revised Civil Statutes of 1925; etc.

The bill having been read second time this morning and further consideration of same postponed until 2:30 o'clock p. m. today.

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

House Committee Amendment No. 1

Amend House Bill 433 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 8306, Revised Civil Statutes, 1925, as amended, be and the same is hereby amended by adding a new section to be numbered and to read as follows:

"Sec. 2a. Any employer having in his or its employment any person who is excluded or exempted from the operation of this law under the provisions of Section 2 of this article, and any corporation having in its employment any officer or director who is excluded or exempted from the operation of this law under the provisions of Section 1a, Article 8306, Revised Civil Statutes, 1925, may at any time waive such exclusion or exemption as the same applies to any such person, officer or director, and voluntarily accept the provisions of this law by giving notice to the Board that the employer has become a subscriber as respects such person, officer or director. Such notice shall be given to the Board in the same manner and shall have the same effect as provided in Section 3c of this article, and from and after the time of receipt thereof by the Board, such employer and such person, officer or director shall be subject to the provisions of this law, as if such exclusion or exemption had not been contained in this law. When any policy or contract of insurance issued by the association specifically includes within its coverage an employee any person who is otherwise excluded or exempted from the operation of this law, the acceptance of such policy or contract of insurance by the employer and the writing of same by the associations shall, for the period of such policy or contract of insurance, constitute a waiver of such exclusion or exemption and an acceptance of the provisions of this law with respect to such person notwithstanding the provisions of Section 3c of this Article, with respect to notice."

Section 2. That Sections 7, 7c, 7d of Article 8306, Revised Civil Statutes of 1925, as amended, be and the same are hereby amended so as to hereafter read as follows:

"Medical Services"

"Sec. 7. The association shall furnish such medical aid, hospital services, nursing, chiropractic services, and medicines as may reasonably be required at the time of the injury and at any time thereafter to care and relieve from the effects naturally resulting from the injury. Such treatment shall include treatments necessary to physical rehabilitation, including proper fitting and training in the use of prosthesis applied for such period as the nature of the injury may require or as necessary to reasonably restore the employee to his normal level of physical capacity or as necessary to give reasonable relief from pain, but shall not include any other phase of vocational rehabilitation. The obligation of the association to provide hospital services as herein provided shall not be held to include any obligation on the part of the association to pay for medical, nursing, or surgical services not ordinarily provided by hospitals as a part of their services. If the association fails to so furnish reasonable medical aid, hospital services, nursing, chiropractic services and medicines as and when needed after notice of the injury to the association or subscriber, the injured employee may provide said medical aid, nursing hospital services, chiropractic services, and medicines at the cost and expense of the association. The employee shall not be entitled to recover any amount expended or incurred by him for said medical aid, hospi-
tal services, nursing, chiropractic
services, or medicines, nor shall any
person who supplied the same be
substituted in lieu of the association
therefor, unless the association or
subscriber shall have had notice of
the injury and have refused to
supply or the Board, shall be allowed or approved against
any party or parties not represent-
ed by such attorney, nor exceeding
an amount equal to fifteen percent
(15%) of the amount recovered, in
addition to the reasonable expenses
incurred by the attorney in the pre-
paration and presentation of the said
claim before the single member or
Examiner, or before the Board, such
expense to be allowed by the single
member or Examiner or, upon re-
view, by the Board. Where an at-
torney represents only a part of
those interested in the allowance of
a claim before a single member or
Examiner or before the Board and
his services in prosecuting such
claim and obtaining an award there-
in inures to the benefit of others
jointly interested therein, then the
single member or Examiner, or upon
review, the Board may take these
facts into consideration and allow
the attorney a reasonable charge,
to be assessed against the interest
of those receiving benefits from the
services of such attorney. The at-
torney's fees herein provided for may
be redeemed by the association by
the payment of a lump sum or may
be commuted by agreement with
the parties subject to the approval of
the single member or examiner or,
upon review, of the Board, but not
until the claim represented by said
attorney has been finally determined
by the single member or Examiner
or the Board and accepted and ac-
cepted by the association. After
the approval, as first above provided
for, if the association be notified in
writing of such claim or agreement
for legal services, the same shall be
a lien against any amount thereafter
to be paid as compensation; provid-
ed, that where the employee's com-
pensation is payable by the asso-
ciation in periodic installments,
the single member or Examiner or
the Board shall fix at the time of
approval the proportion of each in-
stallment to be paid on account of
said legal services.

“Provided, however, if death re-
sulted from the injury and there is
no contest between parties and/or
persons claiming rights as benefici-
ary, or if the injury is a specific in-
amended, and the association admits such matter may be heard and determined. In fixing and allowing such attorney's fees the court must take into consideration the benefit accruing to the beneficiary as a result of such services. No attorney's fees (other than the amount which the Board may have approved) shall be allowed for representing a claimant in the trial court unless the court finds that benefits have accrued to the claimant by virtue of such representation, and then such attorney's fees may be allowed only on a basis of services performed and benefits accruing to the beneficiary.

Provided, however, in the event an appeal or proceeding in error is taken to an appellate court by any party, the attorney shall receive for his fee an amount not to exceed one-third (1/3) of the amount recovered.

Section 3. That Acts 1941, 47th Leg., p. 854, ch. 529, Sec. 1, Vernon's Ann. Civ. St., Section 7e, be and the same is hereby amended so as to hereafter read as follows:

"Artificial Appliances"

"Sec. 7e. In all cases where liability for compensation exists for an injury sustained by an employee in the course of his employment where artificial appliances of any kind would materially and beneficially improve the future usefulness and occupational opportunities of such injured employee, the association shall furnish such employee with the artificial or prosthetic appliance or appliances needed by him for such occupational opportunities. The association shall not be liable for replacing or repairing any such appliance so furnished, but shall be liable for the proper fitting and training in the use of same to such extent required by Section 7 of this article, as amended."

"In the event the association shall fail or refuse to furnish or provide such artificial appliances, such employee shall make application to a single member, Examiner or the Board for such artificial appliances. Upon receipt of such application, a single member, Examiner or the Board shall order a medical examination of the employee and obtain such other evidence as is depicted by or in his or her opinion be or it may seem necessary, after which the single member, Examiner or the Board shall determine whether or not the artificial appliances would materially and beneficially improve the future usefulness and occupational opportunities of the injured employee and in the event they find that such im-
Section 4. That Sections 8, 9, 10, 11, 12a, 12b, 12c-3, 12e, 13, and 19 and 20 of Article 806, Revised Civil Statutes, 1925, as amended, be and the same are hereby further amended so as to hereafter read as follows:

"Death Benefit"

"Sec. 8a. If death should result from the injury the association shall pay the legal beneficiaries of the deceased employee a weekly payment equal to sixty percent (60%) of his average weekly wages, but not more than Forty Dollars ($40) nor less than Nine Dollars ($9) per week, for a period of three hundred and seventy-five (375) weeks from the date of the injury."

"Beneficiaries"

"Sec. 8a. The compensation provided for in the foregoing section of this law shall be for the sole and exclusive benefit of the surviving husband who has not without good cause and for a period of three (3) years prior thereto, abandoned his wife at the time of the injury and of the wife who has not at the time of the injury without good cause for a period of three (3) years prior thereto, abandoned her husband, and of the minor children, parents and stepparents, without regard to the question of dependency, dependent grandparents, dependent children and dependent brothers and sisters of the deceased employee; and the amount recovered thereunder shall not be liable for the debts of the deceased nor the debts of the beneficiary or beneficiaries and shall be distributed among the beneficiaries as may be entitled to the same as hereinafore provided according to the laws of descent and distribution of this State; provided the right in such beneficiary or beneficiaries to recover compensation for death be determined by the facts that exist at the date of the death of the deceased and that said right be a complete, absolute and vested one. The compensation provided for in this law shall be paid weekly to the beneficiaries herein specified, subject to the provisions of this law. Such compensation shall not pass to the estate of the deceased to be administered upon, but shall be paid directly to said beneficiaries when the same are capable of taking, under the laws of this State. Notwithstanding any law of this State with respect to guardianship, the single member, Examiner, Board or court having jurisdiction over any claim of a beneficiary disqualified to receive such compensation directly by reason of infancy, lunacy or other disqualifying cause, may, in the absence of a regularly appointed guardian, appoint a parent, or a person standing in loco parentis, or other person qualified under rules of the Board, with full power and authority to receive and receipt for such compensation, and to expend, care for and manage the same on behalf of such beneficiary as a prudent person would manage his own property. The person so appointed need not be a resident of this State. During the period while such compensation is being paid, the single member, Examiner, Board or Court shall by appropriate order cancel the appointment of any such person and appoint another whenever it appears that such action is in the interest of such beneficiary. Whenever any person shall qualify as a regularly appointed guardian of the estate of such beneficiary, such qualification shall automatically be canceled any appointment made under this law and, upon notice of such qualification as guardian, the association shall cease payments to the person appointed as herein provided, and shall thereafter make such compensation payments directly to such duly qualified guardian."

"Funeral Expenses"

"Sec. 9. If the deceased employee leaves no legal beneficiaries, the association shall pay all expenses incident to his last sickness as a result of the injury and in addition a funeral benefit not to exceed $50.00."

"If any deceased employee leaves legal beneficiaries, but is buried at the expense of his employer or any other person, the expenses of such burial, not to exceed $50.00, shall be payable without discount for present payment in addition to the compensation due the beneficiary or
beneficiaries of such deceased employee, subject to the approval of the Board, single member or Examiner."

"Total Incapacity"

"Sec. 10. While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to sixty percent (60%) of his average weekly wages, but not more than Forty Dollars ($40) nor less than Nine Dollars ($9) and in no case shall the period covered by such compensation be greater than four hundred and sixteen (416) weeks from the date of the injury."

"Partial Incapacity—General Injuries"

"Sec. 11. While the incapacity for work resulting from the injury is partial, the association shall pay the injured employee weekly compensation, as provided in this section, during the existence of such partial incapacity. The percentage of partial incapacity caused by the injury shall be the percentage of wage earning capacity lost as a result of the injury. The compensation paid for such partial incapacity, weekly, shall be calculated by first determining a basic figure amounting to sixty percent (60%) of the average weekly wages of the employee but which basic figure shall not exceed Forty Dollars ($40); such basic figure shall then be multiplied by the percentage of partial incapacity caused by the injury, and the result shall be the weekly compensation which shall be paid during the existence of such partial incapacity for work. The period covered by such compensation for partial incapacity for work in no case shall be greater than one hundred and sixty (160) weeks; provided that in no case shall the period of compensation for total and partial incapacity for work exceed four hundred and one (401) weeks from the date of injury."

"Specific Compensation"

"Sec. 12. For the injuries enumerated in the following schedule, the employee shall receive in lieu of all other compensation except medical aid, hospital services and medicines as elsewhere herein provided, a weekly compensation equal to sixty percent (60%) of the average weekly wages of such employee, but not less than Nine Dollars ($9) per week nor exceeding Forty Dollars ($40) per week, for the respective period stated herein. To-wit:

For the loss of a thumb, sixty percent (60%) of the average weekly wages during six (6) weeks.

For the loss of a first finger, commonly called the index finger, sixty percent (60%) of the average weekly wages during forty-five (45) weeks.

For the loss of a second finger, sixty percent (60%) of the average weekly wages during thirty (30) weeks.

For the loss of a third finger, sixty percent (60%) of the average weekly wages during twenty-one (21) weeks.

For the loss of a fourth finger, commonly known as the little finger, sixty percent (60%) of the average weekly wages during fifteen (15) weeks.

The loss of the second or distal phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to equal the loss of the whole thumb.

The loss of the third or distal phalange of any finger shall be considered to be equal to the loss of one-third of such finger.

The loss of more than the middle and distal phalanges of any finger shall be considered to equal to the loss of the whole finger; provided that in no case shall the amount received for the loss of a thumb and more than one finger on the same hand exceed the amount provided in this schedule for the loss of one hand.

The loss of the metacarpal bone (bone or palm) for the corresponding thumb, finger or fingers above, add ten (10) weeks to the number of weeks as above subject to the limitation that in no case shall the amount received for the loss or injury to any one hand be more than for the loss of the hand.

For the loss of any finger or parts of fingers (not thumb) as given above.

For the loss of a hand, sixty percent (60%) of the average weekly wage of the employee, but not less than Nine Dollars ($9) per week nor exceeding Forty Dollars ($40) per week, for the respective period stated herein.
For the loss of an arm at or above the shoulder, sixty percent (60%) of the average weekly wages during two hundred (200) weeks.

For the loss of one of the toes other than the great toe, sixty percent (60%) of the average weekly wages during ten (10) weeks.

For the loss of the great toe, sixty percent (60%) of the average weekly wages during thirty (30) weeks.

The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

For the loss of one eye, sixty percent (60%) of the average weekly wages during one hundred and fifty (150) weeks.

For the complete and permanent loss of the sight of one eye, sixty percent (60%) of the average weekly wages during one hundred (100) weeks.

In the foregoing enumerated cases of permanent, partial incapacity, it shall be considered that the permanent loss of the use of a member shall be equivalent to and draw the same compensation as the loss of that member.

For the complete and permanent loss of the hearing in both ears, sixty percent (60%) of the weekly wages during one hundred and fifty (150) weeks.

For the loss of an eye and a foot, sixty percent (60%) of the average weekly wages during a period of three hundred and twenty-five (325) weeks.

For the loss of an eye and a leg, sixty percent (60%) of the average weekly wages during a period of three hundred and fifty (350) weeks.

"Where the employee sustains concurrent injuries resulting in concurrent incapacity, he shall receive compensation only for the injury which produces the longest period of incapacity; but this section shall not affect liability for the concurrent loss or the loss of the use thereof of more than one member, for which member compensation is provided in this schedule, compensation for specific injuries under this law shall be cumulative as to time and not concurrent.

"In all cases of permanent partial incapacity it shall be considered that the permanent loss of the use of the member is equivalent to, and shall draw the same compensation as, the loss of that member, but the compensation in and by said schedule provided shall be in lieu of all other compensation in such cases.

"In all other cases of partial incapacity, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of incapacity, taking into account among other things any previous incapacity, the nature of the physical injury or disfigurement, the occupation of the injured employee, and the age at the time of injury. The compensation paid therefor shall be calculated by first determining a basic figure amounting to sixty percent (60%) of the average weekly wages of the employee, but which basic figure shall not exceed Forty Dollars ($40); such basic figure shall then be multiplied by the percentage of incapacity caused by the injury, and the result shall be the weekly compensation which shall be paid for such period not exceeding three hundred (300) weeks as the Board, single member or Examiner may determine. Whenever the weekly payments under this paragraph would be less than Three Dollars ($3) per week, the payments shall be shortened, and the payments correspondingly increased by the Board, single member or Examiner."

"Heralds.

"Sec. 12b. In all claims for heridas resulting from injury sustained in the course of employment, it must be definitely proven:

1. That there was an injury resulting in heridas.
"1. That the hernia did not exist to any degree prior to the injury for which compensation is claimed.

"In all such cases where liability for compensation exists, the association shall provide competent surgical treatment by radical operation. In case the injured employee refuses to submit to the operation, the single member or Examiner or the Board, shall immediately order a medical examination of such employee by a physician or physicians, and at a time and place to be named in such order, at which examination the employee and the association or either of them, shall have the right to have his or their physician present. The physician or physicians so selected shall make a written report signed and sworn to, setting forth the facts developed at such examination and giving his or their opinion as to the advisability or non-advisability of an operation. If the single member or Examiner, or the Board finds from such examination and such report thereof and the expert opinions thereof that the employee has any chronic disease or is otherwise in such physical condition as to render it more than ordinarily unsafe to submit to such operation said employee shall, if unwilling to submit to the operation, be entitled to compensation for incapacity under the general provisions of this law. If the examination and the written report thereof and the expert opinions thereon, as filed before the single member, Examiner or the Board do not show the existence of disease or other physical condition rendering the operation more than ordinarily unsafe and the same is successful, the single member, Examiner or the Board shall so find and so reduce the compensation to be paid to the employee by reason thereof or any aggravation or increased injury which accrued to him by reason thereof. 

"If the hernia results in death within one year after it is sustained, or the operation results in death, such death shall be held a result of the injury causing such hernia and compensation accordingly under this law.

"2. That the hernia did not exist to any degree prior to the injury for which compensation is claimed.

"The special fund known as the "Second Injury Fund" shall be created in the following manner:

(a) In every case of the death of an employee under this Act where there is no person entitled to compensation surviving said employee, the association shall pay to the Industrial Accident Board the sum of Three Thousand ($3,000) to be deposited with the Treasurer of the State for the benefit of said Fund and the Board shall direct the distribution thereof.

(b) When the total amount of such payments into the Fund, together with the accumulated interest thereon, equals or exceeds One Hundred Thousand Dollars ($100,000) in excess of existing liabilities, no further payments shall be required to be paid to said Fund; but whenever thereafter the amount of such Fund shall be reduced below Fifty Thousand Dollars ($50,000) by reason of payments to such Fund, then payments to such Fund shall be resumed forthwith, and shall continue until such Fund again amounts to One Hundred Thousand Dollars ($100,000) or"
Thousand Dollars ($100,000) including accumulated interest thereon. (Acts 1917, p. 269; Acts 1947, 50th Leg.)

"Board May Order Operation"

Sec. 19a. In all cases where liability for compensation exists for an injury sustained by an employee in the course of his employment and a surgical operation for such injury will effect a cure of the employee or will materially and beneficially improve his condition, the association or the employee may demand that a surgical operation be had upon the employee as herein provided, and the association shall provide and pay for all necessary surgical treatment, medicines and hospital services incident to the performance of said operation, provided the same is had. In case either of said parties demands in writing such operation, upon receipt thereof, the single member or Examiner, or Board shall immediately order a medical examination of the employee in the same manner as is provided for in the section of this law relating to hernia. If it be shown by the examination, report of facts and opinions of experts, all reduced to writing and filed in the proceedings, that such operation is advisable and will relieve the condition of the injured employee or will materially benefit him, the single member, Examiner or Board shall so state in writing and by order in writing a copy of which shall be delivered to the employee and the association, shall direct the employee at a time and place therein stated to submit himself to an operation for said injury. If the single member, Examiner or Board should find that said operation is not advisable, then the employee shall continue to be compensated for his incapacity under the general provisions of this law. If the single member, Examiner or Board shall find and so state in writing that said operation is advisable, he or it shall make an order to that effect, stating the time and place when and where such operation is to be performed, naming the physicians there in who shall perform said operation, and if the employee refuses to submit to such operation, the single member, Examiner or Board may order or direct the association to suspend the whole or any part of his compensation during the time of said period of refusal. The results of such operation, the question as to whether the injured employee shall be required to submit thereto and the benefits and liabilities arising therefrom shall attach, be treated, handled and determined by the single member, Examiner or Board in the same way as is provided in the case of hernia in this law."

"Failure to Comply with Award"

"Sec. 16. It is the purpose of this law that the compensation herein provided for shall be paid from week to week and as it accrues and directly to the person entitled thereto, unless the liability is redressed as in such cases provided elsewhere herein. If the association wilfully fails or refuses to pay compensation as and when the same matures and accrues, or to comply with any final award, the Board shall notify said association that such is the course it is pursuing. If, after such notice, the association continues to wilfully refuse and fail to meet such payments of compensation as provided for in this law, or comply with such final award, the Board shall have the power to hold that such association is not complying with the provisions of this law, and shall certify such fact to the Board of Insurance Commissioners, and said certificate shall be sufficient cause to justify said Board of Insurance Commissioners to revoke or forfeit the license or permit of such association to do business in Texas; provided, said power of the Board shall not be held to deny the association the right to bring suit or suits to set aside any ruling, order or decision of the Board."

"Extraterritorial Effect"

"Sec. 19. If an employee, who has been hired in this State, sustains injury, or death resulting therefrom in the course of his employment, he or his beneficiaries shall be entitled to compensation according to the law of this State even though such injury was received outside of the State, if such employee, though injured out of the State of Texas, or the beneficiaries of such employee shall be entitled to the same rights and remedies as if such injury was sustained within the State of Texas, except as otherwise provided in Section 5, Article 8307, Revised Civil Statutes, 1925, as amended, provided that such injury shall have occurred within one year from the date such injured employee leaves this
State; and provided, further, that no recovery can be had hereunder in the event the injured employee or his beneficiaries have elected to pursue his or their remedy and have recovered in the State where such injury occurred.

"Schedule of Occupational Diseases

"Sec. 20. Wherever the terms "injury" or "personal injury", are used in the Workmen's Compensation Law of this State, such terms shall be construed to mean damage or harm to the physical structure of the body and such diseases or infection as naturally result therefrom. Unless from the context the meaning is clearly to the contrary, such terms shall also be construed to mean and include occupational diseases, as hereinafter defined. The following diseases only shall be deemed to be occupational diseases:

"(a) Poisoning by: (1) Aluminum Trichloride; (2) Arsenic; (3) Benzol or its homologues and derivatives; (4) Beryllium; (5) Cadmium; (6) Carbon Bisulphide; (7) Carbon Dioxide; (8) Carbon Monoxide; (9) Chlorine; (10) Cyanide; (11) Formaldehyde; (12) Halogenated Hydrocarbons; (13) Hydrochloric Acid; (14) Hydrofluoric Acid; (15) Hydrogen Sulphide; (16) Lead; (17) Manganese; (18) Mercury; (19) Methanol (Wood Alcohol); (20) Methanol Chloride; (21) Nitros Fumes; (22) Nitric Acid; (23) Petroleum or Petroleum Products; (24) Phosphan; (25) Selenium; (26) Sulphuric Acid; (27) Sulphur Dioxide; (28) Sulphur Trioxide; (29) Toluol; (30) Thallium; (31) Zinc;

"(b) Anthrax caused by handling of wool, hair, bristles, hides and skins;

"(c) Blister caused by prolonged or repeated use of tools or mechanical appliances;

"(d) Synovitis, Tenosynovitis, or Bursitis due to an occupation involving continual or repeated pressure on the parts affected;

"(e) Chrome ulceration;

"(f) Compressed air illness;

"(g) Dermatitis, that is, inflammation of the skin due to oil, cutting compounds or lubricants, dust, liquids, fumes, gases or vapors;

"(h) Diseased condition caused by exposure to x-rays or radioactive substances;
man of said Board. Said Board shall have the powers, duties and functions hereinafter conferred."

"Qualifications"

"Section 2."
(a) The Governor may reappoint any of the present members of the Industrial Accident Board to succeed himself on said Board upon expiration of his present term of office without regard to the qualifications hereinafter prescribed for future members of said Board. Except as otherwise provided above, each of the appointees to the Industrial Accident Board shall be an attorney at law of recognized ability duly licensed under the laws of the State of Texas. Because cumulative experience is conspicuously essential to the proper administration of this law, it is declared to be in the public interest to continue members of the Board in office so long as efficiency is demonstrated.
(b) The present Chairman of the Board shall continue as Chairman thereof for the remainder of his present term of office. Thereafter, the Governor shall designate a member as Chairman to hold such chairmanship for two years; provided, however, should the present Chairman or any future Chairman vacate such office before the expiration of the term of appointment of a Chairman, such appointment shall be only for the unexpired portion of such term. The Governor shall name such a Chairman every two years, provided a Chairman may be reappointed from time to time at the discretion of the Governor. The Chairman shall be the administrative head of the Board and shall have final authority in all matters relating to assignment of cases for hearing and the administrative work of the Board and its employees, except in the promulgation of rules and regulations wherein the Board shall act as a body. Except in the hearing and determination of cases, and except as herein otherwise provided, the Board shall operate as a whole, and a majority vote of the members shall be necessary to and sufficient for official action. In case of illness or absence or a vacancy in the Board, if there remain two members of it, such shall not impair the authority of the other two members to act for the full Board. In the event the Chairman of the Board should be incapacitated for any reason from performing the duties of such chairmanship, then such duties shall be performed during such incapacity of the Chairman by the one of the other two members of the Board having the longer period of service on the Board. The Board shall provide itself with a seal which shall be inscribed the words, "Industrial Accident Board, State of Texas." Any order, award or proceeding of said Board when duly attested by any member of the Board, Executive Directors, or its secretary, shall be admissible as evidence of the act of said Board in any court of this State."

"Salaries and Authority"

"Section 3."
(a) Each member of the Board shall receive an annual salary of Fifteen Thousand Dollars ($15,000) and each of the Examiners, hereinafter provided for, shall receive an annual salary of Ten Thousand Dollars ($10,000). All salaries of other officers and employees of the Board not specifically fixed by this law shall be set by the Board. The Board shall be authorized to make such expenditures for salaries, office space, supplies, furniture, equipment, traveling and such expenses as may be necessary. All expenditures of the Board in the administration of this law shall be allowed and paid from the Workers Compensation Fund as hereinafter created; provided, however, the salaries of the members of the Board shall be paid out of the general revenue fund.
(b) The Chairman, subject to the advice and consent of the Board, shall appoint and employ such officers, Examiners, agents and employees as are necessary to administer this law adequately, including an Executive Director, a Secretary, an Assistant Secretary, such number of Examiners, clerical employees and any other as it deems essential to the proper administration of this law, such appointees to serve at the pleasure of the Board. The Secretary, or in his absence or inability to act, the Assistant Secretary shall perform the usual duties of a secretary in connection with
meetings of the Board and such other duties as may be assigned to him by the Board.

Each Examiner appointed shall be approved by the unanimous actions of the Board, and shall devote his entire time to the duties of his office, and shall be a duly licensed practicing attorney at law of recognized ability or a former member of the Board. Examiners and Board members shall not practice law before any court or administrative agency in this or any other state, and shall receive no income from the practice of law or representation of others in any capacity, and shall maintain no affiliation or professional association with any other attorney or firm of attorneys, trade associations, labor unions, insurance company or claims adjuster. It shall be the duty of a single member or Examiner, under rules adopted by the Board, to hear and determine claims for compensation, and to conduct such hearings and investigations and to make such awards, rulings, orders, decisions and determinations as may be required by any general or special rule or order of the Board under the provisions of this law. Any award, order, ruling or decision of a single member or Examiner on such a claim shall be subject to review by the Board, upon review by the full Board as provided in Sec. 5 of this Article, the Board modifies or rescinds such award or decision.

A principal office of the Board shall be situated in the City of Austin, Texas, but other offices may be established and hearings may be held at such places as the Board may deem most convenient for the parties and for proper and speedy performance of its duties.

“Administrative Authority

Section 4. The Board shall adopt rules not inconsistent with this law as it may deem necessary for carrying out and enforcing the provisions hereof. In addition to its other duties and powers, the Examiners, single members and the Board is hereby given and granted full power and authority as follows:

(1) A single member or Examiner of the Board may require any employee claiming to have sustained injury to submit himself for examination before such single member or Examiner or someone acting under his authority at some reasonable time and place within the State, and as often as may be reasonably ordered by the single member or Examiner to such impartial duly licensed physician or physicians, chiropractor or chiropractors as may be selected by the single member or Examiner. The single member or Examiner shall fix the compensation of such physicians or chiropractors, which when so fixed shall be paid out of the Workmen’s Compensation Fund. If the employee or the association requests, he or it shall be entitled at his or its own expense to have a physician or physicians, chiropractor or chiropractors of his or its own selection present to participate in such examination. Refusal of the employee to submit to such examination shall deprive him of his right to compensation during the continuance of such refusal. When a right to compensation is thus suspended, no compensation shall be payable in respect to the period of suspension.

(2) When authorized by any single member or Examiner, the association shall have the privilege of having any injured employee examined by a physician or physicians, or chiropractor or chiropractors, of its own selection, at reasonable times, at a place or places suitable to the condition of the injured employee and convenient and accessible to him. The association shall pay for such examination and the reasonable expense incident to the injured employee in submitting thereto. The injured employee shall have the privilege to have a physician or chiropractor of his own selection present to participate in such examination. Provided, when such examination is directed by any single member or Examiner at the request of the association, the association shall pay the fee of the physician or chiropractor selected by the employee, such fee to be fixed by the single member or Examiner.

(3) If any employee shall persist in unsanitary or injurious practices which tend to either imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment, chiropractic service or other remedial treatment recognized...
by the State, as is reasonably essen-
tial to promote his recovery, any
single member or Examiner, may, in
his discretion, order or direct the
association to reduce or suspend the
compensation of any such injured
employee. No compensation shall be
reduced or suspended under the
provisions of this section without reason-
able notice to the employee and an
opportunity to be heard.

(4) The Board shall prescribe
rules and regulations governing re-
presentation of parties to proceed-
ing before a single member or Ex-
aminer, or the Board, and, subject
to the provisions hereinafter set
forth, the Board may bar or sus-
pend any person from practicing be-
fore single members, Examiners or
the Board, who is found guilty of
fraudulent or unethical conduct, or
intentional and willful disregard of
the rules and regulations prescrib-
ed by the Board under the
provisions of this law. Before barring or
suspending any such person, the
Board shall give written notice by
registered mail, return receipt re-
quested, to such person of a hear-
ing to be held, which hearing shall
not be held within less than ten
(10) days from the date of mailing of
said notice. Said notice shall set
forth the specific charges against
such person and the date and time of
the hearing, which hearing shall be
held in the principal office of the
Board. Upon the hearing of such
proceeding, the person so charged
shall have the right to be represent-
ed by counsel and the Board shall
be represented by the Attorney Gen-
eral of Texas. The Board shall have
the power to summon witnesses and
require the production of books, rec-
cords, and papers for the purpose of
such hearing, and to administer
oaths. Upon application of the per-
son charged, or his attorney, the
Board shall require the attendance
of witnesses and the production of
relevant books, records and papers
requested in such application. De-
positions desired to be taken by the
Board or the person charged shall
be taken upon commission issued by
the Board as provided in this law in
connection with the hearing of
claims. If the person charged shall
fail or refuse to appear for any
hearing after notice as provided
herein, the Board shall have author-
ity to proceed with such hearing,
and enter the proper orders the same
as if the person charged were pres-
ent in person. If, at such hearing,
the Board shall suspend or revoke
the right of any such person, then
such person may seek a review of
such order by filing suit in any of
the District Courts of Travis Coun-
ty, Texas, and not elsewhere, within
twenty (20) days from the date of
the order of the Board. On the
date of the rendition of any such or-
der of the Board a registered letter
shall be mailed to the person involv-
ed, which registered letter shall con-
tain a copy of such order. Immedi-
ately upon the filing of a suit to
review in Travis County, Texas, as
hereinabove provided, the order of
the Board shall be suspended and no
action taken to enforce the same
while such suit is pending. Such
suit shall be brought against the
Industrial Accident Board and cita-
tion shall issue as in ordinary civil
cases. Immediately upon receipt of
said citation, the Board shall forward
to the District Court its complete
record of all evidence, including
the oral testimony introduced in the
hearing before the Board, such
record to be certified by the Chair-
man of the Board and attested by
the Secretary. A suit to review un-
der this section shall take prece-
dence on the docket of the District
Court in which it is filed over all
other civil cases pending therein. If
the court, upon the hearing of such
suit, shall find that the action of
the Board in revoking or suspending
the right of the petitioner is not well
taken, such court shall by appro-
priate order and judgment set aside
such action of the Board; but if such
court shall sustain such action of
the Board in revoking or suspending
such right, an order shall be made
and entered in appropriate form
sustaining and affirming the action
of such Board; provided, however,
that either party may appeal as in
other civil causes.

(5) The maximum weekly com-
ensation, presently $40 per week,
specified in Article 8306, Sections
8, 10, 12, and the present
$49, specified as the maxi-
mum basic figure to be used in
computing weekly compensation for
partial incapacity as provided in Arti-
cle 8306, Sections 11 and 12, which
maximum amount hereinafter is referred to as “maximum weekly amount,” shall be adjusted automatically in accordance with the following provisions:

The Board shall record the weekly wage of each injured employee shown on the report of accident filed with the Board by the employer as required by Article §806, Section 7. At the end of each calendar month commencing on October 1, 1957, the Board shall average said weekly wages. At the end of six calendar months following October 1, 1957, the Board shall average the six weekly wage averages of said six calendar months. At the end of each calendar month thereafter the Board shall average the six weekly wage averages of said six calendar months. Whenever the weekly wage average resulting from the averaging of the weekly wage averages of six calendar months would produce an increase or decrease in the maximum weekly amount, as hereinabove defined, under the schedule set forth in this subsection below, the Board shall notify the Secretary of State of such fact, and immediately upon receipt of said notice, the Secretary of State shall proclaim the figure specified in said schedule to apply to said weekly wage average as the increased or decreased maximum weekly amount which thereafter shall be effective in the maximum weekly amount hereinafter referred to as “maximum weekly amount.”

Schedule

<table>
<thead>
<tr>
<th>Weekly Wage Average</th>
<th>Maximum Weekly Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$30.00 to $50.00</td>
<td>$60.00</td>
</tr>
<tr>
<td>$50.00 to $70.00</td>
<td>$80.00</td>
</tr>
<tr>
<td>$70.00 to $90.00</td>
<td>$100.00</td>
</tr>
<tr>
<td>$90.00 to $110.00</td>
<td>$120.00</td>
</tr>
</tbody>
</table>

The Board of Insurance Commissioners is hereby charged with the responsibility of reviewing and, if necessary, adjusting workmen’s compensation insurance rates required as a result of any increase or decrease of the maximum weekly amount hereunder, such adjustment to reflect the increase or decrease in costs of workmen’s compensation insurance resulting from such change in said maximum weekly amount, such rates to become effective simultaneously with the effective date of each such increase or decrease in said maximum weekly amount.

"Should the provisions of this subsection be held invalid or unconstitutional for any reason, such holding shall not in any manner affect the validity of other provisions of this Act, particularly those establishing as Forty Dollars ($40.00) the maximum weekly compensation in Article §806, Sections 8, 10, 11 and 12 and the maximum basic figure to be used in computing weekly compensation for partial incapacity as provided in Article §806, Section 12; it being the express intent of the Legislature by the passage of such other provisions to establish and fix an increase of such amounts from the present Twenty-five Dollars ($25.00) to Forty Dollars ($40.00)."

(6) The Board is authorized to appoint a State Advisory Committee, composed of nine persons, three to represent employers, three to represent employees and three to represent the general public. When appointed the State Advisory Committee shall meet at least quarterly with the Board to confer concur-
ing the adoption of appropriate rules and regulations to carry out the provisions of this law and to perform such other duties and take such actions as the Board deems necessary and suitable to effectuate the purposes and provisions of this Act. Members of the State Advisory Committee shall be allowed and paid, as a part of the cost of administering this law and in accordance with regulations of the Board, necessary travel and subsistence expenses, in addition to per diem allowances, in connection with meetings of the committee; but they shall for no purpose be regarded as State Employees. The Board may likewise appoint and pay local advisory committees and consultants under the same conditions prescribed herein for the State Advisory Committee."

**Award by Board**

"Section 5. All questions arising under this law, if not settled by agreement of the parties interested therein and within the provisions of this law, shall, except as otherwise provided herein, be determined by the Board, a single member, Examiner or courts as hereinafter provided.

1) If the parties fail to reach an agreement in regard to benefits payable under this law, either party may notify the Board which thereupon shall assign the claim to a single member or an Examiner for hearing, or such other action as may be authorized as required under the provisions of this law or by any rule or order of the Board promulgated in accordance with this law. The single member or Commissioner may make such investigation as he deems necessary in respect to the claim, and, upon application of either party, or on his own motion, shall order a formal hearing for the claim within a reasonable time, provided that prior to any such hearing the single member or Examiner shall give or cause to be given to all interested parties reasonable notice of the time and place of such hearing in accordance with the rules and regulations of the Board. Before conducting a formal hearing, the single member or Examiner may confer informally with the interested parties in an attempt to adjust their differences, but may not delay the granting of a formal hearing, over the objection of either party for such purpose. Provided, however, when the injured employee is being paid compensation as provided in this law, and the association is furnishing either hospitalization, chiropractic service or medical treatment to such employee, the single member or Examiner may, within his discretion, delay or postpone the formal hearing of the claim of said employee, and no appeal shall be taken from any such order. Whenever a hearing is begun before a single member or Commissioner, such hearing, or any adjourned hearing thereof, shall continue before the same member or Examiner until a final determination awarding or denying compensation, except in the absence, inability or disqualification to act of the single member or Examiner or for other good cause, in which event such hearing may be continued before another member or Examiner by order of the Board. At such hearing before a single member or Examiner, the parties may present evidence. Such evidence may include reports by a physician or chiropractor, which reports may be objected to by either party, in which event the person making such report may be required either to appear in person or testify by deposition and be examined by other witnesses; and the single member or Examiner shall, upon the application of either party, or on his own motion, require the employee to submit himself for medical examination in accordance with the procedure prescribed in Sec. 4 (1) of this article. The award of the single member or Examiner allowing or denying benefits hereunder, together with his findings of fact and conclusions of law, shall be filed in the principal office of the Board, and a copy of the award shall be sent immediately by mail to all interested parties and to their attorneys, if any of record. Unless notice by any interested party, or the person for whose benefit is not willing and does not consent to abide by the award of the member or Commissioner shall be filed with the Board within twenty (20) days after date of said award, said award shall become final and enforceable under Section 5a of this article.
(2) The Board may review any award of a single member or the Examiner and, if it determines to review any such award, it shall within ten (10) days after the date of filing of the Notice of Appeal give written notices to the parties of its decision to review said award, after which any interested party who is not willing and does not consent to abide by the award of the Board shall within twenty (20) days after rendition of said award by the Board perfect an appeal therefrom by filing a petition in a court of competent jurisdiction to set aside said award by the Board. In reviewing the award of a single member or the Examiner the Board shall provide in its rules and regulations for the hearing of oral or written arguments, or both, before the Board and as promptly as practicable after such hearing the full Board shall review the findings of fact and conclusions of law and may revise the award of the single member or Examiner in whole or in part, and a copy of its award, together with conclusions of law and findings of fact by the full Board, shall be sent immediately by mail to all interested parties and their attorneys, if any of record. No member of the Board shall be disqualified from sitting with the full Board in such cases for the single reason that he is not willing and does not desire to proceed with the full Board; or, if the Association, the employer shall file the petition to appeal, from the final award if it so desires. After suit is brought, the Board, single member or Examiner shall proceed no further toward the adjustment of such claim, except as provided in Sec. 126 of Art. 8306, if the suit is commenced; the court shall in either event determine the issues in such cause, instead of the Examiner, single member, or the Board, upon trial de novo, unaffected by any prior decision or award, and the burden of proof shall be upon the party claiming compensation. 

(3) Within twenty (20) days after the date of an award of the full Board, or within thirty (30) days after notice by any interested party that he is not willing and does not consent to abide by the award of the single member or the Examiner has been given and no notice of intention to review said award is received from the Board, either party to the dispute may by petition in writing appeal to a court of competent jurisdiction of the county in which the injury occurred, or, in the case of occupational disease, of the county in which the employee was last exposed to the disease alleged prior to the manifestation of the disease, or death therefrom, provided, if the injury was sustained or the occupational disease was incurred without the State of Texas and is one for which compensation is payable under this law, said petition for appeal shall be filed in a court of competent jurisdiction of the county in which the hearing was commenced; and provided further, in the event such petition for appeal is filed in a court of any county other than as above specified, the court in which same is filed shall, upon request of either party, transfer it to a court of the proper county. Notices of said appeal shall be given to all parties to said appeal, and said appeal, after such transfer is made, shall be considered for all purposes the same as if originally filed in the court of proper county. 

(4) Whenever such suit is brought, the rights and liabilities of the parties thereto shall be determined by the provisions of this law, and the suit of the injured employee or persons suing on account of the death of an employee shall be against the association. If the final order of the Board, single member or Examiner is against the association, then the association and not the employer shall file the petition to appeal, from the final award if it so desires. After suit is brought, the Board, single member or Examiner shall proceed no further toward the adjustment of such claim, except as provided in Sec. 126 of Art. 8306, if the suit is commenced; the court shall in either event determine the issues in such cause, instead of the Examiner, single member, or the Board, upon trial de novo, unaffected by any prior decision or award, and the burden of proof shall be upon the party claiming compensation. 

(5) Notwithstanding any other provision of this law, as amended, no award of the single member, Examiner or Board, and no judgment of the court, having jurisdiction of a claim against the association for the cost or expense of items of medical aid, hospital services, nursing, chiropractic services, medicines or prosthetic appliances furnished to an employee under circumstances creating a liability therefor on the
part of the association under the provisions of this law, shall include in such claim any cost or expense of any such item not actually furnished to and received by the employee prior to the date of said award or judgment. The first such final award or judgment rendered on such claim shall be as indicative of the liability of the association for all such cost or expenses which would have been claimed up to the date of said award or judgment and of the issue that the injury of said employee is subject to review by the Board and to and received by said employee not more than six (6) months prior to the date of such successive award, unless the association shall have been discharged its obligation under this law to furnish all such medical aid, hospital services, nursing, chiropractic services, medicine or prosthetic appliances to which said employee may be entitled; provided, each such successive award of the single member or examiner shall be subject to review by the full Board, and subject to a suit to set aside said award by a court of competent jurisdiction, in the same manner as provided in the case of other awards under this law.

"(6) The Board shall furnish any interested party in such claim pending in court, upon request, true or correct copies of the notice of the employer becoming a subscriber, filed with the Board, and the same when properly certified to shall be admissible in evidence in any court in this State upon trial of such claim and in such notice in the trial of said cause unless same is denied under oath by the opposing party therein.

"Procedure After Award"

"Section 5a. In all cases where the Board or a single member or Commissioner shall make a final order, ruling or decision, as provided in this law against the association, and the association shall fail and refuse to obey or comply with the same, in that event, the claimant may file with a court of competent jurisdiction of any county in this State a certified copy of any award of the Board of a single member or Examiner from which no appeal has been taken within the time allowed therefor, and upon the filing of such award the court in which such certified copy is filed shall issue an order to the association to appear, in not less than five (5) days and show cause why judgment should not be entered, and, if the association fails to show justifiable cause why judgment should not be entered, the court shall enter judgment in conformity with such award. Such judgment shall be entered in the same manner, have the same effect, and be subject to the same proceedings as though rendered in a suit daily heard and determined by such court, except that no appeal may be taken therefrom."

"Procedure Before Board"

"Section 5b. Procedure before the Board, single member or Examiner shall be governed by the following rules:

(1) Computation of any time referred to in this law shall be made in accordance with the Texas Rules of Civil Procedure in force at such time.

(2) In the conduct of a hearing the single member or Examiner shall not be bound by technical or statutory rules of evidence or by technical rules of procedure except as provided in this law, but may make such investigation or inquiry, or conduct the hearing in a manner as will best ascertain the rights of the parties. However, no award shall be made or sustained unless supported by legal and competent evidence, and the rules of discovery applicable in civil cases shall apply in all proceedings under this law.

(3) Reviews before the Board and hearings before any single member or Examiner shall be open to
public and, if requested by either party, hearings before a single member or examiner shall be stenographically reported or recorded in question and answer form under such rules or regulations as may be provided by the Board.

(4) Any single member or Examiner shall have power to preserve and enforce order during hearings; to issue subpoenas for, to administer oaths to and to compel the attendance and testimony of witnesses, and, subject to the Texas Rules of Civil Procedure, to compel the production of books papers, documents or other evidence, and to issue commissions for the taking of depositions before any designated individual competent to administer oaths; to examine witnesses; and to do all things conformable to law which may be proper or necessary to discharge effectively his duties. Witnesses summoned in a proceeding before any single member or Examiner, or whose dispositions are taken, shall receive the same fees and mileage as witnesses in a civil action in courts of record in this state.

(5) If in the proceedings before the Board, any single member or Examiner, any person disobeys or resists any lawful order or process, or so conducts himself during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after being ordered to do so, any pertinent book, paper or document required to be produced under the Texas Rules of Civil Procedure, or refuses to appear after having been subpoenaed, or upon appearing refuses to take the oath or affirmation as a witness, or after having taken the oath or affirmation refuses to be examined according to law, the Board or single member or Commissioner shall certify the facts to the District Court of the county in which the hearing is being held, and said District Court shall thereupon hear the evidence as to the acts complained of and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of or in the presence of the court.

(6) Any sheriff or any constable shall serve subpoenas issued by any single member or Examiner, and shall receive the same fees as provided by law for like service in civil actions.

(7) Unless otherwise ordered by the Board, hearing by any single member or the Board, or by an Examiner, shall be conducted in the county in which the injury occurred or, in cases of occupational disease, in the county in which the employee was last exposed to the disease alleged, prior to the manifestation of the disease or death therefrom; provided, if the injury was sustained or the occupational disease was incurred without the State of Texas, and in one for which compensation is payable under this law, such hearing shall be conducted either:

(a) In the county of Texas where the contract of hiring was made; or, (b) In the county of Texas where such employee or his beneficiaries or any of them reside at the date of the hearing; or, (c) In the county where the employee or the employer resided when the contract of hiring was made, whichever, in the discretion of the Board, single member or Examiner shall be the place most convenient for such hearings. Unless otherwise ordered by the Board, review by the full Board shall be conducted in Austin, Texas.

(8) Upon the written request any payment of the fees therefor, which fees shall be the same as those charged for similar services in the Secretary of State's office, the Board shall furnish to any person entitled thereunto a certified copy of any order, award, decision or instrument on file in the office of the Board, and the fees so received for such copies shall be paid into the State Treasury and credited to the Workmen's Compensation Fund. No fees or salary shall be paid to any employee of the Board for making such copies in excess of the fees hereinafore prescribed.

*Record and Report of Accidents*

"Section 7. Every subscriber shall hereafter keep a record of all injuries, fatal or otherwise, sustained by his employees in the course of their employment. Within eight (8) days after the occurrence of an accident resulting in an injury to an employee, causing his absence from work for more than one (1) day, or within eight (8) days after the employee notifies the employer of a definite manifestation..."
of an occupational disease, a written report thereof shall be made to the Board at its principle office on blanks to be procured from the Board for that purpose. Upon the termination of the incapacity of the injured employee, or if such incapacity extends beyond a period of sixty (60) days the subscriber shall make a supplemental report upon blanks to be procured for that purpose. The original report shall contain the name and nature of the business of the employer, the location of the establishment, the name, age, sex and occupation of the injured employee, his weekly wage and the character of work in which he was engaged at the time of the injury, and shall state the date and hour of receiving such injury or of the definite manifestation of the occupational disease, and the nature and cause of the injury, and such other information as the Board may require. Any employer willfully falsifying, failing or refusing to make any such report within the time herein provided, or willfully failing or refusing to give said Board any information demanded by said Board relating to any injury to any employee, which information is in the possession of or can be ascertained by the employer by the use of reasonable diligence, shall be liable for and shall pay to the State of Texas a penalty of not more than One Thousand ($1,000) Dollars for each and every offense, the same to be recovered in a suit to be instituted and prosecuted in Travis County by the Attorney General or by the district or county attorney, under his direction, in a District Court thereof.

"Compromise; Commutation; Adjustment"

"Section 12. The Board, single member or Commissioner upon application of either party may, in its discretion, having regard to the welfare of the employee and the convenience of the association, authorize compensation to be paid monthly or quarterly, Whereby the liability of the association or the extent of the injury to the employee is uncertain, indefinite or incapable of being satisfactorily established, the Board, single member or Examiner may approve any compromise, adjustment, settlement or commutation thereof made between the parties; provided, however, that approval of a lump sum settlement agreement shall not be given unless the benefits contained therein are in substantial compliance with the provisions of this law and, in the event the claimant is not represented by an attorney, until the Board, single member or Commissioner shall have fully advised the claimant of his rights under the provisions of this law, and the claimant acknowledges that he is fully advised in the premises and for the purposes and consideration therein expressed willingly executes such settlement agreement before each Board, single member or Commissioner.

Section 7. That Article 8597, Revised Civil Statutes of 1925, as amended, be further amended by adding a new section to be numbered and to read as follows:

"Workmen's Compensation Fund"

"Section 15. There is hereby established in the State Treasury a special fund to be known as the Workmen's Compensation Fund.

(1) In addition to all other taxes now being paid, each stock company, mutual company, reciprocals, or inter-insurance exchange, or Lloyd's association writing workmen's compensation insurance in this State, shall pay annually into the State Treasury a tax at a rate to be determined as provided in Subsection (3) of this section, but not to exceed 1% of gross premiums collected by such company or association during the preceding year under workmen's compensation policies written by said companies or associations covering risks in this State according to the reports made to the Board of Insurance Commissioners as required by law. Said tax shall be collected at the same time and in the same manner as provided by law for the collection of taxes on gross premiums of such workmen's compensation insurance carriers.

(2) The Board shall, on or before December 31 of each year, certify to the Board of Insurance Commissioners a statement setting out the surplus, if any, in the Workmen's Compensation Fund, together with an additional amount necessary to properly administer this law for the ensuing fiscal year, beginning September 1 annually. Thereupon the Board of Insurance Commissioners shall determine the rate of taxation to be collected for such year on or
April 29, 1957

before March 1 following. Such rate of taxation shall not exceed 1% of gross premium. Thereupon, the Board of Insurance Commissioners shall notify each of such carriers the rate of tax due, and such tax shall be computed and paid by such carrier as other premium taxes are computed and paid.

(3) Failure to make any report required by this section shall be punishable by fine not to exceed One Thousand ($1,000) Dollars and failure to pay any tax within thirty (30) days after same is due under this section shall be punishable by a penalty of ten (10%) percent of the amount of tax, and shall be recovered by the Attorney General in a suit brought by him in the name of the State of Texas and such penalties when collected shall be deposited to the credit of the Workman’s Compensation Fund.

(4) All funds derived from this section shall be deposited in the State Treasury in the Workman’s Compensation Fund and shall be appropriated by the Legislature. No money shall be appropriated out of this fund for any purpose except for the expenses of the Board in the administration of this law.”

Section 10. That Article 8306, Revised Civil Statutes of 1925, as amended, be further amended by adding two new sections to be numbered and to read as follows:

“Travel Cases

Section 10. That Article 8306, Revised Civil Statutes of 1925, as amended, be further amended by adding two new sections to be numbered and to read as follows:

“Travel Cases

Section 9. The amendments made by this Act to Article 8306, Sections 10, 11, and 12 shall be applicable only with respect to injuries occurring on or after the effective date of this Act, and only with respect to occupational disease in which the last injurious exposure to the hazards of such disease occurred on or after the effective date of this Act. The amendments made by this Act to Article 8306, Section 9, shall be applicable only with respect to death resulting from injuries when such injuries occurred on or after the effective date of this Act, and only with respect to death resulting from occupational diseases in which the last injurious exposure to the hazards of such disease occurred on or after the effective date of this Act. Subject to the provisions of this section, this Act shall be effective from and after the 1st day of September, 1957.

Section 10. If any Section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs, or provisions of this Act, but the same shall remain in full force and effect.

Section 11. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict.

Section 12. The fact that the compensation presently provided by law for seriously injured employee is not adequate and that in other respects the present workmen’s compensation law is inadequate, 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 such rule is hereby suspended, and this Act shall take effect and be in force in accordance with the terms and provisions hereof, and it is so enacted.

FERRILL, WATSON, BARTRAM.

Mr. Spillman offered the following substitute amendment for the Committee Amendment No. 1:

 Amend H. B. No. 433 by striking out all below the enacting clause
and inserting in lieu thereof the following:

Section 1. That Sections 7c, 7d, 8, 10, 11 and 12 of Article 8306, Revised Civil Statutes of 1936, as amended, be and the same are hereby amended so as to hereafter read as follows:

Attorneys’ Fees Regulated by the Board

Sec. 7c. All fees of attorneys for representing claimants before the Board under the provisions of this law shall be subject to the approval of the Board. No attorneys’ fees for representing claimants before the Board shall be allowed or approved against any party or parties not represented by such attorney, nor exceeding an amount equal to fifteen percent of the total recovery, in addition to the reasonable expenses incurred by the attorney in the preparation and presentation of the said claim before the Board.

Attorneys’ Fees Regulated by the Court

Sec. 7d. For representing the interest of any claimant in any manner carried from the Board into the courts, it shall be lawful for the attorney representing such interest to contract with any beneficiary under this law for an attorney’s fee for such representation, not to exceed twenty-five ($25) per cent of the amount recovered, such fee for services so rendered to be fixed and allowed by the trial court in which such matter may be heard and determined.

In fixing and allowing such attorney’s fees the court must take into consideration the benefit accruing to the beneficiary as a result of such services. No attorney’s fees (other than the amount which the Board may have approved) shall be allowed for representing a claimant in the trial court unless the court finds that benefits have accrued to the claimant by virtue of such representation, and that such attorney’s fees may be allowed only on a basis of services performed and benefits accruing to the beneficiary.

Provided, however, in the event an appeal or proceeding in error is taken to an appellate court by any party, the attorney shall receive for his fee an amount not to exceed one-third (1/3) of the amount recovered.

Death Benefit

‘Sec. 8. If death should result from the injury the association hereunder created shall pay the legal beneficiaries of the deceased employee a weekly payment equal to sixty percent (60%) of his average weekly wages, but not more than Thirty-five Dollars ($35) nor less than Nine Dollars ($9) per week, for a period of three hundred and sixty (360) weeks from the date of the injury.

Total Incapacity

‘Sec. 10. While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to sixty per cent (60%) of his average weekly wage, but not more than Thirty-five Dollars ($35) nor less than Nine Dol
shall and in no case shall the period covered by such compensation be greater than four hundred and one (401) weeks from the date of the injury.

Partial Incapacity

"Sec. 11. While the incapacity for work resulting from the injury is partial, the association shall pay the injured employees a weekly compensation equal to sixty per cent (60%) of the difference between his average weekly wages before the injury and his average weekly wage earning capacity during the existence of such partial incapacity, but in no case more than Thirty-five Dollars ($35) per week. The period covered by such compensation shall be in no case greater than the three hundred (300) weeks; provided that in no case shall the period of compensation for total and partial incapacity exceed four hundred and one (401) weeks from the date of injury. Compensation for all partial incapacity resulting from a general injury shall be computed in the manner provided in this section, and shall not be computed on the basis of a percentage of disability; provided, however, that this section shall not apply to partial incapacity resulting from injuries to specific members of the body as enumerated in Section 12, but in such cases of partial incapacity, compensation shall be determined in accordance with the provisions of Section 13.

Specific Compensation

"Sec. 12. For the injuries enumerated in the following schedule the employee shall receive in lieu of all other compensation except medical aid, hospital services and medicines elsewhere herein provided, a weekly compensation equal to sixty percent (60%) of the average weekly wages of such employee, but not less than Nine Dollars ($9) per week nor exceeding Thirty-five Dollars ($35) per week, for the respective periods stated herein, to wit:

For the loss of a thumb, sixty per cent (60%) of the average weekly wages during sixty (60) weeks.

For the loss of a first finger, commonly called the index finger, sixty per cent (60%) of the average weekly wages during forty-five (45) weeks.

For the loss of a second finger, sixty per cent (60%) of the average weekly wages during thirty (30) weeks.

For the loss of a third finger, sixty per cent (60%) of the average weekly wages during twenty-one (21) weeks.

For the loss of a fourth finger, commonly known as the little finger, sixty per cent (60%) of the average weekly wages during fifteen (15) weeks.

The loss of the second or distal phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third or distal phalange of any finger shall be considered to be equal to the loss of one-third of such finger.

The loss of more than the middle and distal phalange of any finger shall be considered to be equal to the loss of the whole finger; provided that in no case shall the amount received for the loss of a thumb and more than one finger on the same hand exceed the amount provided in this schedule for the loss of a hand.

For the loss of the metacarpal bone (bone or palm) for the corresponding thumb, finger or fingers above, add ten (10) weeks to the number of weeks as above subject to the limitation that in no case shall the amount received for the loss of injury to any one hand be more than for the loss of the hand.

For ankylosis (total stiffness of) or contracture (due to scars or injuries) which make the fingers useless, the same number of weeks shall apply to such finger or fingers or parts of fingers (not thumb) as given above.

For the loss of a hand, sixty per cent (60%) of the average weekly wage during one hundred and fifty (150) weeks.

For the loss of an arm at or above the shoulder, sixty per cent (60%) of the average weekly wage during two hundred (200) weeks.

For the loss of one of the toes other than the great toe, sixty per cent (60%) of the average weekly wages during ten (10) weeks.
For the loss of the great toe, sixty per cent (60%) of the average weekly wages during thirty (30) weeks.

The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half of the toe.

The loss of a foot, sixty per cent (60%) of the average weekly wages during one hundred and twenty-five (125) weeks.

For the loss of a leg, at or above the knee, sixty percent (60%) of the average weekly wages during two hundred (200) weeks.

For the loss of the sight of one eye, sixty per cent (60%) of the average weekly wages during one hundred (100) weeks.

The foregoing enumerated cases of permanent, partial incapacity, it shall be considered that the permanent loss of the use of a member shall be equivalent to and draw the same compensation as the loss of that member.

For the complete and permanent loss of the hearing in both ears, sixty per cent (60%) of the average weekly wages during a period of three hundred and fifty (350) weeks.

For the loss of an eye and a leg above the knee, sixty percent (60%) of the average weekly wages during a period of three hundred and fifty (350) weeks.

For the loss of an arm above the elbow, sixty per cent (60%) of the average weekly wages during a period of three hundred and fifty (350) weeks.

For the loss of an eye and an arm above the elbow, sixty per cent (60%) of the average weekly wages during a period of three hundred and fifty (350) weeks.

For the loss of an eye and a hand, sixty per cent (60%) of the average weekly wages during a period of three hundred and twenty-five (325) weeks.

For the loss of an eye and a foot, sixty per cent (60%) of the average weekly wages during a period of three hundred (300) weeks.

Where the employee sustains concurrent injuries resulting in concurrent incapacities, he shall receive compensation only for the injury which produces the longest period of incapacity; but this section shall not affect liability for the concurrent loss or the loss of the use hereof of more than one member, for which member compensation is provided in this schedule, compensation for specific injuries under this law shall be cumulative as to time and not concurrent.

In all cases of permanent partial incapacity it shall be considered that the permanent loss of the use of the member is equivalent to, and shall draw the same compensation as, the loss of that member; but the compensation in and by said schedule provided shall be in lieu of all other compensation in such cases.

In all other cases of partial incapacity resulting from injuries to specific members of the body as enumerated in this section, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of incapacity, taking into account among other things any previous incapacity, the nature of the physical injury or disfigurement, the occupation of the injured employee, and the age at the time of injury. The compensation paid therefor shall be calculated by first determining a basic figure amounting to sixty per cent (60%) of the average weekly wages, which basic figure shall then be multiplied by the percentage of incapacity or loss of use of such member to determine the amount of weekly compensation payable. Such weekly compensation shall be paid for such period of incapacity or loss of use of such member not exceeding the number of weeks indicated for the respective members of the body as enumerated in this section, and if no other limitation is provided herein, such compensation shall not be payable for a period of time exceeding three hundred (300) weeks. Whenever the weekly payments under this paragraph would be less than Three Dollars ($3.00) per week, the period may be shortened and the payments correspondingly increased by the Board. Compensation payable under this paragraph shall be confined to those cases of partial incapacity resulting from injuries to specific members of the body as enumerated in this section, and compensation.
shall not be payable hereunder for those cases of partial incapacity arising from general injuries to portions of the body not enumerated in this section, but partial incapacity arising from such general injuries shall be compensated in accordance with the provisions of Section 11.

Sec. 2. Article 8309, Revised Civil Statutes of Texas of 1925, as amended is hereby amended by adding thereto a new section to be known and designated as Section 1b, said Section 1b to be inserted immediately subsequent to Section 1a, said Section 1b to read as follows:

Sec. 1b. Unless transportation is furnished as a part of the contract of employment or is paid for by the employer, or unless the means of such transportation are under the control of the employer, or unless the employee is directed in his employment to proceed from one place to another place, such transportation shall not be the basis for a claim that an injury occurring during the course of such transportation is sustained in the course of employment. Travel by an employee in the furtherance of the affairs or business of the employer shall not be the basis for a claim that an injury occurring during the course of such travel is sustained in the course of employment, if such travel is in furtherance of personal or private affairs of the employee, unless the trip to the place of occurrence of said injury would have been made even had there been no personal or private affairs of the employee to be furthered by said trip, and unless said trip would not have been made had there been no affairs or business of the employer to be furthered by said trip.

Sec. 3. As respects claims for injury sustained prior to the effective date of this Act, no inchoate, vested, matured, existing or other rights, remedies, powers, duties or authority, either of any employees or legal beneficiaries, or of the Board, or of the Association, or of any other person shall be in any way affected by any of the amendments or repeals herein made to the original law hereby amended or repealed, but all such rights, remedies, powers, duties, and authority shall remain and be in force as under the original law just as if the amendments or repeals hereby adopted had never been made, and to that end it is hereby declared that as respects such injuries occurring prior to the effective date of this Act, said original law is not repealed, but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties, and authority; and further this Act insofar as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment.

Sec. 4. If any section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

Sec. 5. All laws or parts of laws in conflict herewith are expressly repealed to the extend of such conflict.

Sec. 6. This Act shall take effect and be in full force on and after the first day of September, 1957, subject to the provisions of Section 10 above.

Sec. 7. The fact that injured employees are compensated on a grossly inadequate basis at the present time, and the further fact that the present methods of calculating partial incapacity create certain inequitable distribution of benefits under the Act, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three (3) several days in each House, and the constitutional rule that bills shall not be effective until ninety (90) days after the adjournment of the Legislature, be suspended, and said rules are hereby suspended, and this Act shall be in full force and effect from and after its passage, and it is so enacted.

COMMITTEE MEETING

Mr. Dingus asked unanimous consent of the House that the Committee on Contingent Expenses be permitted to meet at this time. There was no objection offered.

Mr. Spilman offered the following amendment to the substitute amendment offered by himself:
Amend Spilman Substitute to H. B. 433 as follows:

Amend by adding the following to be Section 3 and remumber following sections accordingly:

"Sec. 3. Section 7 of Art. 8306, R. C. S. 1925, as amended shall hereafter read as follows:

"Medical Services"

"Sec. 7. The association shall furnish such medical aid, hospital services, nursing, chiropractic services, and medicines as may reasonably be required at the time of the injury and at any time thereafter to cure and relieve from the effects naturally resulting from the injury. Such treatment shall include treatment necessary to physical rehabilitation, including proper fitting and training in the use of prosthetic appliances, for such period as the nature of the injury may require or as necessary to reasonably restore the employee to his normal level of physical capacity or as necessary to give reasonable relief from pain, but shall not include any other phase of vocational rehabilitation. The obligations of the association to provide hospital services as herein provided shall not be held to include any obligation on the part of the association to pay medical, nursing, or surgical services not ordinarily provided by hospitals as a part of their services. If the association fails to so furnish reasonable medical aid, hospital services, nursing, chiropractic services and medicines as and when needed after notice of the injury to the association or subscriber, the injured employees may provide such medical aid, services, and medicines, or, at the expense of the association, the employee shall not be entitled to recover any amount expended or incurred by him for said medical aid, hospital services, nursing, chiropractic services, and medicines, or, shall any person who supplies the same be entitled to recover of the association therefor, unless the association or subscriber shall have had notice of the injury and shall have refused, failed or neglected to furnish it or them within a reasonable time. At the time of the injury or immediately thereafter, if necessary, the employee shall have the right to call in any available physician, surgeon, or chiropractor to administer first aid treatment as may be reasonably necessary at the expense of the association.

"Upon receipt thereof, the Board shall promptly analyze such notice of injury incurred by an injured employee covered under this law. If the Board concludes that vocational rehabilitation is indicated in any such case, it immediately shall take the necessary steps to inform the injured employee of the services and facilities available to him under the Texas Program of Vocational Rehabilitation for Disabled Persons administered by the Vocational Rehabilitation Division of the Texas Educational Agency and the Board immediately shall notify said Vocational Rehabilitation Division of such case. In each such case recommendation of services and facilities shall be made after consultation by the Board with the physician or chiropractor furnishing medical aid or chiropractic services as required by this Section, who shall retain general supervision of treatment of the injured employee and, should the employee resign it, the Board shall consult with a physician or chiropractor of his own selection. The Board shall cooperate with said Vocational Rehabilitation Division with reference to the work of said Division in providing said services and facilities to injured employees covered under the provisions of this law."

Section 36(c) of Art. 8307, R. C. S. 1925, as amended shall hereafter read as follows:

"Medical Treatment"

"(4) In the event of incapacity from silicosis or asbestosis, the association shall provide reasonable medical treatment; but liability for such treatment shall not extend beyond ninety-one (91) days."

Amend Sec. 5 of Art. 8307, R. C. S. 1925, as amended by adding a new paragraph at the end of said section to read as follows:

"Notwithstanding any other provision of this law, as amended, no award of the Board, nor judgment of the court, having jurisdiction of a claim against the association for the cost or expense of items of medical aid, hospital services, nursing, chiropractic services, medicines or prosthetic appliances furnished to an employee under circumstances creating a liability therefor on the part of the association, shall be held to include any obligation to pay any amount to any physician, surgeon, or chiropractor in consideration of services rendered to an employee after the time of injury, and the liability of the association shall be limited to the time of injury, and the liability of the association shall be limited to the time of injury and to services rendered therefor within a reasonable time thereafter.

Upon receipt thereof, the Board shall promptly analyze such notice of injury incurred by an injured employee covered under this law. If the Board concludes that vocational rehabilitation is indicated in any such case, it immediately shall take the necessary steps to inform the injured employee of the services and facilities available to him under the Texas Program of Vocational Rehabilitation for Disabled Persons administered by the Vocational Rehabilitation Division of the Texas Educational Agency and the Board immediately shall notify said Vocational Rehabilitation Division of such case. In each such case recommendation of services and facilities shall be made after consultation by the Board with the physician or chiropractor furnishing medical aid or chiropractic services as required by this Section, who shall retain general supervision of treatment of the injured employee and, should the employee resign it, the Board shall consult with a physician or chiropractor of his own selection. The Board shall cooperate with said Vocational Rehabilitation Division with reference to the work of said Division in providing said services and facilities to injured employees covered under the provisions of this law."
Mr. Chapman offered the following substitute amendment:

Amend the Spilman Substitute to House Bill 483 by adding thereto a new Section 2, and renumbering all subsequent sections accordingly, said new Section 2 to read as follows:

Section 2. Article 5366, Section 7, Revised Civil Statutes of Texas of 1925, as amended, is hereby amended so as hereafter to read as follows:

Section 2. During the first four weeks of the injury, dating from the date of its infliction, the association shall furnish reasonable medical aid, hospital services, nursing, chiropractic services, and medicines. During the fourth or any subsequent week, upon application of the attending physician or chiropractor certifying the necessity therefor to the Board and to the association, the Board may authorize additional medical attention, hospital services, nursing, and chiropractic services not to exceed one (1) week, unless at the end of such additional week the attending physician or chiropractor shall certify to the necessity for another week of medical or chiropractic attention or nursing or so much thereof as may be needed. If the association fails to furnish same as and when needed during the time specified after notice of the injury to the association or subscriber, the injured employee may provide said medical aid, hospital services, nursing, and medicines at the cost and expense of the association. The employee shall not be entitled to recover any amount extended or incurred by him for said medical aid, hospital services, nursing, and medicines, or medicines, nor shall any person who supplied the same be entitled to recover of the association therefor, unless the association or subscriber have had notice of the injury and shall have refused, failed, or neglected to furnish it or them within a reasonable time. At the time of the injury or immediately thereafter, if necessary, the employee shall have the right to administer first-aid treatment as may be reasonably necessary at the expense of the association. During the fourth or any subsequent week of continuous total incapacity requiring the confinement to a hospital, the association shall, upon application of the attending physician, surgeon, or chiropractor certifying the necessity therefor to the Industrial Accident Board and to the association, furnish such additional hospital services as may be deemed necessary not to exceed one (1) week, unless at the end of such additional week the attending physician or chiropractor shall certify to the necessity for another week of hospital services or so much thereof as may be needed, and such hospitalization shall continue to be furnished in like manner from week to week as long as the attending physician or chiropractor shall deem necessary. Such additional hospital services as are herein provided shall not be held to include any obligation on the part of the association to pay...
Mr. Spilman moved to table the substitute amendment by Mr. Chapman. A record vote was requested on the motion to table.

The motion to table the substitute amendment by Mr. Chapman prevailed by the following vote:

Yeas-83

Yeas-83

Nay-57

Mr. Hale offered the following amendment to the amendment by Mr. Spilman, offered to the substitute amendment:

Amend Spilman amendment by deleting the last paragraph thereof.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Hale prevailed by the following vote:

Yes-79

Mr. Spilman moved to table the amendment by Mr. Hale.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Hale prevailed by the following vote:

Yes-79

Mr. Hale offered the following amendment to the amendment by Mr. Spilman, offered to the substitute amendment:

Amend Spilman amendment by deleting the last paragraph thereof.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Hale prevailed by the following vote:

Mr. Hale offered the following amendment to the amendment by Mr. Spilman, offered to the substitute amendment:

Amend Spilman amendment by deleting the last paragraph thereof.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Hale prevailed by the following vote:
Mr. Lee offered the following amendment to the substitute amendment by Mr. Spilman:

Amend Section 1 of the Spilman substitute to H. B. No. 433 by striking out the last sentence in the quoted Section 11:

And by striking out the last paragraph in the quoted Section 12 and substituting in lieu of said last paragraph the following:

"In all other cases of partial incapacity, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of incapacity, taking into account among other things any previous incapacity, the nature of the physical injury or disfigurement, the occupation of the injured employee, and the age at the time of injury. The compensation paid therefor shall be sixty per cent of the average weekly wages of the employee but not to exceed Thirty-Five Dollars ($35.00) per week, multiplied by the percentage of incapacity caused by the injury for such period not exceeding 300 weeks as the Board may determine. Whenever the weekly payment under this paragraph would be less than Three Dollars ($3.00) per week, the period may be shortened, and the payments correspondingly increased by the Board."

A record vote was requested on the amendment by Mr. Lee.
The amendment by Mr. Lee to the substitute amendment by Mr. Spilman was adopted by the following vote:

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Andel'llOn Kennedy
Baker Kilpatrick
Ballman Kortmann
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Breathoar McCoppin
Bristow Mann
Byrd Martin
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Cloud Mullens
Cole Olfitell
Colley Oliver
Cotten Partiah
Cox Parsons
Duff, Miss Ramsey
Dungan Sanders
Elliott Schwartz
Fenoglio of Galveston
Ford Shackleford
Glace Shannon of Erath
Green Sherill
Hale Sherrill
Harrington Smith of Jefferson
Hensley Springer
Hollowell Stewart
Holstein Storey
Horns Stroman
Huffman Terrell
Huffer Turner
Hughes of Grayson Walling
Hutchins Wheeler
Jackson White
Jamison Winfree
Jones Wulford
Kennard Yeak

Nays 65

Armier Ellis
Atwell Ferrell
Aviram Pereman
Bell Forsthy
Blaine Glasses
Bowers Heasly
Boysean Heflin
Bullock Holman
Burkett Hoewy
Conley Huebner
Cory Hughes of Dallas
Cowan Johnson
Croskwait Joseph
de la Garza Kollins
Dugas Lattimer
Ehrle McDonald
McGregor of McLennan
McIlhaney of McLennan
Matthew of McLennan
Moore of Tarrant
Murray of Tarrant
Osborn Shaw
Piggin Smith of Hays
Poo of Spilman
Preemler Strickland
Puckett Sudduth
Richardson Sutton
Roberts Tharmond
Sallier Tunsel
Santerl Watson
Sandahl Welch
Shall Wilson of Potter
Schrain Wodsey

Mr. Blanchard offered the following amendment to the substitute amendment by Mr. Spilman:

Amend the Spilman Substitute to House Bill 433 by striking out the words and figures "$35.00" in every place where such words and figures are found in said substitute, and in each instance substituting in lieu thereof the words and figures "$40.00" and by striking out the words and figures "$9.00" in every place where such words and figures are found in said substitute, and in each instance substituting in lieu thereof the words and figures "$15.00".

The motion to table the motion prevailed.

Mr. Watson offered the following amendment to the substitute amendment by Mr. Spilman:

The amendment by Mr. Blanchard was lost.
Amend Substitute for Committee Amendment No. 1 to House Bill No. 433, Section 1, by adding the following Section to be numbered Section 12c-2 of Article 8306, Revised Civil Statutes of Texas, 1925, to read as follows:

"Second Injury Fund—How Created

Section 12c-2. The special fund known as the "Second-Injury Fund" shall be created in the following manner:

"(a) In every case of the death of an employee under this Act where there is no person entitled to compensation surviving said employee, the association shall pay to the Industrial Accident Board the sum of Three Thousand Dollars ($3,000) to be deposited with the Treasurer of the State for the benefit of said Fund and the Board shall direct the distribution thereof.

"(b) When the total amount of all such payments into the Fund, together with the accumulated interest thereon, equals or exceeds One Hundred Thousand Dollars ($100,000) in excess of existing liabilities, no further payments shall be required to be paid to said Fund; but whenever thereafter the amount of such Fund shall be reduced below Fifty Thousand Dollars ($50,000) by reason of payments to such Fund, then payments to such Fund shall be resumed forthwith, and shall continue until such Fund again amounts to One Hundred Thousand Dollars ($100,000) including accumulated interest thereon. (Acts, 1917, p. 269; Acts, 1947, 50th Legislature).

The amendment was adopted.

Mr. Mann offered the following amendment to the substitute amendment by Mr. Spilman:

Amendment to Substitute Amendment To H. B. 433

Amend the Spilman substitute for the Committee amendment to H. B. 433 by adding after the last period in Section 7c of Article 8306 the following:

"Provided that in fixing and allowing the claimant's attorneys' fee, it shall

in every case, where raised by evidence be a question of fact to be determined by the Board whether the proceedings have been defended by the Association without justifiable cause, in whole or in part, and if found to have been defended without justifiable cause, the Association shall be held liable for the
Mr. Hulfman moved to reconsider the vote by which H. B. No. 433 passed to engrossment and to table the motion to reconsider. The motion to table prevailed.

HOUSE BILL NO. 433 ON THIRD READING

Mr. Spelman moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 433 be placed on its third reading and final passage.

Yeas—184

Anderson Isacks, Miss
Armour Jackson
Baker Jamieson
Ballman Jones
Bartram Joseph
Bass Kennedy
Bell Kilpatrick
Blaine Kolkos
Blanchard Rockman
Bowers Lattimer
Boyce Laurel
Bristow Lee
Bryan McDonald
Buillock McGregor
Chapman of McLennan
Cline of El Paso
Cloud McLain
Cole Mann
Cooney Martin
Conley Mathew
Cory Mars
Owen Moore of Harris
Cox Moore of Tarrant
Cromwell Mullen
Day Murray
de la Garza Myatt
Deaway Oliver
Duff, Miss Osborn
Dugan Parham
Dungan Parsons
Ehrie Patterson
Elliott Pipkin
Eills Pool
Englinois Pfeiffer
Ferrell Puckett
Foreman Ramsey
Forsyth Richardson
Glass Roberts
Glaesing Russell
Green Sadler
Hale Sandahl
Harrington Sanders
Healy Saul
Heflin Schram
Healey Schwartz
Hollowell of Galveston
Holtman of Washington
Hosey Sherrill
Huebner Shannon of Erath
Huffman Shannon
Huff of Tarrant
Hughes of Grayson Shaw
Hughes of Dallas Sherrill
Hutchins Slack
April 29, 1957

HOUSE JOURNAL

The Speaker then laid House Bill No. 433 before the House on third reading and final passage. The bill was read third time and was passed.

On motion of Mr. Spilman and by unanimous consent of the House, the caption of House Bill No. 433 was ordered amended to conform with the body of the bill.

MESSAGE FROM THE SENATE

Austin, April 29, 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:

S. B. No. 177 by Aikin, "An Act defining cost basis of merchandise offered for sale; prohibiting the advertising, offering for sale or the selling of merchandise below cost where the quantities thereof that could be bought by any willing purchaser are limited;" and declaring an emergency.

S. B. No. 441 by Lock, "Authorizing school districts to place the proceeds from sale of school district bonds on interest bearing secured time deposits with a state or national banking corporation within this state, etc.: and declaring an emergency."

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE BILL NO. 278 ON SECOND READING

Mr. Pool moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 278.

The motion prevailed.

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 278, A bill to be entitled "An Act amending the Insurance Code of Texas, Acts, 1951, Fifty-second Legislature, Chapter 21, General Provisions, by adding Article 21.46, providing for the deposit of securities, or the payment of taxes, fines, penalties, etc., as a condition precedent to doing business in this State by insurance companies organized in a State, the laws of which require similar deposits in said State by similar companies organized under the laws of the State of Texas transacting business in said State; enacting other provisions relating to the subject; and further providing for the cancellation or refusal of authority to do business in the State of Texas by insurance companies organized under the laws of the States or foreign countries which do not duly recognize the certificate of solvency and good management issued by this State to domestic insurance companies; and declaring an emergency."

The bill was read second time.

Mr. Pool offered the following amendment to the bill:

Substitute for H. B. No. 278

Amend H. B. No. 278 by eliminating everything below the enacting clause and substituting in lieu thereof the following:

Section 1. The Insurance Code of Texas, Acts 1951, Fifty-second Legislature, Chapter 21, General Provisions, is hereby amended by addi-
ing there to an Article 21.46, which Article shall read and provide as follows:

"Article 21.46, Whenever by the laws of any other state or territory of the United States any taxes, licenses, fees, fines, penalties, deposit requirements or other obligations, prohibitions or restrictions are imposed upon any insurance company organized in this State and licensed and actually doing business in such other state or territory which, in the aggregate are in excess of the aggregate of taxes, licenses, fees, fines, penalties, deposit requirements or other obligations, prohibitions or restrictions directly imposed upon a similar insurance company of such other state or territory doing business in this State, the Board of Insurance Commissioners of this State shall impose upon any similar company of such state or territory in the same manner and for the same purpose, the same taxes, licenses, fees, fines, penalties, deposit requirements or other obligations, prohibitions or restrictions, provided, however, the aggregate of taxes, licenses, fees, fines, penalties or other obligations imposed by this State pursuant to this Article 21.46 on an insurance company of another state or territory shall not exceed the aggregate of such charges imposed by such other state or territory on a similar insurance company of this State actually licensed and doing business therein; provided, further, that wherever under any law of this State the rate of taxation of any insurance company of another state or territory is reduced if any such insurance company has made investments in Texas securities then in computing the aggregate Texas premium tax burdens of any such insurance company of any other state or territory each shall for purposes of comparison with the premium tax laws of their home states be considered to have assumed and paid an aggregate premium tax burden equal to the basic rate; provided, further, that for the purpose of this section, an alien insurer shall be deemed a company of the State designated by it wherein it has (a) established its principal office or agency in the United States, or (b) maintains the largest amount of its assets held in trust or on deposit for the security of its policyholders or policyholders and creditors in the United States, or (c) in which it was admitted to do business in the United States.

The provisions of this section shall not apply to ad valorem taxes on real or personal property or to personal income taxes.

The provisions of this Act shall not apply to a company of any other state doing business in this State if fifteen per cent (15%) or more of the voting stock of said company is owned by a corporation organized under the laws of this State, and domiciled in this State; however, the prior provisions of this Act shall apply without exception to any and all persons or persons, companies or companies, firms or firms, associations or associations, group or groups, corporations or corporations, or any insurance organization or organizations of any kind, which did not qualify as a matter of fact, under the exception of this paragraph, on or before January 30, 1957."

Section 2. The provisions of this Act shall take effect the first day of January, 1958.

Section 3. The need for retaliatory provisions for the protection of insurance companies organized under the laws of this State creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, and the Constitutional Rule requiring bills to go into effect ninety (90) days from and after their passage, be and the same are hereby suspended, and this Act shall take effect and be in force in accordance with the terms and provisions thereof, and it is so enacted.

The amendment was adopted.

Mr. Pool offered the following amendment to the bill:

Amend H. B. No. 278 by striking out all above the enacting clause and substituting in lieu thereof the following:

"A BILL

To Be Entitled

An Act amending the Insurance Code of Texas, Acts, 1923, Fifty-Second Legislature, Chapter 51,
General Provisions, by adding Article 21.46, providing for the deposit of securities, or the payment of taxes, fines, penalties, etc., as a condition precedent to doing business in this State by insurance companies organized in a State, the laws of which require similar deposits in said State by a similar company organized under the laws of the State of Texas transacting business in said State; enacting other provisions relating to the subject; and further providing for the cancellation or refusal of authority to do business in the State of Texas by an insurance company organized under the laws of States or foreign countries which do not duly recognize the certificate of solvency and good management issued by this State to a similar domestic insurance company, and declaring an emergency.

The amendment was adopted.

House Bill No. 278 was then passed to engrossment.

HOUSE BILL NO. 278 ON THIRD READING

Mr. Pool moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 278 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—125**

Anderson, B.  
Armor, A.  
Arwell, A.  
Baker, T.  
Ballman, A.  
Bartram, H.  
Bell, A.  
Bishop, H.  
Blaine, J.  
Blanchard, L.  
Bowers, C.  
Boysen, A.  
Brashier, W.  
Bryan, I.  
Bullock, E.  
Byrd, R.  
Chapman, C.  
Cline, K.  
Clound, C.  
Cole, K.  

**Nays—11**

Biscoe, W.  
Bristow, R.  
Buckett, W.  
Collins, J.  
Moore, C.  
Oliver, T.  
Rheodes, A.  
Rush, P.  
Sherrill, H.  
Smith, K.  
Woolsey, R.  
Wren, H.  

Present—Not Voting

**Absent**
The Speaker then laid House Bill No. 278 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Pool moved to reconsider the vote by which H. B. No. 278 was passed and to table the motion to reconsider.

The motion to table the motion prevailed.

HOUSE BILL NO. 6 WITH SENATE AMENDMENTS

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

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

Mr. Sanders moved that the House concur in Senate Amendments to H. B. No. 6.

The motion prevailed.

TEXT OF SENATE AMENDMENTS TO H. B. NO. 6

Senate Amendment No. 1

Amend House Bill No. 6, Chapter I, Section 4, Subsection (m) by striking out all of said Subsection (m) and substituting in lieu thereof the following:

"(m) 'Next of kin' means spouse or nearest known relative who is legally of age."

Adopted, April 24, 1967.

Senate Amendment No. 2

Amend House Bill No. 6, Chapter I, Section 4, by adding thereto a new subsection to be known as sub-section (o) and which shall read as follows:

"(o) 'Department' means the Texas State Department of Health."

Adopted, April 24, 1967.

Senate Amendment No. 3

Amend House Bill No. 6, Chapter I, Section 4, by striking out all of Subsection (a) and substituting the following:

"(a) 'Department' means The Texas State Department of Health."

Adopted, April 24, 1967.

Senate Amendment No. 4

Amend House Bill No. 6, Chapter III, Part 3, Section 34, by striking out all of the last sentence of said Section 34 and substituting in lieu thereof the following:

"A copy of the Application and notice shall be sent by registered mail to the guardian or a responsible relative of the proposed patient."

Adopted, April 24, 1967.

Senate Amendment No. 5

Amend House Bill No. 6, Chapter III, Part 1, Sections 29 and 30, by striking out all of Sections 29 and 30 and substituting in lieu thereof the following:

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

Sec. 30. Examination and Certification. The head of the hospital shall have a physician examine every person within forty-eight (48) hours after his admission to a hospital for emergency observation and treatment and prepare a Certificate of Medical Examination for Mental Illness. A copy of the Certificate shall be sent forthwith to the person's guardian or responsible relative."

Adopted, April 24, 1967.

Senate Amendment No. 6

Amend House Bill No. 6, Chapter III, Part 3, Section 45, by striking
out all of the second sentence there- of and substituting in lieu as fol- lows:

"A copy of the Petition and Notice of Hearing shall be sent by registered mail to the guardian or a responsible relative of the proposed patient."

Adopted, April 24, 1957.

Senate Amendment No. 7
Amend House Bill No. 6, Chapter III, Part 3, Section 58, by striking out all of said Section 58 and insert- ing in lieu the following:

"Sec. 58. Trial of Appeals. The appeal from the county court shall be by trial de novo in the district court in the same manner as cases appealed from the justice court to the county court. The substantial evidence rule shall not apply. Upon demand by the proposed patient, the trial shall be before a jury, other- wise the trial shall be before the court without a jury. Such cases shall be advanced on the docket and shall be given a preference setting over all other cases."

Adopted, April 24, 1957.

Senate Amendment No. 8
Amend House Bill No. 6, Chapter V, Section 95, by striking out all of said section and substituting in lieu the following:

"Sec. 95. Judicial Review  "(a) Any applicant or licensee may appeal from the decision of the Department by filing notice of appeal in the District Court of Travis County and with the Department within (30) days after receiving a copy of the decision of the Department.

"(b) Upon receiving notice of ap- peal, the Department shall serve and file with the court a transcript of the proceedings in the case. By stipulation the transcript may be limited.

"(c) The court shall hear the case upon the record and may consider such other evidence as in its dis- cretion may be necessary to pro- perly determine the issues involved. The substantial evidence rule shall not apply.

"(d) The court may affirm or set aside the decision of the Department or may remand the case for further proceedings before the Department.

"(e) If the court affirms the decision of the Department, the applic­ ant or licensee shall pay the cost of the appeal; otherwise the De­ partment shall pay the cost of the appeal."

Adopted, April 24, 1957.

Senate Amendment No. 9
Amend House Bill No. 6, Chapter V, by striking out the word "Board" wherever the same may appear in said Chapter V. and inserting in lieu thereof the word "Department."

Adopted, April 24, 1957.

Senate Amendment No. 10
Amend House Bill No. 6, Chapter IV, Section 87, Subsection (a) (2), by striking out the semicolon fol­ lowing the word "freedom" and add­ ing thereto the following:

"In accordance with the princi­ ples, tenets, or teachings of any well-established church, if request­ ed by the patient or if requested by his next of kin or guardian;"

Adopted, April 24, 1957.

Senate Amendment No. 11
Amend Chapter III, Part 1, Sec. 28 (b) of H. B. No. 6, by inserting between the words "The" and "opinion" on line 37, page 5, the following:

"written and certified."

Adopted, April 24, 1957.

Senate Amendment No. 12
Amend H. B. 6, by striking out Section 31 and re-numbering the following sections.
April 24, 1957, Adopted.

Senate Amendment No. 13
Amend House Bill No. 6, Chapter I, Section 4, Subsection (d) line 60, by striking out the words "in any state of the United States" and inserting in lieu thereof the follow- ing:

"in the state of Texas or a per- son employed by a state mental hos­ pital or employed by an agency of the United States having a license to practice in any state of the United States."

April 24, 1957, Adopted.
Senate Amendment No. 14
Amend House Bill No. 6, Chapter I, Sec. 8 line 55 by striking out "A", of subsection (e) to read as follows:
"An accurate description of the type or kind of treatment, if any, given or administered by or under the direction of the examining physician or the head of the hospital."
April 24, 1957, Adopted.

Senate Amendment No. 15
Amend House Bill No. 6, Chapter I, Sec. 8 by adding a new subsection to be known as subsection (g) to read as follows:
"(g) An accurate description of the type or kind of treatment, if any, given or administered by or under the direction of the examining physician or the head of the hospital."
April 24, 1957, Adopted.

Senate Amendment No. 16
Amend House Bill No. 6, Chapter IV, Sec. 80 by adding at the end of the first sentence, after changing the period to a comma, the following:
"provided that the patient's mental condition warrants re-hospitalization."
April 24, 1957, Adopted.

Senate Amendment No. 17
Amend House Bill No. 6, Chapter III, Part 2, Sec. 27 by striking out all of subsection (e) and substituting the following:
"(e) The hearing shall be before the court without a jury, unless a jury is demanded by a person authorized to make such demand or by the proposed patient or by the court."
April 24, 1957, Adopted.

Senate Amendment No. 18
Amend H. B. No. 6, Sec. 34, page 6, line 27 by adding the following:
"When such application is filed, the court judge shall simultaneously appoint an attorney ad-litem, if there is no attorney representing the proposed patient. Such attorney shall be furnished with all records and papers in said cause together with access to all the hospital and doctors' records in said cause."
April 24, 1957, Adopted.

Senate Amendment No. 19
Amend H. B. No. 6, Section 74 by changing the period at the end of such section to a semi-colon and adding the following:
"provided however, that the transfer of any involuntary patient to an agency of the United States shall be made only after an order approving the same has been entered by the County Judge of the county of residence of the patient."
April 24, 1957, Adopted.

Senate Amendment No. 20
Amend House Bill No. 6, Chapter III, Part 1, Sec. 27 by adding the following:
"Provided, an order of the Court shall be obtained from the County Court within 24 hours of the time a person is taken into protective custody. Such order of the Court shall be served on the nearest of kin, if any or upon a District Judge of the County. Provided that no person shall be taken into protective custody without an order of the court when there is no immediate danger of injury to such or to others."
April 24, 1957, Adopted.

Senate Amendment No. 21
Amend caption to conform to body of bill.
April 24, 1957, Adopted.

HOUSE BILL NO. 217 ON SECOND READING
Mr. Sanders moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 217.
The motion prevailed.

The Speaker laid before the House, on its second reading and passage to engrossment,
H. B. No. 217, A bill to be entitled
"An Act amending Subsection (f), Acts 1954, Fifty-third Legislature, First Called Session, Page 2, Chapter 2, Article III, Section 1; providing for an effective date; and declaring an emergency."
The bill was read second time.
CONFERENCE COMMITTEE APPOINTED ON S. B. NO. 8
The Speaker announced the appointment of the following Conference
Committee on the part of the House on S. B. No. 89:


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. 284 to the Committee on Judiciary.

INTRODUCTION OF HOUSE BILL

NO. 937

Mr. Huebner asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 937.

There was no objection offered and it was so ordered.

HOUSE BILLS ON FIRST READING

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

By Mr. Dewey: (By Request).

H. B. No. 935, A bill to be entitled "An Act amending Article 2613a-3, Vernon’s Civil Statutes, relating to the leasing by the emergency."

By Mr. White:

H. B. No. 936, A bill to be entitled "An Act amending House Bill No. 144, Acts, 53rd Legislature, 1953, so that in the Thirty-fourth Judicial District of Texas the maximum salary of the District Attorney shall be fixed at not to exceed Eleven Thousand ($11,000.00) Dollars, and the maximum salary of the Assistants and Investigators shall not exceed Seven Thousand Five Hundred ($7,500.00) Dollars for the First Assistant District Attorney and Seven Thousand ($7,000.00) Dollars for other Assistant District Attorneys and Investigators in said District, containing a severability clause; and declaring an emergency."

Referred to the Committee on Judiciary.

H. B. No. 937, A bill to be entitled "An Act providing for a closed season on wild turkey until April 30, 1963; providing a penalty; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

H. B. No. 245, An Act amending Article 597, Code of Criminal Procedure, 1925, so as to provide that the summons provided therein 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; providing a repealing clause; providing a severability clause; and declaring an emergency.
H. B. No. 649, An Act amending Article 1183 and Article 1191 of the Revised Civil Statutes of Texas, 1925, to permit consolidation of adjoining and contiguous cities and towns; defining the term "Consolidation"; providing for the qualification of Electors; and declaring an emergency.

H. B. No. 392, An Act amending Section 4, Section 8, Section 11 and Section 14 of Chapter 94, Acts of the Fifty-first Legislature, 1949, by adding to said Section 4, subdivisions to be known as 4a and 4b, providing for the appointment of committees within the Board, describing their duties; providing for the issuance of subpoenas, administration of oaths, the procedure of conducting hearings; and by adding to Section 8, new subdivisions to be known as 8a and 8b, providing for cancellation and penalties for failure to renew licenses annually, providing for licensees to attend educational lectures or post graduate courses as a prerequisite for annual renewal of licenses; and by amending Section 11, providing fees for the payment of expenses of the Board and disbursement thereof; and by amending Section 14 pertaining to the authority of the Board to revoke, cancel or suspend licenses or refuse to admit persons to its examination; providing for repeal of all laws and repeals of all laws in conflict herewith, providing for severability; and declaring an emergency.

H. B. No. 487, An Act establishing a Juvenile Board in Panola County; prescribing the membership and powers of said Board; and providing for compensation of its members; authorizing the Board to appoint a juvenile officer; prescribing the power and duties of the juvenile officer and providing for his compensation and expenses; repealing conflicting laws; providing for severability; and declaring an emergency.

H. B. No. 738, An Act providing for a Referee for Juvenile Courts in counties having a population of eight hundred and six thousand, seven hundred ($6,700) or more; authorizing the appointment of a Juvenile Court Referee; providing for the qualifications of such Referee; providing for compensation for such Referee; providing for severability; and making other provisions in regard thereto; and declaring an emergency.

H. B. No. 82, An Act relating to aid to voters; amending Section 96 of the Texas Election Code so as to allow a voter who is entitled to assistance to select the person to assist him in preparing his ballot; amending Section 15 of Section 78 of the Texas Election Code so as to provide for assistance to physically incapacitated voters where voting machines are used; and declaring an emergency.

H. B. No. 561, An Act amending Chapter V, Title 16, of the Texas Banking Code of 1943, by adding thereto a new Article authorizing banks to own or lease land in the vicinity of such bank as an automobile parking area exclusively or predominantly for the use of its customers and employees, providing that such land shall not be used for any other purposes; providing that such real estate shall become a part of the bank's domicile and shall be subject to the provisions of Article 1, Chapter V, Title 16 of The Texas Banking Code of 1943; and declaring an emergency.

H. B. No. 284, An Act amending Chapter 282, Acts of the Fifty-first Legislature of Texas, Regular Session, 1949, as amended, so as to increase the amount of tax that may be levied and collected in Trinity Bay Conservation District for the purpose of paying the costs of operating said District and maintaining its properties; and declaring an emergency.

H. B. No. 192, An Act amending Section 12 of Article 833-11, Penal Code of Texas, the same being House Bill No. 830, Acts of the Fifty-first Legislature, 1941, Chapter 331, page 525, as amended by House Bill No. 290, Acts of the Fifty-second Legislature, 1947, Chapter 87, page 149, as amended by House Bill No. 818, Acts of the Fifty-first Legislature, 1949, Chapter 160, page 330, so as to permit the use of shrimp trawls in certain waters in Jackson County and Calhoun County when used for the purpose of catching shrimp for bait; providing a repealing clause; providing a severability clause; and declaring an emergency.

H. B. No. 781, An Act prohibiting the taking of minnows from the public waters of Somervell County for sale; prohibiting licensed bait dealers who take minnows from the public waters of Somervell County from transporting or selling such minnows outside of
Somervell County: authorizing licensed bait dealers to take minnows for sale in Somervell County; authorizing licensed bait dealers to take minnows from a private hatchery and transport them for sale; defining a minnow hatchery; providing for a penalty; providing that provisions of this Act shall be cumulative of existing laws upon the same subject matter except that the provisions of this Act shall control in event of conflict; repealing Acts 1951, Fifty-second Legislature, Chapter 373; Section 461; providing a severability clause; and declaring an emergency.

H. B. No. 714, An Act amending Article 577 of the Penal Code of Texas; 1935, as amended by Section 1 of Senate Bill No. 28, Acts of the Forty-eighth Legislature, Regular Session, 1945, Chapter 85, as amended by Section 1 of House Bill No. 352, Acts of the Fifty-fourth Legislature, Regular Session, 1955, Chapter 167, page 386, relating to immoral or depraved publications, motion pictures, penny arcade machine pictures, and indecent objects, so as to provide that the editing, publishing or dissemination of any pamphlet, magazine or any printed paper devoted mainly to the publication of whoring, lechery, assignation, lewd assignations between men and women or immoral conduct of persons, or of depraved acts showing violent brutality, or the possession or keeping for sale or distribution or assisting in the sale or distribution of any such pamphlet, magazine or printed matter, or the showing of lewd, lascivious, obscene, indecent, immoral pictures, or picture or acts showing violent brutality; on cover, jacket, frontispieces of any pamphlet, magazine or any printed matter so as to represent that such pamphlet, magazine or printed matter is devoted mainly to the publication of whoring, lechery, assignations, lewd assignations between men and women or immoral conduct of persons, or of depraved acts showing violent brutality or to show, exhibit or display any such obscene, immoral or depraved cover, jacket, or frontispiece shall be a misdemeanor offense; providing a penalty for violation of this Act; repealing all laws in conflict with this Act in so far as they conflict with this Act; providing a severability clause; and declaring an emergency.

H. B. No. 270, An Act amending Articles 7094 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 404, Article IV, Section 6, Acts of the Fifty-fourth Legislature, Special Session, 1955, relating to corporations exempt from payment of the franchise tax; and declaring an emergency.

H. B. No. 295, An Act requiring a minimum of three (3) days notice to tenants to vacate for non-payment of rent; providing for action in forcible detainer or at common law after the expiration of notice; providing notice to vacate under this Act shall supplant existing periods of notice at common law; and declaring an emergency.

H. B. No. 619, An Act constituting a local law for the maintenance of the public road and highways in Dewitt County by authorizing the County to issue certificates of indebtedness for the purpose of acquiring rights of way for designated federal highways, state highways and farm to market highways; stating the terms and conditions of issuance of such certificate of indebtedness; requiring the levy of a tax to pay the principal and interest of such certificates; requiring such certificate of indebtedness to be approved by the Attorney General and registered by the Comptroller of Public Accounts and prescribing the use thereof; enacting other provisions relating to the subject; making the Act cumulative; providing for severability; and declaring an emergency.

H. B. No. 893, An Act regulating the manner of taking fish from the waters of Lavaca Bay, BanaL Lake, Mesquite Creek, Placedo Creek, Gar- chins Creek, Red Fish Lakes and Otra Bayou in Victoria, Jackson and Calhoun Counties; prohibiting the use of certain devices and providing a penalty for violation; repealing conflicting laws; and declaring an emergency.

H. B. No. 381, An Act authorizing the Board for Texas State Hospitals and Special Schools to sell certain land located in Wichita County, Texas, being a part of the property of the Wichita Falls State Hospital; prescribing the procedure, terms and conditions of sale; limiting the time within which sales may be made; and declaring an emergency.
H. B. No. 653, An Act amending Section 7 of Chapter 22, Acts of the Forty-third Legislature, Third Called Session, 1934, as added by Chapter 314, Acts of the Fifty-first Legislature, Regular Session, 1949, codified in Vernon's as Section 7 of Article 1187c, Vernon's Civil Statutes so as to authorize cities to sell facilities of municipal fish markets and properties appurtenant hereto acquired pursuant to the provisions of Article 1187c; providing a severability clause; and declaring an emergency.

H. B. No. 820, An Act authorizing appointment of an assistant district attorney for the district attorneys 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.

H. B. No. 359, An Act transferring a certain tract of land located on Brazos Island in Cameron County from the General Land Office to the Texas State Parks Board; reserving the mineral estate to the Public Free School Fund; reserving an easement to the Game and Fish Commission for the construction of a fish pass at Sour Chico Pass; making other provisions relating thereto; and declaring an emergency.

H. B. No. 660, An Act authorizing municipalities within an area wherein the effect of zoning of such municipalities is adjacent or contiguous to another; authorizing municipalities to expend public funds for planning future growth and development; authorizing municipalities to contribute public funds for the joint planning of the areas 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.

H. B. No. 876, An Act restoring criminal jurisdiction in the County Court of Glasscock County; and making other provisions relating thereto; and declaring an emergency.

H. B. No. 480, An Act amending Chapter 401, Acts of the Fifty-second Legislature, Regular Session, 1961, codified in Vernon's as Article 8032, Vernon's Civil Statutes; providing additional compensation for deputy sheriffs so as to make its provisions applicable to deputies, assistants and clerks of any district, county or precinct officer; providing a severability clause; and declaring an emergency.

H. B. No. 4, 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 manner of filling vacancies in the office of United States Senator and Congresswoman-at-Large; providing a saving clause; and declaring an emergency.

H. B. No. 865, An Act limiting the provisions of this Act to Dimmitt and Zavala Counties; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said counties at any time; to take, kill or trap any fur-bearing animal in said counties; to take or attempt to take any fresh-water fish or other aquatic life in public waters in said counties by any means or method; prescribing the legislative policy with respect to the wildlife resources of said counties; conferring upon the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation, the taking of the wildlife resources of said counties; requiring the Game and Fish Commission to make investigation with respect to the depletion and waste of the wildlife resources of said counties; authorizing the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said counties; defining depletion and waste; providing for the issuance of the doe deer permits and providing for the maintenance of a deer herd and breeding stock; providing for the adoption of proclamations, orders, rules and regulations of the Game and Fish Commission; providing for the effective period of regulations; providing for the publication of the regulations; providing that the authority of the Commission is not limited; providing venue for suits to test the validity of this Act and of the rules.
and regulations of the Commission; providing a penalty for the violation of any of the provisions of this Act, as well as any order, rule or regulation of the Commission; providing for the forfeiture of licenses; defining wildlife resources; repealing certain laws; providing for the effective date of this Act; providing a saving clause; and declaring an emergency.

H. B. No. 577, An Act amending Section 5 of the Optional County Road Law of 1947 (Chapter 214, Acts of the Fiftieth Legislature, codified as Article 6716-1 of Vernon's Texas Civil Statutes), so as to authorize the employment of a County Road Administrator to perform the duties imposed upon the County Road Engineer in the event a county is unable to employ a licensed professional engineer; and declaring an emergency.

H. B. No. 888, An Act creating a conservation and reclamation district under the provisions of Section 56, Article XVI, Constitution of Texas, to be known as "Jefferson County Fresh Water Supply District No. 2"; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its incorporation; containing other provisions relating to the subject; providing a savings clause; and declaring an emergency.

H. B. No. 438, An Act relating to the hunting of deer in Sabine and Nacogdoches Counties; amending Section 1 of Chapter 469, Acts of the Fifty-third Legislature, Regular Session, 1949, by changing the open season for hunting deer in Sabine County by adding and re-enacting a provision permitting the use of dogs for hunting deer in Sabine County; repealing conflicting laws; and declaring an emergency.

H. B. No. 246, An Act to amend Subdivision (1) of Article 1350, Penal Code of the State of Texas of 1925, as amended, so as to set out expressly that it is unlawful to injure or destroy public property of the State of Texas or its political subdivisions without the consent of the person in charge of such property; and declaring an emergency.

H. B. No. 736, An Act concerning Purchasing Agents of counties that have a population of one hundred thousand (100,000) or more; amending Section 1, of Chapter 9, Acts of the Forty-sixth Legislature, 1939, Regular Session, Special Laws, as amended; providing that the Purchasing Agent is entitled to a salary between Five Thousand Dollars ($5,000) and Ten Thousand Dollars ($10,000); and providing that the Purchasing Agent's assistant is entitled to a salary between Twenty-five Hundred Dollars ($2,500) and Five Thousand Dollars ($5,000); and declaring an emergency.

H. B. No. 260, An Act to amend "An Act providing for the annexation of common and/or independent school districts to certain Junior College Districts the powers and privileges of Junior College Districts the powers and privileges of Junior College Districts generally, providing a savings clause; and declaring an emergency," passed by the Fifty-first Legislature of the State of Texas at its Regular Session as Chapter 114 of the Acts of the Fifty-first Legislature of the State of Texas, so as to add thereto Section 26, providing for a change in the formula for determining and adding members of the Board of Trustees after
H. B. No. 190, An Act amending Article 494 of the Code of Criminal Procedure of the State of Texas so as to provide for the appointment of counsel to represent an indigent accused; and the counsel so appointed shall have at least ten (10) days to prepare for trial unless such time be waived by writing by said attorney; providing a severability clause; and declaring an emergency.

H. B. No. 822, An Act amending Article 494 of the Code of Criminal Procedure of the State of Texas so as to provide for the appointment of counsel to represent an indigent accused; and the counsel so appointed shall have at least ten (10) days to prepare for trial unless such time be waived by writing by said attorney; providing a severability clause; and declaring an emergency.

H. B. No. 114, An Act concerning the taking of oysters from the waters of Chambers and Galveston Counties, Texas; providing a penalty; and declaring an emergency.

H. B. No. 416, An Act amending Article 100 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide for the appointment of counsel to represent an indigent accused; and the counsel so appointed shall have at least ten (10) days to prepare for trial unless such time be waived by writing by said attorney; providing a severability clause; and declaring an emergency.

H. B. No. 329, An Act concerning the taking of oysters from the waters of Chambers and Galveston Counties, Texas; providing a penalty; and declaring an emergency.

H. B. No. 616, An Act concerning the taking of oysters from the waters of Chambers and Galveston Counties, Texas; providing a penalty; and declaring an emergency.

H. B. No. 416, An Act amending Section 1, Chapter 184, Acts of the Forty-fourth Legislature, Regular Session, 1925, as amended, (codified in Vernon's as Section 1 of Article 4950, Vernon's Civil Statutes) providing for the creation of the Texas National Guard Board so as to change the membership of the Board; providing present members of the Board shall continue to serve as members for the remainder of their term of office; prescribing certain powers and duties of the members of the Board; providing a severability clause; and declaring an emergency.

H. B. No. 621, An Act conferring upon the Game and Fish Commission regulatory authority over wildlife resources in Hardin, Fannett, Orange, and Jefferson Counties; amending Section 1 of Chapter 185, Acts of the Fifty-second Legislature, 1951, as amended, in order to make this Act applicable to Hardin, Fannett, Orange, and Jefferson Counties; and further amending the said Chapter 125 and Section 1 thereof by transferring certain portions of Section 1 into a new Section designated as Section 1a; repealing certain laws and fixing the effective date of the repeal; providing for severability; and declaring an emergency.

H. B. No. 88, An Act providing for voluntary treatment and commitment of narcotic drug addicts in state hospitals under the jurisdiction of the Board for Texas State Hospitals and Special Schools; prescribing the conditions and procedures for commitment, admission, and release; providing a saving clause; and declaring an emergency.

H. B. No. 102, An Act relating to residence of persons in military service stationed at military installations in the State of Texas for purpose of filing divorce suits, amending Article 4631 of the Revised Civil Statutes of Texas, and declaring an emergency.

H. B. No. 269, An Act re-enacting and amending Chapter 128, Acts of the Fiftieth Legislature, Regular Session, as amended by Chapter 206, Acts of the Fifty-first Legislature, Regular Session, as amended by Chapter 250, Acts of the Fifty-third Legislature, Regular Session; validating with certain exceptions annexations by cities and towns of less than one hundred thousand (100,000) inhabitants hereafter made of territories of water control and improvement districts and fresh water supply districts and the taking over the properties and assets of such districts and the assumption of debts and liabilities and obligations by such cities and towns, and bonds issued by such cities and towns to refund district obligations; repealing Chapter 134, Acts of the Fifty-second Legislature, Regular Session, and all laws in conflict or inconsistent with this Act, to the extent of such conflict or inconsistency; providing a severability clause; and declaring an emergency.

H. B. No. 171, An Act providing that the Judge of the Court of Domestic Relations of Hutchinson County, Texas, shall receive such compensation as allowed other District Judges by the laws of this State; provided that the said compensation shall be paid by the Commissioners Court of Hutchinson County out of the General Fund or the Officers' Salary Fund of the County; providing for a repealing clause; providing for a severability clause; and declaring an emergency.
H. B. No. 581, An Act amending Chapter 730, Acts of the Fifty-fourth Legislature, Regular Session, 1955, codified in Vernon's as Article 872, Vernon's Civil Statutes and relating to pink bollworm control so as to authorize the Commissioner of Agriculture to designate the date of election and polling places where the cotton growers of this State shall have the opportunity to approve or reject the provisions of such Act; providing payment of fees into escrow accounts and related provisions; providing the method of selection of depositories; making other provisions relating thereto; providing a severability clause; and declaring an emergency.

H. B. No. 330, An Act to repeal Article 923b of the Penal Code of Texas, 1925, which makes it unlawful to injure or kill bats; and declaring an emergency.

H. B. No. 874, An Act constituting a local law for the acquisition of right of way for county roads in San Patricio County by authorizing the County to issue certificates of indebtedness for certain stated purposes; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates; enacting other provisions relating to the subject; making the Act cumulative; providing for severability; and declaring an emergency.

H. B. No. 146, An Act prohibiting the making or filing of false, misleading or unfounded reports to any governmental agency in this State and for the purpose of interfering with the operation of such governmental agency or with the intent to mislead or misinform any officer of such agency; defining the term "governmental agency," and providing a penalty for violation of this Act; and declaring an emergency.

H. B. No. 435, An Act fixing the open season for squirrel in Sabine County and prescribing a penalty for violation; amending Section 1 of Chapter 142, Acts of the Fifty-fourth Legislature, by deleting Sabine County therefrom; and declaring an emergency.

H. B. No. 718, An Act providing for an open season when it shall be lawful to hunt, take or kill squirrel in San Jacinto County, Texas; fixing a penalty for the violation thereof; repealing all laws in conflict; and declaring an emergency.

H. B. No. 774, An Act changing the terms of court of the 6th Judicial District composed of the Counties of Lamar and Fannin: reenacting the terms of court; providing that all process issued and returnable to in a succeeding term of court, and all bonds and recognizances made and all grand and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the 6th District Court of the several counties as herein fixed as though issued and served for such terms and returnable to and drawn for the same; providing that all process issued and made returnable on or before Monday next after the expiration of twenty (20) days from the date of service thereof shall be valid, and unaffected by this Act; making other provisions relating to the functioning of the 6th Judicial District; providing a severability clause; and declaring an emergency.

H. B. No. 769, An Act closing wild turkey hunting season in Lamar County until November 15, 1959; providing a penalty; repealing all laws in conflict; and declaring an emergency.

H. B. No. 768, An Act concerning squirrel hunting in Lamar County; providing a penalty; repealing all laws in conflict; and declaring an emergency.

H. B. No. 719, An Act closing the hunting season on beaver in Lamar County until December, 1960; providing a penalty; repealing all laws in conflict; and declaring an emergency.

H. B. No. 615, An Act closing the season for hunting wild deer in Chambers County for five (5) years; providing a penalty for violation; repealing conflicting laws; and declaring an emergency.

H. B. No. 616, An Act closing the season for hunting alligators in Chambers County for five (5) years; providing a penalty for violation; repealing conflicting laws; and declaring an emergency.

H. B. No. 431, An Act closing the season for hunting wild turkey in
Ms. Cory moved that the House adjourn until 10:00 o'clock a.m. tomorrow.

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

The motion to adjourn was lost.

The motion to recess until 7:30 o'clock p.m. today was lost.

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

"Our Father who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread and forgive us our debts as we forgive our debtors. And lead us not into temptation, but deliver us from evil for thine is the kingdom, and the power and the glory forever.—Amen."

Matt. 6:9 through 13. (King James version)

The motion to recess until 10:00 o'clock a.m. tomorrow prevailed.

The House accordingly, at 5:40 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.
and wilful damage to or destruction of property by minors; limiting the amount of recovery to Three Hundred Dollars ($300); making the Act cumulative of other laws on the subject; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 194, A bill to be entitled "An Act regulating the labeling and sale of hazardous substances for the protection of the public health in the State of Texas; repealing Article 726 of the Penal Code of Texas and all other laws in conflict herewith; prescribing penalties; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.
Chapter VII of the Texas Banking Code of 1943, Acts of the Forty-sixth Legislature, Regular Session, 1943, relating to collections, payment, refusal, and dishonor of items presented to a drawer bank; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957
Hon. Waggoner Carr, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills to whom was referred
H. B. No. 301, A bill to be entitled
"An Act amending Section 144 of
the Texas Probate Code by adding
thereunto a new subdivision, designat-
ed as subdivision (d), to provide that
the judge of a district court or other
court may order the clerk of the
court to pay any fund of One
Thousand Dollars ($1,000) or less
on deposit in the registry of the
court, belonging to any lunatic,
idiot, person of unsound mind or a
person whose mental illness renders
him incapable of caring for himself,
or committed for mental illness
without a legal guardian, who is an in-
mate of any state eleemosynary in-
sitution, to the institution for the
use and benefit of the inmate; and
declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957
Hon. Waggoner Carr, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills to whom was referred
H. B. No. 429, A bill to be entitled
"An Act amending Sections 7, 12,
13, 17 and 30 of Chapter 107, Acts
of the Forty-fifth Legislature, Regu-
lar Session, 1929, as amended, codi-

ed in Vernon's as Article 4625a,
Vernon's Civil Statutes, relating to
the regulation of the practice of
pharmacy; prescribing the powers
and duties of the State Board of
Pharmacy; making other provisions
relating to the practice of pharmacy;
stating purpose of this Act; pro-
viding a repealing clause; providing
a severability clause; and declaring
an emergency."

Has carefully compared same and
finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957
Hon. Waggoner Carr, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills to whom was referred
H. B. No. 469, A bill to be entitled
"An Act validating the incorporation
of all cities and towns of five thou-
sand (5,000) inhabitants or less,
heretofore incorporated or attempt­ed to be incorporated under the General Laws of this State; validating the area and the boundary lines thereof; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation or any of the acts or proceedings here­by validated; if such litigation is ultimately determined against the legality thereof; providing a severability clause; and declaring an emer­gency.”

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 473, A bill to be entitled “An Act concerning liability of per­sons who remove, seize or impound motor vehicles without the consent of the owner; providing certain ex­ceptions; providing a saving clause; and declaring an emergency.”

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 537, A bill to be entitled “An Act amending Articles 338, 339, 345, 349, 352, 354, and 323, Code of Criminal Procedure of the State of Texas, to provide for the separa­tion of jurors under certain cir­cumstances where the jury consists of a mixed group of male and female jurors; providing for the ser­vice of women on Grand Juries; contain­ning a severability clause; repea­ling all laws or parts of laws in con­flict herewith; and declaring an emergency.”

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 566, A bill to be entitled “An Act prohibiting the employment of children of compulsory school age during school hours of the regular school year unless such children are exempt from compulsory school at­tendance; excepting employment of any child holding a valid permit in accordance with Article 1577, Penal Code; or such child is excused by the principal or superintendent where
Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 679, A bill to be entitled "An Act amending Article 7260, Revised Civil Statutes of Texas, by adding a new Section to provide that the Tax Collector shall be entitled to deduct amounts of homestead exemptions claimed, and refund same to claimants, if paid in error and reported in prior months of the current tax year, from the amounts due on such later monthly reports of Tax collections due the State; and providing that the State Comptroller shall honor such deductions so long as they are made prior to June 30 of the year when current taxing ends; providing that this law is to be cumulative with all other provisions of Article 7260, with certain exceptions; and declaring an emergency.”

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.
domestic relations courts; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

H. B. No. 698, A bill to be entitled "An Act relating to protected assignments of accounts receivable; amending subdivision (1) of Section 1 of Chapter 293, Acts of the Forty-ninth Legislature, as amended (Article 260-1, Vernon's Texas Civil Statutes), so as to change the definition of "account" or "account receivable" by deleting provisions excluding sums accruing to a contractor who has furnished a surety bond; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

H. B. No. 715, A bill to be entitled "An Act to fix the maximum salary and provide other compensation for the Court Reporters of the 10th and 56th Judicial District Courts of Galveston County; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

H. B. No. 757, A bill to be entitled "An Act relating to professional sanitarians; providing for the establishment of a State Board of Registration for Professional Sanitarians, and prescribing its powers, duties and functions; dealing with qualifications, appointment, removal, compensation and expenses of members thereof; providing for registration of professional sanitarians and sanitarians in training, and for suspension, renewal, revocation, and reinstatement of certificates of registration, and fixing fees therefor; providing for expenditure of funds collected under provisions of the Act and fixing purposes for which such funds may be used; prohibiting use of the title or designation of "sanitarian" in any public or private employment in this State unless the person employed is registered hereunder and providing a penalty for violation; providing for severability; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

H. B. No. 775, A bill to be entitled "An Act defining the term "trial de novo" as that term is used in the Civil and Criminal Statutes of Texas; providing for the applicability thereof to all appeals from action, rulings, decisions or orders of all State departments, bureaus and agencies where the statute governing such appeals provides for a trial de novo; prohibiting the use of the substantial evidence rule in such appeals and determining the burden of proof in all such proceedings; provided Article 5.40, Insurance Code of Texas, as amended, shall remain in force and effect; providing certain exceptions from the provisions of this Act; containing a severability clause, repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

H. B. No. 787, A bill to be entitled "An Act relating to professional sanitarians; providing for the establishment of a State Board of Registration for Professional Sanitarians, and prescribing its powers, duties and functions; dealing with qualifications, appointment, removal, compensation and expenses of members thereof; providing for registration of professional sanitarians and sanitarians in training, and for suspension, renewal, revocation, and reinstatement of certificates of registration, and fixing fees therefor; providing for expenditure of funds collected under provisions of the Act and fixing purposes for which such funds may be used; prohibiting use of the title or designation of "sanitarian" in any public or private employment in this State unless the person employed is registered hereunder and providing a penalty for violation; providing for severability; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957
Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 812, A bill to be entitled “An Act amending Subsection (a) and Subsection (c) of Section 1, Article XVII, Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, as amended, to redefine the terms "motor fuel" and "other liquid fuels"; repealing conflicting provisions of law, and preserving taxes, penalties, interest, fines, bonds and penal provisions existing prior to the amendments; containing a saving clause, and declaring an emergency.”

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 817, A bill to be entitled “An Act to amend Subsection (c) of Section 1, Chapter 300, Acts of the Fifty-third Legislature, Regular Session, 1953 (codified as Article 1934h-16 of Vernon's Texas Civil Statutes, to raise the minimum and maximum salaries of the secretary or stenographer of the County Judge in counties having a population of fifty thousand and one (50,001) and not more than one hundred thousand (100,000) inhabitants; and declaring an emergency.”

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 832, A bill to be entitled “An Act amending Title 126, Revised Civil Statutes of Texas, 1935, as amended, by adding thereto a new Article to be called Article 745d; providing for declaratory judgments suits to be brought against the State to determine if the Anti-Trust Laws of the State are being violated or if they will be violated; providing for a fee as cost for filing such suit; and making all provisions necessary thereto; and declaring an emergency.”

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 913, A bill to be entitled
"An Act amending Title 71, Chapter 1, Acts, 1927, Fortieth Legislature, First Called Session, Page 133, Chapter 42, Section 6, compiled as Article 4411b of Vernon's Annotated Civil Statutes, establishing the qualifications for the office of the Commissioner of Health of the State of Texas, repealing conflicting laws; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 917, A bill to be entitled
"An Act amending Section 1, Chapter 123, Acts, Fifty-first Legislature, Regular Session, 1949, so as to make said act applicable to independent school districts with scholastic population of sixty thousand (60,000) or more, as determined by last preceding scholastic census; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 920, A bill to be entitled
"An Act authorizing and directing the Board for Texas State Hospitals and Special Schools, acting by the Executive Director thereof, to execute and deliver to the State Highway Commission of Texas a right-of-way easement to certain land in Cameron County, Texas, for the reconstruction and maintenance of a Farm to Market Road extending along and across certain State property known as Harlingen Tuberculosis Hospital; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 922, A bill to be entitled
"An Act to amend Chapter 250, Acts of the Fifty-fourth Legislature, Regular Session, 1949, so as to make said act applicable to independent school districts with scholastic population of sixty thousand (60,000) or more, as determined by last preceding scholastic census; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 921, A bill to be entitled
"An Act relating to Tarrant County Water Control and Improvement District No. 1; providing for the annexation of territory to the District and methods of assuming of outstanding tax supported indebtedness by such territory or by the District as thus enlarged; providing for detachment of territory from the District under certain conditions; making additional provision for the issuance of bonds and providing for the payment and security thereof; authorizing the District to make contracts for supplying water and contracts with cities for rental, leasing or operation of water supply and other water works of cities; making bonds of the District eligible for investment of certain funds and objects to secure deposits of certain public funds; declaring the accomplishment of the purposes of this Act is for the benefit of the people of this State and constitutes an essential public function under the Constitution; exempting District properties, its bonds and the transfer of and income from its bonds, including profits on the sale thereof, from taxation; providing for the selection of more than one depository; providing the District shall bear the expense of any necessary relocation of facilities; authorizing the District to purchase properties of other water districts; validating the boundaries of the District; enacting other provisions relating to Tarrant County Water Control and Improvement District No. 1; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 922, A bill to be entitled
"An Act to amend Chapter 250, Acts of the Fifty-fourth Legislature, Regu-
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 923, A bill to be entitled "An Act to create the Pond Creek Watershed Authority as a conservation and reclamation district in Bell, Milam and Falls Counties under the provisions of Article XVI, Section 98 of the Constitution of Texas; prescribing the duties, powers, functions, and procedures for the district, including the right to participate in the organization of subordinate districts to carry out the function of the master district under certain circumstances and conditions; providing for the incurring of obligations and the methods for the selection of manner for paying such obligations of the master and subordinate districts; providing the Authority or subordinate district shall bear the expense of necessary relocation of facilities; providing for a governing body and prescribing their duties; adopting certain provisions of the general law; enacting other provisions required for the functioning of the master and subordinate districts; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 927, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 58 of Article XVI, Constitution of Texas, to be known as "East Brazoria County Navigation District"; prescribing its rights, powers, privileges, duties, functions, and authority; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 930, A bill to be entitled "An Act providing for the creation of a County Probation Department in and for Wichita County, Texas; providing for the appointment of a Chief Probation Officer, and such assistant probation officers as are determined to be necessary, by the Wichita County Juvenile Board, and providing for the fixing of salaries for all personnel of the Wichita County Probation Department by the Wichita County Juvenile Board; providing for the term of appointments of the Chief Probation Officer and his assistants; providing for the certification of expenses incurred by all Wichita County probation officers, of Directors of Texas Technological College, acting by the Chairman thereof, of a right-of-way easement of certain land in Lubbock County, Texas, to the State Highway Commission of the State of Texas, for the construction and maintenance of a state highway across the campus of Texas Technological College; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 936, A bill to be entitled "An Act authorizing and directing the execution and delivery by the Board of Directors of Texas Technological College, acting by the Chairman thereof, of an emergency tax election; providing for the maintenance tax election; providing this Act shall supersede Chapter 520 where consistent, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 26, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.
April 29, 1957

by the Juvenile Board; providing for the raising of funds for operation of the Wichita County Probation Department by Wichita County Commissioners Court in accordance with the needs as determined by the Wichita County Juvenile Board; providing for surety fidelity bond by probation officers and other personnel; providing for operation, supervision and control of homes, schools, farms, institutions and other facilities used in the training, education, detention, support or correction of juveniles; providing foster home care for juveniles; providing for acceptance of any grant or devise of land or gift or bequest or donation for juvenile program; providing for assessment of court costs in divorce cases for maintenance of child support, office and the administration of such funds collected by the Wichita County Juvenile Board; providing for assessment of court costs for adoption investigation services and the administration of such funds collected by the Wichita County Juvenile Board; providing for investigation of cases involving custody of children; providing for the preservation of records of cases handled by the Probation Department; repealing conflicting laws; and declaring an emergency.”

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, April 25, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 98, Commending the Benevolent and Protective Order of Elks and their National, State, and local lodges.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.
In Memory of

James Lynn Brashear

Mr. Bishop offered the following resolution:

H. S. R. No. 409, In Memory of James Lynn Brashear.

Whereas, The City of Cross Plains and the State of Texas lost a promising young citizen in the passing of James Lynn Brashear on April 10, 1967; and

Whereas, He was the nephew of the Honorable Paul Brashear, our fellow Member in the House. James Lynn was born on October 17, 1940 in Eastland and lived in this community all his life; and

Whereas, He was serving as president of the sophomore class at the time of his death. He was a member of the basketball squad, was chosen the most popular boy in the class, was vice president of the FFA Greenhand Chapter during his freshman year, and was school photographer for the school annual; and

Whereas, He is survived by his parents, Mr. and Mrs. Robert Brashear of Cross Plains; one brother, Arvin of Abilene; three sisters, Mrs. John Purvis of Abilene, Mrs. V. M. Matthews, Jr. of Tifton, Georgia, and Belinda of Cross Plains; ten nieces and nephews; now, therefore, be it

Resolved, That the House of Representatives pays tribute to James Lynn Brashear in adjourning this day in his memory and that a page in the House Journal be set aside out of respect to him; and, be it further

Resolved, That copies of this Resolution be sent to his parents, brother and sisters, and to the sophomore class.

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

Mrs. Henry W. Lehman

Mr. Sherrill offered the following resolution:

H. S. R. No. 416, In Memory of Mrs. Henry W. Lehman.

Whereas, On March 2, 1957, a great and talented lady, Mrs. Henry W. Lehman answered the call of our Creator to a greater service in the choir of Heaven; and

Whereas, The City of Giddings and the State of Texas lost an esteemed citizen in her passing; and

Whereas, She was the mother of the Honorable Henry G. Lehman, a former Representative in the Texas Legislature from 1937 until 1957; and

Whereas, She was born Eva Clyde White on March 3, 1876, at Devilla, Milam County, where she lived and subsequently married Henry W. Lehman on October 18, 1906; and

Whereas, She was educated in music at Kidd Key College at Sherman and at Texas Christian University. During her lifetime she continually contributed in every way to the appreciation and furtherance of the fine arts and music. She was a faithful member of the Christian Church of Giddings where she and her family lived; and

Whereas, Her devoted life brings to mind the words in the Book of Saint Matthew in the Holy Bible, "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

Whereas, She is survived by her husband; one son, Henry G. Lehman of Giddings; two sisters, Mrs. C. M. Perry, Rockdale; Mrs. Mae Barrett, San Antonio; one brother, Robert M. White, Redlands, California; now, therefore, be it

Resolved, That the Texas House of Representatives pays tribute to the beautiful life of Mrs. Henry W. Lehman with this Resolution, that a page in the House Journal be set aside in her memory, and that when the House adjourns this day it do so in loving respect to her.

The resolution was unanimously adopted by a rising vote.

(2335)
Mr. Cole offered the following resolution:


Whereas, Our Heavenly Father, in His infinite wisdom, removed
from his earthly labors on the 31st day of January, 1894, a devoted
and esteemed yet humble man, Ralph A. (Andy) Anderson; and

Whereas, Andy's energies and efforts were devoted to the service
of his fellow man and particularly to the needy and to the Veterans;
and

Whereas, His passing was a great shock to the people of Texas
and especially to his neighbors and friends in Houston, Texas; and

Whereas, Andy was born in Pittsburgh, Pennsylvania, and came
to Texas in 1918 to work for the old Houston Press as sports
editor; and

Whereas, His interest in the underprivileged children led him
to organize a program of sandlot baseball which eventually evolved
into what is now Little League; and

Whereas, He gave of himself to visiting hospitals, teaching dis-
abled veterans new skills and inventing new devices to make pos-
sible the opportunity for them to fish, hunt and to participate in
other sports; and

Whereas, Andy was active in the American Legion, Veterans of
Foreign Wars, and Disabled American Veterans, his personal interest
led him to organize a group in Houston, known as the "Wrambling
Wrecks" for veterans who are 50% or more disabled; and

Whereas, This deep and sincere interest for the well being of his
fellow man was carried further out in the form of an annual deep
sea fishing trip for veterans and in arranging for them to be guests
at the Huntsville Prison Rodeo and in providing thousands of
Christmas baskets, Christmas trees, and special dinners for the
poor, the out of work, and the handicapped; and

Whereas, He is survived by his widow, Mrs. Ralph (Andy) Ande-
son; one son, Ralph Andy Anderson, Jr., and one brother, William S.
Anderson; and

Whereas, In his passing his devoted wife has most surely lost a
faithful and devoted husband; therefore be it

Resolved by the House of Representatives, That tribute be paid
to this man whose life's work benefited all who came into the
warm circle of his friendship; and, be it further
Resolved, That a page in today’s House Journal be set aside in loving memory of Andy Anderson, and that enrolled copies of this resolution be sent to surviving members of his family, and that when the House adjourns this day, that it do so in grateful memory of Ralph A. (Andy) Anderson.

COLE, MANN, PRESSLER, WINFREE, MOORE of Harris, HEFLIN, BAKER, ELLIOTT.


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

The resolution was unanimously adopted by a rising vote.